

PACIFIC OCEAN

# Economic, Social and Cultural Rights in West-Papua

A Study  
on Social Reality  
and Political Perspectives

PUBLISHED BY  
THE EVANGELICAL CHURCH IN THE RHINELAND

IN COOPERATION WITH

THE EVANGELICAL CHURCH OF WESTPHALIA

THE WORLD COUNCIL OF CHURCHES

UNITED EVANGELICAL MISSION

MISEREOR

SÜDWIND

WEST PAPUA NETZWERK

EDITOR: DR. THEODOR RATHGEBER

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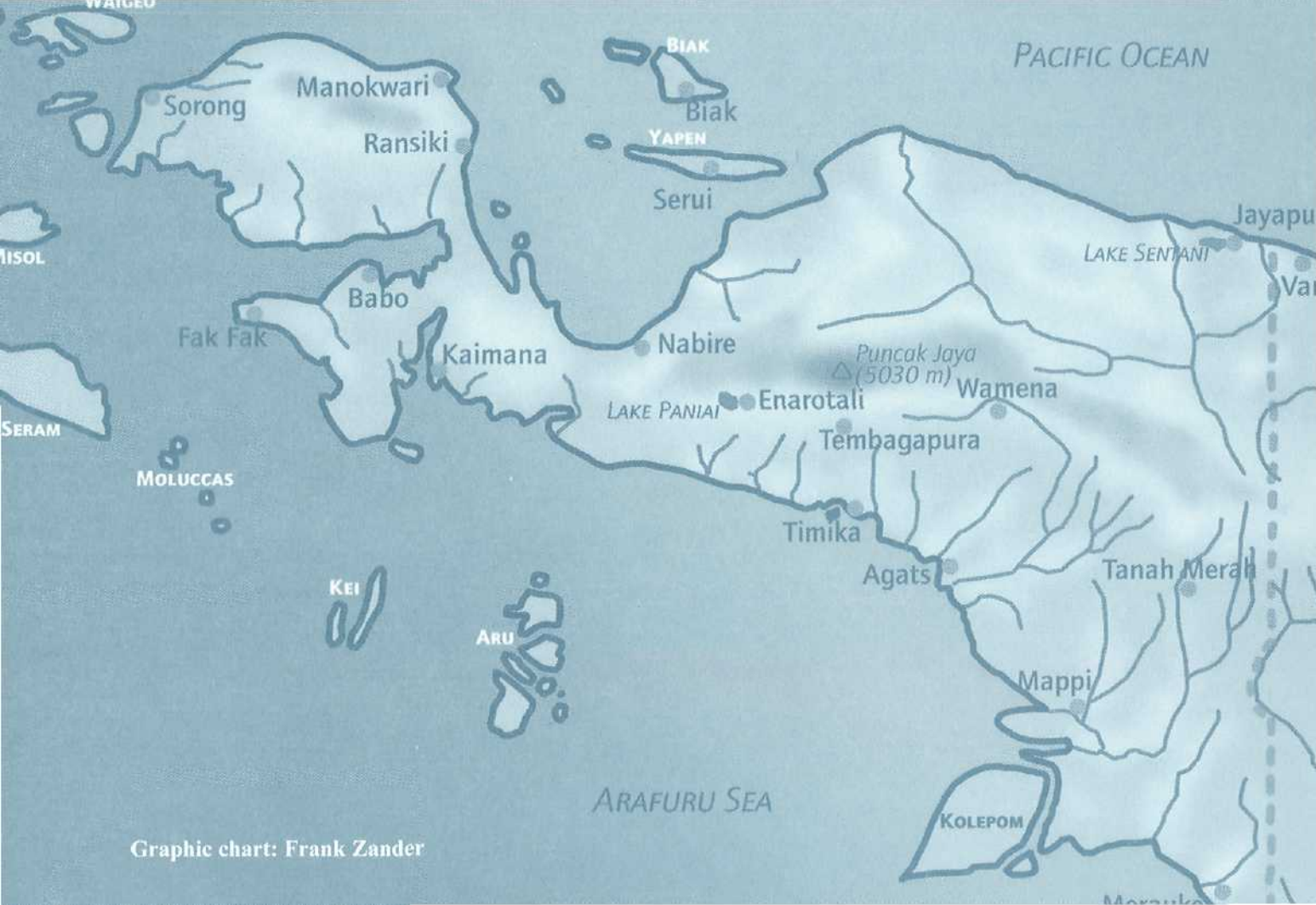
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Publications of the Department  
for Justice, Peace and the Integrity of Creation  
of the United Evangelical Mission

Volume 7/1

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Umschlaggestaltung und Satz: *j.s.*

Gesamtherstellung: Breklumer Druckerei Manfred Siegel KG

Printed in Germany

ISBN 3-932735-98-6

### **Bibliografische Information der Deutschen Bibliothek**

Die Deutsche Bibliothek verzeichnet diese Publikation in der Deutschen Nationalbibliographie; detaillierte bibliografische Daten sind im Internet über <http://dnb.ddb.de> abrufbar.

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# Economic, Social and Cultural Rights in Papua

## A legal and political framework for dialogue

### *Introduction*

THEODOR RATHGEBER

West-Papua (about 422,000 km<sup>2</sup> in size) constitutes almost one-quarter of Indonesia's landmass (some 1.9 Million km<sup>2</sup>)<sup>1</sup> and is rich in natural resources, such as oil, gas, gold and copper, as well as vast tracts of timber<sup>2</sup>. While the Republic of Indonesia was in the process of emerging, the territorial integration of more than 17,000 islands, stretching over some 5,000 kilometres was the major objective of Indonesian policy. For Papua (in this book equivalent also to West-Papua), it was just another alien rule after colonisation by The Netherlands. Papua came under the predominantly military rule of Indonesia, which sought to counteract the desire of the indigenous peoples of Papua for self-determination<sup>3</sup>.

With time and with the exploration of the resources in Papua, the economic factor became important for the central government in Jakarta as well – to such an extent that a planned transmigration to Papua was intended additionally to consolidate Indonesia's administrative and political control of Papua. Indeed, the transmigration policy dramatically changed the composition of Papua's population. While in 1960, the non-native inhabitants of Papua numbered about 2.5% of a then estimated population of 736,700, nowadays the rate has increased to some 35% of a total population of 2.387 million in Papua (Indonesia as a whole had a population of about 235 million in 2003). Particularly in urban areas, Papua's population has become significantly more „Indonesian“<sup>4</sup>, which not only determines the actual social dynamics of the society but also raises questions concerning the future of the Papuans in Papua.

This is, in brief, the historic context of what still determines the actual situation in Papua. As can be expected, the following study intends to further explain some of the

1 The total territorial area is about 5.2 million km<sup>2</sup>, of which 60% is sea.

2 The Freeport mine – a subsidiary of the US-based company Freeport MacMoRan – is one of the world's largest gold and copper mines. It dominates the province's economy and is one of Indonesia's largest corporate taxpayers; see also Agus Sumule's article in this book.

3 For details see Willy Mandowen in this book.

4 For details see the articles of Siegfried Zölner and Theo van den Broek in this book.



most vital facts related to the history, politics, economy, society and cultures of Papua, as well as its relation to Indonesia. Beyond informing, the study is also an attempt to contribute to an on-going process of conflict management, introducing a particular perspective for the analysis and the programmatic discourse on self-determination for Papua. Obviously, we are dealing with sensitive issues, but this is exactly the motivation to argue with a conceptual framework which would – according to our understanding – provide the actors and parties with a platform and instruments to meet their interests and to overcome a certain deadlock in this matter. The extent to which this will be achieved is up to the readers and to those actively involved.

## The Political Context

Intending to preserve its access to the rich province and its dominance in the decision-making processes concerning Papua, the governments in Jakarta have made use of the unitary and authoritarian state as its concept for nation-building, particularly until 1998. During this time, the sole method of conflict management applied was that of oppression and discrimination. A large number of military operations were carried out in order to break the resistance of armed groups, as well as to intimidate the civilian population and to make a Papuan identity impossible – with disastrous results for the indigenous peoples of Papua in terms of casualties, as well as in terms of the destruction of the Papuans' own social and political infrastructures. The discriminatory and unfair policies and practices of the Indonesian government towards West-Papua also denied the Papuans their social, economic and cultural rights. All the articles to this study are emphatic on this point, showing the grievances of the Papuan people due to the fact that their economic and social resources – of utmost importance for their future – have been shared with them only arbitrarily, if at all.

On the other hand, the government's authoritarian and unitary approach, dealing with West-Papua as a nationalist trophy, even further consolidated a separate Papuan identity and strengthened the desire for Papuan independence. As far as integration is concerned, the Indonesian responses to the emergence of a Papuan resistance, which developed during the New Order era, were rather counterproductive. The unprecedented political era of late 1998 to late 2000 revealed how few indigenous Papuans envisioned a future for Papua as part of Indonesia. With the fall of Soeharto in 1998, hopes arose that the variety of social and cultural diversity of Indonesia might be properly reflected in the state's policies and handled with a civil, dialogue-based approach. This part is still unresolved, as is also that of the historic and moral responsibility of the United Nations. The study even shows that in order to tackle the future of Papua, the international component is not merely of historic importance, but also of vital importance today.

The governments of the transition period after late 1998 already undertook some steps to shift from the authoritarian concept of governance to a democratic, open and participatory approach, launching, i.e., the decentralisation of the country<sup>5</sup>. The People's Consultative Assembly in Jakarta additionally issued Decree No. IV/1999, giving way to the later enacted Special Autonomy Law for Papua via Law No. 21/2001<sup>6</sup>. As the Special Autonomy was in part the response of a transitional, weak and insecure government to Papuan demands for independence, permitting significant Papuan input into the formulation of the draft law, some sectors within the government tried afterwards to undermine its implementation. It was, therefore, up to the recently elected President of Indonesia, Susilo Bambang Yodhoyono, to explicitly confirm that he will strive for Indonesia's being a country of peace, democracy, tolerance, social justice and with guarantees for human rights. He further stated, during his inauguration speech in December 2004, that „the brothers and sisters of Papua are still living with fear“ and that one of his priorities during his presidency would be to resolve the conflicts in Papua and Aceh in a peaceful manner.

In addition, Indonesia has been elected to chair the 61<sup>st</sup> session of the UN-Commission on Human Rights in 2005 as recognition of the reform processes conducted since 1998. This vote of confidence relies on Indonesia's further strengthening the ongoing processes of democratisation. Several dignitaries of Indonesia confirmed to the Commission on Human Rights their intention to continue with the government's high commitment to democracy and rule of law, to religious tolerance, to the empowerment of women, to make the benefits of development available to all, and being at the forefront on human rights, i.e., ratifying the International Covenants on Civil and Political Rights (ICCPR) and on Economic, Social and Cultural Rights (ICESCR)<sup>7</sup>. In contrast to the oppressive rulings on and administration of Papua for a period of more than thirty years in the past, the new government is designing a promising future for one of the largest nations in the world. If there has ever been a so-called „window of opportunity“ freely to debate the political status of Papua, it exists now.

However, considering the vestiges of the old military order, it is probable that the situation in Indonesia with respect to democracy, rule of law and respect for human rights will improve only gradually. At both the political and the economic levels, the Indonesian military still plays a crucial role, defending its very own interests<sup>8</sup>, alt-

5 Law No. 22/1999 and Law No. 25/1999, during the Presidency of Habibie, among other laws.

6 The same procedure was followed in relation to Aceh, via Law No. 18/2001.

7 Opening Statement by H.E. Makarim Wibisono, Chairman of the 61<sup>st</sup> session of the Commission on Human Rights, Geneva, 14 March 2005; Statement by H.E. Hassan Wirajuda, Minister for Foreign Affairs of the Republic of Indonesia at the 61<sup>st</sup> session of the Commission on Human Rights, Geneva, 15 March 2005.

8 See Appendix VI to Agus Sumule's article in this book.

though the military has had to end its formal role in economy and politics and, e.g., leave the parliament in Jakarta. De facto and steadily clawing back power ever since Megawati Soekarnopoetri became president, the territorial command structure still places the military at the centre of government from the village level upwards, especially in regions of conflict – i.e., the military continues to determine security policy in Papua and Aceh. The political economy of the security forces in Papua and the symbiotic relationships they have developed with resource companies, most notably Freeport, have created an institutional imperative for maintaining the territory as a zone of conflict.

Further evidence of the military's ongoing power can be seen in the treatment of officers accused of human-rights abuses. Enquiries into gross human-rights abuses, e.g., in East Timor, have cleared officers and soldiers of any serious wrongdoing despite strong evidence<sup>9</sup>. By clearing the military of any involvement in human-rights violations, this opens the way to renew the co-operation between the USA and the Indonesian armed forces, which was halted in 1999, following the East Timor violence. *The immunity from punishment enjoyed by military officers raises concerns that it will encourage further abuses in troubled provinces such as Aceh and Papua.* Therefore, fears are still prevailing that the army may overshadow civilian politics again, as it did throughout the New Order policy during Soeharto's regime.

With respect to Papua, high expectations arose concerning whether the new government of Yudhoyono will be able to deal with the Papua indigenous peoples' desire for more self-determination, while at the same time it was obvious that, in order to be upheld, the government has to satisfy the principle of the territorial integrity of Indonesia. In late 2001, the reform-orientated Indonesian Government enacted the Special Autonomy Law, which potentially enables Papua to determine its affairs according to its norms and rules, while, however, taking into account the territorial integrity of Indonesia. Although the implementation of this law is still far from being satisfactory in any aspect, in terms of nation-building it has been a milestone in the history of that region.

9 The principle of impunity for the military was evident in the ad-hoc human-rights tribunal set up to try human-rights violations during 1999 in East Timor. In July 2004, without offering any justification for their decision, the Supreme Court overturned the convictions of four senior officers found guilty of playing a role in the violence. Another example deals with the investigation into the murder of two US teachers near the site of the Freeport mine in Papua in 2002. An investigation by the Indonesian police pointed strongly to the involvement of the Indonesian military in the killings, prompting the US government to insist that officers from the Federal Bureau of Investigation (FBI) participate in the investigation to prevent a cover-up. In June 2004, the US confirmed that it had no evidence of military involvement in the killings but indicted Anthonius Wamang, a separatist fighter from the Free Papua Movement (OPM), for his involvement in the killings. The announcement and the dubious reasoning were strongly criticised by Papuan human-rights groups.

## Mechanisms for Self-Reliance and Self-Determination

The authority of the government in Jakarta is powerful but fragile. It has the capacity to maintain its authority in Papua, but still needs to rely predominantly on force and thereby fuels the opposition it is supposed to quell. Methods and models to deal with such societies in transition are meanwhile filling entire libraries, addressing good governance, decentralisation, participation, historical truth and healing processes, juridical systems and rule of law, gender-related development and other topics. In the context of indigenous peoples and self-reliance, some experiences have, meanwhile, been systematised which might be of special interest for the actual situation in Indonesia. As a kind of „best practices“, in the following, two examples are discussed, albeit they stem from a different continent and were conducted under distinct conditions.

After two decades of negotiations, the Inuit people based in Canada agreed with the Federal Government of Canada to found a new federal state (territory) governed by themselves as far as they obtain the parliamentary majority in free elections. As the Inuit constitute the majority of the population, it is highly probable that they will succeed for the near future. *Nunavut*, the name of the new territory, was established in 1999. In addition, three other provinces for the Inuit have been set up, the last one in 2005. Canada's territorial integrity is not touched, but the Inuit dispose of traditional land rights and a substantial, though not exclusive, say concerning the resources. Other 'First Nations' in Canada are sceptical towards this kind of agreement, because they also demand the recognition of their historic treaties identifying them as 'sovereign nations'<sup>10</sup>. This identification is not being requested for the purpose of secession, but would, rather, provide a much better basis for demanding land rights and the disposal over natural resources. The Inuit, instead, follow a rather pragmatic style, relying on their capacity to negotiate with governments and companies. This kind of state reform does not happen frequently, but shows at least the scope of options for self-determination<sup>11</sup>.

In Latin America, nearly all countries declare themselves to be pluricultural societies. Some of them have changed their constitutions in order to guarantee land

10 These treaties were signed between the First Nations (Indigenous Peoples) and the French or British colonisers, acknowledging the First Nations as sovereign entities according to international law. For further information on treaties, see Miguel Alfonso Martínez (1999); Study on treaties, agreements and other constructive arrangements between States and indigenous populations. United Nations Sub-Commission on Human Rights, E/CN.4/Sub.2/1999/20.

11 A brief overview of autonomy as a model for conflict management concerning self-determination with regard to Indonesia is provided by Hans-Joachim Heintze (2003): Territorial Autonomy: A possible solution of self-determination conflicts? In: Friedrich-Ebert-Foundation et al. (ed.); *Autonomy for Papua. Opportunity or Illusion?* Berlin 2003, p. 35-63

rights and autonomy for indigenous territories. Governments taking this seriously are obliged to organise the national society in such a way that there exists real space for making a livelihood according to the patterns and values of the indigenous community or peoples. All these achievements have been realised through a combination of intensive debates and negotiations, as well as with the mobilisation of the people. This requires a tremendous effort in terms of organisational skills and capacities<sup>12</sup>.

Inspired by those achievements, the implementation of a National Dialogue through a process of consultation and multilateral decision-making seems to be a possible alternative approach for peacefully resolving the deep-rooted conflict in Papua. The indigenous peoples of Papua have already pronounced their continuous commitment to Papua as a land of peace, despite decades of warfare and its psychological impacts on the parties. It would, therefore, be of the utmost importance that, e.g., the Special Autonomy Law of 2001, which provided hope for overcoming the past in a constructive manner, actually be implemented. In 2001, the province of Papua was granted around Rp. 1.2 trillion for the implementation of the law, but the life of the people has remained unchanged and some sections of Papuan society have even become impoverished. Unfortunately, the new government of Yodhoyono also casts doubts concerning the realisation of the Autonomy Law: instead of concentrating on its implementation, the government still insists on pursuing its own controversial plans to divide Papua into several provinces. As a result, the economic development of the province may suffer a setback because of unrest amongst the people.

Taking into consideration the experiences made in Latin America, it is obvious that international attention has been quite helpful in convincing a government to move in the direction of meeting with its indigenous citizens. In relation to Papua, it seems to us that a multilateral approach should consider the above-mentioned international covenants – ICCPR and ICESCR – which provide key elements in political terms, as well as in concepts. They deal with development as a path toward enabling self-reliance and self-determination – within the sovereign state, which is a party to the covenants. Both covenants uphold the rights of the poor and excluded people, in order to enable them to participate in the economic, social and political decision-making, especially concerning those decisions which affect them. Obviously, the interested parties will choose their appropriate instruments to deal with Papua, nor should the Economic, Social and Cultural Rights (ESC-Rights) be idealised, either. Nevertheless, thinking about ways to facilitate the resolution of a deep-rooted conflict which even has international – historical – implications, this study argues in favour of the covenants, i.e., the ESC-Rights as a rights-based approach. Through its

12 An overview in the German language is available at: Heidi Feldt et al (ed.) [2003]; *Ein anderes Amazonien ist möglich*. Universität Kassel, Lateinamerika-Dokumentationsstelle or at GTZ (ed.) [2004]; *Indigene Völker in Lateinamerika und Entwicklungszusammenarbeit*. Eschborn

scope and programmatic proposals, this human-rights standard deserve to be considered as a platform even for political dialogue.

Both covenants – ICCPR and ICESCR – provide terms and rights-related concepts of society and institution-building which are of crucial importance for the debate on Papua. ESC-Rights offer a broad scope for developing a social, economic and cultural environment based on internationally agreed language, which potentially includes the reconstruction of a self-determined livelihood and its corresponding infrastructures. The rights potentially enable the subjects to these covenants to determine mainly by themselves the criteria for and the degree of change to their community and society. ICESCR recognises that human values cannot be expressed exclusively in monetary terms and that life shall not be turned into a commodity. ICESCR firmly proposes the dignity of every person and the priority of creating conditions for living a dignified life. Economy and politics are committed to serve the well-being of the people, to nurture sustainable, just, and participatory communities, and to sustain the global health of the earth.

In addition, the interpretation and implementation of terms and scope is related not only to the responsibility of the parties at the national level, but involves also the international mechanisms of the United Nations, and particularly the expert committee on ESC-Rights (see below). Finally, the rights-based approach of both covenants is an invitation to conduct the dispute on Papua with means particularly based on dialogue and civil mediation of conflict. Considering the history of Papua in the past decades, mediating the dispute through these means would be a value in itself.

## **ESC-Rights in brief**

Without going into further details of the history and structure of the ICESCR<sup>13</sup>, it is worth-while to mention that the ICESCR is the legally binding segment of what has been articulated as political intention in Articles 22 to 27 of the International Declaration of Human Rights. All three standards taken together – the International Declaration of Human Rights, ICCPR and ICESCR – are known as the *Bill of Human Rights*. Both covenants were drafted by the Commission on Human Rights and were adopted by the UN-General Assembly in 1966. Both came into force in 1976. Up to now, the ICCPR has been ratified by 151 UN member states, the ICESCR by 148. Indonesia is expected to do so in the near future. The USA have not ratified the ICESCR.

13 An overview on details in relation to ICESCR and other international covenants are easily available via internet, [www.ohchr.org](http://www.ohchr.org).

The ESC-Rights are intended to protect against exploitation and to guarantee the participation of the citizen in the social welfare of the state. Those states being party to the covenant are required (Art. 16 and 17) to submit periodically – at intervals to be defined by the Economic and Social Council of the United Nations (ECOSOC), here: every five years – a report to a special UN committee which is assigned to monitor this human-rights standard. The report generally should include the „measures which they [the governments] have adopted“ and the „progress made“ in achieving observance of the rights listed in the Covenant<sup>14</sup>. The first report normally reveals the adoption of the ratified ICESCR into the national legislation system. The subsequent reports mainly stress the implementation of the rights into the people's reality.

The rights underline the governments' responsibility to guarantee a minimum support for social life, albeit according to the resources available to the state (Article 2):

2.1. Each State Party to the present Covenant undertakes to take steps, individually and through international assistance and co-operation, especially economic and technical, to the maximum of its available resources, with a view to achieving progressively the full realisation of the rights recognised in the present Covenant by all appropriate means, including particularly the adoption of legislative measures. General comment on its implementation

ESC-Rights has long been interpreted as a 'soft law' in comparison with ICCPR. The provisions made in Art. 2.1 as 'available resources' and 'achieving progressively the full realisation' allow a certain scope for states to implement ESC-Rights according to their capacities, whereas, e.g., the prohibition of torture does not permit any room for interpretation or implementation. Nevertheless, we have meanwhile learnt from Guantánamo and Abu Ghraib (prison camps maintained by USA in Cuba and Iraq), that ICCPR might be an idealistic construction as well. In any case, with respect to ICESCR, the discussion of the last 15 years has developed a different understanding of the technical juridical character of these rights, although some scientists and member states of the United Nations still use the approach of soft law, establishing a hierarchy of rights and implicitly weakening the legally binding attributes of ESC-Rights.

Firstly, the United Nations established in 1987 a so-called expert committee composed of 18 independent experts in order to monitor and evaluate the performance of the governments being party to the covenant. Up to that date, a working group composed of diplomats subject to directives from their home governments had monitored the implementation process. It is no surprise that particularly during the times of the Cold War, this monitoring system was rather used for ideological

<sup>14</sup> The reports are to be sent to the UN Secretary-General, who is required to transmit them to ECOSOC 'for consideration'.

considerations and for blocking the critical scrutiny of countries outside of the same bloc. Secondly, the expert committee immediately started to evolve comments on major issues as guiding principles for implementing the substantive rights of ICESCR. In 2005, the so-called General Comments comprised 15 regulations streamlining the standards, e.g., on food security, access to water, health care, housing, forced eviction, education or handicapped people. Based on these General Comments, the expert committee reveals so-called 'Concluding Observations' on the progress or failures of the government involved, which are frequently used by organisations of the corresponding civil society to challenge the government.

Thirdly, the expert committee developed a graduated plan for the implementation process to address exactly the scope of the governments while 'achieving progressively the full realisation'. According to that plan, the states being party to the covenant are obliged gradually to implement the ESC-Rights, starting *to respect* them, e.g., by adapting their juridical and executive systems accordingly. In a next or parallel step, the government should *protect* the subjects of ICESCR against violations, e.g., by third parties, such as private companies. Finally, the government has to show specific evidence concerning the extent to which it *fulfils* the rights they have ratified.

Fourthly, in addition to the General Comments and the graduate plan, the expert committee is entitled to agree with the government on so-called 'benchmarks', in order to take into account the 'available resources'. These benchmarks will be closely monitored and the results are discussed with the respective government. This entire framework provides accurate procedures and mechanisms exactly to monitor the state's capacity and political intention to comply with the ESC-Rights.

Fifthly, one of the enduring criticisms of reporting-systems in general is their reliance on the co-operation of states. The unwillingness of certain states to co-operate has posed problems with respect to the ICESCR. There are dozens of states which are notably behind the time-schedule for presenting their reports, and some states even fail to submit a single report in ten years. Therefore, the expert committee has taken action to address such problems. One of the measures was to consider the situation in states even in absence of a report.

Additionally, in order to make the provisions of ICESCR more operable and available to the subjects, in 1993 the expert committee proposed a so-called Optional Protocol. This protocol would entitle any individual person to submit complaints to the expert committee against its government when the latter has failed adequately to implement the ESC-Rights. Actually, the expert committee would consider such complaints only informally. The committee drafted a corresponding juridical framework and submitted it to the UN Commission on Human Rights in 1997. Since then, the member states of the Commission have been discussing that proposal. A lot of them – including countries from the European Union, such as



Sweden – are not very happy with this new mechanism. At least and by its nature, such a complaints-mechanism potentially extends the opportunities to blame the government.

The covenant on ESC-Rights consists of 31 Articles, segmented into the Preamble and five sections. Article 1 – identical to Article 1 of the ICCPR – proclaims *the right of all peoples to self-determination, including the right to freely pursue their economic, social and cultural development and to freely dispose of their natural wealth and resources*, taking into consideration the territorial integrity of the ratifying sovereign state. Important with respect to Papua would also be Art. 2.2, which prohibits discrimination of all kinds, including factual discrimination and stigmatisation, as Siegfried Zöllner and Theo van den Broek have revealed in their articles. The substantive rights of ICESCR are listed in Articles 6 to 15:

- the right to work (6),
- the right to fair conditions of employment (7); i.e. equal remuneration for work of equal value
- the right to join and to form trade unions (8),
- the right to social security (9),
- the right to protection of the family (10),
- the right to an adequate standard of living (11), including the right to food, clothing, and housing,
- the right to health (12),
- the right to education (13),
- a general comment on the implementation of Article 13, (14)
- the right to culture (15).

Altogether, the legally binding rights, the international involvement in defining and interpreting terms and scope, and the sophisticated mechanisms of monitoring and implementation qualify ICESCR as an adequate platform for discussing and designing a policy to facilitate a self-determined way of life for the people of Papua.

Nevertheless, the ICESCR has also its shortcomings. In the 1960s, when the standards were drafted, the issue of environment was not as prominent as it is nowadays and was not adequately taken into consideration. The famous report of the Club of Rome was published too late for it to be taken into account in the ICESCR. But there do exist other international standards which can be combined with the ICESCR. Although in the ICESCR the land rights of the indigenous peoples are not taken into consideration, Article 11 of the ICESCR, in addressing the right to be free from hunger, does make an indirect reference to land when it encourages states to develop or to reform *„agrarian systems in such a way as to achieve the most efficient development and utilisation of natural resources.“*

Despite these shortcomings, in thinking of methods and language adequate for analysing and interpreting the situation in Papua, as well that in Indonesia as a

whole, the authors arrived at the framework of ICESCR. While tackling the task of consolidating all relevant levels of action and the corresponding actors, the authors attempted to find an approach which would address nation building, including the sensitive area of self-determination, as well as that of the survival of individuals and communities. The reflections on altered patterns of self-organisation and communication flows were transferred to possible impacts on leadership building or gender relations. They also had the problem of making the results acceptable, in terms of the language and of the concluding observations, to all parties involved. The parties involved in Papua and Indonesia should at least come to the conclusion that, beyond the dispute on the political status of Papua, a further, in-depth discussion of the study's facts is urgently needed.

In this sense, the framework of ICESCR serves as a recognised legal standard on human, i.e., basic rights, as well as being a political platform for dialogue providing the actors with commonly accepted language and procedures for negotiation. In addition: although international actors can only play a complementary role in resolving the problems on Papua, it seems to be self-evident that a mechanism is needed which would gather the actors at the international level and would embed the conflict in its historical dimensions. Lastly, after having participated in several sessions of United Nations' bodies dealing with human rights, development, self-determination, nation building etc., it has become quite obvious to the author that standards such as ICESCR are not necessarily designed to be self-sufficient and the lowest common denominator, but rather to be open to further political deliberations and, therefore, to offer a legal perspective for Papua, rather than a legalistic one.

## **The Study on ESC-Rights in Papua**

The present study has been made possible by the generous support of the editors, who only recently began to be concerned about the deterioration of the conditions of life in Papua. Obviously, it is not the first and not the only study dealing with these issues. But it is one of the very few studies which comprehensively combine the political aspects with questions of the possibilities for a social, economic and cultural reconstruction of the pauperised indigenous society in Papua.

In this view, Willy Mandowen begins the analytical section of the study by reviewing the recent history of Papua, as well as its relation to Indonesia and to international state actors determinant for Papua's actual political status. He stresses that the denial of the right to self-determination is a key element in the possibility of understanding the actual situation; and that this denial has caused a real human tragedy for Papua, with thousands of victims. Although the period of *Reformasi* (since the fall of Soeharto in 1998) has brought about some institutional changes in the political

system, there is still a fundamental uncertainty concerning the future of Papua. The conflict concerning splitting up West-Papua into three provinces, against the wishes of the Papuans, even increased the frustration and anger of the Papuan people. The Indonesian government has made no serious effort to implement the Autonomy law in consultation with the representatives of the Papuan people.

Willy Mandowen also emphasises that for the near future there is no way for the Papuans to achieve their own statehood and that merely talking about their political status will not be enough to meet the people's daily aspirations to be free from fear, injustice and the denial of their identity. He underlines the ongoing peaceful attitude of the Papuans to make their country a 'Land of Peace' and the fact that Papuan leaders are prepared for a political dialogue with Indonesia. His article reveals the urgent need to make use of the legal provisions in order to build up new leadership among the indigenous peoples of Papua. Corresponding initiatives have already emerged and he emphasizes the enormous will of the Papuans to elaborate guiding principles, to generate infrastructure for self-organisation and to select representatives, in order to be prepared for any kind of self-rule based on the traditional structures of administration and policy-making processes in Papua. Particularly during the time of transition since 1998, it has become obvious that self-determination involves the necessity of having attained a minimum standard of adequate social and cultural institutions and of having the capacity to organise an informed and democratic process.

The contribution of Siegfried Zöllner details the diversity and the great number of culturally based institutions which have allowed the Papuans to organise their private and public life according to their rules and values. His in-depth analysis, in anthropological terms, of the culture of the Papuans in transition allows a comprehensive understanding of the rich and sophisticated relationships within families, communities and between neighbouring villages which regulate, e.g., conflicts at the local level. Also, the concept of 'togetherness' has provided the indigenous community with the necessary mechanisms to assure food, housing, and health care, as well as social and spiritual security. Some of these roots and the dynamics involved still prevail and have led to some amazing phenomena – 'amazing', considering the intentions of Soeharto's regime to exterminate the Papuan leadership – such as the spontaneous participation of thousands in the Second Congress of West-Papua, the conceptual framework for a self-ruled country, the widespread and full dedication of Papuan intellectuals to drafting a Papuan version of the Law on Special Autonomy, or the recuperation of the Papuan identity through modern art. In these times and circumstances, the enormous potential and capacity of the Papuans to determine their future and their patterns of life by themselves becomes evident. It is the merit of Siegfried Zöllner to unveil this competence in the face of widespread prejudices.

In the same way, in the face of prejudices, Siegfried Zöllner reveals the role of Christian churches in Papua. Besides establishing schools and hospitals – which

might be considered to be the traditional tasks of churches, i.e., demonstrating their attractivity through supporting welfare – the missions and churches have contributed to diminishing or abolishing tribal feuds and vendettas. The church has served as a platform for peace-making ceremonies. The position of women has also changed in the context of the Christian churches. Women have become accepted as participants in cultic activities, whereas in the traditional religious context women were normally excluded from these activities. The decision concerning whether, as Siegfried Zöllner suggests, this should be considered to be the beginning of women's emancipation in Papua, will be left to another discussion, although it is beyond doubt that the traditional public image of women has been shattered by the churches. But the author also provides information on the negative impacts of the missions' having increased the contacts of the inexperienced local population with the outside world.

The prevailing character of cultural roots and dynamics is sometimes ambiguous. To the extent that the times and temperament of warriors have survived to the present, this still affects relationships as, e.g., conflict situations between school children and students along cultural lines still arise today. And Theo van den Broek illustrates in his article that where the process of self-organisation is concerned, this survival of past animosities also hinders the formation of supra-regional units and, in addition, facilitates efforts to arouse dissension. Taking into account the explanations made in the other articles, it seems that the ethnic identity has remained as a key to self-organisation, but also sometimes as a form of exclusion.

Hermien Rumbur and the author have tried to deal with an issue which barely exists in public: women as social actors. However, the few remarks give sufficient evidence that speaking about women means speaking about Papua's future. The glimpses of self-organisation among women inform about a large sector affected by a deep social, cultural and psychological crisis, the outcome of which will determine the social empowerment of Papuan society. As the article further concludes, a great deal of investigation is still necessary to enable an analysis of the economic, social and cultural reality of Papuan women, which would in turn enable a better assessment of the needs for improving their status within society. Particularly in the context of women's issues, such investigation will provide information concerning the extent to which the rural area is still able to provide the means for women's orientation and how far the urban centres will be able to generate a kind of communal interaction or infrastructure to allow a comprehensive perspective for female Papuans within the society of the future.

Agus Sumufe analyses the conditions of employment and income generation for Papuan people, particularly in the sector of low economy – sometimes called the 'informal sector'. Similar to what the expert committee on ICESCR concludes with respect to many reports presented by states who are parties to ICESCR, many mem-

bers of Papuan indigenous communities are discriminated against with respect to jobs, salary and the generation of income. On the one hand, Agus Sumule supplies information at the macro level, showing that the plundering of Papua's resources without further benefit for the region systematically disfavours the future of the upcoming generations, insofar as this process is not altered. Two additional fact sheets (as appendices), with macro information about the Indonesian economy and the political and economic role of the military forces, sustain the analysis that the region is being disfavoured.

According to Agus Sumule's analyses, the Special Autonomy Law and the larger participation of indigenous people in administration and political decision-making has still made no notable impact which could improve this situation. Even at the level of taxation, although in part decentralised a while ago, it seems to be unclear how far the big taxpayers, such as Freeport or BP (formerly British Petroleum, now Beyond Petroleum), will be included in the detailed tax regulation under the Autonomy Law. In contrast, Agus Sumule, using two examples from the micro level – displaced people in the urban centre of Timika and fishermen in the rural area of Raja Ampat (close to Sorong) – demonstrates the struggle for mere daily survival. There is a characteristic gap between indigenous and immigrated people in income generation. Papuans have no access to certain job-levels. The same could be concluded with respect to the example of the *Arso* families and the plantations of palm fruit, as indicated by Theo van den Broek. *Arso* residents describe the introduction of the oil-palm plantation as a disastrous blow to their way of life. In general, Agus Sumule sketches an extended inside view of how, despite a rich environment, income generation in terms of the local economy is rather impeded.

Theo van den Broek did an exhaustive investigation on the quantity and quality of governance, focussing on people's rights to decent development. Concerned about the social basis of Papuan society, Theo van den Broek deals with four fundamental elements in social life: the demographic component of the society, the governance and the administration of the society, as well as with basic public services, such as education and health services. His key references for the evaluation of social aspects in today's Papua are 'agreed language', stipulated in the Indonesia Human Development Report 2004. The elements are equality, indivisibility (one right cannot take precedence over any other), performance (setting targets and monitoring their achievement), participation, empowerment, and accountability.

Similarly to Siegfried Zöllner, Theo van den Broek stresses the most significant change concerning Papuan society in recent decades: its moving from a familiar ethnic homogeneity to a high degree of heterogeneity. He draws attention to the internal changes and their impacts on the social life in Papua. Theo van den Broek also reflects on the speed of the population growth, caused, among other factors, by Indonesia's transmigration plan. One of the results which attracts special attention is the

composition of the total population. It changed notably as the non-indigenous proportion of the residents in Papua rose within 20 years from an estimated 4% to about 21%, and then to 30% in the year 2000, and to about 45% in 2004. Papuan people living in urban centres are left with the impression that their city is rather „Indonesian dominated“ and begin to feel they are a minority in their own land, thus intensifying the effects of the loss of economic opportunities and arousing discrimination and violent conflicts<sup>15</sup>. Theo van den Broek informs that Papuan people have the feeling that they are not recognised as human beings and are, rather, being treated as commodities, as objects which can, if necessary, be removed.

In relation to the re-structuring of the regional administration, Theo van den Broek states that the implementation does not seem to be easy. In a number of cases, no feasibility study seems to have been made before setting up a new local infrastructure. Geographical isolation and the lack of appropriate local manpower to staff the new administration units brought some of the activities under government responsibility to a virtual standstill. Some new districts still have their main office in the former ‘mother district’, although the Governor has ordered the heads of the new districts to move their office to the district itself.

With respect to education, Theo van den Broek highlights the discussion related to the availability of qualified people for Papua, which has been a central debate for years. An effective answer is needed if the participation of the Papuan community in the development of Papua is to be a realistic option. In his presentation note to the parliament, the Governor of Papua at least stressed a number of elements which should be taken into account. Theo van den Broek lists them: The diversity in Papua makes it mandatory that adjustments be made in the teaching materials by adding ‘local materials’; there is a need for qualified teaching manpower, for an adjusted system of education for Papua that develops a boarding-house-related educational system, decreases the educational costs (school fees) and strengthens the private foundations for education. Theo van den Broek reveals in his in-depth analysis that in remote rural areas there is a virtual implementation gap, while in urban areas education has improved in terms of class rooms, number of teachers and pupils. Theo van den Broek cites a systematic negligence in the state’s activities in relation to its educational obligations in the remote areas. The educational opportunities in the interior part of the country are at a disastrously low level of quality.

In relation to health, the Governor also made a statement to the parliament stressing a number of elements, such as 1. the equal spreading and improvement of the quality of health services by putting them within reach of the whole community; 2. preventive health programs, as well as curative programs; 3. an increase in the numbers of medical as well as paramedical personnel; 4. improvement of services at the

15 As Agus Sumule also states.

hospitals, in supplying medicines, better nutrition and the improvement of the environment. This sounds quite ambitious. Indeed, according to the statistics, several new health facilities have been set up, doubling the number of local health centres. Cause for worry is given by figures stating that, e.g. in 2002, 36.1% of the population was without access to health facilities. Similar to the situation on educational matters, the health-care situation in Papua, especially in the interior, needs much more attention in order to respond to the urgent needs of the people. There, the health-care service is below acceptable standards. Most of the improvements in health care have become effective only in the urban centres.

In addition to the analytical contributions, the concluding remarks reflect on institution building, social security, basic norms for health care and education, protection against discriminatory treatment and other issues, such as programmes to be dealt with within the framework of ICESCR. This covenant supplies all the instruments necessary to build up a social network, the institutions of which might also be run according to the traditional rules of the local people. Accordingly, recommendations are formulated to facilitate the instruments which should enable the Papuans to achieve a far-reaching, self-determined livelihood. If the necessary infrastructures, skills and organising capacities were really to be developed, the dispute concerning Papua's political status would surely be less polarised than it is at present – and an easy return to the old days of Indonesian governance in Papua would be nearly impossible.

The study provides a quite comprehensive view of the actual situation in Papua, but obviously focuses on the aspects indicated by the title. Other subjects, such as historic facts concerning the status of Papua, are dealt with instead of remarks necessary for the understanding of the present constellation. Further interests can easily be attended to through one of the publications listed in the following selected bibliography or through the bibliographies given in the other articles. One of the real shortcomings is related to gender relations, which still need to be investigated in the field. Apart from brief remarks, no further analysis is done in relation to the policy-making process at the level of the Indonesian government, although since 1998 there have been institutional changes in the political system, in the formal role of the military and in the political management of regional conflicts.

Nevertheless, it is still not very clear what has really changed at the government level in relation to Papua, since the break with the past which occurred in the Reformasi era has not continued, and, since 2001, the reform process has faltered and its effects on Papua have been rather disturbing. The first 100 days of President Yudhoyono, although promising, were too premature to make any substantial prognosis, e.g. for the concept of decentralisation as a solution to conflicts in Indonesia. Of crucial interest for further investigations and for the policy-making process concerning Papua will be the relations to be established between the representatives and organi-

sations of each of the civil societies. A first step was already taken in March and April of 2005, when non-governmental organisations concerned with human rights from Papua, Indonesia, South Asia and Europe, who were attending the 61<sup>st</sup> session of the UN Commission on Human Rights, agreed upon closer co-ordination. Those who are interested in the further outcome are invited to participate actively.

Last but not least, it is a duty and a pleasure warmly to thank the authors of this study, who have contributed not only by delivering facts, but who also allow us an extraordinary insight into their lively experience with and ongoing commitment to Papua. Politics meets science in order to encourage further steps towards a peaceful, democratic, transparent and constructive answer to the aspirations of the Papuan people. We hope that our contribution will at least be of help in making Papua an equal partner for Indonesia. This contribution would not have been possible without the generous funding of the editors of this study. They not only donated money, but also facilitated a frank and unrestricted discussion on issues which a few years ago would have endangered the one or the other of our authors.

Finally, special thanks deserves to Uwe Hummel from West Papua Netzwerk in Wuppertal (Germany), who was the coordinator of this research project. He has been a professional, tolerant and encouraging organiser of this endeavour while the authors did not always make the task easier. If we succeed with our contribution, it has been worth to tackle some indisposition.

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# West-Papua and the Right to Self-determination A Challenge to Human Rights

WILLY MANDOWEN

In June 2000, about 20,000 participants and 501 lawfully chosen representatives of West-Papuan society, representing all corners of the Papuan land, attended the Second Congress of West-Papua (also: Papua). The then government of Indonesia did not articulate any objections to this Congress. It even contributed financial support. The participants of the Congress strongly supported the resolutions which urged, among other points – the United Nations to withdraw Resolution 2504 (XXIV, General Assembly) of the 19<sup>th</sup> of November 1969. This UN resolution justified the betrayal of the political rights of the West-Papuans to decide upon their own future. The resolution of the Second Congress of West-Papua also declared the strong desire of the Papuan people „to separate from the Republic of Indonesia“, in the knowledge that this was obviously a sensitive issue in the relations between Papua and Indonesia. The resolution was truthfully and earnestly drawn up in a peaceful and democratic way. The request for the withdrawal was backed not only by the desire to review history, which would have been fair enough. The denial of the right to self-determination led to a genuine human tragedy, with thousands of victims who have been killed, tortured or have suffered cruel treatment merely because of their demand to be allowed to exercise their right of free choice. Relatives and friends of the victims, and even some of the victims themselves, are still alive and urge that a reliable process of revelation and healing take place.

Though stressing the free decision concerning our own future, we have to consider that we are not talking about political status alone, but also about the people's every-day aspiration to be free from fear, injustice, oppression, and the denial of their identity as well. Up to and including the present, the terms and state policies on wealth and development, particularly in relation to the rural areas in West-Papua, remain a dead letter for the large majority of Papuans<sup>1</sup>. Therefore, the desire among many Papuans for statehood of their own prevails<sup>2</sup>, although it has become obvious that for the near future there is no way the Papuans will be able to achieve this goal. It is a matter of fact that talking about self-determination will occur merely at the level of a

1 See article of Theo van den Broek in this book.

2 Outcome of a survey conducted by the *International Foundation for Election Systems*, 28 February 2003

political dialogue, while there is little chance of the aspirations' being transferred into political terms which would be able to involve all parties. In this context it is worthwhile to mention the ongoing peaceful attitude of the Papuans, who wish to make their country a 'Land of Peace'. The following considerations should be understood as a contribution to facilitate this political dialogue between Indonesia and Papua. To make this operable, this entire study itself – addressing human rights, justice, peace and development – might be used as a platform for this kind of dialogue.

## Historical Background

Historically, Papuans have always been ethnically different from the Asian-based population of Indonesia. Their ethnic roots and cultures – there are actually about 250 different languages in West-Papua alone – are closely linked to their neighbours in Papua New Guinea and to the inhabitants of other Melanesian islands<sup>3</sup>. The arbitrary colonial decisions of European countries drew a border right down the middle of New Guinea in 1895 and officially separated the two parts in 1910. The Dutch retained the western part, which, – as the then West New Guinea – they had, following simple colonial considerations, claimed since 1828. In February 1855, the first missionaries from Germany arrived (Ottow and Geisler). The historical accident, that for mere administrative reasons the Dutch had long ruled West-Papua from the capital of the Sultan of Tidore (Ternate, Moluccas), led Indonesia, upon its independence, to argue that West-Papua had been an integral part of the region of the then 'Dutch East Indies', which were later to become the Republic of Indonesia.

In 1949, the Dutch East Indies were handed over to the emerging Republic of Indonesia, with the exception of the then Netherlands New Guinea. The then Resident<sup>4</sup> of Netherlands New Guinea, J.P.K. van Eechoud, publicly stated that, because of its different culture and history, this country did not belong to Indonesia. Even the first Vice-President of Indonesia, Mohammad Hatta, considered the Papuans to be people belonging to the Melanesian culture, albeit he meant this in a derogatory sense. Thus, for a while, the Papuans remained the inhabitants of a district of the Kingdom of the Netherlands. The refusal to hand Papua over to Indonesia led to growing tensions between The Netherlands and Indonesia. It was at that point, in the late fifties, that Indonesia interrupted its diplomatic relationships with The Netherlands. Under threat of an Indonesian attack and under pressure from the United Nations, The Netherlands agreed, in October 1962, to hand West-Papua over to a temporary UN-administration.

3 See Siegfried Zöllner's article in this book.

4 The Resident was the highest colonial official below the Governor.

Two factors have been of vital importance for the further development. With respect to the discussion in Papua, in 1961, the Dutch proposed and established a New Guinea Council, consisting of 28 people. The 1<sup>st</sup> Papuan Congress was held in 1961. The Congress adopted „West-Papua“ (Papua Barat) as the name of the country, „O, Papua My Land“ (Oh Tanahku Papua) as the anthem and the Morning Star as the national flag. A Constitution of 129 articles was adopted as well and the Congress promulgated ‚Togetherness‘ as the guiding principle of the new state. Even before the Council had been established, 12 political parties had been founded, among them the National Party (PARNA), led by its chairman, Herman Wayoi, and the Papua Party led by Johan Ariks.

At the international level, The Netherlands and Indonesia agreed on August 1962 in New York, that the UN would subsequently transfer the administration of the then West New Guinea to Indonesia. The interim administration by the United Nations Temporary Executive Authority (UNTEA) administered West Papua from October 1962 to May 1963, when Indonesia assumed total control and responsibility, although the Indonesian sovereignty over West-Papua was to be tentative. Under Article XVIII of the agreement, Indonesia undertook to ascertain the wishes of the people of West Papua through a consultation process and to hold a referendum on Papua’s political status, which has been named the *Act of Free Choice*. Within five years, the United Nations was to return to assist the Indonesian government in organising this referendum. In due respect to their right to self-determination, the Papuans were to determine whether they would prefer to be independent or formally to become a part of Indonesia.

Contrary to this provision, Papuans have not been involved in any of the debates dealing with the political status of Papua after Indonesia declared its independence on 17 August 1945. The right to participation was denied both at the level of bilateral and international negotiations as well as with regard to the New York Agreement. Furthermore, in order better to win the referendum, the Indonesian government began to do away with all institutions and symbols connected with the Papuan identity. The government even prohibited the most fundamental rights to freedom of expression, movement and assembly<sup>5</sup>. The Anti-Subversion legislation (Presidential Decree No. 11/1963) worsened the situation, now defining political activities by Papuans as being subversive and thus relevant for military operations; e.g. Opera-

5 The Presidential Decree No. 8/1963 said: „In the region of West Irian, it shall for the time being, be prohibited to undertake political activity in the form of rallies, meetings, demonstrations or the printing, publication, announcement, issuance, dissemination, trading or public display of articles, pictures or photographs without permission of the Governor or an official appointed by him.“ quoted in Neles Tebay (2003). *Human Rights in Papua: An Overview*. In: Friedrich-Ebert-Foundation et al. (ed.); *Autonomy for Papua – Opportunity or Illusion?* Berlin

tion Sadar 1965-67, Operation Brathayudha 1967-69, Operation Wibawa 1969 (see also next section).

With respect to the referendum, the decision-making process at that time can hardly be identified as an action which was based on any participation by any legitimised Papuans. Right from the outset, considerable sections of the Papuan people opposed the incorporation. Unilaterally, the Indonesian government selected 1,026 people (out of more than 815,000), in order to make them vote in favour of Papua's integration into the Republic of Indonesia. According to the New York Agreement, a traditional form of consultation was to be used to determine the appropriate methods to be followed for the Act of Free Choice, involving the participation of all adults (male and female) of West-Papua. When the time came for a decision on the method to be used, the representative of the UN Secretary General in West-Papua proposed a normal adult suffrage for the urban areas, and a form of tribal consultation for the rural areas. Indonesia rejected the suggestion and adopted instead the tribal *musyawarah* (tribal council representatives) system throughout the territory. In addition, Indonesia permitted merely a token UN supervision in only 195 of the 1,000 consultative assemblies.

Documents recently released by the Australian Department of Foreign Affairs and Trade indicate that Australia and the United States actively assisted Indonesia at the UN to secure its control over West-Papua, even though it was clear that there were serious defects with the procedure. Australia also helped discourage petitions and debate on the merits of the integration at the UN<sup>6</sup>. Therefore, it is no wonder that the key element of the 1962 agreement, self-determination, was cancelled. The fraudulent manoeuvre impeded the Papuan people's chance to make their voice heard. Even Indonesia's part of the report to the Secretary-General of United Nations in relation to that Act also reveals this situation. The 'home grown' Indonesian Act of Free Choice was not a free choice at all. Even worse, there is enough evidence to conclude without any further need of explanation, that the results were achieved by using threats, intimidation, murder, military force and amoral acts<sup>7</sup>. There are serious doubts about the legitimacy of this „Act of No Choice“.

As a kind of direct response to the unfair treatment of Papua's interests, which were already perceivable in the early 1960s, the people began to organise their political articulation. In 1963, Aser Demotekay, from the region of Jayapura, founded an

6 See Sam Blay (2000); *Why West Papua deserves another chance. The UN ballot in 1969 broke every rule for genuine self-determination*. In: Inside Indonesia no.61, January-March 2000

7 See e.g. John Saltford (2003). *The United Nations and the Indonesian Takeover of West-Papua, 1962-1969. The Anatomy of Betrayal*. London-New York. In May 2000, an UN official in New York stated that West-Papua had been shameful case in the history of the United Nations; see also the Report of Robert F. Kennedy Memorial (2004); *The Papua Report*. March 2004.

organisation for the liberation of West-Papua, later given the name „Organisation Free Papua“ (OPM) by the Indonesian security forces. A similar organisation emerged at Manokwari in 1964. The formal founding of the OPM as *Organisasi Papua Merdeka* is dated at 1970. The movement aimed at gaining independence for West Papua through armed struggle, but did not receive any real political support even in the South Pacific.

In 1964, a resolution had already been adopted for monitoring the agreement of New York and for defending the independent institutions of Papua which had been established in 1961. Terianus Aronggear, the appointed Coordinator for Foreign Affairs of West-Papua, was seized on 5 July 1965 in Biak and jailed. The 28 July in 1965, OPM attacked the barracks of the Indonesian Army in Arfai (Yonif 641 Cenderawasih). After that, the OPM attacked a military station in Warmare, and further attacks continued, leading to counterattacks and resulting in a considerable number of casualties, predominantly on the side of the Papuans.

Within the civilian society, too, people like the citizens of Wagate protested against the office of the Head of District (*Bupati*), which had been established by Indonesia. In 1969, in several cities of West-Papua, the people organised rallies against the referendum to voice their resistance against the fraudulent incorporation of West-Papua into Indonesia: 14 July at Merauke, 16 July at Jayawijaya, 19 July at Paniai, 23 July at Fak-Fak, 26 July at Sorong, 29 July at Manokwari, 31 July at Cenderawasih Bay, 2 August at Jayapura. In July 1972, the OPM enacted a provisional constitution, proclaimed an independent state and declared West-Papua a republic. What might have been able to develop into a strong civil movement was violently suppressed the following years by Soeharto's regime, including the killing of what could have become an autonomous leadership. As could be expected, the resolution of the afore-mentioned Second Congress of West-Papua rejected both the 1962 agreement between the Kingdom of the Netherlands and the Republic of Indonesia, which had been reached in New York, as well as the results of the „Act of No Choice“ in 1969. Again: The denial of the right to self-determination ended as a human tragedy for the Papuan people.

## **Human Rights in West-Papua under Indonesian Dominance**

The Constitution, and afterwards the Provisional Constitution of Indonesia, both dating from 1950, are both long and detailed papers with 197, respective 146 Artic-

8 For further details see Enny Soeprapto (2005); *The development of Indonesia's policy on human rights and fundamental freedoms since 1945*. Paper presented to the panel discussion on *Indonesia and its Human Rights Policy*, Geneva, United Nations Commission on Human Rights, 5 April 2005



les, of which 37 Articles (No. 7 to 43, Provisional Constitution) dealt with human rights and fundamental freedoms. The articles have been formulated after the model of the relevant articles of the Universal Declaration of Human Rights of 1948<sup>8</sup>. The Provisional Constitution of 1950 ceased to apply on 5 July 1959 and was replaced by the former Constitution of 1945. Although the latter included provisions for most of the relevant rights and freedoms, it obviously contained no reference to the later universal declaration. The „*Guided Democracy*“ between 1959 and 1965 and, even more, the „*New Order*“ policy between 1966 and 1998, paid no attention to human rights, instead created rules establishing an unitary state. The subsequent authoritarian and repressive regime as of 1965 / 1966 committed all manner of the most serious violations of human rights in order to establish this new order of the unitary state. The victim to suffer most from this policy was the people of Papua.

Immediately after the New York agreement had been made (August 1962), the Papua Parliament, which had been elected through a general election in 1961, was dismissed. In May 1963, the Jakarta Government re-established an imposed assembly without including any of the former elected parliamentarians. The above-mentioned Presidential Decree No. 8/1963 and Anti-Subversion legislation provided the legal basis for an enormous amount of military operations with an also enormous amount of casualties, particularly on the part of the Papuans<sup>9</sup>. For West-Papuans, who have experienced the loss of thousands of lives and have been left in misery, this case of the denial of their rights since the 1960s is still a matter of great concern and needs to be addressed.

After 1971, Papuans became Indonesian citizens, but without any further change in their civil rights which would have allowed them to strive for the fulfilment of their political interests. Even worse, Papua was declared a Military Operational Zone (DOM) by the Indonesian Government. This DOM granted the Indonesian military forces full control over the territory of Papua and was upheld until 1998. Some regions of Papua were even closed to public access. A special permit was necessary, to be issued by the police or the security forces. Thus, a priest who wanted to attend to his congregations for, e.g., Easter celebrations, was forced to explain in detail the schedule of his visits. He was obliged to tell each local police station upon his arrival, for how long he intended to stay and when he would leave the village.

Any cultural expression by Papuans has been considered to be a manifestation of independence. They were strictly forbidden to call themselves Papuans or Melanesians. The province was named *Irian Jaya*, and the people were told to identify themselves as ‘Indonesians from the Province of Irian Jaya’. Singing in a local language could be punished with beatings, torture, jail or even death. One of the most

9 For an overview see ELSHAM (Institute for Human Rights Study and Advocacy) (2000); *Report on the Human Rights Situation, Abepura, or Neles Tebay* (2003), *op. cit.*

bitter atrocities was committed against Arnold Ap, a Papuan musician and curator of the Cendrawasih University Museum who was killed. He had started to collect Papuan artefacts and cultural symbols in order to display them in public rooms<sup>10</sup>. This relatively simple initiative made the people aware of the value of their culture and helped them to regain their self-esteem – the same people whom the Indonesian authorities have always called uncivilised and without any values in their traditional culture.

In addition to the violations of their civil and political rights, Papuans were denied the right to manage their communities according to their *adat* (customary law). Historically, most of the Papuans owned the forest as a community, as a collective body. The forest has not only an economic but a religious meaning as well. Indonesian rule has rendered the owners without ownership, since ancestral land, forest and natural resources had been considered as national property at the disposition of the Jakarta Government. The Jakarta Government has used these resources to develop the country – except for West-Papua. Even today, national development means: expropriation, exploitation, destruction via logging, mining, fishing, oil and gas exploration – to name only the worst<sup>11</sup>. Not only was the environment damaged or destroyed, but the spirit and mood of the people as well. When Papuans insisted on their customary law and traditional ownership, they were frequently denounced as supporters of the liberation movement and treated as such: extra judicial killings, torture, inhumane treatment, arbitrary detention, rape and other forms of denying their dignity and identity.

Human rights groups estimate that about 100,000 Papuans have been killed since 1963. The perpetrators have never been taken to court<sup>12</sup>. Only slowly, via the National Human Rights Commission (KOMNAS HAM) there is at least a kind of independent investigation of some of the atrocities committed in the past<sup>13</sup>. Nevertheless, even the National Human Rights Commission seems to be powerless when high-ranking officials of the army and the police are involved in human-rights abuses. It is not by accident that those who have been involved in human-rights atrocities in East Timor have been moved to West-Papua. Of the many cases of reported human-rights violations, only the Abepura case of 2000<sup>14</sup> has been brought

10 See also Siegfried Zöllner's article in this book.

11 See some examples in the article of Agus Sumule and the following appendices.

12 This unfinished history of oppression during the Soeharto regime is not singular to Papua, but can also be observed in other parts of Indonesia, as well as being related to other massacres, e.g., those occurring in 1965 and 1966, when half a million people were killed by military forces and militias for ostensibly being members of left-wing organisations.

13 In January 2005, a regional office of Komnas Ham was established in Jayapura.

14 On 7 December 2000 in the city of Abepura, the police indiscriminately shot at civilians and students, arbitrarily arresting and detaining people, torturing and causing mass displacement.

to the Permanent Human Rights Court in Makassar, after being pending for more than three years in the Attorney General's office. Human-rights defenders in Papua are still threatened with the possibility of being called criminals or being arrested arbitrarily because of their work. It is this kind of history, the unresolved massive human-rights violations and the ongoing excessive use of force by the Indonesian military forces<sup>15</sup> that makes the Papuans strive for the chance to rule their country on their own.

## The Time of Reformasi

It may be worthwhile to start this section with the statement that it was predominantly the financial crisis and the following economic collapse {in 1997 / 1998} which, in turn, catalysed the Popular Reform Movement *Reformasi* and brought President Soeharto's New Order regime to an end. It was, therefore, rather an economic than a political implosion which determined the following political process. Even today, Soeharto's concept of an unitary state is still influential in parts of the government and the security forces. Consequently, it is latently at the basis of the – oppressive – handling of conflicts such as those in Papua, Aceh, Maluku or other regions suspected of indigenous, ethnic or religious deviancies felt to weaken the composition and political approach of the government in this time of transition.

After Soeharto had had to relinquish the presidency, on 13 November 1998 the People's Consultative Assembly issued Decree No. XVII/MPR/1998 on human rights, including a so-called Human Rights Charter. This charter consists of 44 articles related to the Universal Declaration of Human Rights. The decree stipulates the implementation of a national commission for human rights (Art. 4). Both instruments were included in Act No. 39 in 1999, in order to transform the declaratory nature of the two provisions into higher-ranking legal norms. Finally, the provisions related to human rights of Act No. 39 have been included in the Second Amendment (2000) and Fourth Amendment (2002) to the Constitution of 1945. Therefore, a large number of human-rights norms exists at the constitutional level as well as at the level of national law. Further institutions, such as the Human Rights Courts (Act No. 26/2000), the Truth and Reconciliation Commission (Act No. 27/2004), the National Plans of Action on Human Rights, the ratification of international instruments and

15 The latest in a series of attacks happened in the Mulia area (Puncak Jaya reGENCY) where a military operation purportedly against the OPM has resulted in up to thousands of highlanders' being forced from their villages, as well as the destruction of homes, food gardens and livestock; see UN Economic and Social Council document No. E/CN.4/2005/NGO/225, p.2f. and further reference made there. Another case refers to Western Wamena.

additional national legislation has generated a genuine structure – which takes Indonesia's recent history into consideration, enabling the protection and promotion of human rights. Obviously, there are weaknesses and shortcomings in these provisions. That which is most interesting for Papua, i.e. the Truth and Reconciliation Commission, can hardly undertake any open research on the history of Papua<sup>16</sup>. As mentioned at the beginning, this remains a matter of severe concern, considering the enormous extent of the atrocities committed. Furthermore, while the judicial structure has been developed to guide government and society into a distinct future, as far as Papua is concerned, the gap between claim and reality could not be wider.

On 3 July 1998, about 1,000 students of the Cenderawasih University at Abepura gathered and demanded the demilitarisation of West-Papua, a new referendum and the review of the New York agreement<sup>17</sup>. That same day, the student Steven Suripatty was shot dead as the Military forces indiscriminately opened fire on the people. In February 1999, 100 Papuan leaders met the then President of Indonesia, B. J. Habibie, and told him frankly that the Papuan people wish to secede from Indonesia. Obviously, Habibie was not amused. In June 2000, about 20,000 people gathered to participate in the above-mentioned Papua Congress. They elected a council which should be engaged fighting for the basic rights of Papuans. The guiding principles of that commitment had already been drafted in February 2000 by the Grand Council of Papua People (*Musyawahah Besar Rakyat Papua*). The Congress in June 2000 confirmed the symbols of a free Papua as established in 1961, with the 1<sup>st</sup> of December as National Day.

These guiding principles refer to the traditional structure of administration and policy-making processes of the Papuans. They request a re-orientation to the *Papua-Adat*, its re-organisation and consolidation. In February 2002, a conference elected the Adat-Council of Papua which was commissioned to seek the following main goals:

- to protect land, sea, and other natural resources, as well as the environment, as an entity which is owned by the Adat-Community of Papuans;
- land, sea and environment are inalienable;
- all those dealing with development – such as the government, business and non-governmental organisations – should recognise and guarantee the Adat-Rights, particularly the right to life, owner's rights and the right to social security;
- all projects on development and reconstruction require the agreement of the affected Adat-Community;

16 For further details see Emy Soeprapto (2005), *op. cit.*; for a critical approach see Theo van den Broek (2003), *op. cit.*

17 As the Irish Parliament did in March 2004 as well; see Robert F. Kennedy Memorial (2004), *op. cit.*.

- all Papuan tribes and the entire Adat-Community must acknowledge the territorial rights of their neighbours;
- the Adat-Community is obligated to make use of its natural resources in support of the political aspirations of the Papuan people;
- the Adat-Community is prepared to co-operate with people from outside in exploring natural resources;
- the Adat-Community is also prepared to co-operate with people from the outside in order to generate a country free of violence and repression – to make Papua a country of peace;
- the Adat-Community welcomes and hosts people from the outside. No difference shall be made on the base of tribe, religion or ethnicity;
- the Adat-Councils recognises the self-determination and autonomy of each tribe in West-Papua.

Despite this enormous will and civil commitment of the Papuan people to achieve their political aspirations in a peaceful manner, it has, up to and including the present, not been possible to convince the Indonesian government of the urgent need for an open political dialogue. Rather, the opposite has happened: after the Hundred of Papuan leaders pronounced their on-going desire for the Papuans' own statehood, in the aftermath of that meeting with President Habibie, the participants were harassed, jailed and even killed, as happened in the case of the Chairman of the Papuan Presidium, Theys Hiyo Eluay. He was abducted and brutally killed by the special force of the Indonesian military, Kopassus, after he had attended an invitation to dinner. This was revealed by the Military Court of Surabaya, although even today there is no official knowledge concerning either the motives behind the deed or who the intellectual perpetrators were. Even worse, the ordinary soldiers involved were given only short sentences and were later described by the Army Chief of Staff as 'heroes'<sup>18</sup>.

## A Legal Perspective

The Law on the Special Autonomy of Papua (Law No. 21/2001 of 23 October 2001) raised many expectations because it responded to certain aspirations of the Papuan People, although not to the requested open-ended political dialogue<sup>19</sup>. A commission consisting of Papuan intellectuals elaborated a draft version which has in part

<sup>18</sup> see Robert F. Kennedy Memorial (2004), op. cit..

<sup>19</sup> For details, see Theo van den Broek (2003); *Key elements of the Law on Special Autonomy for the Province of Papua*. In: Friedrich-Ebert-Foundation et al. (ed.); *Autonomy for Papua. Opportunity or Illusion?* Berlin. See also the article of Agus Sumule in this book.

been considered by {in?} the autonomy law, thus leaving room for a new role for the Papuans in future<sup>20</sup>. On the condition, of course, that the Special Autonomy Law will be properly implemented. Reality causes some doubts. Instead of implementing procedures and provisions actually to transfer political power to the Papuans, the government in Jakarta introduced its Presidential Decree No. 1/2003, which is going to split West-Papua up into several provinces and regencies. Apart from the question of how useful such a split might be in technical terms given a total population of about 2.4 million people, the decree and the following measures have been conducted in the well-known colonial attitude: without any prior and appropriate consultation with Papuan institutions as is stipulated in the Special Autonomy Law. There are recognised experts whose legal opinion is that the decree is unconstitutional in relation to the provisions of the Special Autonomy Law. The Constitutional Court at least annulled the legal basis<sup>21</sup> for the province Western Irian Jaya, while nevertheless recognising the de-facto existence of the province as such along with the Province of Papua<sup>22</sup>.

The confusion is completed by the government regulation No. 54/2004 on the Papuan People's Council (*Majelis Rakyat Papua; MRP*). According to that regulation, the MRP, the provincial government and provincial parliament have to solve the problem in conjunction with the government in Jakarta, but there is little evidence that the government in Jakarta really wants to deal with Papuan autonomy. Additionally, there are serious indications that foreign funds, namely of the European Union for implementing the autonomy, might already have been used to fund the bureaucracy of the challenged provinces.

Nevertheless, the Special Autonomy Law provides a legal platform for the Papuan communities to develop their own institutions and rulings. In addition to the decentralisation of state administration, today the Papuans can rely on a significant number of indigenous administrators and of Papuan parliamentarians<sup>23</sup>. The civil society is asked to develop further institutions in order to have its own system of political checks and balances. Also, fiscal decentralisation has enabled a number of communities at least to think about programs for the local economy which allow the inclusion of Papuan social and cultural patterns into the market economy in order to

20 For the role of Papuan intellectuals in this drafting process, see the articles of Agus Sumule and Theo van den Broek in this book.

21 *Law No. 45/1999* on the Establishment of the Province Central Irian Jaya, the Province West Irian Jaya, the Regency Paniai, the Regency Mimika, the Regency Puncak Jaya and the Municipality Sorong.

22 Constitutional Court *Decision No. 018/PUU-I/2003* of 11 November 2004. See also the comments made by Petra Stockmann (2004); *Constitutional Court's ruling on the partition of Papua*. German version published in West Papua Rundbrief No. 33, p. 29-32

23 Which also involves special problems; see the article of Theo van den Broek in this book.

assure minimal survival standards for the Papuans. Although a further in-depth study on the implementation of the Special Autonomy Law is needed, there is sufficient evidence to state that Papuan society would be able to develop a structure which would allow it to rule its own affairs according to its values and patterns. This requires – among other things – a better socialisation of the law at various levels and a corresponding capacity-building. Obviously, not all Papuans agreed on all points, but that seems to be quite normal in any society.

Stressing the legal perspective, the illegality of the „Act of No Choice“ has to be included into the discussion as well. It is beyond doubt that the people of West-Papua were denied their right to self-determination. Legally, there is no barrier to a re-examination of the issues. The challenge will be twofold. The ongoing and unresolved problem deals with the criteria that – according to international law – the territory to be integrated should have attained an advanced stage of self-government with free political institutions. Papuan people did not have the real capacity to make a responsible choice through informed and democratic processes, and, considering other articles of this book, West-Papua still needs accordingly to develop the appropriate social and cultural institutions. Which, secondly, would enable the people to fully know the change in their political status. This kind of development and awareness-raising should not be dealt with as solely internal affairs, as there are continuous gross human-rights violations by Indonesian security forces.

Indeed, not only the Papuans are interested in the future of the country. Nobel Peace Prize Laureate Desmond Tutu, Members of the US-Congress and of the European Parliament, the South Pacific Island Forum and others are interested and rather fostering all the civil activities and initiatives which shall lead the Papuans to regain their identity and dignity after a long time of suffering a true human tragedy. In addition to the political discourse and in relation to what the presented study addresses, the daily steps will bring the Papuans along the way to slowly attaining an advanced stage of self-government with free political institutions. As far as the Indonesian government complies with its announcements to ratify the International Covenants on Civil and Political Rights, as well as those on Economic, Social and Cultural Rights in a near future, we will have a legal platform for dealing even with term and scope of ‘self-determination’, enshrined in Article I of both covenants. This approach, based on rights, fundamentally helps to build Papua as a land of peace – free from violence, oppression and grief.

# The Culture of the Papuans in Transition

## The Threat Posed by Modernization – Javanization and Discrimination

SIEGFRIED ZÖLLNER

### Introduction

In the year 2000, the then President of Indonesia, Abdurrahman Wahid, for the first time authorised a congress of the Papuan people, which was known as *Kongres Papua II* and took place May 21<sup>st</sup> to June 4<sup>th</sup>, 2000, in Jayapura. This congress treated the political, social and cultural future of the Province of Papua and also elected a standing body which was to represent Papua and which was authorised as its leadership: the Papuan Council (*Dewan Papua*), consisting of about 500 members from all regions of Papua, and the board of this council, with about 30 members (*Praesidium Dewan Papua, PDP*). The conclusions of the congress, which were published, must be accepted as an authentic voice of the Papuans. Unfortunately, the congress was then declared by Wahid's successor as President, Megawati Soekarnopoetri, to have been illegal. On orders of her government, the Chairman of the Board, Theys H. Eluay, was murdered by the military on November 10, 2001. Some of the members of the Council and of the Board were charged in court and sentenced to up to four years in jail.

At this Second Papuan Congress, its Commission IV concerned itself with the Papuan culture. The report of the commission on this subject qualifies as an authentic Papuan opinion. It provides information concerning what the Papuans consider to be their culture, how they estimate the threat to this culture, and what measures they consider desirable to sustain this culture. This authentic voice should be heard at the beginning of this paper:

Commission IV calls upon the Congress and the Board to foster the knowledge of the Papuan mother languages (tribal languages), so that they not be lost. Care is also to be taken to prevent the Papuans from suffering an identity crisis; each Papuan should stand fast upon the cultural values of his/her ancestors. The Malay language with the specific Papuan dialect is to continue to be used for communication among the Papuans (as the national language of the Papuan people).

The specifically Papuan art, which finds expression in their art of carving, in the songs of the various regions, in the traditional dress and in the traditional



(*adat*)<sup>1</sup> dances, is to be protected. The traditional religions are to be researched and brought to new life, parallel with the Christian denominations and with Islam in the Papuan lands.

The indigenous food of the Papuans are sago and sweet potatoes. The *adat* houses of the various tribes, with their specific cultural motifs, should be used as models for building dwellings and other buildings in the 14 governmental districts, e.g., the *adat* house Kawari in Biak-Numfor or the Karapau of the Kamoro in Mimika.

In the whole country (Papua), the *adat* law is to be returned to the local *adat* representatives, who are to preserve it with a view to a „New Papua“. As the Papuan people, we hold fast to the right to our culture, in particular to the right to the land, the forests and the sea, and in doing so we refer to the documents of the United Nations. We forbid the exploitation of our national resources by other peoples for their own use, such as that specified in the regulations of the Indonesian government.

Since the „*Lembaga Musyawarah Adat*“ (the *adat* councils), which were installed by the Indonesian government, do not reflect the Papuan culture..., the Board of the Papuan Council is to be commissioned by the Congress to abolish these institutions, for the latter have, under the pretense of legality, been used solely to rob the Papuans of their rights. The population of Papua is to live under the protection of an *Adat* Council which is to be formed by the population in conformity with *adat* law.

All names of streets, villages, crests and symbols based on Indonesian culture are to be changed. The identity of the Papuans, with its roots in their values, their culture and their dignity, must be restored.<sup>2</sup>

In the year 2001, the Cendrawasih University in Jayapura distributed a discussion paper with the title „Basic Rights and Basic Obligations of the Papuan People“.<sup>3</sup> This paper adopted the conclusions of the Second Papuan Congress and attempted to lend them a format which could be presented to the (Indonesian) governmental authorities. Although the fact is not expressly mentioned in the law: this paper was the basis for the law which was later passed governing Special Autonomy. One section of the paper treats culture. It states:

„All authorities in the region of Papua, and each one individually, must reflect our Papuan culture as a part of the Melanesian culture. The customs and practices, the significance of the land for the people, the art, the local languages, the fables and myths of the Papuan people: we hold fast to all of these and take them as points of orientation for developing the future. We must make sure that our children do not forget our culture. Anyone living in the land of Papua must

1 Now and then the word *adat* is used in the text. It is an Indonesian word of Arabic origin and designates the totality of traditional customs, usages and practices.

2 Agus A. Alua, *Kongres Papua 2000*, pp. 92-94.

3 F.A. Wospakrik (Ed.), *Hak dan Kewajiban Rakyat Papua*, Publication of Cendrawasih University, Jayapura, 2001.

understand the culture and the history of Papua. Our identity as Papuans must be conveyed to our children.” (p. 14)

In the Law on Special Autonomy, which was signed by the Indonesian President in November 2001 (Law No. 21 / 2001) and which became operative on January 1<sup>st</sup>, 2002, Articles 43 and 44 treat the protection of the laws of the *adat* society, and Article 57 treats the protection of the Papuan culture:

Article 43 (1) The provincial government is in duty bound to recognise, to honour, to protect, to strengthen and further to develop the traditional (*adat*) rights of the population. In doing so, it is to orient itself on established law.

Article 43 (2) The traditional (*adat*) rights of the population listed in Section (1) include both the traditional rights of a community governed by law and those of the individual members of such a community governed by law.<sup>4</sup>

Article 44 The provincial government is duty bound to protect the right of the indigenous Papuans (*asli Papua*) to intellectual wealth.

Article 57 (1) The provincial government is duty bound to protect, nurture and further to develop the indigenous culture of the Papuans. (further Sections (2) through (4) )

Article 58 (1) The provincial government is duty bound to nurture, to develop and to preserve the diversity of the languages and of the literature in the region, in order that the self-image [s-i] (identity, *jati diri*) of the Papuans be preserved and strengthened.

Article 58 (3) In the primary-school classes, the children’s mother tongue is to be used as needed as the means of communication.

The documents quoted name the most important aspects of the Papuan culture. They express the fact that the identity of the Papuans has its basis in their culture. But they also express the Papuans’ concern about the chances of their culture for survival, as well as their concern about a possible estrangement from their culture due to Indonesian influences. Papuans are greatly troubled that their culture is considered to be inferior and backward and thus a hindrance for development and progress. They believe that Indonesia wishes to destroy the special identity of the Papuans and that in one or two generations there will be no more Papuans. They fear that ethnocide, or even genocide, may be impending.<sup>5</sup>

4 For further Sections (3) through (5), see page 22

5 Concerning genocide, see discussion below at the part Excursus

## I. The Roots of Papuan Culture – Background Information

### *Three Different Geographical Areas – Many Cultures*

The indigenous population of the present Indonesian province of Papua consists of 253 language groups.<sup>6</sup> Each group has its own traditions, its own religious concepts, its own social structures and, due to the variety of the different geographic environments, of course its own material culture and its own forms of economy. Three different geographic areas determine the ways of life of the Papuans living in them: the coast, inhabited by fishers and mariners; the densely populated mountain area with its healthy climate, populated by resident farmers, and the very sparsely populated marshy lowland belt between the coast and the mountains, populated by semi-nomadic hunters and gatherers.<sup>7</sup> The inhabitants of the Cendrawasih Bay in the north are well-known as fearless seamen, especially the inhabitants of Biak, who, with their large outriggers, had regular trade contacts with the northern Moluccas long before the first Europeans appeared in the area. The residents of the southern lowlands have quite a different boat culture. They traverse the large rivers, on which their villages are usually located. The Asmats, for instance, stand in their long, narrow dugout canoes, propelling them forward in a strictly uniform rhythm with a long, pointed, single paddle. While the people on the coasts and in the lowlands live in large houses – usually log houses on stilts, the mountain Papuans had to adjust to a rough, cool climate. They live in low, round huts which are carefully insulated against wind and rain and are warmed by an open fire. The mountain dwellers must work hard to make their living by tilling their sweet-potato fields, which are located on steep mountainsides. This way of life has left its stamp on their whole mentality: they are ambitious, persevering and industrious – in contrast to some of the coast dwellers. The Kamoro people on the Mimika Coast, for instance, are quite satisfied that nature offers them everything they need, free of charge and requiring no work. The Papuans' traditional tools and weapons were made of wood, bone and stone; they produced neither textiles nor pottery, nor did they forge iron<sup>8</sup>. Bark, grass and gourds were the materials used to make clothing: aprons, skirts, penis sheaves – and in the south there were tribes which wore no clothing whatsoever.

6 The estimates vary. Vlasblom (p. 33), speaks of 329 language groups and refers to data from the SIL (Summer Institute of Linguistics). Most articles speak of 253 languages.

7 The population of the mountain area constitutes approx. 50% of the total native Papuan population. Not more than about 10% live along the large rivers in the marshy lowland belt.

8 Exceptions: In Biak, there was an early art of forging. Pieces of iron salvaged from shipwrecks were made into machetes. In the Humboldt Bay, large clay pots were produced, which were usually used to hold water. The bright cotton cloths (*Kain Timor*) in the Bird's Head and the porcelain plates in Biak and Yapen were valuable trading goods which had been imported from the outside.

However, one must not overlook the great artistic skill, dexterity and differentiation with which the Papuans have fashioned their particular cultural environment. Each knotted bag is a work of art with its complicated technique and colour patterns. On the coast and in the highlands, there were painted decorations on the houses; arrows were carved with great care. In Angguruk, for example, differentiation is made between at least ten different kinds of arrows. Carving was done in Sentani, Biak, Yapen, among the Kamoros and the Asmats. The artistic skill of the latter is surely among the best in the whole Pacific region. But it is not only the material culture of the Papuans which is diverse, differentiated and a field of artistic expression: their religious concepts, myths, songs, and chants also give expression to a quite differentiated conception of the world (for more details to culture and religion see below).

#### *The Name „Papua“*

The name „Papua“ did not originate with the Papuans themselves. Jorge de Menezes, a Portuguese who reached the north-western coast of the island of New Guinea in 1526, is reported to have referred to the islands as the *Ilhas dos Papuas*. He is said to have used the Malay word *papuwah*, which is said to indicate „people with frizzy hair“. In Tidore, a small island in the Moluccas, the name „Papua“ is said to have been used as a synonym for „slave“. The Sultan of Tidore obtained his slaves from the *Ilhas dos Papuas*. Thus, the word originally indicated the dark-skinned people whom the Portuguese and Spanish mariners encountered on the islands at the western edge of the Pacific. In 1545, the Spanish mariner Ortiz di Retes sailed along the northern coast of New Guinea. He named the land *Nova Guinea*, since the coastline reminded him of Guinea in Africa.

The name *Irian* probably comes from the Biak word *irjan*. In Biak, the word means „beautiful“, „bright“, or „arising from the sea“. Among the people living in the Cenderawasih Bay, it means „land without bloodshed“ and in the region of Numbai (Jayapura) it means „our property“. As a name for West New Guinea, the word was first used by the Biak man Frans Kasiepo at the Malino Conference (held July 16-22, 1946, in Makassar). It was then taken up by other pro-Indonesian politicians from West Papua and by Indonesian politics and interpreted as follows: *I=Ikut R=Republik I=Indonesia A=Anti N=Nederland* (“Follow the Republic of Indonesia against the Netherlands”).<sup>9</sup>

In 1961, the Papuan Council voted to call the country *West-Papua*, contrary to the Indonesian usage. When Indonesia took over the country in 1963, the official name became *Irian-Barat* (West Irian); in 1969, the province was renamed *Irian-Jaya*. The Indonesians prohibited the use of the terminology „Papua“ or „West-

9 *Papua Barat – Kronologi Sejarah*, Vol. 1, 1999.

Papua“. The Papuans hated the name *Irian Jaya*. To them, it was the symbol of Indonesia’s contempt of the Papuan culture. Thus, beginning in 1998, they demanded that their province be renamed *Papua* or *West Papua*. But it was not until January 1, 2002, when the law governing Special Autonomy came into effect, that the present name of the province, *Papua*, became official.

### *Societal Life / Social Life*

By birth, every Papuan belongs to a clan, the name of which functions as his or her family name. The clans usually have a patrilineal structure, although there are matrilineal clan structures in some areas, e.g., on the Mimika coast. This is an indication that women often have great influence within the Papuan culture. Even in the patrilineal clans, the mother’s brother always has a great influence – sometimes even more than that of the person’s father. The women also always have hereditary land. „Patrilineal“ thus does not mean that women have no rights. Along the Mamberamo River, there is an old legend that a tribe was once ruled by a powerful woman. The myths of origin of the Yalis in the highlands tell of a happy primeval time in which the women grew beards instead of the men and made it possible for the people to live a paradisiacal life: e.g., it was not necessary to eat more often than once a week. But then the men interfered in a clumsy way and destroyed these felicitous conditions. A clan’s myths of origin usually mention specific locations which then constitute the basis for the clan’s claim to its hereditary land. There is thus a close relationship between the clan, its myths of origin and the religious activities (rites) derived from these myths, as well as the place where they are living and the garden and forest areas which form the clan’s living area and the economic basis for their livelihood.

The clans are usually exogamous, i.e., the marriage partner must come from another clan. Throughout the central mountain area there are pairs of exogamous groups of clans, i.e., moieties. An infraction of this basic social order – i.e., sex within the clan or the moiety – is considered to be a grave sin which endangers the vital foundations of the whole community, since the land would then become infertile and the gardens would no longer bear fruit. In earlier days, anyone who violated this rule was usually executed by the community. This latter only rarely occurs any more, but it is of note that this basic social organization has remained largely intact despite many modern influences. Normally, marriages are still contracted in conformation with the traditional rules.

A marriage is, as a rule, the basis for a lasting intensive relationship between two families. The groom’s family must always pay a bridal price, which is, however, always compensated by services rendered by the bride’s family. In the highlands, both the bridal price and the later compensation payments consist of pigs. The highland tribes in the west added to that shells of the money cowrie (which are salt-

water, i.e., coastal mollusks), or, in some highland areas, e.g., in the Paniai Lakes region, used solely „cowrie money“. In Biak and Serui, the most valuable and most important legal tender consisted of antique Chinese porcelain plates. On the eastern part of the north coast (now Jayapura), old pearls were greatly valued. In the southern and central parts of the Bird's Head, pieces of bright cotton cloth from the island of Timor, called *Kain Timor*, were valuable means of exchange and payment. In the ancient culture, the bridal price was a factor which stabilised the relationship between the families and also lent the bride dignity and a sense of her own worth. In modern society, this positive function of the bridal price has become lost.

The tradition of the bridal price demonstrates yet another characteristic of Papuan society: Each and every relationship, whether between families, clans, villages or individuals, is based on the obligation to exchange material goods, on giving and taking, on giving and receiving gifts. The Yalis in the highlands were dependent upon good relationships with the inhabitants of the neighbouring villages. But good relationships could not be taken for granted: there were often conflicts concerning land rights, concerning stolen pigs or kidnapped women. Such conflicts could develop into bloody disputes. From time to time, peace and friendship had to be renewed. This was accomplished by means of a „friendship dancing festival“. A date was agreed upon on which the initiative village would go to the neighbouring village to dance. Although the dancing did not involve dancing between mixed couples, particularly the young people were enthusiastic about the dancing, which went on for hours. They decorated themselves for days in advance – among other things, with feathers from parrots and birds of paradise and with necklaces of boars' teeth. The older villagers, however, concentrated more on the question of whom in the neighbouring village they should pay how many pigs. The neighbours would of course slaughter pigs and prepare a feast, for which one had to be prepared. Two or three weeks later, however, the return visit would be due. Then the neighbours would be dancing here and would in their turn expect a lavish feast. By means of dancing festivals held alternately in the various villages, the relationships between the villages were reinforced. The festivals provided an opportunity for bartering goods, and, often, relationships were also established which later led to marriage.

Correlative to the friendly relationships between neighbouring villages was the traditional hostility between villages or dwelling areas which were usually rather farther away. Such a hostile relationship was usually the result of battles in which one or more persons had been killed. The loss of a person's life forced a vendetta upon his relatives. Such a conflict could thus continue for generations. Some scholars contend that conflict has become such an integral part of the Dani culture that they cannot imagine a life without war.<sup>10</sup> Even today, Danis are considered to be easily roused to

10 Robert Gardener and Karl G. Heider, *Dugum Dani, Leben und Tod der Steinzeitmenschen Neuguineas*. Wiesbaden, 1969

conflict, to be aggressive and quick to fight. Conflicts and wars were common among all Papuan tribes, both on the coast and in the highlands. This has always hindered the formation of supra-regional units and, to this day, facilitates external efforts to arouse dissension. The fact that the past was so full of war and conflict raises the question of the extent to which this friend-foe view of life has survived to the present and is still effective in the Papuans' mutual relationships. The observation has repeatedly been made that conflict situations between school children and students often reflect animosities existing in the generation of their fathers or their grandfathers.

The rules governing the relationships between neighbouring villages were also valid for the relationships within the family, the enlarged family and the village. Every member of a family grew up into a network of obligations. Those who through industry and judiciousness had achieved a certain degree of prosperity soon saw themselves confronted all the more with the demands of relatives who had perhaps got into debt and needed help. Those who moved to the city were, to a certain extent, able to evade these duties. But it has been observed that most city dwellers still keep in touch with their home villages. The city dwellers, too, usually have hereditary land in their home villages, or at least certain rights which they do not wish to relinquish. In order to protect these rights, however, they must also fulfil their social obligations.

### *Traditional Leadership*

Each of the traditional Papuan tribes had its own system of leadership. Dr. Johsz Mansoben distinguishes between four general types: (1) the type of a king as leader, e.g., in the Raja-Ampat area, among the Onin, Kowiai/Namatota; (2) the type of the „Big Man“, among the Meybrat as well as in the rest of the Bird's Head area, and among the Me and the Muyu; (3) the type of the tribal chief, found in Sentani, Nimboran, the Humboldt Bay area, Tabla, Yaona, Yakari Skouw and Waris, and (4) a mixed type, found in Biak, Wandamen, Waropen, Yapen, Waya and the Cendrawasih Bay.<sup>11</sup> But differentiation can be made within each of these types. Let us examine the „Big Man“ type more closely, which is also to be found in many parts of the eastern and central mountain areas. The Dani language has a word for the big man: *kain*, whereas the neighbouring Yali has no separate term for the concept, using terms such as „great man“, „father“, „older brother“. While there are usually one or more *kain* in each Dani village, there are Yali villages in which there is no one single pre-eminent person. Five, six or even ten adult men are called „big man“. They make their decisions in common council, such as concerning opening new areas for gardens, concerning building a house, or concerning a war or retaliatory measures. Whereas in the Balim Valley it is quite usual for one of the sons of a *kain* also to

<sup>11</sup> For a full explanation of these different types of leadership, see: „*Sistem Politik Tradisional di Irian Jaya*“, by Dr. J.R. Mansoben, MA, Leiden, 1999.

grow up to become a *kain*, among the Yali it is solely the prestige each man earns for himself which is decisive and which can enable him to become a leader. A genuinely outstanding leader must be possessed of certain important characteristics: a good-looking, strong and impressive body, courage and success in battle, a loud voice which is able to gain general attention, and a certain degree of wealth measured in the number of pigs in his possession.<sup>12</sup> In general, it must be said that the tribes in the highlands are egalitarian societies. Neither the *kain* nor the „Big Man“ can make authoritative decisions alone. They are the speakers of their fellowship and merely proclaim what this fellowship has decided in common conclave.<sup>13</sup>

The situation is quite different where types one and three are concerned. Only someone who has been born into the family of a king (*Raja*) or a chief (*Ondowafi*, *Ondofolo*) can become one himself. In the tribal societies of West Papua there is a kind of hereditary nobility. The king or chief often makes autarchic decisions without consulting his people beforehand. This often leads to considerable conflicts, e.g., in the case of ceding land. But a wise king or chief also knows that his power is limited. The society will not abide a continuous abuse of power.

Along the Mamberamo River there is an old song which tells about Came, a powerful woman chief. Came is a member of the Kawera tribe. Various smaller tribes living along the middle stretch of the Mamberamo River were under the protection of the Kawera tribe. She was the leader of the Kawera and also had power over the smaller tribes. But she was also a traitress to her own people, for she killed whomever she wanted to. Thus, her own subjects decided to kill her. One night, they succeeded in capturing her. But before she was killed, she asked permission to sing a song as a sign of her repentance – the song about herself.<sup>14</sup>

Dr. J. Mansoben calls the leadership structure in the Cendrawasih Bay a mixed type. There are several different factors which have influenced its development. (1) The inhabitants of Cendrawasih Bay were traditionally a people of pirates. Raids on other villages were an everyday occurrence, during which captives were taken who were then held as slaves by the captors in their own village, or who were sold, some of them to the Sultan of Tidore. In the villages there were thus two classes or castes: the free and the slaves. (2) The Sultan of Tidore granted leading Papuans certain titles which conferred particular prestige, and in many cases also particular power to the bearer of the title.<sup>15</sup> The titles were at first part of the person's name and some-

12 Klaus Friedrich Koch, *Conflict and its Management among the Yali People of West New Guinea*, Ann Arbor, Michigan, 1967, p. 54.

13 *Ibid.*, p. 59.

14 The dancing group *Tari Ajeri* from the Mamberamo area used this legend as the basis for a dance it performed several times during a tour of Germany in 1998.

15 F.C. Kamma, *De Messiaanse Korero-bewegingen in het Biaks-Noenfoorse cultuurgebied*, den Haag, n.d., p. 10.



times they even replaced the name, e.g., Mayor. There are still families on Biak named Mayor, which was originally a title which had been granted. (3) The inhabitants of Biak, particularly, represent a tribe in which each individual strove to become a hero. As a hero he then enjoyed recognition as a leading personage. This, too, is reflected in the names. The family name Mambrisauw, for example, means, „You are a hero“.<sup>16</sup> As a result of their extensive seafaring and the contacts resulting from it, the inhabitants of the Cendrawasih Bay were subject to strong external influences. This explains a certain lack of unity in the leadership structures.

However diverse the forms of leadership in Papua may be, certain common traits can nevertheless be discerned there. Leaders are not absolute rulers: they must earn their reputation by performance; they must listen carefully to the opinions within the village community before making decisions. They must not misuse their power and their prestige. Papuan tribal fellowships are democratic-consultative, and each leader must keep this in mind. Neles Tebay, using the example of the Me culture in the western highlands, emphasises three elements of the tribal fellowship which determine the relationship between the leader and the village community: equality, participation and independence. He bases this on the innate dignity of each person, which has been bestowed upon them by their Creator.<sup>17</sup>

The Dutch colonial administration did not attempt to make any changes in the traditional leadership structures. It restricted itself to assuring that the established laws were obeyed. As a rule, the Dutch „Controleure“ and „Residenten“ were in charge of large areas and, in carrying out their specific tasks, co-operated with the traditional leaders.<sup>18</sup> It must be noted, however, that as a result of schooling and higher education different values and qualities became important to the younger generation than those distinguishing the traditional leaders. Due to the presence of ministers, teachers, nurses and other people with Western education, the authority of the traditional leaders crumbled. In addition, however, the Indonesian administration intentionally destroyed the traditional structures in order to gain direct influence upon the village community themselves. For instance, so-called *kepala desa* (head of the village) were installed, who were well-paid and whose task it was to represent to the village population exclusively the interests and concerns of the Indonesian government. In this way, the basically democratic attitude of the tribal societies was not only disregarded but, in the end, even destroyed. In addition, the government appointed so-called *kepala suku* (head of the tribe), whose task it was to act as speaker for the tribal community, but, if at all possible, in line

16 *Ibid.*, p. 15, and personal communication.

17 Neles Tebay, *Government must recognize, address the Papuans' need for democracy*, in: The Jakarta Post.com, Opinion, August 10, 2004.

18 V.J. de Bruin, *Het verdwenen Volk*, Bussum, 1978.

with what the Indonesian government wished to achieve among the population. Thus, the instalment of the *kepala suku*, too, paid little respect to the traditional structures.<sup>19</sup>

### *The Papuan Identity*

Originally, „identity“ among the Papuans was the identity of a small group: of a family, of a small village or of a small group of villages. When the Yalis in the highlands of Papua defined themselves, they gave the name of their village, e.g.: „We are the people of Pasikni“. In those days, the village of Pasikni had about 1000 inhabitants and was thus one of the larger villages.<sup>20</sup> In the river areas of the lowlands and on the coast, there exist much smaller groups – often a few hundred people have their own language. Personal identity was defined by the common language, the common traditions regarding family and religion, the common culture and way of living. As a rule, the small groups were hostile toward their neighbours. Having a common enemy served as a means of creating and reinforcing the group’s identity. Most marriages were contracted within the group. The young people only rarely left the villages, the gardens and the forest areas of their own group. However, each village had its traditional trade partners. These trade partnerships were cultivated and, from time to time, were reinforced by means of dancing festivals and the exchange of pigs – and also by means of mutual intermarriage.

In the heavily-populated highlands, there were also feelings of a common identity within larger areas, e.g., among the inhabitants of the Balim Valley, who all traced their ancestry back to common beginnings in a cave at the foot of the *Ferawe* Mountain near Seinma/Kurima. In the Yali area, it was also the own valley, e.g. the Yahuli or Ubahak Valley, in which the inhabitants felt common bonds. After all, they could see the neighbouring villages, even if their inhabitants were considered to be enemies and the „neighbours“ never entered each others’ villages! All the inhabitants of the valley were aware of their common origin „in the East“ and knew about the common mythical ancestor, *Yeli*. But the Yalis did differentiate themselves from their eastern and western neighbours: „The People of the West live over there, the People of the East live over there, the People of the Mouth of the River over there and the People on the Other Side of the Mountain over there.“ If one then asked them: „And who are you?“, the answer was: „We are the human beings, the People“, adding the name of the village or the river. The people in the western highlands who are called the Ekagi/Kapauku also use the term *We people* (= *Me*) to define them-

19 Concerning the results of this policy, cf. the chapter From traditional to modern patterns of ‘government’.

20 Klaus Friedrich Koch, *Conflict and its Management among the Yali People of West New Guinea*, pp. 44 ff..

selves. *Me* is thus not the name of a tribe, but the word for *human being*.<sup>21</sup> The terms „Kapauku“ and „Ekagi“ are names given the tribe by other people.

It was not until the turn of the century, around 1900, that a „we-feeling“ began to develop which could be called a common identity of the Papuans.<sup>22</sup> In 1898, the Dutch colonial government established a permanent central administration in Manokwari. In the following years, expeditions were made to explore the country. There was also a turning point in the Christian mission work at this time: the population of the northern coast began to welcome the teachers and evangelists and their message with great joy. This continuous contact with foreigners, both the government employees and the missionaries, created a stronger feeling of the people's identity as Papuans, transcending that of the previous small groups. Throughout the area, Christianisation led to peace treaties between previously hostile groups. The people's horizons became wider: notice was taken of other villages and regions and, even though the identity of the small groups remained intact, the people began to recognise common traits of a Papuan culture.

#### *Traditional Living Areas and Legitimate Land Rights*

All Papuan peoples have a close relationship with the land on which they live. The Amungme people call the land „our mother“. They thus give the clearest expression to a basic concept which is shared by all other Papuan peoples: that the human beings came forth from the land and that they are so closely related to it because it is the basis for their life, or is even their life itself. The land is part of their identity.<sup>23</sup> The Moi people in the western Bird's Head have a very similar concept. A young Moi is quoted as saying, „Our identity is our land. If we no longer possess land in our *adat* region, we can no longer be called Moi.“<sup>24</sup> Both the Amungmes and the Mois, as well as some other tribes, conceive the high mountains, with their highest peak, the snow-covered Puncak Jaya, to be the head, the shoulders, and the breasts of the Mother; the torso and the legs then forming the flat coastal plain and extending all the way to the sea. The particular tragedy of the Amungmes is that not only have they been driven from part of their land, but the gold and copper mine in Freeport has also completely destroyed their „mother“. All other tribes also have myths which explain their particular bond to the land on which they live. Among the Yalis, there are many myths about a long hike of the founder of a clans from place

21 Dr. Benny Giay, *Zakheus Pakage*, Amsterdam, 1995, p. XVII. In recent publications *Me* sometimes is spelled *Mee*

22 Interview with Dr. Johsz Mansoben, in Jayapura on July 26, 2004.

23 Ismael R. Silak SH, *Mengambil tanah tidak beda mengambil nyawa manusia* (MS, 2004), and M. Ferry Kareth SH, *Pemilikan Tanah Adat dan Pembnguan di Irian Jaya* (MS, 1998).

24 Silas Kalami from the village of Malaumkarta, quoted in: Macx Binur: *Tegeş Maladam* (MS,2004), p. 11.

to place. His hike finally ended at the site where he built his „mens' house“ and where the clan now lives. The inhabitants of the Balim Valley trace their origin to a cave near Kurima, from which their ancestors climbed into the light of day.

In Papua there is no „no man's land“; all land is in the possession of someone. Normally, the owners are certain clans which have inherited the land and whose progeny inherit it in their turn. Among the Yalis, land can be bequeathed both patrilineally and matrilineally. There are also clans which possess no hereditary lands, but which do have easements. These easements are also hereditary, but, although they do lead to a certain prescriptive right, they never lead to a right to possession of the land. In addition to the arable land, which has been tilled for generations, there are also forest lands which, like the arable land, belong to certain clans. Those forest lands bordering on the local communities arable lands constitute potential arable lands, either for future generations or in case the arable land must be enlarged for some other reason. The forest areas located farther away provide firewood, wood for building, vines used in building houses, leaves for making roofs, material for making nets, bracelets and other ornaments, as well as other commodities, and also provide an area affording possibilities for hunting tree kangaroos, birds, cassowaries and wild pigs. Along the coast and in the lowlands at the foot of the central mountain range, less gardening is done, but the sago palms, which are the source of the staple food of the local population, are to be found throughout the forests. The boundaries between the living areas of the various villages and tribes, and thus also the boundaries between their territories, are formed by mountain ridges and rivers, or sometimes by prominent rock formations or unusual trees. They are always well-defined, known to all and must be respected.

It is no wonder that these traditional rights concerning land and inheritance already collided with Western land rights in colonial days and of course also collided with Indonesian laws. One can perhaps even say that this is the most fundamental point of conflict, since it affects not only the Papuans' property rights, but even the basis of their very lives, and, indeed, their „right to life“.

### *Traditional Religion*

The different forms and different specific points of emphasis of the Papuans' traditional religion have a common background: religion is communication with their ancestors and with the universe, whereby the ancestors can be conceived as a part of the universe.<sup>25</sup> Numerous orally transmitted myths made their impression upon the people's imagination and formed the framework within which this communication took place. There are myths of origin and myths of provenance, myths concerning

25 Siegfried Zöllner, *Lebensbaum und Schweinekult*, Brockhaus, 1977, and Siegfried Zöllner, *The Religion of the Yali, Point-Series*, Goroka, 1988.

the world-picture, myths involving godlike primal figures, myths about the formation of the world and about the origin of mankind, myths about the origin of certain rites and about the provenance of sacral objects. Religion was practised through the performance of very specified rites. These rites made reference to the myths in a variety of allusions. There was, for instance, no rite which did not include the use of pork or lard. Lard was meant as a reference to the mythical First Pig, from which all human life arose.<sup>26</sup> There were rites for the initiation of boys, girls and men; rites to stabilise the fertility of gardens, pigs and village communities; rites for the dead; rites for building houses, for waging war, in case of natural catastrophes and for many other occasions. A central element of the rites, which can be performed in quite a variety of ways, are sayings, spoken formulas, conjurations, invocations – whispered, spoken, called out loud, or sung; one could perhaps say: prayers. For example: as a rule, the Yali medicine men sang their treatment formulas.

Rites were performed to secure the well-being of the community. Evil spirits, which had perhaps caused illnesses, were to be kept at bay. Everything which could detract from the fertility of the gardens had to be removed and then kept at a distance. Pigs, as valuable house pets, and people had to be kept in good health. Natural catastrophes had to be warded off. For obvious reasons, religion was to a large degree oriented to external well-being, to the here and now. An example of this is an adjuration which was part of a rite to improve the food situation, whereby the chanter is speaking in the name of the village community:<sup>27</sup>

My yam tuber, it shall come,  
 my taro tuber, it shall come,  
 my banana, it shall come,  
 my pig, it shall come,  
 my cowrie snail, it shall come,  
 my salt, it shall come,  
 my salt stone, it shall come,  
 my *siye* stone, it shall come,  
 the adze blade from the east, it shall come,  
 the adze blade from the west, it shall come,  
 the bow of the palm tree, it shall come,  
 the woman shall come,  
 with a walking stick, from far away,  
 adorned with a necklace of seashells,  
 adorned with a necklace of seed beads,  
 with a large seashell adorning her neck.

26 Cf. Appendix, *The Myth about the Primeval Pig*

27 Zöllner, *Lebensbaum...*, *Ibid.*, p. 164.

I am like the *piyoho* tree in full blossom,<sup>28</sup>  
 I am like the *salama* tree in full blossom,  
 the birds shall come chirping,  
 they shall come with fluttering wings.

This concentration of the religion on the real world is perhaps the underlying reason for the development of the so-called cargo cults within the Melanesian cultural sphere.<sup>29</sup> Although not as many cargo cults have been documented in West Papua as in Papua New Guinea, the religions in Papua clearly think in terms of „cargo“. This way of thinking provides fertile soil for cargo cults, a few of which have also existed from time to time in Papua. Within the population, it has created a basically materialistic attitude towards life which has also made its way into the Christian faith and the Christian churches.

The religions of the Papuans in their quite varied modes of expression cannot be called „primitive“ religions. The tribal religions were highly differentiated and provided answers to any and all questions related to the life of the Papuans within the framework of their horizons and their world-view. The religions secured the basis for living one's life and provided protection in the face of the dangers of the world, in the face of evil spirits and an unpredictable nature.

#### *Poetry – Music – Oral Traditions – Material Culture*

The Papuan cultures are rich in oral traditions: there are numerous myths, much legendary fiction and many songs. The oral traditions can be divided into two types: the specifically religious myths, hymns, chants and the secular legendary fiction and songs. Many of the latter are dance songs, which were often created at the traditional dances and then sung right there. Since there was no written culture, the danger was and is great that these word-of-mouth transmissions be lost forever. Merely by felicitous chance, some missionaries and anthropologists have written down parts of the oral traditions. Indonesian scholars have demonstrated little interest in the Papuan culture.

Most of the songs, which are usually a part of the oral tradition, are dance songs, healing chants of medicine men, etc., but also songs which express love, longing and mourning. The lyric form is the *parallelismus membrorum*. Two lines express the same idea with almost the same words. Often certain events are put to music and thus into rhyme form. An ancient Yali song as an example:

28 Just as a blossoming tree attracts the birds, a rich village attracts people from all over.

29 „Cargo cults“ is the term used to describe religious movements whose „worship services“, rites and prayers are concentrated solely on the (magical) acquisition of goods, such as food and tools, and of money.

My dog, do not whimper so  
 my dog, do not bark so,  
 you, my brother, in your house  
 the smoke is rising merrily upwards,  
 I, your brother, in my house  
 no smoke is rising any more.

The song describes the conversation of two men who are coming home from the hunt. One of them sees that his hut is no longer inhabited and knows that his wife is dead. With this song, the melody of which expresses sorrow and lamenting, he tries to calm his whimpering and crying dog.<sup>30</sup>

Originally, carving and painting were done for religious purposes. The art of carving was particularly highly developed among the Asmat and Kamoro peoples on the south coast. Carved family trees, drums, paddles, beaters to pound sago, shields, boards for building houses, as well as figures of human beings and of animals were made and decorated with great skill. But also on the north coast, especially around Lake Sentani, the *adat* (cult) houses were richly decorated with carvings and paintings. In Biak and Serui, the wood carvers threw their whole artistic effort into the decoration of the stem and stern-post of the large canoes, the sides of which were also decorated. For just like an *adat* house, a boat is also a place where one can communicate with one's ancestors.<sup>31</sup> In the central highlands, very little artistic work was or is done. Among the Yali people, the cult houses were painted on both the inside and the outside, and certain cult objects were also decorated: stones were painted and designs were carved into the surface of boards. Among the commodities, it is particularly the carved arrow tips which demonstrate a high level of skill. Now and then, one sees decorative carving on the calabash gourds and the pieces of bamboo used for carrying water. Many tribes use masks or fashion their hair into works of art for certain rites. The plaiting or hand-crocheting (done without any crochet needle) work also demonstrates a high degree of artistic skill. In all Papuan tribes there were plaited or hand-crocheted net bags, bracelets, necklaces, hairnets and many other decorative or useful objects in numerous variations, all of which demonstrated the high skill of the people who had made them.

One thus cannot well speak of a „primitive“ culture. The Papuans made optimal use of the technical possibilities at their disposal and, in a geographically difficult setting, accomplished masterly feats which deserve respect and recognition. In Indonesia, however, this respect and recognition is not being granted them.

30 Zöllner, *Lebensbaum und Schweinekult*, p. 641.

31 G.J.Held, *De Papoea – Cultuurimprovisator*, pp. 143 f..

## II. Change – Ruptures – Clashes

### *Indonesian View on Papuan Culture*

To call the Papuan culture „Stone Age culture“ is to express a discriminatory evaluation which is perhaps unintentional, but which nevertheless stems from a feeling of superiority based on the knowledge that one's own culture has long since left the Stone Age behind it. This feeling of superiority creates a psychological gap which is difficult to bridge and which in the long run makes genuine communication impossible. Only those who can really appreciate the Papuan culture as an achievement and who have a sense of its diverse dimensions can overcome this feeling of superiority and be capable of genuine communication.

The Papuans themselves, within their own social setting, are quite aware of the superiority of the one over the other: the superiority of the strong over the weak, of the rich over the poor, of the prestigious over the scorned. The word *kembu* in the Dani language indicates the despised, the unimportant, the poor. Soon after their very first contacts with representatives of the world beyond their horizon, the Papuans became aware of the strangers' 'superiority' and dynamism; nevertheless, their self-assurance usually did not suffer during this first phase of contacts. There were often reports of Papuan warriors armed with bows and arrows who felt quite equal to battling police troops armed with rifles.<sup>32</sup> They were in no hurry to relinquish their own culture, religion or way of life. It was only after years or even decades of contact with the strangers that Papuans developed a feeling of inferiority and, along with it, the wish to become like the strangers.

How have the Indonesians, who have been responsible for wielding power in Papua since 1963, evaluated, accompanied, and encouraged this often painful process of acculturation and thereby helped to mitigate the problems? The Papuans are unanimously of the opinion that Indonesians have always considered the Papuan culture to be inferior, backward and an obstacle to modern development. Is the fact that in the earliest known history Papua was already a peripheral area within the jurisdiction of the Sultan of Tidore and subject to tribute – an area which, although it had no valuable spices, could at least provide slaves – perhaps the historical background for a feeling of superiority among the Indonesians which has survived up to the present? There are hardly any scholarly publications by Indonesians about the Papuans. Only seldom have Indonesians attempted to understand Papuan culture and to respect it as a cultural achievement. The anthropologist Dr. Johsz Mansoben names three Indonesian authors who have concerned themselves with the Papuan culture:<sup>33</sup> Koentjaraningrat, Harsya W. Bachtiar and Parsudi Suparlan – only these

32 De Bruin, *Het verdwenen Volk*, Bussum, 1978, pages 11 - 12

33 Interview with Prof. Johsz Mansoben on July 26, 2004, in Jayapura.



three had shown a real interest and made a genuine attempt to understand the Papuan culture. Mansoben complains of a lack of willingness within Indonesian scholarly research to concern itself seriously with the Papuan culture and with the Papuans' process of acculturation. He says, literally: „They do not understand us!“<sup>34</sup> Instead, be it by design or unconsciously, prejudices are built up. An illustrated album on the Asmats by Dea Sudarman, published in 1984, shows the exotic and, at the same time, „primitive“ image of Papuan culture and thus creates a specific image among the general public. Articles and series of articles on the Papuans in the national newspapers regularly show photos of Papuans decorated with feathers, with bow and arrows, or even wearing penis sheaths.<sup>35</sup> Indonesians have ambivalent reactions to the demonstrative nakedness of the Papuans: shame, that in the 21<sup>st</sup> century such backwardness still exists; compassion; a „missionary“ desire to help them develop themselves; a feeling of justification for the Javanese ascendancy; contempt for an inferior culture and arrogant patronisation; the reinforcement of prejudices. And the Papuans' nakedness is also exploited commercially, for it is an attraction for well-heeled tourists.<sup>36</sup>

One example of the Indonesians' complete lack of comprehension of the Papuan culture is the *operasi koteka* (Operation Penis Sheath), which was launched on August 17, the Indonesian Day of Independence (from Holland), 1971, by the then Governor, General Acub Zainal. Within half a year, the highland population – approximately 300,000 people – were to be acclimated to textile clothing. Many bales of clothing were flown to Wamena, the central town and airport in the highlands, and some bales were simply dropped from the planes in flight. The Danis were forbidden to enter the town of Wamena wearing penis sheaths. The Danis had neither towels nor soap and had no idea that textile clothing has to be washed and cared for. The consequence was an epidemic of skin diseases. The campaign was not the success the governor had desired and simply came to nothing – as have so many of the Indonesians' attempts to enforce changes. Although Aceb Zainal probably had good intentions, the campaign demonstrates a complete lack of knowledge and intuition concerning the possibilities for effecting changes in traditional cultural patterns. Dr. Johsz Mansoben has pointed out that at that time there were still relatively few well-trained Papuans and that there was thus no basis among the Papuans for an objective evaluation of this campaign. It was not until the 1980s that a new generation of young

34 „Mereka tidak memahami kita.“

35 E.g., the issue of the magazine *Fokus Kompas*, published in Jakarta, of Nov. 25, 2001. On July 18, 2004, TVRI, one of the Indonesian (state) TV companies, broadcast a film about the Danis in Wamena, showing solely people with penis sheaths, pigs, sweet potato patches, and hunting scenes. I am of the opinion that some of the scenes were staged. – Rev. Welman Boba in Jakarta confirms that the above is the prevailing image of Papuans.

36 Neles Tebay and Agus A. Alua, *Keberadaan Orang Papua kini dan esok*, 1999, p. 2.

Papuan scholars, among them Arnold Clemens Ap, appeared on the scene, who then established a more objective perspective concerning their own society.<sup>37</sup>

After forty years of experience with the Indonesian government, the Papuans still notice a lack both of unreserved respect for their human dignity and of an appreciation for and recognition of their culture. They repeatedly express the concern that the Indonesians, due to their feeling of superiority, aim at a systematic destruction of the Papuan culture.

### *A New Papuan Identity*

Political developments also did their part to encourage the development and strengthening of a common identity among the Papuans: the Second World War with its Japanese occupation, the post-war period with an empathetic development of Papuan administrative structures by the Dutch, the perspective, as of 1960, of possibly being able to achieve independence and, finally, the confrontation with Indonesia. J.V. de Bruin proves to be a good observer when he writes: "Through the war, i.e., through their service in the army as soldiers of the Papua[n] Battalion, through their service as responsible governmental assistants and as police officers, their self-awareness and self-assurance had grown. More than ever before, they had become aware of their own worth and their own abilities. They no longer accepted being looked down upon by the Ambonese and other non-Papuans and regarded by them as dumb, dirty animals. 'We can do whatever they can do; we don't need them any more!' was the general feeling among the more developed Papuans. The Papuans' self-assertion had awakened."<sup>38</sup>

The annexation of the province by Indonesia on May 1, 1963, and the subsequent take-over of the whole administrative structure by the Indonesians, as well as the massive immigration of Indonesian people, raised a new aspect of the question of identity: that of racial differences and thus the question of racism. Papuan identity is repeatedly defined as having a dark skin and frizzy hair. This is referred to in many conversations. Papuans sense that the Indonesian standard of beauty – and the Asian standard in general – is a light skin, and that the Asians' basic emotional reaction is to consider the Papuans to be ugly. Papuans sense that dark skin and frizzy hair is a stigma. They feel themselves regarded as second-class human beings. The following two examples can help to illustrate this point:

On May 29, 1998, a public discussion was held in Jayapura between Papuan students and some members of the National Commission for Human Rights who had come from Jakarta. One of the students stood up and began his contribution to the discussion as follows:

37 Interview with Dr. Johsz Mansoben on July 26, 2004, in Jayapura.

38 J.V. de Bruin, *Het verdwenen Volk*, p. 273

This morning I woke up early and washed myself thoroughly, but my skin is still black. I combed my hair, but it is still frizzy. People from the outside (i.e., with light skins and smooth hair) do not regard us Papuans as human beings. Ever since 1969, they have been killing us...<sup>39</sup>

The student was trying to express the fact that one basic reason for the discrimination against his people and the violations of their human rights is that, unlike the Indonesians, the Papuans have dark skin and frizzy hair.

In a newspaper article in the Irian Jaya Post of June 14-20, 1999, with the title „The Mind behind the Hostage-Taking“, the author (an Indonesian) wrote about the Papuans in a very cursory, almost vindictive manner, of which the following quotation may serve as an example:

A friend of mine, who is a journalist from Jakarta and an expert on political and military matters, once said:

„Is Irian Jaya really a danger for Indonesia? Not even two million people live there, and they are scattered over the whole country. Their knowledge and their technological standards are quite backward; they are split up into many different tribes. If they should decide to rebel against Java, all we have to do is to send a hundred million people from Java over there and have them piss once. Then all the Papuans would drown. We wouldn't need to pick up a single rifle or waste a single bullet!“

The author quotes these horrible, discriminating words without comment or any indication that he does not agree with them. He thus shares his friend's opinion! His article deeply injured many Papuans who read it. One Papuan wrote: „This is the way the Javanese despise and humiliate another ethnic group!“

In the course of the past few years, the Papuans have become increasingly conscious of their identity as a people – a process to which their confrontation with Indonesia has considerably contributed. „In the Papuan concept of themselves, the *orang Papua* (Papuan people) are *orang Papua*, and nothing else. The Papuans will never become Indonesianised – turned into Indonesians. Every Papuan, no matter who, is firmly convinced that an Indonesian is different from a Papuan.“<sup>40</sup> Benny Giay illustrates this statement with an experience he had in Beoga in the western highlands of Papua: The *Camat* (head of the district) of Beoga, a non-Papuan, was somewhat put out because he could not convince the Damal people, who lived in that region, that they were Indonesians. In his speeches at church and political occa-

39 The accusation, „*They think we are animals. instead of people*“, can be heard often, e.g., Tom Beanal before the UN-Human Rights Commission on April 19, 1999 – *West Papua-Rundbrief*, Wuppertal, No. 11/June 1999, p. 44; Rev. Hermann Saud in „*We have black skin, we have frizzy hair*“ – *WP-Rundbrief* No. 26/June 2003, p. 38.

40 Dr. Benny Giay, *Menuju Papua Baru*, Jayapura, 2000, p. 3.

sions, he always addressed them as fellow Indonesian citizens. Once a Damal answered him:

„Pak Camat, we are not Indonesians, we are Damal. We are different from you: our clothing, our food, our hair and the color of our skin prove that we Damal are not Indonesians and that you Indonesians are not Damal.“<sup>41</sup>

Benny Giay describes as follows the arrogance with which the Indonesian authorities destroy the Papuans' self-assurance by treating them as objects:

„The state authorities regard themselves as teachers in possession of all wisdom, who understand the world, and who of course know the needs of the Papuan population. They of course also know how these needs must be fulfilled. The representatives of this state thus see themselves solely as people who teach, dictate and convey the image of a new world according to an Indonesian pattern. Within this framework, the Papuan population is relegated to the position of the uneducated and those behind the times. It is said that it is impossible to find trained personnel among the Papuans, that they are lazy and drunkards, etc.. For this reason, in the speeches, addresses, declarations in the press and in official documents concerning the problems of the Papuans, language is used which is the language of the oppressors and which characterises the Papuans in a certain way. ... The result is that the Papuans have no chance whatsoever to develop their own talents and to make their own decisions concerning the process of their development.“<sup>42</sup>

### *Modern Families – New Roles*

In the 1980s, a change began among the younger generation which was sparked, among other things, by the fact that many young Papuans had had the chance to attend modern institutions of learning in Papua (schools, high schools and universities). The number of students multiplied in cities where there is a concentration of institutions of learning, such as Jayapura, Manokwari, but also Wamena. There were also many young people who left Papua in order to study in other parts of Indonesia, especially in Java. As has already been mentioned, this development led to a strengthening of the Papuans' self-assurance and of their identity, but it also affected the younger generation's attitude toward the old traditions, since they then no longer took the *adat* laws quite so seriously. However, there still remain differences between the city and the country. Families still living in the villages often complain about the „bad“ influences brought back to the villages by their young people who have managed to settle in town.

The differences between country and city also have a decisive influence on the educational and occupational opportunities available to women. In the country, there

41 *Ibid.*

42 Dr. Benny Giay, *Penggunaan Bahasa dan Wadeh Gereja/agama di Papua*. Manuscript, 2000.

is a steady decline in the number of female pupils from the first to the sixth grade. Merely a fraction of those girls beginning school in the country also graduate from primary school, continue on to higher schools and, finally, attend university. The situation is quite different in the city schools. However, if a young woman does manage to enter university, she then has the same chances as do the male students. Approximately one-fourth of all students are women. If at all possible, upon completion of their studies they then go to work. This is accepted as quite normal and the compatibility of working and having a family does not seem to present any problems. The tables in the appendix II show that women have found their place in public life.<sup>43</sup> However, despite considerable progress as far as the equality of men and women is concerned, young people still tend to have the feeling that „the men should stand in front and the women should stay in the background“.<sup>44</sup>

Since young people often meet during their college education, the number of marriages between Papuans from different regions is on the increase, as is the number of marriages between Papuans and non-Papuans. In such marriages, the old traditions are then no longer taken so seriously, since the couple would have to concern themselves with two different sets of old traditions. However, the acquiescence of both families is still important, and usually a bridal price is also agreed upon, but one within the families' economic possibilities. The parents respect the young people's wishes and do not place obstacles in their path.

What consequences do these „mixed marriages“ have for the Papuans' identity? This raises the question of the identity of the younger generation. In a mixed marriage, the couple usually speaks Indonesian with each other, rather than their own tribal languages. The children grow up with Indonesian and have only a rudimentary knowledge of their parents' tribal languages. If the family lives in a village, the children of course learn as a second language the language which is spoken where they live. If, for example, they grow up in a Yali village because their parents are teachers there, they learn the Yali language and for this reason have a special, life-long bond with the Yalis, even if their parents come, for instance, from Biak. Whether the children tend to lean more to the cultural background of their father or of their mother depends on which set of relatives develops the best relationships with them. Experience has shown that when men from the highland Papuan tribes (Dani or Yali) marry women from the coastal regions, it is difficult for them to return to the highlands. Most women cannot or do not want to adjust to living in the highlands – it is too cold, they miss sago and betel nuts, and they cannot communicate with those around them. One cannot, of course, make a sweeping generali-

43 See Tables 1, 2 and 3 in the Appendix concerning the percentage of women among public servants and teachers and school situation.

44 Conversation with young people in Biak on July 20, 2004, concerning the respective roles of men and women.

sation here: it all depends on the individual person and on his/her personal point of view.

A special problem arises with children who have one non-Papuan parent. The racial discrimination of the Papuans has led to the question of a Papuan identity, of a *black consciousness*. It is quite alarming that there are groups of Papuan young people who stick together and assure each other that they are proud to be of pure Papuan blood.<sup>45</sup> There have always been Papuans who made snide remarks about those Papuans who marry non-Papuan women. The problem is exacerbated by discussions concerning what is called „ethnocide“. When Papuans accuse the Indonesian government of wanting to wipe out the Papuan people,<sup>46</sup> it is always also said that the massive immigration of Indonesians to Papua leads to intermarriage between Papuans and Indonesians and that in a few generations there will be no more Papuans. Is an „ethnic group“ a value in itself? From the point of view of the UN Declaration on Human Rights, this question must be answered with „Yes.“ Ethnic groups constituting a minority in their country are protected by international conventions. From the theological point of view, on the other hand, the question looks a bit different. Discrimination of ethnic minorities is of course not allowable, but neither is discrimination of a mixture resulting from „mixed“ marriages. All human beings have the same rights and the same human dignity as any other human being. He/she has the right to claim his/her identity on the basis of his/her origin or his/her parents' origin. There is obviously a potential conflict involved here which should be recognised and dealt with.

The Papuans themselves have already worked out a definition of which persons are qualified to call themselves Papuans. All persons who have one parent who is a Papuan belong to this group, as well as all those who were born in Papua.<sup>47</sup> There is also further differentiation. This question always arises during discussions concerning a possible independence of Papua or a possible referendum along the lines of that held in East Timor. At present, the discussion is, politically speaking, of course meaningless. In addition, if it is used as an attempt to define an „ethnic group“, it is, ethically speaking, dubious and possibly even dangerous, since it could give rise to a racial ideology.

45 This was reported by Rev. Gustaf M. Wutoy from the Waropen coast in a conversation in September, 2004.

46 Cf. the discussion on genocide below at Excursus; cf. also the article by Neles K. Tebay, „Why Papuans want to secede from Indonesia“, in *The Jakarta Post*, December 2, 1999, p. 5.; see also Table 5 in the Appendix

47 This discussion took place during the Papuan Congress in 2000, information obtained from Victor Kasiepo in February 2005.

*Excursus: The Discussion Concerning Genocide*

On December 10, 2003, Human Rights Day, the Yale Law School in New Haven, Connecticut, USA, presented a study which investigates the question of whether the concept genocide can be applied to the infringements of human rights which have been occurring during the past 40 years in Papua, Indonesia. The study was made by a research group of the Allard K. Lowenstein International Human Rights Clinic, a department of the university.

The study comes to the conclusion that the historic material available at present „strongly suggests that the Indonesian government has committed proscribed acts with the intent to destroy the West Papuans ... in violation of the 1948 Convention on the Prevention and Punishment of the Crime of Genocide.“

The study has two main parts. Part I presents a chronological list of the infringements of human rights in Papua from 1963 up to the present. However, only English-language sources have been taken into consideration and none in Indonesian. Part II investigates the question of the extent to which the law against genocide can be applied to the situation in West Papua. Part II thus concerns itself with legal questions and the interpretation of laws. The study encompasses 77 pages and is available solely in electronic form.

At several points, the study comes to the conclusion that in Papua Indonesia has performed crimes against humanity:

„Such acts, taken as a whole, appear to constitute the imposition of conditions of life calculated to bring about the destruction of the West Papuans. Many of these acts, individually and collectively, clearly constitute crimes against humanity under international law.“

The Yale Law School is one of the most highly respected law schools in the United States. For this reason, the study will receive attention in the USA – and, it is to be hoped, also within the administration and the Congress. Further, it may lead to a thorough evaluation by independent experts of the United Nations in order to find an appropriate way of response.

*Economic Aspects*

Through their family relationships, all Papuans grow up into a network of obligations. Modern economists have repeatedly raised the question of whether the Papuans' culture-related bonds within a network of duties, as described here, prevent their becoming successful businessmen.<sup>48</sup> Many small stores, kiosks, and co-operatives have been founded, for which starting capital was loaned both by the government and by credit unions. After a while, however, hundreds, if not thousands of such

48 E.g., Andreas Kusch, „Irian Jaya zwischen Stammeskultur und Moderne“, *Evangelische Missio logie* 13, 1997.

small enterprises had to be given up because the capital had been used up and no profits had been produced. The customers came, bought on credit and had it put on their account. The shopkeepers could not extricate themselves from their duty to help the extended family. In the end, the goods had been lent and distributed, both the shelves and the cash register were empty, and the shop had to close. At present, retail shops are almost entirely in the hands of Indonesian shop-keepers, most of whom have immigrated from South Celebes. It is certainly correct that at present the Papuans' cultural background makes it difficult for them to survive in business in competition with Indonesians. But it would be incorrect to say that they are not capable of becoming successful business people. Some studies on the Me people in the western highlands, the Meybrat people in the interior region near Sorong and the Muyu people in the interior region near Merauke call these peoples „traditional capitalists“. They have long been acquainted with modern concepts such as laying by, giving credit, and charging interest.<sup>49</sup> Their culture ought to provide them with something approaching an ideal background for operating within a modern economy.

This is not the proper place to discuss and evaluate the various programs initiated by the Indonesian government to encourage economic development at the grass-roots level.<sup>50</sup> However, the question must be allowed here as to whether the Indonesian government has made any serious effort to understand the Papuans' cultural background and to make allowances for them in such programs. In my opinion, this was not adequately done. As a rule, the programs were conceived in Jakarta with no early involvement of the target group. The programs were not carried out without the necessary patience and perseverance. In addition, there was no evaluation of the programs. Under these circumstances, it was easy to come to the conclusion that the Papuans are not capable of development. The government has regarded the Papuans as a „negligible quantity“ and backed the immigrants from other parts of Indonesia for purposes of economic development. The Papuans felt they were being discriminated against when they noticed that the immigrants were achieving a certain degree of prosperity which they did not. In addition, they were hurt by the wide-spread prejudice that „the Papuans aren't capable of getting things done.“

49 Dr. Johsz Mansoben provided this information. The Me people, for instance, have for centuries been trading with cowrie money. Prof. Mansoben was of the opinion that the people simply needed longer periods of practice to learn these techniques. He said that many development experts were of the opinion that proper schooling in the techniques would solve the problem, but that he was of the opinion that a longer period of practice and experience, as well as a stronger motivation were necessary to learn to work with the goal of making a profit.

50 The list would include the so-called *Bantuan Desa* of the 1980's, the program *Impres Desa yang Tertinggal (DHT)* of 1995, Megawati's „Crash Program“ of 2002, and others.



### *Conflicts Concerning Land*

Land cannot really be sold. In the first half of the 20<sup>th</sup> century, villages repeatedly provided land for the churches to use to erect church buildings and schools, as well as houses for ministers and teachers. The colonial government also needed land on which to erect buildings, as well as to build towns, roads and airports. Even now, the children and grandchildren of the former landowners repeatedly demand reparation payments. Such demands are, of course, also a method of acquiring additional income. City dwellers are, as a rule, aware that their traditional rights are no longer valid. Whoever legally acquires a piece of land with a valid *akte tanah*, an entry in the official books, is the new owner. Nevertheless, at this point traditional rights and modern law overlap, a situation which repeatedly leads to conflicts. The inhabitants living at the edge of town also know that selling land brings in a lot of money, and they make use of their knowledge. A head chief (*Ondowafi* or *Ondofolo*) in a village on Lake Sentani sometimes sells land without asking or informing his subordinate relatives, who also have claims to the land. Then internal conflicts arise. If a piece of land which has been purchased in a legally correct manner is not used, the former owners raise claim to it again.

When Indonesia assumed the administration of West Papua in 1963, it passed a new law: Basically, all land belongs to the Indonesian state. It has the right to divide land up and to sell it. The local population has a claim merely to the sites which have „always“ been inhabited and the fields which have a tradition as farmland. Forest land and unused free spaces belong to the state. In addition, all natural resources belong to the state. This law of course collided with the Papuans' traditional property rights and has led to countless conflicts. Although, in the course of time, some adjustments have been made to reconcile Indonesian law with traditional law, conflicts have nevertheless been exacerbated because the Indonesian government has often operated with force, or with artifices and duplicity, cheating the clans and the village communities out of their lands. A classic example is that of the „transmigration“ areas. As a rule, these areas had to be relinquished without compensation. Any protest or resistance was forcefully repressed. What particularly embittered the traditional owners was the fact that the „transmigrants“ often sold their land again and used the profits to move back to Jakarta or to settle in a town. Another example are the oil-palm plantations in Arso and Lereh. It is reported that in 1982 a contract was drawn up for Arso, stating that the population had ceded 50,000 hectares (approx. 123,500 acres), but the contract was never read to the population, in addition to which they had no idea how large an area 50,000 hectares was. The negotiations concerning their compensation were still going on in 1997.<sup>51</sup> In another instance,

51 Hubertus Kwambre, *Perjuangan orang Wie Khya berhadapan dengan perusahaan perkebunan kelapa Sawit dan proyek pemukiman Transmigrasi*, Arso, 1997.

4,000 hectares were ceded in Arso, but the plantation people cleared and planted 18,000 hectares, instead.<sup>52</sup> It is reported that a landowner in Kasonaweja, on the Mamberamo River, who was illiterate, was „conditioned“ with a few bottles of beer to sign a document, the contents of which were unknown to him.<sup>53</sup> In 1996, a contract to cede more than 50,000 hectares of land, which an army officer, who was a Batak, had drawn up with the population of Bonggo, had to be annulled. The people had had no idea how much land that was. Here, too, artifice and threats of violence had been involved. The officer had intended to resell the land to a large corporation.<sup>54</sup> In the 1990's, in many areas Papuan *adat* councils (LMA) were formed, which had the right to act as speaker and advocate for the people's property rights over against the government. In the beginning, the government had installed the *adat* councils in order to use them as a compliant tool.<sup>55</sup> Later, the LPPMA, an NGO, helped the population form independent but legally recognised *adat* councils. In this way, it was possible to curb the government's arbitrariness at least to a certain extent.

In the 1980's, when President Soeharto was pushing Indonesia's „development“ – he enjoyed being called the „Father of Development“ – studies were made concerning impediments to development in the various provinces. For Papua, the question of land ownership was cited as a significant impediment.<sup>56</sup> The informants repeatedly report that whenever the land-owners protested, they were reproached with the statement: „You are impeding development! You are opposed to development and thus opposed to the state!“ In those days, any injustice and any act of violence could be justified with the words: „for the sake of development“ – *demi pembangunan*.

In the Law Concerning Special Autonomy (Law No. 21/2001), Article 43 treats the population's land rights:

- (3) The administration of the traditional land rights (*hak ulayat*), as far as they are still valid, is to be carried out by the traditional leaders (*penguasa adat*) of the responsible traditional legal community (*masyarakat hukum adat*) according to the provisions of the traditional law (*hukum adat*). In doing so, they are to take into account property rights which were legally acquired from other sources.
- (4) If traditional land (*tanah ulayat*) and/or land of a member of the traditional community is to be placed at disposal, this is to be done in a joint consultation

52 Informant: Hubertus Kwambre.

53 Informant: Dominggus Soromaja.

54 Four NGOs located in Jayapura, in cooperation with the churches, made the case public and achieved a legal restitution of the land to the owner.

55 Cf. the document of the Papuan Congress 2000 quoted above.

56 *Kompas*, December, 1985; as quoted by M. Ferry Kareth (ms).

(*musyawarah*) involving the community and the person involved, so that agreement can be reached concerning the sale of the land and concerning the price.

(5) The Provincial and Regional Governments are actively to mediate in settling legal differences concerning traditional land (*tanah ulayat*) and concerning earlier land rights of individuals, using just and fitting principles, in order to achieve an agreement which satisfies the parties involved.

The author of the law was familiar with the problems involved and wanted to protect the land rights (*hak ulayat*) of the *adat* society. A consistent application of this article could solve problems with a view to the future.

### III. The Role of Christian Churches

#### *Missions*

On February 5, 1855, the first Western missionaries, Johann Gottlieb Geissler and Carl Ottow, set foot on the small island of Mansinam off the north coast of New Guinea, near the present site of Manokwari, and settled there. This was the beginning of Protestant missionary work, especially on the north coast. It took 50 years before the population of the north coast began to receive the new teaching. Around the turn of the 19<sup>th</sup> to the 20<sup>th</sup> century there was a movement which went from village to village, from region to region and which in a few years had reached the whole population of the north coast. The villages asked the mission to send them teachers who would lead both their school and the church congregation. In order to meet the large demand, Ambonese teachers were appointed. Often, the villages had already destroyed their heathen sacred houses before a missionary or a teacher had even arrived at the village.

The Catholic mission in West New Guinea began in 1894, when the Jesuit Cornelis le Coq d'Armandville came from Seram to Fak-Fak and, after having been there for only ten days, baptized 73 people. He founded a mission station in Kapaur, Ayer Besar, east of Fak-Fak, with a school in which Chr. Pelletimu, a Protestant, worked as a teacher. But the station was closed again when Le Coq died suddenly the following year. Later, Missionaries of the Sacred Heart of Jesus from Tilburg again took up the mission work and established the work of their order in the Merauke area. Merauke is still today the real centre of the Catholic church in Papua. After the Catholic mission work had begun, the Dutch colonial government issued an order that the Catholics do mission work only on the south coast and the Protestants only on the north coast. This regulation was not revoked until 1928.<sup>57</sup>

57 Siegfried Zöllner, *Missions- und Kirchengeschichte der GKI* (ms.), 1996, and: At Ipenburg, *Church History of Papua*, (ms), 2004.

The highlands were not opened up until airplane surveys of the land began. In 1936, the Dutch Pilot Lieutenant Wissel discovered the flat lake district around Paniai from the air. The lakes were then named after him: Wissel Lakes (now: Paniai Lakes). The colonial government opened an outpost in Enarotali and soon mission work was begun there. In 1938, the Archbold Expedition, from America, explored the highlands and discovered the Balim Valley. Seaplanes landed on Lake Archbold and on Lake Habbema. However, since the Second World War then broke out, mission work could not be begun there in the eastern highlands until 1954. On April 20, 1954, the first missionaries of the Christian and Missionary Alliance<sup>58</sup> landed on the Balim River with a seaplane, near the present town of Wamena. Within a few years, mission stations of a variety of mission societies arose in the highlands along with a whole network of landing strips. Even today, the small mission airplanes are the only means of transportation connecting the remote highland valleys with the coast. In the 1960s and 1970s, a movement spread throughout the highlands, in the course of which most tribes responded to the Gospel. But it was more a movement which the local people themselves had taken up and spread than any particular success the missionaries had had in converting people. In some cases, the Gospel was understood, or misunderstood, as the fulfilment of a prophesy familiar to the people from their traditional religions.

Among the Yali, the appearance of white-skinned figures/people had been announced in the tales of the elderly. Their oral tradition included a primeval figure who had gone west in mythical times. They were therefore not astonished when strangers came to them, whom they assumed to be emissaries of this primeval figure. They were able to integrate the missionaries into their world view quite quickly.<sup>59</sup> During this first phase of contacts, there was no rejection of the missionaries, let alone any enmity towards them.

### *Mission's Impact*

As a kind of thesis, the following conclusions can be made:

- When the tribes accepted the Gospel, they also made peace with each other, often by means of traditional peace-making ceremonies. Tribal feuds and vendettas are certainly among the negative aspects of the traditional culture. Peace enabled the people to establish contacts with neighbours they had not known before. This led, among other things, to a broadening of their horizons. The people had to become used to an expanded world.
- The mission societies established schools in all areas, quite often at the express wish of the local population. Thus began a shift in values. What mattered were

58 The present-day GKII, *Gereja Kemah Injili Indonesia*, arose from this mission work.

59 Siegfried Zöllner, *Lebensbaum und Schweinekult*, 1976, pp. 83 ff.

no longer physical strength and a loud voice, but rather good grades in school and „western“ education. As a result, the uneducated village population and their former traditional leaders were often marginalised. In time, native teachers, catechists and preachers, as the only educated adults, assumed the leading positions in the villages.

- The position of women also underwent changes: women became „qualified to participate in cultic activities“. Whereas in the old religion, women were normally excluded from cultic activities, they were now invited to worship services and gatherings and also to the schools. They had the opportunity to express their opinion and also to assume certain roles during the worship services (Bible readings, prayers, hymns). This was the beginning of women’s emancipation in Papua.
- Along with the establishment of hospitals and polyclinics, the missions introduced western methods of healing. The local people were often impressed with the possibilities for healing sicknesses which had up to then not existed in their traditional culture. Sometimes this was the impulse which motivated them to turn to the missions.
- The increase of contacts with the outside world through the mission work of course also brought with it negative influences which no one could prevent: currency was introduced; previously unknown diseases appeared; traders appeared who took advantage of the inexperience of the local population; the government opened outposts which were often staffed with poorly qualified personnel; etc..

By now, 90% of the Papuans belong to some Christian church, all of which have their own native leaders. Here and there, foreign missionaries also work alongside them, but they no longer play any leading role in the churches. In the early phase of missions, some of the missionaries did, to be sure, treat the Papuan culture with disrespect. Their goal, after all, was to win people to Christ, and that of course involved parting them from their heathen customs. On the other hand, by working as philologists and ethnologists, many missionaries have, through their documentation, contributed to the preservation of languages and cultures. The Bible School of the GKI in Apahapsili carried out a model project: The students themselves collected the Yali myths of origin in their own villages by interviewing the older inhabitants. Their collection resulted in a book of myths which not only provides documentation, but also offers short reflections comparing and contrasting the myths with the biblical message.<sup>60</sup>

In his introduction to the Indonesian edition of a book by the Dutch missionary F.J.F. van Hasselt, who served in West New Guinea from 1894 until 1931, Dr. Benny Giay makes the following comment:<sup>61</sup> “We must read this book critically. It was

60 *Di belakang Gunung terbitlah Terang*, Jayapura, 2003.

61 F.J.F. van Hasselt, *Di Tanah Orang Papua*, Jayapura, 2002, p. VIII.

written by a missionary of the past century. At that time he, as well as other missionaries, used the Gospel to create his vision of a society „after his own image“. Did they in those times not destroy the society and turn the Papuans into passive objects? Has a particular conception of the Gospel not destroyed our people? A while back, a student said: ‘February 5<sup>th</sup> and April 6<sup>th</sup><sup>62</sup> should be observed as days which remind us that these dates stand for the beginning of the systematic destruction through the West of the Papuans’ self-confidence and identity. The West instrumentalised the western mission organisations to achieve this end.“

Benny Giay’s criticism of the missionaries, which has been adopted by many of his students,<sup>63</sup> concentrates on the idea that the missionaries wanted to realise „their vision of a society in their image“ and in doing so had destroyed „the Papuans’ identity“. He is of the opinion that the Gospel was not presented in a form fitting to Papuan culture. He continues: „I hope that through this book the Papuans will be encouraged to arise and actively co-operate in the great program: a mental decolonisation, in the course of which they will assume an impartial viewpoint and liberate themselves from concepts, ideas and convictions which have been established concerning the Papuans by the missionaries, the churches and also by the Indonesian government. They should arise and organise their lives anew on the foundations of the Gospel and of their own identity.“

Giay thus does not criticise the Gospel, the Christian faith, but rather the way in which it was transmitted by the missionaries. The central point of his criticism of the missionaries is that they did not have sufficient respect for the indigenous culture they found when they arrived. For this reason, they were then unable to transmit the Gospel in a way which left the Papuans’ identity intact. He does recognise, however, that not only the missionaries, but also the colonial governments – whereby he makes no distinction between the Dutch and the Indonesian governments – also bear their portion of guilt toward the destruction of the Papuan identity. John Rumbiak makes quite a similar analysis. He says: „We must heal the psychological wounds of suppression. The Papuans are frustrated; their souls have been broken.“<sup>64</sup> Their „souls have been broken“ because the Papuans were always treated as the objects of very diverse interests and never had the chance to develop themselves as persons and thereby to regain their self-confidence. The processes which Giay and Rumbiak lament as a tragic development can only partially be laid at the door of the missions

62 February 5th is the memorial day of the first missionaries’ landing on the Island of Mansinam in 1855. April 6th 1963 is the founding day of the GKU, the *Gereja Kemah Injili Indonesia*.

63 Ismael R. Silak calls the burning of sacred Yali objects by Papuan Christians among the Yali the beginning of the destruction of the Yali culture.

64 John Rumbiak, „From the Ashes of Empire“, in: *Inside Indonesia*, July-September, 2001, p. 5.

and of colonisation. The Papuan societies were exposed to the influence of modern times which has caused alteration and change throughout the world. It is, of course, true that the missions and the colonial government were representatives of this modern world, but – even without the missions – no one would have been able to keep the waves of modern times from some day beating upon the shores of New Guinea.

### *The Churches*

The largest and oldest church is the Protestant Christian Church in the Land of Papua (*Gereja Kristen Injili di Tanah Papua* GKI), which grew out of the mission work of Dutch and German missionaries. The Catholic Church is the second largest. There then follow a number of Protestant churches whose local churches are primarily in the highlands and which arose from the work, beginning in the 1950's, of American, Australian and also Dutch missionaries. And, finally, there are the Adventists, the Pentecostal churches and a number of churches founded by Indonesian immigrants or which they „brought with them“ from home.<sup>65</sup>

The churches play a large role in the society. The members often have high expectations of their churches, expectations related to their socio-political situation: Help in improving their position in life, including in the areas of education, health and economic situation; advocacy in relation to the Indonesian government in cases of infringements of human rights, etc.. In the GKI, as well as in the Catholic church, socio-political consciousness has a long tradition. They speak of the duty of the church as a watchman, or of its prophetic office. Under Indonesian administration it was, for a long time, nearly impossible for the church to fulfil its prophetic duty and point out social abuses. Criticism was considered to be subversive, i.e., a crime, according to Indonesian legal practice. But the churches have nevertheless repeatedly sought dialogue with the government and also with the military command concerning certain problem cases: ministers, evangelists and theology students who had been arrested, church members who were in prison, violations of human rights.

It has been difficult for the Protestant GKI to assume a critical attitude for two reasons: In the first place, many of its members were Indonesian immigrants who, in some cases, held high positions with the government, and, in the second place, several of its ministers hold offices in the parliaments and in the government. For this reason, the GKI was restricted and dependent. The Catholic church was much freer in this respect. Beginning in 1990, the churches began to recognise ever more clearly that it was their job to speak out against infringements of human rights. They drew up several reports concerning the socio-political situation: the GKI's report was published in 1992 with the title „*Untuk Keadilan dan Perdamaian*“ (For Justice and Peace), but was distributed among only a small group of church partners and

65 See Table 4 and 6 in the Appendix.

remained unknown. The Catholic church's report in 1995 documented the human-rights violations in Timika and was taken up by Amnesty International and thus became known internationally. Since then, the churches have increasingly continued to grow into their roles as advocates of the suppressed and the disfranchised. In January, 2004, the „Council of the Churches of Papua“ was founded. Since then, the churches often speak out together or write a letter signed by all of them when they want to point out a problem to the government or to the general public. The representatives of other religions, such as the Muslims, the Hindus and the Buddhists, have often been included in this process. In situations in which peace in Papua or the respect for human rights is at stake, all religions have spoken and still speak with one voice.

In the past three or four years, the churches have joined forces with a campaign which calls itself „Papua, Land of Peace“. The campaign was initiated in 1999 by Yusuf Tanawany after he and the so-called „Team 100“ had, in Jakarta, presented President Habibie with a demand for independence. The goal of the campaign is to keep the population peaceful despite many provocations, to win over the small, scattered OPM (Operation Free Papua) groups to supporting peaceful politics, and to solidify the peaceful co-operation among the different Papuan groups as well as that between the Papuans and the Indonesian immigrants. It is characteristic that the army was the only group which spoke out against this campaign. Nowadays everyone is familiar with the concept „Papua, Land of Peace“ and it is considered to be the political program of the Papuans. The Papuans are consciously taking a different path than did Aceh and want at all costs to prevent Papua from becoming a second Aceh.<sup>66</sup>

The government has always had difficulty in assessing the churches as organisations. For this reason, the government has always made an effort to observe the churches, to bind church leaders to the government and to control them by offering them governmental positions. One of the most massive instances of interference was the law obligating all religious organisations to incorporate the Pancasila, the preamble to the Indonesian constitution, into their church constitutions as the sole legal basis (Law No. 8/1985). This law even allowed the government to remove church boards from office. The government was particularly watchful of the churches in Papua because they were accused of sympathising with the independence movement. When, on February 26, 1999, 100 delegates from Papua were received by President Habibie and they then unexpectedly produced and read a declaration demanding independence, at least 11 of the men were ministers who had signed the declaration. Later, some of these ministers were put on trial and of these some were

66 In the Province Aceh, on the tip of Sumatra, the Indonesian Army has, since May, 2003, been waging a war against the freedom movement of the Achenese, i.e., de facto a war against its own people.



sentenced to terms in jail. Rev. Obed Komba was sentenced in 2001 to 4 ½ years in jail. Rev. Yudas Maege was sentenced in 2001 to 4 years in jail.<sup>67</sup> Rev. Herman Awom was sentenced in 2002, but did not have to go to jail.<sup>68</sup>

In the past few years, beginning about 1998, it has nevertheless been possible for the church leaders to bring particular requests before the military command. It is not known, however, whether such steps have resulted in any changes. The government probably had an interest in a more relaxed relationship with the churches.

#### **IV. New Identities with Artistic Expression (Music – Carving – Architecture)**

In his article on the „Control of the Freedom of Thought in Papua“<sup>69</sup>, Dr. Benny Giay clearly shows how suspicious Indonesian authorities have been and still are of any publications concerning Papua. This situation has not exactly encouraged the Papuans to concern themselves with their own traditions. In the 1960s and 1970s there were, in addition, very few Papuans with sufficient education to assume such a task. Another phenomenon further complicated the situation: Impressed by the Indonesian ideology of growth, development and progress, there was a phase in which the Papuans regarded their own culture as an obstacle on the path toward this progress. The Indonesian ideology of development (*pembangunan*) rather fascinated them. Even leading Papuans considered the Indonesian language and schooling to be more important than the traditions of their own people. The local languages were suspected of exercising a divisive influence on the people. Bible translations into local languages were not very popular among the speakers of those languages.

At the beginning of the 1980s, the picture changed. A number of young Papuans had by then completed their college education and began to reconsider their opinions concerning their own culture, leading to a revival of interest in the Papuan culture. And one man in particular was responsible for this revival of interest: the anthropologist Arnold Clemens Ap.

##### *Arnold Clemens Ap – a New Self-Image among the Papuans*

On April 26, 1984, Arnold Ap was shot to death near Jayapura by *Kopassus* (special forces) soldiers. A few days beforehand, he had been seen in the jail of Jayapura, where he had been held captive since November 30, 1983. It was later said that he, his friend Eddie Mofu and some other inmates of the prison had been told that they

67 *West Papua Rundbrief* No. 18, May, 2001, p. 56.

68 *West Papua Rundbrief* No. 22, June, 2002, p. 16.

69 *West Papua Rundbrief* No. 32, October, 2004, pp. 19-23.

could leave. When they got outside, they were liquidated. It was made to look like they had been shot in the attempt to flee. It has since become known that the murder was committed under orders from Jakarta.<sup>70</sup>

Arnold Ap was an anthropologist and deserves much credit for his efforts to preserve Papuan culture. In a small museum at the Cendrawasih University, of which he had become curator after his university studies, he collected objects which documented the Papuan material culture. On August 15, 1978, he and some friends founded the music, dance and theatre group *Mambesak*, which soon became known throughout Papua and beyond. Arnold Ap was a native of Biak-Numfor, but he was intent on spreading the knowledge of cultural elements from all parts of Papua. He collected songs from various Papuan tribes, spread the knowledge of them through *Mambesak*, and with that group also produced music cassettes which were soon in use throughout the country. In the local radio station, he had a weekly opportunity to present songs from different regions of Papua. Every Saturday, young people, students and school children gathered in front of the museum. Arnold Ap taught them songs and dances and, in doing so, taught them a new appreciation of their own culture. In this way, he was able to create a widespread consciousness of a Papuan identity, thus bridging the differences between the various tribes. In those days, music was the only medium through which the Papuans could express their feelings. His friends still say of him: „He united the Papuans.“ One of his songs ends with the refrain: „I have only one wish, and I long for it: and that is freedom.“ And with that he had struck a political note. It is not surprising, considering his songs and the great influence he exercised, that he should arouse the distrust of the Indonesian authorities. In the early 1980s he was interrogated several times. As soon as the authorities felt they could prove he had connections with the OPM, (the underground Papuan freedom movement,) his fate was sealed.<sup>71</sup> Arnold Ap is still considered to be the founder of a newly awakened Papuan identity. He was a living example to the Papuans of how to be proud of their own culture.

In the following years, many dance and music groups were founded. In Papua today there are 20 to 30 such groups. From time to time, the Culture Department of the provincial government sponsors a „Cultural Festival“, which also includes contests between music groups, the most recent having been held in August, 2004.<sup>72</sup>

Dance Rumbiak told the author: „Twelve years ago (1992), I founded the dance group Mayowa here in Biak. Mayowa is the name of an ancestor. We perform tradi-

70 Information from Dr. W.H.Vriend, who spoke with high officials in Jakarta about the matter. There are different versions concerning Arnold Ap's death. A thorough description of one version is to be found in Vlasblom, pp. 573 f..

71 Source, among others: Jason McLeod, *In Memory of Arnold Ap – Singing for Life*.

72 *Harian Media Indonesia* of August 6, 2004, reports a *Pesta Budaya III*, held August 4-8, 2004, in Jayapura. The article emphasizes the commercial aspect of this cultural festival.

tional dances which refer to old legends and myths and which are performed to the music of old songs. I have never taken any courses; I learned from my elders how they used to move in their dances. Yes, I have heard there are courses for choreography at the university. We sometimes ask our elders to come to our rehearsals to correct our movements. Our group consists of 15 to 20 members. We are always on the lookout for young people who are willing to learn the dances and dance with us. We meet only when we are preparing for a performance, perhaps two or three times a year. When prominent visitors from Jakarta are expected, the *Bupati* (county commissioner) asks us to perform. The government thinks a great deal of such groups, but does not subsidise any of them. There is another such group in Biak. Once we attended a national festival in Jakarta where several groups performed. We have a repertoire of 5-6 dances. Many dances mime a warlike situation. For instance, one dance concerns the capture of an enemy boy, who is to become a slave. The historic background of this dance is the old custom of capturing boys and girls from enemy villages and making slaves of them. Normally, the boy or girl is given to a high-ranking family, often the family of the village chief. If he adjusts and is obedient, he receives all the rights of the children in the family, including the right of inheritance. But if he is rebellious, he is beaten and punished. However, if conflicts arise, he will soon notice that he is not accepted as a full member of the society. If a girl is kidnapped, this can later lead to a peace treaty between the enemy groups, since when the girl is grown, she will provide for progeny, which establishes a relationship between the two rival groups which no longer permits any hostility between them." Thus far Dance Rumbiak.<sup>73</sup>

One of the musical groups has given itself the name *Black Paradise* and follows in the footsteps of Arnold Ap. It also calls itself the *Spirit of Mambesak*. A high point for this group was a tour through Australia in 2000, during which a CD was produced. They incorporated into their repertoire songs which Arnold Ap had collected in various regions of Papua. They also produced songs of their own, e.g., one in which Arnold Ap and Sam Kapisa are celebrated as two birds of paradise who wanted to unite the Papuan people, but who were killed for this reason by those in power.<sup>74</sup> The group, which consisted in part of members of a human-rights organisation, is no longer able to perform in Papua, since its songs were too political. The tendency among all of the music groups at present is to use electronic music. This marginalises the traditional instruments and melodies. Video-CDs showing Papuan landscapes and nature in the background are also popular.

73 Interview with Dance Rumbiak on July 23, 2004.

74 See Appendix III

*Lyric Poetry*

The development of modern lyric poetry, which is not bound to a melody, did not begin until it was possible to put poetry into writing. The old form of *parallelismus membrorum* can, however, still be recognised in it. In 1994, Jance Inggamer put the Papuans' whole suffering into a poem – a lyric lament:

You clouds in the sky, you birds in the air,  
 you silent mountains, you lakes and rivers,  
 you fish in the deep blue sea,  
 you islands of white coral,  
 lend me your ears and listen,  
 listen to the wailing of the children of the land,  
 listen to their sorrowful singing and lamenting,  
 the sadness which you bring as a sacrifice,  
 the sadness which becomes your inheritance,  
 the pain, so full of secrecy,  
 your secret.

You blossom of the Cambodia bush,<sup>75</sup>  
 do not close your eyes, open them  
 so that you can see and witness to their suffering.  
 Are you not happy when they are being tormented?  
 Is not their suffering your desire?

You sea gull, I beg, greet the sun from the children of the land,  
 You heron, I beg, greet the mussels on the seashore from them.  
 (for I do not know – to whom  
 can the children of the land raise their lament?)

The tragedy is such, and many other, expressions of suffering, frustration and hopelessness are not noticed by most Indonesians – and certainly not by the Indonesian government. Music, literature and artistic expression are permitted only within a certain prescribed framework. Intellectual freedom is always merely a limited freedom. All cultural expression by Papuans is *eo ipso* subject to suspicion. Whether culture is to be given the stamp „separatist“ or whether it can be tolerated is a decision which is made by those who hold the political power.

*The Artistic Creation of Material Culture and its Commercialisation*

In the Papuan culture, artistic expression, such as carving and painting, was closely related to their religion. With the advent of Christianity, the religious motivation for

75 In Asia, the Cambodia bush is always to be found in the cemeteries. In the poem, the bush is happy when it can fulfill its duty and shelter the dead; for another example for poetry see Appendix IV

artistic work ceased, but the Papuans soon discovered that tourism had created a market for carvings, paintings and other ornamental work. At first, a „clearance sale“ of the old, inherited commodities and cult objects set in. Then imitations or models of those objects were produced, which also found a market. In Jayapura, there are about 50 shops and stands where it is possible to buy more or less well-made crafts objects. Souvenir shops are also to be found in other larger towns and in hotels, and even in Jakarta one can find crafts work from Papua for sale in shops and supermarkets. One supermarket in Jakarta tried to attract the customers' attention by having a Papuan from Asmat sit in the entrance hall and carve drums.

The commercialisation of the Papuans' artistic skills has its positive and its negative aspects. The fact that some Papuans are able to earn their living this way is definitely among the positive aspects. Dance Rubiak, who was mentioned above, is not only a choreographer, but also a woodcarver. He lives mainly from the sale of carved figures which he has collected or made himself. He says: „Woodcarving is a way to preserve culture, for the culture lives on even in the commercial woodcarvings. For me, carving means that my soul is healthy. I put all the worries and problems I have in my head into my work.“<sup>76</sup> But he, too, draws a line where such work is merely an exploitation of the culture with no real appreciation of the artist or of his work. In his opinion, the Asmat woodcarver in the supermarket in Jakarta is a live attraction and as such is being treated as an object, rather than as a human being. In addition, the best profits from Papuan art are made by Indonesian traders and middlemen. Copyrights, and similar forms of protection for artistic creations, are not enforced.

Arnold Clemens Ap had not only collected the music of the various Papuan peoples, but had also built up a small museum which was to preserve the Papuans' material culture. After his murder, the museum was emptied: bit by bit the collection was sold, given away, sold under price, or stolen. At the time, there was no political will to take measures to preserve the Papuans' culture. But the times have changed since the 1980s. At present, one can sometimes read or hear suggestions concerning the preservation of the Papuans' cultural traditions. In a declaration on July 24, 2004, Martin Howay, the head of the building department of the provincial government in Jayapura, demanded that all new buildings in Papua recognisably display architectural characteristics of the region in which they are located, since Papua is rich in quite different traditional forms of architecture.<sup>77</sup> In doing so, he took up one of the demands which had been formulated at the Second Papuan Congress in 2000. He can also refer to the Law on Special Autonomy, which expressly states that the provincial government is duty bound to protect, nurture and further to develop the Papuans' indigenous culture.<sup>78</sup>

<sup>76</sup> „Ukir berarti sehat. Apa yang susah dalam kepala dimasukkan dalam karya.“

<sup>77</sup> Daily newspaper *Kompas*, of July 26, 2004.

<sup>78</sup> Article 57 (1).

## V. Conclusions

There has never been a culture in our world, including the Papuan cultures in New Guinea, which has existed without being influenced from the outside, without having contacts with other cultures. Each culture, therefore, always has been and still is subject to change. This was already true of the Papuan cultures long before they had any contacts with the modern world. Beginning in 1855, however, this change was accelerated by the fact that the first missionaries settled in on the north coast and that the Papuans have since had to digest many new impressions and external influences. For about the first fifty years, it appeared that these impressions and influences would not cause any major changes among the Papuans or in their culture. At the turn of the 19<sup>th</sup> to the 20<sup>th</sup> century, however, this situation changed when nearly all of the villages on the north coast asked that teachers be sent to them and soon afterwards schools and churches began to be built in the whole area. The request for teachers was directed to the missionaries. In this first phase, they were the main protagonists of change. The schooling of the younger generation had immense consequences for the Papuan culture and has, up to today, led to dramatic changes in the Papuans' conscious perception and in their concept of their identity.

In 1898, the Dutch colonial administration opened its first permanent station in West New Guinea. With it, a new actor appeared on the stage. The government's objectives were exploration and pacification: the exploration of the land and the pacification of the tribes. A new legal system was introduced. Wars, attacks and raids, as well as opposition to the government, were now against the law and were often punished with brutal force. The government quite generously supported the churches' efforts at education and training and itself trained government officials for state offices. Along with the exploration of the land came the exploitation of the natural resources. And although under Dutch auspices trees were felled, coal was mined and oil wells were bored, the dimensions of this exploitation of the natural resources were ridiculously small in comparison to that now being practised by the Indonesian government in co-operation with national and international concerns.

A new impulse which strongly influenced the Papuans' consciousness was the Japanese occupation and the subsequent liberation by the American troops 1942-1945. The military defeat of the colonial administration, the internment of all Dutch/European people, the incredible brutality of the Japanese troops, and the advent of the American troops with unbelievable quantities of military equipment set a thought process in motion among the Papuans which led them to wonder why they themselves seemed to be merely a pawn of foreign powers. The Second World War awakened within them, as within the Indonesians and other peoples under a European colonial administration, the desire to go their own way politically. After the war, there were some pro-Indonesian Papuans, who wanted to become inde-

pendent along with Indonesia, but there were also those who wanted complete independence for West Papua after a period of transition under Dutch administration. Toward the end of the 1950s, the majority of the politically aware Papuans wanted an independent state and under no circumstances a union with Indonesia. „We are Melanesians and not Indonesians!“ This statement demonstrated the Papuans' consciousness of their own identity. In addition, Indonesia itself was going through a period of inner conflicts and economic decline and was, as an independent state, not particularly attractive. In the period 1950-1960, the Netherlands achieved a phenomenal development of Papua, especially in the realms of education and of further opening up the land. In this period, the Balim Valley and the surrounding regions in the highlands were opened up. Papuans played an increasingly important role in all areas of administration and in small businesses. They were on their way to becoming the masters of their own house and in their own country.

When, on May 1, 1963, the Indonesians took over the administration, this slowly developing collective self-assurance and self-image of the Papuans was destroyed. Some of the Papuan elite fled to the Netherlands, to Australia or to Papua New Guinea; some of the leaders were murdered and the remainder conformed and accepted Indonesia's role as leader. This marked the beginning of a dramatic change in the Papuans' culture and in their conception of their own worth. All conceptions of values were changed. Their culture was regarded as primitive, their behaviour as impolite, their education as insufficient, their admiration of the Dutch as unpatriotic, their honesty as stupidity and their expression of their own opinion as obstinacy. The overall climate was one of military and bureaucratic brutality and arbitrariness, of suppression, of the contempt of all their old values. An „elbow mentality“ spread, in which theft and corruption were everyday occurrences –and still are. There is no question: during this phase, the cultural rights of the Papuans were trampled upon.

But it was not only human agents, such as missionaries, the colonial administration and the Indonesian government, which brought about the partial destruction of the Papuans' culture. Technical progress also effects change. The steel axe replaced the stone axe/adze; the airplane made it possible for people to meet who never could have beforehand. The radio became a part of village life; currency changed the system of barter. No culture can wall itself in and avoid such influences. Were these influences forced upon the Papuans? They at least had no way to avoid them. They have actively grappled with them and have optimally adjusted to the situation at hand. It is certain that they do not wish to return to the times of their grandparents. But they do recognise that some values have been destroyed which should have been protected and preserved. They demand the right to reconsider the past and their former values and to draw their own conclusions about them.

According to the United Nations' conventions, to respect someone's cultural rights means to respect, value and protect a culture which is still to be regarded as

the basis for a people's identity. The cultures of the Papuan tribes have not experienced this respect under the Indonesian government. The government has not fulfilled its responsibility to protect cultural values. The recognition of these rights must be demanded, whereby certain points must be emphasised:

- (1) The right to intellectual freedom. Without this freedom, the Papuans have no possibility to come to grips with their past and to develop a vision for the future. This involves not only their political past and future, but also a consideration of value concepts. From which constraints do they wish to liberate themselves? On which values do they wish to orient themselves? The prerequisites for such considerations are freedom of opinion, freedom of press and freedom of assembly.
- (2) The right to the recognition of their human dignity, to equality before the law as citizens of Indonesia. All forms of discrimination, marginalisation and racism must be stopped.
- (3) The right to their land. If their land is taken from them, so is their life. Their identity is coupled with their land. The right to life means the right to possess the land. Modern law must circumspectly be adjusted to agree with traditional law.
- (4) The right to the respect, recognition and protection of their culture. The Papuan culture must more clearly receive respect in public and must not be considered to be of less value than or be subordinated to Javanese culture.

As has been shown in the Introduction, the Second Papuan Congress formulated these demands quite clearly. Only if and when these basic rights are heeded, respected and granted do the Papuans have a future in this world.

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Dominggus Sohomaja, August 1998

## **Appendix I**

### *The Primeval Pig*

Once upon a time, there was a woman who had a son who was young and strong. The mother herself was also still young and full of vigour. One day, the mother said, „Cut wood, sharpen the bamboo knives, heat stones in the fire, and gather grass and leaves.“ The son did as his mother had told him. The next day, after the woman had put on her grass skirt, had hung her net on her head and was ready to leave the house, she said to her son, „Go and have a look behind our house. If you find something there, kill it and cook it!“ The son did as his mother had told him. When he went behind the house, he found a big pig there. He shot it with an arrow and cooked it in a pit between hot stones – the way people used to cook pigs – just as his mother had told him. When the pig had cooked long enough, before the son opened the cooking pit, he spread out banana leaves to form a mat on the ground. Then he took

the pig out of the pit and carved it up, laying the parts separately on the banana leaves: the front legs apart, the back legs apart, the head apart, the abdominal and back section apart, the heart, the lungs, and the intestines apart. Then he covered all of these pieces of meat with banana leaves. Then he went to sleep, as his mother had instructed him, since his mother was not there any more. (He did not know that she had turned into the pig which he had killed and cooked.)

When he arose the next morning, he looked out and saw that where he had laid down the pieces of cooked meat, the front legs, the back legs, the head, the abdominal and back section, the heart, the lungs and the intestines, there were people sitting together. He had eaten nothing of the pig, and by the next day the pieces of meat had turned into people. If he had eaten anything, there would have been no people, but now many people had come into being. They then dispersed and formed different villages, and the young man gave them clan names: Mohi, Sama, Iksomon, Pahabol, Hindamon, Sobolimon, Punufeneon, Helembowon, Nilambowon, Kabahon, Hilimon, Salahon, Silahon, Ulunggiyon, Solonggikon, Hubuson. One also says Winda and Waya; Winda means „the others“ and Waya means „we“.

## Appendix II (Tables)

*Table 1 – The Proportion of Women among the State Officials (Examples)*

Year	Location	Men	Women	Total	Percentage of Women
2001	Office of the Governor and Departments	3.312	1.019	4.331	23%
	Hospital	510	446	956	47%
	District of Biak Numfor	4.100	459	4.559	10%
	City of Sorong	1.105	220	1.325	17%
2001	Province as a Whole	37.130	10.516	47.646	22%
2000	Province as a Whole	27.511	9.943	37.454	26%

Source: Papua dalam Angka 2002 – Badan Pusat Statistik Propinsi Papua, p. 123

*Table 2 – The Proportion of Women among College and University Teachers (full-time)*

2002	FKIP (Education)	120	39	159	24%
	FH (Law)	42	5	47	11%

FISIP (Social and Politics)	54	15	69	22%
FE (Economics)	39	9	48	19%

Source: Papua dalam Angka 2002 – Badan Pusat Statistik Propinsi Papua, S. 156

Note: The proportion of women among ministers and candidates for the ministry within the GKI church is about 45%

**Table 3 – Numbers of Boys and Girls in a Primary School in Sentani, the SD YPK Sentani, in 2004**

	Class I	Class II	Class III	Class IV	Class V	Class VI	total
Boys	11	24	20	23	17	16	113
Girls	13	20	17	21	17	15	103

Teachers: Men: 3, Women: 9 (Source: Survey of the Women's Department P3W of the GKI in Abepura)

**Table 4 – Religious Membership 2002**

Governmental District	Protestant	Catholic	Moslem	Hindu	Buddhist	total
01. Merauke	74.552	161.988	88.810	1.469	350	327.169
02. Jayawijaya	289.995	128.719	5.119	108	80	424.021
03. Jayapura	93.456	21.430	59.318	742	400	175.346
04. Paniai	26.521	21.501	360	13	10	48.405
05. Puncak Jaya		61.543	19.361	680	72	81.681
06. Nabire	75.736	29.450	25.371	486	233	131.276
07. Fakfak	18.315	16.689	47.332	167	65	82.568
08. Mimika	19.523	41.543	38.010	168	15	99.259
09. Sorong	34.205	20.884	39.940	585	405	95.719
10. Manokwari	147.158	16.248	37.723	1.037	472	202.638
11. Yapen Waropen	73.355	1.125	8.156	90	35	82.761
12. Biak Numfor	96.852	4.493	11.183	193	635	113.365
City of Jayapura	89.241	30.165	83.916	1.878	1.018	206.218
City of Sorong	135.218	29.434	52.411	241	680	217.984
<b>Total</b>	<b>1.235.670</b>	<b>543.030</b>	<b>498.329</b>	<b>7.249</b>	<b>4.423</b>	<b>2.288.410</b>

Source: Papua dalam Angka 2002 – Badan Pusat Statistik Propinsi Papua, S. 197

Note: The percentage of Moslems appears to me to be underestimated. It was pointed out to me that in Indonesia the number of Moslems reported, especially in areas in which they form a minority, is often too low.

**Table 5 – Proportion of the Native Papuans within the Total Population**  
 Attempted computation according to religious membership (Table 4)

Total Christians	1.778.700	Minus 20% = - 355.740 christian immigrants	<b>1,422.960</b>
Moslems, Hindus	510.001	of these 5 % = + 25.500 Papua/Papuans	<b>25.500</b>
Buddhists			
Total Native Papuans			<b>1.448.460</b>
Total Population			<b>2.288.410</b>
Percentage of Papuans			<b>63 %</b>

Note: The computation is based on the assumption that about 20% of the immigrants are Christians and that about 25,500 Papuans are Moslems. The Christians constitute about 10% of the total Indonesian population, but in eastern Indonesia they constitute 20% of the population or more. The immigration from eastern Indonesia is greater than that from Java or Sumatra.

If, however, we assume that the number of Moslems given is too low, the computation would look different, i.e., the proportion of Papuans to the total population would be lower. The data are from 2002, but within the past few years the influx from the rest of Indonesia has assumed dramatic proportions. The proportion of native Papuans to the total population today is estimated to be about 55%.

**Table 6 - Church Statistics**

Name of the Church – Seat of the Church Headquarters	Founded on or in	Region	Number Congregations	Number Members
<i>Gereja Kristen Injili di Tanah Papua GKI - Jayapura</i>	26 October 1956	North Coast all large towns, Bird's Head	1,056	650,000
<i>Gereja Katholik, Jayapura</i> – Sorong – Timika – Agats - Merauke		South Coast, all large towns	694	543,030
<i>Gereja Injili di Irian Jaya GIDI - Jayapura (UFM, RBMU)</i>	1973	Eastern and Central Highlands	364	177,450
<i>Gereja Kemah Injili di Indonesia, GKII – Jayapura (CAMA)</i>	6 April 1963	Eastern and Western Highlands	913	150,000
<i>Persekutuan Gereja –Gereja Baptis Indonesia PGBI – Jayapura (ABM)</i>	1976	Highlands (Tiom)	110	75,000
<i>Gereja Baptis Anugerah Indonesia – Sorong</i>			No data available	
<i>Gereja Persekutuan</i>		Manokwari,	378	42,759

<i>Kristen Alkitab Indonesia - GPKAI (Team) - Manokwari Gereja Protestan Indonesia</i>	Bird's Head Fakfak and Southern Region	112	30,682
GPI (GPM) - Fakfak <i>Gereja-Gereja Reformasi di Indonesia, GGRI (ZGK) - Jayapura</i>	Digul-Region Bomakia	56	11,779
<i>Gereja Jemaat Protestan di Indonesia, GJPI (NRC/ZGG) - Jayapura</i>	Eastern Highlands		10,000
<i>Gereja Masehi Advent Hari Ketujuh - Jayapura</i>	throughout the country	50	10,523
<i>Gereja Bethel Indonesia - Jayapura</i>	throughout the country	104	21,707
<i>Gereja Bethel (Gereja Pentekosta)- Jayapura</i>		25	1,776
<i>Gereja Bethel Pantekosta - Nabire</i>	Nabire	1	280
<i>Gereja Bethel Tabenakel - Biak</i>	Biak	No data available	
<i>Gereja Pantekosta Indonesia - Jayapura</i>		320	2,374
<i>Gereja Pantekosta Serikat Wilayah Irja - Nabire</i>		4	1,425
<i>Gereja Pantekosta Pusat Surabaya - Jayapura</i>		19	379
<i>Gereja Kerapatan Pantekosta - Jayapura</i>		No data available	
<i>Gereja Kalvari Missi Pantekosta - Jayapura</i>		2	
<i>Gereja Pantekosta di Irian Jaya - Jayapura</i>		No data available	
<i>Gereja Pantekosta Haleluyah Indonesia - Sorong</i>	Sorong	No data available	

The majority of these data were given to me by At Ipenburg (personal communication on November 9, 2004). The data for the Bethel and the Pentecostal Churches are taken from the book by David Neilson: *Christianity in Irian (West Papua)*, Ph. D. Thesis, University of Sydney, 2000, and are based on data from the Department of Religion, Jayapura, for 1998. The number of Catholics is taken from the book *Papua dalam Angka*, from 2002. The number of members for the GKI is the result of subtracting the number of members of the other Protestant churches from the total number of Protestants given in *Papua dalam Angka*.

### **Appendix III**

#### *Black Paradise – Selection of Songs*

##### **1. Nit pughuluok en**

(Dani language)

Yogotak nit pughuluok en  
 Hat hua lanok hiluk  
 Nit yoma logogun mene na maouk  
 Howuk halok api a sagun

*English Translation:*

O, my friend,  
 you will leave now  
 .and we must part.  
 we do not know when we shall meet again --  
 perhaps later; go in peace.

##### **2. Muman minggil**

(Auyi language - Arso)

Muman minggil kai bekhei smetwat  
 Yus yata tintom fofusu  
 Nu manggil uwel nekwaukhu  
 Semfat yemse takhul yen  
 Nase aya khwas

*English Translation:*

Time passes – everything changes;  
 everything our fathers left to us  
 has passed away.  
 What remains are the ashes and ruins  
 of my home village.  
 The gardens and fields have run to seed,  
 deserted like an orphan,  
 like a child without parents.

### **3. Awin sup ine**

(Biak language)

Orisun isew mandep fyarawriwek  
Nafek ro masen di bo brin mandira  
Napyumra sye napyumra ra ranadawer  
Makamyun swaro be swar be pondina

Awino kamanmo sup inema  
Yabuki mananis diwa muno  
Yaswar i na yaswaar i isof fiore

*English Translation:*

At the break of dawn,  
the sun's first rays color the sky  
– a beautiful sight,  
which gladdens eye and heart.  
Memories come to life  
of the wonderful times of old,  
and arouse new joy and love of home.

### **4. Mambruk ma manyouri**

(Biak language)

Mambruki ma manyouri  
Man bena sup o karui  
Muwisi muyandon asari ram bekewer

Mufnewer bo mumambe  
muremi mamberaki mudisen musandiki  
Sup romowi ne

Ara ara fabye  
Yaswar mayakanes  
Kawasa sup inema  
Sebesyanja mburi muwai be muno  
Aibu yo



*English Translation:*

Crested dove and parrot –  
 to them belongs the stony land (Biak);  
 they sit in the branches of the Beringin tree;  
 in the cool shade, they hop from branch to branch,  
 they peck at its fruit,  
 they look about, to the East and to the West,  
 they praise and sing about this land, Papua,  
 O woe! Sadness and mourning overcome me,  
 I cry bitter tears;  
 such atrocities are done to the people in this land,  
 the two of you have been snuffed out,  
 you are gone forever,  
 your place is the grave.

(The crested dove and the parrot symbolize the musicians Arnold Clemens Ap and Sam Kapisa, who were murdered upon orders of the Indonesian government.)

**Appendix IV (Poetry)****Alunan Sukma**

*(von Jance Inggamer. Kotaraja, August 6, 1994)*

Hai awan-awan di langit  
 Hai burung-burung di udara  
 Hai gunung-gunung yang membisu  
 Hai danau dan telaga  
 Hai ikan-ikan di laut biru  
 Hai pulau-pulau karang

Miringkan telingamu  
 Dengarkan tangisan pilu anak pribumi  
 Dengarkan nyanyian duka mereka  
 Duka yang kau persembahkan itu  
 Duka yang kau wariskan itu  
 Duka yang penuh misteri  
 Misteri darimu

Hai bunga Kamboja jangan tutup matamu  
Bukakanlah matamu agar kau saksikan duka itu  
Bukankah engkau puas jika mereka disiksa?  
Bukankah itu keinginanmu?

Burung Camar, tolong sampaikan salam anak pribumi kepada mentari  
Hai burung Bangau, tolong sampaikan salam mereka kepada kerang di laut

Sebab tak tahu kepada siapa anak pribumi hendak berkeluh

(see English translation in the text)

### **Doa dan jeritan hati seorang kulit hitam**

#### **Yang tak pernah terjawab**

*(von Tuara Narkime, Desember 1994)*

Saya selalu bertanya kepada Tuhan  
dalam pikiran dan doa saya tiap hari, Mengapa...  
Tuhan menciptakan gunung-gunung batu  
Dan salju yang indah itu di daerah Amungme?  
Apakah karena gunung-gunung batu  
Dan salju yang indah, yang kaya  
Dengan sumber mineral itu menangkan Freeport  
ABRI, pemerintah dan orang luar untuk datang kesini  
Dan mengambilnya untuk kepentingan mereka  
Dan membiarkan kami menderita?

Dan oleh sebab itu kami orang Amungme harus terus menerus  
ditekan, ditangkap dan dibunuh tanpa alasan?  
Jika alasan itu yang kamu maksudkan  
Lebih baik musnahkan kami...  
Enyahkan kami... agar kalian bisa mengambil  
Dan menguasai semua yang kami miliki: tanah kami...  
Gunung kami...dan setiap penggal sumber daya kami  
Pegang parang ini, ambil dan bunuh saya, sebab saya sudah tidak tahan lagi  
melihat masalah-masalah yang menyakitkan ini.

Bunuh saya...penggal kepala saya...belah badan saya menjadi dua  
Keluarkan semua isi perut saya dan letakkan bersama dengan kepala,

iris bagian kiri badan dan kuburkan  
 setiap penggal dari sini sampai Yelsegel<sup>79</sup>  
 begitu pula dengan irisan kanan:  
 kuburkan disini sampai Amamapare<sup>80</sup>  
 Waktu pulang kumpulkan semua orang yang kalian tahan itu  
 Semua yang besar dan kuburkan kami bersama segala yang kami miliki.  
 Timbun dengan tanah dan kemudian lakukan  
 Apa saja yang kamu inginkan diatas kuburan kami.

**Prayer and lamentation of a person with black skin  
 which was never answered**

*(by Tuara Narkime, December, 1994)*

Every day I ask the Lord,  
 in my thoughts and prayers: Why...  
 Why did you, Lord, create the mountains  
 and the wonderful glaciers,  
 why precisely in the land of the Amungme?  
 Because of the mountains, which are so rich,  
 because of the magnificent glaciers,  
 which are a source of gold and silver,  
 Freeport was able to come here,  
 with the soldiers, the government, the people from outside.  
 They were able to take what makes them rich.  
 Why did they leave us behind, with our suffering?  
 Why, every day, are we Amungme suppressed, captured, killed – without reason?  
 [speaking to the suppressors:]  
 If that is your reason, then destroy us,  
 chase us from our land,  
 so that you can take everything,  
 our land, our mountains, everything which gives us life.  
 Take this machete, kill me,  
 for I can no longer live when I see all the things you are doing to us.  
 Kill me, chop off my head,  
 chop me in two,  
 tear out my intestines and lay them next to my head,

79 Von Tembagapura bis zum sog. Grassberg, dem Kupfer- und Goldberg

80 von Tembagapura bis zum Meer

Chop up the left side of my body  
and bury it piece-by-piece  
from here to Yelsegel Mountain;  
and the same with my right side –  
bury it from here to the sea,  
and when you come back,  
then gather together all the people you are still holding in captivity  
and bury all of them along with us,  
with everything which belongs to us.  
Dump earth over us  
and then do whatever you like,  
do what you want to, on our graves.

[„here“ is Tembagapura. Yelsegel Mountain, or Grass Mountain, is the mountain where copper and gold are mined.]

**The poem was published in:**

Benny Giay and Yafet Kambai (Ed): *Yosepha Alomang*, Jayapura, 2003



# Women in Papua – Brief Remarks on Basic Issues of a Society in Transition

HERMIEN RUMBRAR, THEODOR RATHGEBER

The study of Economic, Social and Cultural Rights in West-Papua deals with societal basics which are indispensable for any development based upon patterns and structures which are orientated to the history and culture of the indigenous peoples of Papua, independent of the political status of the country. As we know, development, patterns, structures and culture are terms for identifying a general environment for livelihood which should ideally be composed of a variety of inputs from all parts of the society. However, in the meanwhile we have learnt that in most countries – and Papua does not differ from this tendency – special groups of society, such as children and women, are still in a weaker position to contribute to the future of their people. While it might be argued that children may not have the basic set of experience in order fully to participate in this kind of decision-making, this reason does not apply for women at all. In addition, according to Indonesian law, men and women legally have equal rights.

We know that legal provisions, recognition and enlightenment do not necessarily change the paradigms of a society. As Rodolfo Stavenhagen, Special Rapporteur for Indigenous Peoples appointed by the United Nations Commission on Human Rights, stated during his contribution to the 61<sup>st</sup> session in 2005: Indigenous peoples suffer from widespread discrimination, which prevents, in a significant manner, them from having access to those institutions of the society<sup>1</sup>, which enable them to make decisions on their own – such as education, health care, income generating, public images on women and self-esteem. Indigenous women in general have even less – and this is the case in Papua, too. Therefore, for the present study it should be a must to take women's perspectives into account, though at the same time we have to acknowledge that the following considerations will not go beyond a rudimentary illustration of the problems and perspectives.

Papuan society barely started to address women's issues in public and appropriate to the diversity of social actors and values. Public discussions, discourses and

1 The articles in this book clearly show that although there is still a majority of Papuans in terms of absolute figures on population, but the entire society is already composed of differing values related to development.

studies still are rare and self-organisation among women only exists on the fringes of public attention. Observations and summarised experiences still need to be concluded in a comprehensive way. In this study, they are rather formulated as unresolved questions addressed to a society in transition.

## Women in Papuan Society

Siegfried Zöllner's article to this study points out very clearly that, in traditional life, women often disposed of great influence within their community. Even in patrilineal circumstances<sup>2</sup>, the mother's brother had great influence and women were always entitled to have hereditary land. In addition, as the daily labour of women significantly contributed to the family's survival and the community's social progress – in most (indigenous) societies even above average – they have been at least *informally* involved in the decision-making process at the family and community levels, even though in public the men frequently took the decisions. On the other hand, Siegfried Zöllner also states that local wars and rituals based on warriors' values treated women as objects. Altogether, as assessed from a perspective which takes into consideration the knowledge of basic criteria for justice and equal life, this finally led to a certain gender imbalance. The general trend to low regard for women has, in addition, been upheld by colonial structures and the behaviour of the colonialists.

The legacy of this cultural 'encounter' nowadays breeds the phenomena that – according to the figures in Zöllner's tables – only a minority of women can be found in the formal segment of the economy and hardly any at the level of political decision-making or public attention, while the lower-ranking, informal segment of the economy shows a different picture<sup>3</sup>. As the Papuan People's Council (MRP) – established in December 2004 – shall be made up of representatives of the entire society, considering e.g. delegates of the *adat*, religion and women, it will be of highest interest to investigate the concept and proposals of the Papuan society on how to deal with the implementation of this request. Probably, it will not be sufficient to nominate the one or the other woman. Questions related to capacity-building and recruitment have to be considered and resolved.

During the 1970ies and 1980ies, West-Papua lost its coherence as a socially and culturally defined ensemble of indigenous communities. Transmigration, internal colonisation, the status of military operational zone,<sup>4</sup> but also the so-called modernisation process are the terms needed to identify the political background, its

2 Siegfried Zöllner also mentions matrilineal structures among the clans.

3 See Agus Sumule's article to the book and observations made by the authors.

4 See articles of Willy Mandowen and Theo van den Broek in this edition.

dynamic and its oppressive environment, which made any discussion on alternatives a punishable offence and included extrajudicial killings. With regard to Papuan women, the alterations drastically changed their environment, particularly in terms of education, income generating and cultural orientation, in private as well as in public life.

In this context, the eternal debate between old and young turned into a gap of mutual lack of understanding in Papuan families and communities. Predominantly in urban centres, the younger generation tend to omit their cultural roots as reference for socialisation. Family life itself came under scrutiny imposed by urban individualism and a different way of income-generating demanding predominantly male people. This weakened the position of women in two directions.

Obviously, her economical status declined, thus also undermining her reputation in decision-making. Education became an indispensable condition for being able to master the new challenges. As the article of Theo van den Broek illustrates, in general terms, the formal conditions improved notably, while, particularly in rural areas, in some districts there is hardly any real access for Papuan girls to even primary school and the average rate of girls attending school lies significantly below that of boys. In urban areas, on the other hand, girls got access to education similar to boys and at least a minority of women, as has been mentioned, also succeeded in getting jobs in the formal sector.

Secondly, the communication flow in traditional terms started to break off, with parents and with the community as well. In former times, this flow allowed a certain sustainability of female perspectives on life, such as, e.g., the sensitive issues of shame and partnership. Although the partnership normally still needs the agreement of both sets of parents, in the meanwhile mobiles, emails, bars and discotheques have become frequently-used places to establish a partnership. In addition, media, such as TV, radio broadcasting, computer, internet and play-stations are major points of reference in determining the role of men and women in Papuan society.

Principally, there is nothing wrong in using these new instruments of communication. It means, however, that the dynamic of trend-setting in values and self-esteem will be determined by the urban area, where only few institutions exist to deal with these questions in a female and cultural perspective (see the box on a women's journal below), while the previous locations and cultural patterns of socialisation are vanishing or diminishing even in rural areas.

One of the few real platforms of authentic reflection on the self-identity as Papuan woman seems to be the self-organising processes in the context of domestic violence<sup>5</sup>, alcohol abuse, legal disputes on maintenance and prevention or medical care of HIV / AIDS. Therefore, it will be of crucial importance to have further

5 Since 2003, the law in Indonesia makes domestic violence a punishable offence.



knowledge on women's concerns towards these risks for private and social integrity. In a more general context, it is vital to know how far the rural area is still able to provide the means for orientation and how far the urban centres will be able to generate the communal interaction or infrastructure to allow a comprehensive female perspective towards the upcoming society.

In addition to the self-organising process as a platform for a renewed orientation, the public media and in particular the journal 'Voice of Papuan Woman' seems to be of paramount importance (see following box). It gathers a network of women working in politics, with NGOs, in hospitals, within the Police, with lawyers and other societal institutions which allows a crosswise evaluation close to women's reality. One of the burning issues, continuously tackled by the journal, is alcoholism among Papuan people and its consequences, i.e. in terms of domestic violence and increasing figures on criminality and traffic accidents. The journal states that 75% of the accidents and criminal acts in 2004 were committed in relation to alcohol. The journal also reveals the ambiguity of alcohol consumption, quoting local governments which stress the tax revenue as needed income for social infrastructure. The other major topic tackles the increasing rate of HIV / AIDS. The figures for Papua are ranking at second place after Jakarta due to the proliferation of prostitution<sup>6</sup>.

### Bi-weekly Women's Newspaper

Since August 2004, the women's newspaper *Suara Perempuan Papua* (Voice of Papuan Women) appears fortnightly. It deals with the realities of the Papuan society, which is experiencing a relatively quick transition. The editor is *Yayasan Pelayanan dan Pemberdayaan Anak Papua*, a foundation which is dedicated to the service and empowerment of Papuans. Issues of politics, culture, education, economy, law and health-care, as well as stories of the problems of every-day life of women, youth and children are discussed in a critical manner, using popular Indonesian language. Via reports, feuilletons, interviews and letters to the editors, the newspaper frankly addresses problems related to domestic violence, alcoholism and discrimination. A popular series of caricatures carries the self-ironic title: Prejudices generate suffering. It is said that *Suara Perempuan Papua* also finds many sympathisers even in the highlands; insofar as it covers these areas.

*Uwe Hummel*

<sup>6</sup> See article of Theo van den Broek.

## Conclusion

As we stated in the introduction to this topic, Papuan society has hardly begun to address women's issues in appropriate correspondence to its stage of altered traditional patterns. A lot of investigation is needed to analyse the economic, social and cultural reality of Papuan women in order better to assess the needs for improving their societal status. The revealed glimpses on discussions and platforms for self-organisation among women are at least sufficient to presume an absolutely unresolved and widespread sector of social crisis which surely will determine – in the one or the other way – the potential of social empowerment in Papuan society. Therefore, studies on discrimination with a particular view to its inner impacts on women, such as education, health care, income generating, and public performance of images and self-esteem, will not satisfy mere scientific curiosity, but political discussions on the future of this society in transition as well. The sooner this happens, the stronger the social and cultural basis for any kind of self-determination will grow.



# Papuan People's Rights Concerning Natural Resources and their Involvement in Modern Economy

AGUS SUMULE

## Introduction

The economic aspects of the developments in Papua, especially in relation to the welfare of its indigenous people<sup>1</sup>, should be discussed within the context of the richness of its natural resources and the way in which the local people have been marginalised wherever the exploitation of these resources is concerned. Any discussion of the economy of Papua must directly involve a discussion of Papua's wealth of natural resources – land, water, mining, natural gas, forestry, fishery<sup>2</sup>.

The persistent socio-political problems in the Province of Papua (formerly Irian Jaya) under the Indonesian regime are inseparably related to the fact that its indigenous peoples have systematically been denied their rights concerning the natural resources in Papua. Coupled with other problems, such as violations of human rights; differing perceptions of the history of the integration of Papua into Indonesia; and the inequal distribution of wealth<sup>3</sup>, the demand for independence from Indonesia seems to be the only viable solution for Papua.

The peaceful separatist movement in Papua reached its peak when the Second Papuan Congress<sup>4</sup> was held from 29 May to 23 June 2000 in Port Numbay (the increasingly popular name of Jayapura, capital city of Papua). Organised by the Presidium Dewan Papua (Presidium of the Papuan Council, PDP) and funded mostly by the then President of Indonesia Abdurrahman Wahid, this Congress was attended by approximately 20,000 Papuan delegates from all over Papua, Indonesia and

1 In the international discussion, 'indigenous people(s)' is the preferred term in this context.

2 The context of the Indonesian economy is sketched in the remarks of Theodor Rathgeber, Appendix V.

3 See also the article of Theo van den Broek.

4 According to Agus Alua, the Chairman of the 2nd Papuan Congress, the 1st Papuan Congress was held in 1961 when West Papua (Papua Barat) was adopted as the name of the country; O, Papua My Land (Oh Tanahku Papua) was adopted as the anthem; and the Morning Star was adopted as the national flag (Tebay, 2000). See also Chauvel (2000), PaVo (2000), and PaVo (2001) (to be found in the list of References at the end of the article.) for more information.

overseas. On the final day of the conference, the Congress unequivocally restated the people's demand for an independent state. The previous days had been used to discuss, in four different commissions, critical issues faced by the people of Papua. The statement of the Commission on the Fundamental Rights of the People of Papua read, in part, as follows:

The Papuan nation lives amid rich natural resources, but its people are suffering from poverty. Forest and sea are the centres of the Papuan livelihood. Therefore, to reinstate the Fundamental Political Rights of the people of Papua through economic efforts, (...) [we] recommend (...) an economic system which can be used as a tool (...) to mobilise the strength of the people to enable them to achieve an Independent Papua (...) [under the leadership] of the Presidium of the Papuan Council and the Institute of Customary Consultation (...) [by] taking over and [being in charge of] the [richness of our] nature through consultation with the companies which ... [exploit our resources] (...) such as mining, logging and fishery (...)“ [translation mine; A.S.]<sup>5</sup>.

A few important issues could be derived from the above statement. Firstly, the demand to gain independence implies not only the political separation from Indonesia but also the peoples' control over the exploitation of their resources, as well as their right to be the masters of their own affairs. Secondly, the control over the resources should not be delayed until political independence has been achieved, but should, instead, be seized upon soon. Thirdly, the people are willing to collaborate with the investors in such a way that the latter's customary rights concerning the resources are respected, rather than being abused.

It is well known that Jakarta responded negatively to the demand for independence. An invitation from the PDP to the Indonesian authorities to discuss unresolved differences regarding Papuan history fell on deaf ears. Jakarta is of the opinion that the political status of Papua in Indonesia has been finalised<sup>6</sup>, and the international

5 The complete documents of the 2nd Papuan Congress have not yet been officially published. However, for the Congress Resolution, visit <http://westpapuaaction.buz.org/CONGRESS-RESOLUTION-4-6-2000.htm>; see also the quotation in Siegfried Zöllner's article

6 The position of the Indonesian government is best summed up in the following quotation (Department of Foreign Affairs of the Republic of Indonesia, 2001): „(...) Upon the adoption of UN General Assembly Resolution 2504 (XXIV), the act of free choice by way of deliberation, not 'one man one vote', was accepted by the international community. From that point on, the international community recognized, *de jure* and *de facto*, that the region of Irian Jaya was an integral part of the Unitary State of Indonesia. This international recognition could not be annulled or revoked, for not one country in the world could challenge the legitimacy of the territory of Irian Jaya as part of the Unitary State of the Republic of Indonesia. The principle of integrity and sovereignty of any state is one of the main principles embodied in the United Nations Charter. Consequently, any separatist movement would be rejected by the international community, as it violated the principles and objectives of the United Nations“.

community supports the position of respecting the territorial integrity of Indonesia. Moreover, those who were considered responsible for the peaceful movement for Papuan independence have been intimidated and accused of treason. According to information in 2002 from the Organisasi Papua Merdeka and the Presidium Dewan Papua, as a result of increased repression and human-rights violations, between late 2000 and ..(date)..2002, the number of extrajudicial killings had reached 136 and that of arbitrary detentions had risen to 838.

Therefore, the most important questions still remain unresolved: What options are left for the indigenous peoples of Papua to exercise their rights in their own land? Will Jakarta's negative response create more frustration which could manifest itself in some sort of fatalism<sup>7</sup>, or in the escalation of violent protest<sup>8</sup>? Indeed, many Papuans considered this issue critical. For instance, after the Congress, the consortium of the Papua-based non-governmental organisations (NGOs) (*Foker LSM*). Is that the name of the consortium? If so, the sentence should read: For instance, after the Congress, the Foker LSM, the consortium of the Papua-based non-government organisations, proceeded....} proceeded to develop a draft of the Special Autonomy Bill. Papua, in their concept, should be declared a „special authority region“ (*Wilayah Otorita Khusus*) with various special and extraordinary characteristics compared with other Indonesian provinces. August Rumansara, one of the key NGO activists in Papua, made the following statement: *‘We have to find an alternative, especially if the demand for independence, as it was stated in the Congress’ declaration, meets a dead-lock, because at the end of the day it will be the common people who will suffer*<sup>9</sup>.

This chapter attempts to review the economic situation of the indigenous people in Papua, especially in relation to the exploitation of Papua's natural resources. Firstly,

7 A different type of fatalism can be observed occurring among the „skeptical observers“ (Böge, 2001, p.2) for many parts of Melanesia, including Papua, which basically reflects their attitude that conflicts will always remain a part of the political dynamics of the South Pacific island states. Böge (2001, p.2) further states that „(...) we should not give way to fatalism and determinism; (...) [even though] these countries have enormous potential for conflict, this does not necessarily mean that violent conflicts will flare up“.

8 The most common method used by the customary owners of the forest resources to make themselves heard and be taken seriously was by conducting *pemalangan* (literally: „inserting a crossbar“); that is: to halt the activity of the company by seizing equipment, blocking the road, etc. Nevertheless, this should be considered to be the most peaceful mechanism of protest, since there were also instances in which certain companies' representatives were held hostage, for instance the hostage crisis led by Willem Onde against the Korindo Group in Merauke (Uchida, 2001). Some of those protests could be solved without significantly delaying the production, but there were other cases of permanent shut-downs due to the people's protest.

9 Personal comment, January 2002.

a general review of the situation related to the exploitation of key natural resources in Papua will be provided. The corrupt implementation of Article No. 33 of the Indonesian Constitution will be highlighted, since it has been used by the Indonesian Government to disregard the rights of the indigenous peoples concerning resources – not only in Papua, but also in many other parts of Indonesia. Secondly, an explanation is offered of how the Law on Special Autonomy of Papua, if properly implemented, can protect and empower the rights of the indigenous peoples. Thirdly, an analysis will reveal what should be done to ensure the effective implementation of these rights.

### **The Socio-Economic Status of the Indigenous People of Papua**

Although Papua is the richest province in Indonesia, its people belong to the category of the poorest among the poor. The following statistics illustrate this situation (Source: Pusat Studi Kependudukan Uncen, 2001): 74.24% of the indigenous people are living in isolated areas with very limited or no access to transportation infrastructures and facilities. In terms of agricultural production, economy in general, education, health, and technological know-how, 80% of the families are still living in a poor, backward state. Most of the indigenous population is still living at the subsistence level. The infant mortality rate is, particularly in remote areas, unacceptably high<sup>10</sup>. On the average, children attend school only for the first six grades of primary school. Only 1.91% of the population graduated from the university. There are hardly any roads available to connect one city with others, and especially to enable the local communities better to market their products in order to achieve a higher income. The prices of the consumption goods in Jayapura are, on the average, higher by 45% than in the rest of Indonesia. In the remote areas, the prices of these same goods are often extremely high. For the last ten years, the elasticity of job opportunity is only 0.40. This means the economic growth of 1% is only able to create 0.4% job opportunity. The figures explain why the average Papuans are the second poorest people in Indonesia (see Table 1).

In agreement with the above statements, the public-opinion survey conducted by the International Foundation for Election Systems (IFES; 2003) arrives at a more or less consistent result: The difficult economic conditions faced by most Papuans are not expected to improve in the future. While a majority (66%) expects economic conditions to stay at the same level over the next year, 24% expect them to improve and 10% expect them to get worse. Those on the lower end of the socio-economic scale are more pessimistic about future conditions than those at the higher end.

10 See part IV of Theo van den Broek's article.

**Table 1 – Poverty rate by province in Indonesia**

<b>Province</b>	<b>%</b>	<b>Province</b>	<b>%</b>
Jakarta	2.5	South Sumatera	10.7
Bali	4.3	Lampung	10.7
Riau	7.9	Aceh	10.8
South Sulawesi	8	North Sumatera	10.9
Central Sulawesi	8.2	Central Kalimantan	11.2
South-East Sulawesi	8.5	Central Java	13.9
West Sumatera	8.8	South Kalimantan	14.3
Jambi	9.1	West Nusa Tenggara	17.6
East Kalimantan	9.2	Maluku	19.5
Bengkulu	9.4	East Nusa Tenggara	20.6
West Java	9.9	<b>Papua</b>	<b>21.2</b>
Yogyakarta	10.4	West Kalimantan	22
North Sulawesi	10.6		

Source: Mubyarto (2000, p.48)

### **Article 33 of the Indonesian Constitution**

One of the main sources of social and economic injustice toward the indigenous peoples of Papua in relation to the exploitation of their natural resources has been Article 33 of the Indonesian Constitution<sup>11</sup>, especially the clauses 2 and 3. They read as follows:

*Clause 2:* „Branches of the production which are important for the state and which affect the life of most of the people shall be controlled by the state“.

*Clause 3:* „Land and water, and the natural resources found therein, shall be controlled by the state and shall be exploited for the maximum benefit of the people“.

One can easily deduce the likely impact of these clauses upon indigenous Papuans when the terms 'state' and 'maximum benefit of the people' are defined by a regime whose actions cast doubts among the people concerning its integrity<sup>12</sup>. Papuans are

11 Available on the internet at [http://www.undang-undangindonesia.com/index\\_uud45.htm](http://www.undang-undangindonesia.com/index_uud45.htm)

12 According to Heroepoetri and Hafild (1999), the principles of these clauses, which are based on socialism, have been manipulated by the government through the transfer of the state's control over natural resources to the major business sectors (state-owned as well as privately owned companies) without consulting the people. They claim that in 1999 there were 579 logging concessionaires involved in the exploitation of Indonesian forests, but that those companies were owned by only 25 individuals. In short, they sarcastically named the corrupt



a minority group and have been the last to receive any benefits from the exploitation of natural resources, even though those resources are being exploited in their own land. As their population is much smaller than the Indonesian population in general<sup>13</sup>, their political influence is almost non-existent. Since they are considered to be backward and undeveloped, the State considers to have every reason to exploit those resources without having any compulsion to consult Papuans. It was no surprise when Mubyarto (2000) found that, in terms of poverty levels by province in Indonesia, only West Kalimantan was ranked lower than Papua, even though Papua, along with the provinces of East Kalimantan, Aceh and Riau, has popularly been recognised as one of the main contributors to the Indonesian economy through the exploitation of its rich natural resources.

Clauses 2 and 3 of Article 33 of the Indonesian Constitution have manifested themselves in various Indonesian laws which also pay little attention to minority groups such as the indigenous peoples of Papua, e.g.: Law No. 5 (1960) on Agrarian Matters<sup>14</sup>, Law No. 11 (1967) on Mining<sup>15</sup>, Law No. 9 (1985)<sup>16</sup>, Law No. 15 (1997) on Transmigration<sup>17</sup>, Law No. 41 (1999) on Forestry<sup>18</sup>, and Law No. 22 (2001) on Oil and Gas<sup>19</sup>. Except for the laws passed after the *reformasi* era, none of the above-mentioned laws takes into account the customary and traditional rights of the indigenous peoples over their natural resources.

implementation of Article 33 of the Indonesian Constitution as "... *pengusaha untung, rakyat buntung* ..." (capitalists gain profits, the people are cut off).

13 See Table 2 at Theo van den Broek

14 Available on the internet at [http://www.undang-undangindonesia.com/uu\\_agraria/index\\_agraria.htm](http://www.undang-undangindonesia.com/uu_agraria/index_agraria.htm)

15 Available on the internet at [http://www.miningindo.com/laws\\_regulations/details\\_rules\\_11\\_67.html](http://www.miningindo.com/laws_regulations/details_rules_11_67.html)

16 Available on the internet at <http://www.theceli.com/dokumen/produk/1985/9-1985.htm>

17 Available on the internet at [http://www.undang-undangindonesia.com/index\\_ketransmigrasian.htm](http://www.undang-undangindonesia.com/index_ketransmigrasian.htm)

18 Available on the internet at [http://www.undang-undangindonesia.com/uu\\_kehutanan1/](http://www.undang-undangindonesia.com/uu_kehutanan1/)

19 Available on the internet at <http://www.beacukai.go.id/Indonesia/Peraturan/UU/22-UU-2001.pdf>

## Transmigration and Local Community<sup>20</sup>

It is estimated that a total of 75,200 families<sup>21</sup> of transmigrants have been moved to Papua since this program was implemented in the 1960s by the Soekarno regime, which then reached its peak under Soeharto's New Order Government, which lasted for more than 30 years. As the index of land acquirement for the transmigrants who have come to Papua to be involved in the production of food crops is approximately 2.15 hectares per family head<sup>22</sup>, it could be estimated that more than 160,000 hectares of good-quality forest belonging to indigenous peoples has been taken for this program. This huge area of land, if combined, is more than three times the total harvested area of sweet-potato crops in the entire Papuan Province in 2000.

Transmigration in Indonesia, including Papua, has occurred on a massive scale and has attracted heavy criticism. Transmigration is conducted without respecting the rights of indigenous peoples over their customary land. Since transmigration is of national interest, the original owners of the land have no choice but to surrender, with very little compensation, if an area is considered an appropriate transmigration site (Aditjondro, 1985). As a result, transmigration programs were seen as one of the prime reasons for a massive exodus of Papuans to Papua New Guinea in the 1980s

20 The transmigration program in Indonesia is based on the assumption that there is an unequal distribution of population across its islands. It was initiated by the Dutch colonial government under the so-called Colonization Policy, aimed at establishing „(...) 'colonies' of settlers from Java in other islands“ (Hardjono, 1977, p.16). Armida and Wismoyo (1982) claimed that the colonization was conducted to relieve the population pressure in Java, as well as to provide cheap labor for already established plantation-estates owned by foreign companies in Sumatra. Under Indonesian Law No. 15 (1997), transmigration is defined as a voluntary movement of population to improve their well-being and to settle at the transmigration development area.

21 By the end of 1998, there had been 44,166 families of transmigrants in Papua (source: Data at Kantor Departemen Transmigrasi Irian Jaya, 1998). As per the official report of Department of Public Works (available at [www.pu.go.id/publik/kanwil/irja/82isi.htm](http://www.pu.go.id/publik/kanwil/irja/82isi.htm)), by the end of fiscal year 1994/1995, there were already 58,437 families distributed in 163 settlements. The latest statistics shows that in the fiscal years of 1998/99 and 1999/2000 combined, there were additional 4,251 families of transmigrants arrived in Papua (Kantor Statistik Provinsi Irian Jaya, 2001). Assuming that there were at least 2,500 families of transmigrants being migrated between 1994/1995 and 1999/2000, it can be estimated that at least a total of 75,200 families have been migrated to Papua under the government sponsored transmigration program. To transmigration see also Theo van den Broek, part I.

22 In 1991 and 1992, I conducted a series of field surveys in the transmigration sites in Manokwari District, Papua, and learned that for 300 families involved in the food-crops type of transmigration program, at least 740 hectares of forest land have to be cleared (Sumule, 1994).

(Colchester, 1986). Transmigration is further accused of being a form of Javanisation or colonisation of the outer islands (Assman, 1990).

Transmigration causes environmental deterioration in a significant magnitude. The areas always involved the clear felling of the forest on a massive scale using heavy machinery. Transmigration also creates social jealousy among the local people and leads to a type of injustice imposed by the Central Government. The World Bank calculated the resettlement cost for each family of transmigrants as amounting to US \$7,000. As far as I know, there has never been a single socio-economic project managed by the Central Government directly aimed at the betterment of the people of Papua which spends that much per family. A Hatam headman in Minyambou village cynically asked me: 'Is it only when the Javanese people will come to our village that the government will build a road to the city<sup>23</sup>?'

Timika, the capital city of Mimika regency, is a good example of how the local people have been marginalised by the influx of migrants; mostly so-called spontaneous migrants. When Freeport Indonesia<sup>24</sup> commenced its operations in the late 1960s, the population of Timika numbered less than 5,000 people – mostly of the Amungme and Kamoro tribes. Today, the most conservative estimation of its population is about 120,000 people. Undoubtedly, the largest portion is composed of people coming from many other parts of Indonesia. The local people have to endure heavy competition from the outsiders, who are better skilled and have better business networking, longer experience in marketing and the modern economy and more capital.

Recently, I was involved in an economic survey in Timika on, among other topics, the indigenous people's position in the modern economy. In a first case, approximately 120 motorcycle drivers (*ojeks*) operated from the Timika market to transport the customers. Among those 120 *ojeks*, not a single Papuan was to be found. In a second case, out of 27 women involved in vegetable trading in the Mimika market, only one was a Papuan lady from the Kaimana area. In a third case, Freeport established a number of business-incubator programs to provide business opportunities for the local communities. The businesses might be legally owned and appeared to be managed in a daily basis by Papuans, but a closer look would reveal that most of their employees were migrants. These cases show that under the heavy influx of migrants, it has been almost certain that the Papuans would lose from the competition. The situation in Timika can easily be found in all urban areas in Papua.

23 Personal communication, Hatam headman, February 1993

24 Copper and gold mining; see below.

## Forestry and Kopermas

Perhaps the resolution made by the Papuan customary communities, in a workshop on *Revisiting the Forestry Management Policy in Irian Jaya* (17 to 18 February 2001) in Jayapura, provides the best summary of their situation with regard to the ongoing exploitation of Papuan forestry resources<sup>25</sup>:

Forest resources [in Papua] can only be managed in a sustainable manner if they are given back to the customary community. We would act as the main player (...), while the government, tertiary education and non-governmental organisations facilitate us to develop our capacities to manage the resource properly. (...) We are open for collaboration with any honest and responsible business community<sup>26</sup>.

This resolution contains at least four items of importance. Firstly, the customary community in Papua has not properly benefited from the forest management during 37 years of centralised administration by the Indonesian regimes. Secondly, from the point of view of the Papuan customary community, the involvement of outsiders, including the conservation agencies<sup>27</sup>, has apparently not contributed to sustainability as an underpinning principle in managing forest resources. Thirdly, the marginalised position of the indigenous peoples must be totally changed into a situation where they become the masters of their own resources. Finally, while acknowledging the need to co-operate with outsiders, which at the same time reveals a subtle recognition of their limitations in managing the resources by themselves, the Papuan customary community insists that any type of future co-operation should enable them to enjoy as much benefit as possible.

The contribution of the Papuan forestry sector to the economy of Indonesia and the Papuan Province is very significant; even though the productivity of the logging

25 Some of the information presented in this section has already been presented in an International Workshop on Sustainable Forestry Management in June, 2001, on Bali, Indonesia, organized by the Crawford Fund. The title of the paper was *Toward a Sustainable Forest Management with Significant Participation of the Customary Communities in Papua (Irian Jaya), Indonesia: Some Critical Issues To Be Considered in the Decentralization Era*. It is my understanding that the organizer will publish the above-mentioned paper with the workshop's proceedings.

26 The full text of the resolution in the Indonesian language is available on the internet. Visit: [http://www.mofrinet.cbn.net.id/informasi/intag/rum\\_lokakarya\\_irja.htm](http://www.mofrinet.cbn.net.id/informasi/intag/rum_lokakarya_irja.htm)

27 In the year 2000 I conducted an evaluative research for WWF in Papua (Sumule, 2000). Surprisingly, the criticism of certain groups of indigenous people, especially those who were living inside the protected areas, against the activities of a specific conservation organization was very strong. They claimed that the conservation activities introduced to them did not bring economic benefits as expected by the people, but rather for the benefits of that organization. Since this is an internal report, it is not published. However, the report might be accessed at the office of WWF Sahul Bioregion in Jayapura, Papua.

industry tended to decrease at the beginning of the *reformasi* (see Table 2 below). The Indonesian Association of Forest Concessionaires (*Asosiasi Pengusaha Hutan Indonesia; APHI*) claimed in its press release, dated 2 March 2000, that for the last five years, the contribution of the Papuan logging industry – through the payment of various taxes and non-taxes – was as much as Rp 553,363,136,849.92, or approximately 0.5 trillion rupiah per year. Approximately 45% was distributed by the Central Government to the treasury of the Government of Papua Province<sup>28</sup>. As the socio-economic situation of the indigenous population inside and around the forest concession areas is one of the lowest in Papua, it can easily be concluded that the financial contribution of the logging industry has very little impact on their lives<sup>29</sup>.

In the era of President Habibie, the Government initiated its policy to involve the community in managing natural resources through *Kopermas* (*Koperasi Peranserta Masyarakat*; Community Cooperative Enterprise). For the Papua Province, it began on the 23<sup>rd</sup> of April 1999, when the then Minister for Cooperative Enterprise and Small Business Development, Adi Sasono, issued forest management permits to a number of local cooperative enterprises. As was reported in the *Suara Pembaruan* daily, dated 27<sup>th</sup> of April 1999, on that occasion, Minister Adi Sasono stated that it was an injustice if the local people's only role was that of spectators in the process of the exploitation of the natural resources on their own ancestral land. It is expected that through *Kopermas* the local people will be able to manage their own forest resources for their own prosperity. If they are not yet capable of managing them by themselves, it can be done through mutually beneficial co-operation with outsiders, whereby the management still remains in the hands of the local people.

28 However, the figure presented by APHI was significantly below what was supposed to be paid to the government. The annual report of the Regional Office of the Department of Forestry of the Province of Irian Jaya for the year 2000 stated that in the past five years the total log production by APHI members in Papua had been 7,990,013.66m<sup>3</sup>. APHI reported that their production in the same period of time had been 5,418,573.79 m<sup>3</sup>, or less 2,571,439.87m<sup>3</sup>. If the average payment to the state per m<sup>3</sup> of log, as used by APHI in their calculation, was Rp 102,123.39, means that the potential loss of the state's income from the logging industry in Papua was as much as Rp 262,604,162,613.86, or more than a half of the amount paid by APHI.

29 For instance, see the letter sent by the Asmat customary community at Sawa Erma to the Governor of Papua, dated 20 June 1998, demanding protection from the intimidation conducted by the security apparatus because the community had opposed the plan of the Jayanti company to construct a fish-canning industry on their customary land; available at <http://members.tripod.com/~telapak/call2.htm>

**Table 2 – Logging Production in Papua Province 1997/1998 - 1999/2000**

Group of companies	1997/1998 (m <sup>3</sup> )		1998/1999 (m <sup>3</sup> )		1999/2000 (m <sup>3</sup> )	
	Target	Actual	Target	Actual	Target	Actual
Kayu Lapis Indonesia	707,257	407,958	582,024	247,516	560,388	134,843
Djayanti	526,546	345,981	421,994	224,998	395,215	70,247
Barito Pacific Timber	167,583	38,237	212,069	45,164	153,627	36,496
Alas Kusuma	321,239	214,272	340,779	98,524	404,068	53,666
Korindo	400,837	323,744	446,025	254,027	442,187	136,024
Wapoga Mutiara Timber	57,584	378,270	204,973	432,500	113,805	443,050
Hanurata	192,238	93,530	137,136	73,158	16,774	61,105
Other groups	875,809	493,192	990,583	449,559	862,552	212,357
<i>Total</i>	<i>3,569,779</i>	<i>2,121,887</i>	<i>3,563,110</i>	<i>1,506,751</i>	<i>3,277,861</i>	<i>762,322</i>

The ideal of obtaining prosperity through economic cooperative enterprise was affirmed by the founding fathers of Indonesia. Clause 1 of Article No. 33 of the Constitution of Indonesia (of 1945) states: „(...) *the economy is developed as a collective endeavour based on the principle of brotherhood (...)*“. The character of this „brotherhood“ is supposed to be related to an economic entity, such as a cooperative enterprise. Yet, since Indonesia's independence in 1945, it has been very rare to note any success of cooperative enterprises in providing prosperity for the people. In other words, the concept of bringing prosperity to the people through *Kopermas* is something which still needs to be developed. According to the Provincial Office of the Department of Forestry and Estate Crops (Kanwil Departemen Kehutanan dan Perkebunan) of the Province of Irian Jaya, there are currently at least 20 *Kopermas* in Papua.

Sharp criticisms of *Kopermas*, including the exploitation of forest resources, have been voiced by various groups in Papua. One critic refers to the exploitation of forest resources as a capital-intensive economic endeavour. Since, in general, the Papuan community is weak in terms of capital ownership, the efforts of *Kopermas* to co-operate with outsiders is basically a new type of exploitation. Local people will be used as the spearhead to process all the necessary permits, but the biggest chunk of profit will be reaped by the owner of the capital (read: outsider).

Another criticism is related to the compensation made by the outside investor to the local communities. The *Kopermas* cooperation agreement usually involved a significant amount of money while the long-term benefit of the compensation rarely took place. My research in the Raja Ampat area showed that the benefit of a 600 mil-

lion rupiahs (approximately \$70,000 US) fee to the local people in Kapacol for the exploitation of the forest under the Kopermas investor cooperation scheme only lasted less than one year. Since the forest was owned by the community, the amount of \$70,000 US might seem to be a lot. But after the money had been divided up and distributed among all of the families, the end result for each was not much at all.

A further criticism stresses the permit given to *Kopermas* for the forest-concession size of 250 hectares, which in practice is logged using the clear-cut technique. Consequently, the destruction of the forest by *Kopermas* activity is much more severe and intensive than that caused by the management of the large-scale forest-concession holders. In addition, the forest management by *Kopermas* has been accused of being one of the most important reasons for illegal logging, especially within the protected areas. Since *Kopermas* is legally owned by the community, this violation of the law could not be properly processed.

In summary, *Kopermas* has roles which could potentially conflict with each other. On the one hand, through *Kopermas*, a significant legal opportunity has been created for indigenous people to benefit relatively more from the management of forest resources than was the case beforehand. On the other hand, this policy will not suddenly place the people in the most benefited position; to say nothing of the danger of serious forest destruction due to the implementation of the *Kopermas* pattern of harvesting trees.

## Mining

Perhaps the most reported violations of human rights by extractive industries in Papua have been associated with the copper- and gold-mining activities of PT Freeport Indonesia – a subsidiary of the US-based company, Freeport MacMoRan<sup>30</sup>. The Central Government considers PT Freeport to be one of the most strategic industries in Indonesia and has deployed more than 1,000 military and police troops to protect this mine (Davies, 2001). As a result, a number of local people, who were seen as a threat to this foreign investment, have been killed and tortured. Unsur-

<sup>30</sup> One such report has been released by Project Underground. (1988). See also Ballard (1991). On the other hand, a „Fast Fact of Freeport on Human Rights“ states as follows (Freeport-McMoRan Copper&Gold Inc, 2002): „... PT Freeport Indonesia has taken a clear position in support of human rights for all people and has gone on record condemning violations of human rights in the province of Papua. The Company in 1999 adopted a Social and Human Rights Policy and communicated the policy to employees. The policy requires human rights education for all employees as well as reporting of any human rights incident to human rights officers. It provides that employees must certify annually that they have neither participated in nor are aware of any human rights violation“.

prisingly, the armed wing of the Organisasi Papua Merdeka (Organisation Free Papua) is also relatively active near the Freeport area. As is the case with every type of extractive industry in Papua, Freeport's contribution to the Papuan economy is significantly lower than its contribution to the Central Government (see Table 3).

Another source of trouble is the management of Freeport's tailings. Approximately 300,000 tons of fine-solid materials were dumped daily into the Aghawaghon-Aijkwa river system. In the lowlands, an enormous deposition area of tailings has formed, destroying at least 130 km<sup>2</sup> of tropical forest, including sago forest, which is the source of food for the Kamoros, the natives of the lowland Mimika District. This deposition area has taken a significant part of the customary land of the Koperapoka sub-clans of the Kamoro tribes. It was not until 1996<sup>31</sup>, after a series of protests by the Koperapoka people and outside criticism, that Freeport introduced a Recognition Program which includes the identification of new settlement areas for the Koperapoka people.

**Table 3 – Revenue of the Provincial Government of Irian Jaya (Papua) from Freeport in 1997<sup>32</sup>**

Type of revenue	US \$ (000,000)
Royalty	25.26
Dead rent	0.21
Land and Building Tax	2.07
C type of Mineral and Water	0.50
Vehicles tax	0.14
Foreign Employees Tax	0.004
<i>Total</i>	<i>28.17</i>
Compared with the Provincial Original Income ( <i>Pendapatan Asli Daerah</i> ) of US \$9,093.18	63%
Compared with the Central Government Revenue obtained from Freeport operation of US \$237 million (dividend, royalty, and various taxes)	11.89%

As only 16% of the total Freeport workforce and its supporting companies are Papuans, the salaries and other benefits paid have a relatively small impact on the development of local economies. This situation is echoed with regard to Freeport's impact on agricultural development in the area. If we assume that there are 13,000 employees of Freeport and its supporting companies which must be fed three times

31 Freeport's product, a copper-gold concentrate, was shipped for the first time in 1971.

32 The highest income of Freeport in the last 10 years



a day, and the cost per meal per head is Rp 30,000, the gross value of this industry is more than 1 billion rupiah every day. This revenue is enjoyed solely by PT Pangansari Utama Food Industry, which is one of the biggest food catering businesses in the world. As most of the required foods have to be imported from outside Papua (though local purchasing is attempted), the impact of this catering industry on the local economy is insignificant.

For the last two and a half years, gold panning activities significantly emerged in Agawagon–Aijkwa river system; where Freeport dumps its tailings. Recently, I had a chance to visit the area, and interviewed the panners. They could earn up to Rp 300,000 per day – a significant high source of income, even though with high risk as well. The most important variable in this business is the Indonesian military and police personnel<sup>33</sup>. Areas around Freeport mining sites in Tembagapura, including Banti traditional villages, have been regulated as closed for unauthorised migrants since 1997 due to the lack of flat areas for housing purposes. But Freeport seems to be powerless, because it was the military personnel who transport, or at least provide protection, to the gold panners. By doing this, they could monopolise the gold trading in the area – the panners did not have any other choice but to sell the nuggets to the military. The result is very obvious: migrants from various villages of the central highland increasingly flooded the area, and occupied the steep hills of Kembili facing the traditional Banti villages of the Amungmes. Tribal wars are likely to take place again, as happened repeatedly in the 1990s between the Danis of Utikini and the Amungmes of Bantis. It costed Freeport million of dollars to move the Danis and other migrants to the lowland of Timika to prevent this type of conflict.

## Oil and Gas

The history of oil exploitation in Papua can be traced back to the 1930s, when the *Nederlandse Nieuw Guinea Petroleum Maatschappij* (NNGPM) started exploration in the Bird Head area of Papua in 1935, and commenced oil production in 1948. Since the transfer of administration from the Dutch to Indonesia in 1963, oil wells in the Sorong area have provided one of the main sources of income for Indonesia through its monopolistic company, Pertamina. In the 1970s, Indonesia enjoyed an oil-boom which gave momentum to its economic growth, and the contribution of Papua's oil resources to this momentum cannot be ignored. To what extent the oil and gas industry has affected the indigenous peoples in Papua, taking into account their customary rights, has not yet been thoroughly researched. However, recent

33 For further considerations on military's economic involvement see remarks of Theodor Rathgeber, Appendix VI.

complaints from local communities with regard to the exploration activities of Pertamina-ARCO (which was amalgamated with BP) and BP's plans to develop one of the largest and richest natural gas reserves of Indonesia located in Bintuni Bay give us some idea of the impact.

In 2000, a public meeting was held in Manokwari, where Pertamina-ARCO introduced its plan to develop the gas industry. Decky Kawab, one of the prominent leaders of the Bintuni community in Manokwari and Head of the Economic Section of the Manokwari District, made the sarcastic remark to the Pertamina-ARCO officials present, who promised to pay proper attention to the rights of the indigenous people in Bintuni Bay: *„Oil [and gas] industry is not new to us. We are fed up with the lies of the oil companies' people. No more promises, please. Just do what you must do for the people!“*

On 8 May 2002, the Manokwari NGO Alliance for Tangguh Advocacy issued a press release claiming that the Environmental Impact Analysis (EIA) of BP-Pertamina's Tangguh LNG Project was inadequate to qualify for approval by the Indonesian Central Commission of Environmental Impact Assessment (AMDAL). The alliance claimed that there had been no real participation of the appropriate local communities. Moreover, it claimed that such issues as sago-forest fires, the death of 48 children caused by earlier seismic operations and compensation for the land released for the project site must be resolved first (Jaringan Advokasi Tambang, 2002).

The construction of the LNG project will commence in the near future. The AMDAL have been passed, and approval of the business plan has been obtained from President Susilo Bambang Yudhoyono's administration. However, the problems of compensation for the people in Aranday, who customarily own the area where the gas reserves are located, are far from being solved. The local people understand that their rights over natural resources, including natural gas, are protected by the Special Autonomy Law. Who will provide the compensation: the central government (which will receive all tax-related revenues plus 30% of the non-tax revenues), the provincial government (which will receive 70% of the non-tax revenues), or BP as the contractor? The longer this issue is left unsolved, the higher is the risk of conflicts between the Sumuri tribe, of Aranday and its surrounding areas, and the Sebyar tribe, of the Tanah Merah, Saengga and Omar villages. The Sebyar have already been compensated by BP with high-quality houses and public facilities (schools, church, mosque, clinics, electricity and clean-water systems). Their old village will be used as the site for the LNG plant. In this latter case, BP seems to have learned its lessons.

34 Decky Kawab is currently the Bupati of the newly established Bintuni Bay District.

## Fishery and Other Marine Resources

From 30 October to 22 November of the year 2002, I was involved in a Rapid Ecological Assessment of the Raja Ampat Islands (West-Papua), sponsored by The Nature Conservancy (TNC)<sup>35</sup>. The Raja Ampat area is a perfect example of the relationship of indigenous Papuans to their environment – here: small islands, coastal areas, sea and its resources – and of the extent to which their livelihood is threatened due to the irresponsible involvement of people from the outside, with or without state sponsorship. This is not the case of the Raja Ampat area alone, and can easily be found in other marine areas of Papua as well.

One of the main questions which was repeatedly asked of the local community when this exploration was conducted was: „*What is your opinion on the current availability of marine resources compared to the past?*“ The answer in every village was the same: the resources have been depleted significantly. Various expressions were used to depict the situation, such as:

„*In the past, we started to cook the rice / sago / tuber crops first and then go fishing (Dulu kami masak nasi/sagu/ubi dulu baru pergi cari ikan)*“ – meaning the availability of fish and other sea food was so abundant that one surely would bring home the side dish from the sea with minimum effort.

„*In the past, we just kicked the sea-cucumbers around (Dulu teripang kami tendang-tendang saja)*“ – meaning sea-cucumbers were so abundant that one did not need to spend too much time to find and collect them.

„*In the past, if we went out to collect the bias, the boat would nearly sank when we went home*“ (Dulu kalau kami pergi cari bia, perahu hampir tenggelam waktu kami pulang ke rumah) – meaning that the bias, a kind of fish, were so abundant that one could collect as much as one wanted.

After listening to the answer(s), the next question asked was: „*What was the cause [of the depletion], do you think?*“ Again, the answer was almost unvarying: „*The people from the outside greedily exploited our marine resources.*“

Outsiders, who used bombs. It is the unanimous opinion in Sorong that the use of bombs was one of the main reasons for the destruction of the marine resources in Raja Ampat. But the use of bombs was not something that happened recently. The local people of Raja Ampat themselves admit that bomb fishing has been used since the 1970s and 1980s by assembling ‘local bombs’ (called *dopis* by the Biak-speaking community). They used ammunition from bombs or bullets which had been used in World War II but had not exploded. Whether this practice was related to the use of *akar bore*<sup>36</sup> (poison made from roots) as a traditional way of collecting fish,

<sup>35</sup> The results were published in Donnelly and Mous (2003).

<sup>36</sup> On the 9th of November, I stopped by at Aduwey – a temporary camp site of the people from Kapacol village. I spent time talking to Decky, a 24-year-old gentleman, who was there

remains to be studied further. The use of bombs and potassium cyanide was, according to the local communities, mostly done by people from outside of Raja Ampat; either people from Sorong or from outside of Papua, and was, of course, conducted without gaining the prior consent of the customary owners. Apparently, the local people did not have any mechanism to control this. The bombed fishes were sold fresh or as salted fish in Sorong.

Beside the use of bombs, potassium cyanide is also used and is one of the main threats to the sustainability of the marine resources. Potassium cyanide is not made locally and must be imported. In addition, ships from outside of Papua are involved in collecting live fish, as has been learned from informants in Saliyo Village<sup>37</sup>:

„There have been several ships operating in our area. Some of them were MV Mioskopal from Ambon, MV Kawan Setia from Makassar, and MV Regina. Each of these ships carried between 18 to 20 speed boats, equipped with compressors for diving. Compressors would allow their divers to stay under water for a long time, and, using potassium cyanide, they collected a lot of live fish.“

„We caught the MV Regina two years ago. Its crew, from Salayar island of Sulawesi, stole the fish near our islands. We confiscated one of their speed boats with a 15 HP outboard motor. We also confiscated their compressors. But later, when only our women and children were left in the village, the ship's crew came back and threatened our families with knives. They took back the motor and the compressors.“

When the fish is sold to legal traders in Sorong, they sometimes export the fish to traders in Hongkong, Singapore, and other parts of the world. Once the collected fish has reached this stage, it is almost impossible to uphold the law.

A next intruder on the local economy were Balinese fishermen who started to compete in relation to the sea turtles in Raja Ampat, which were traditionally used by the indigenous people and are now an endangered species. Soleman, a native of Saliyo<sup>38</sup>, talked about the exploitation of *tuturuga* (the local name for sea turtles) in his customary area as follows:

with his wife and mother-in-law to collect sea cucumbers and *bia lola*. I specifically asked him whether he used *akar bore* or not in collecting fish. He told me that not only did he use *akar bore*, but his ancestors had done so as well. When I asked his opinion about the danger of *akar bore* to the environment, as small fishes could die due to the use of that poison, he confronted me, „Why do you worry about our *akar bore*? How about those outsiders who use bombs and potassium cyanide? If other people can do that, why can't we?“ And, he sarcastically added in frustration, „Maybe it is better for these resources to be destroyed altogether [so that nobody would have anything]!“

<sup>37</sup> Interview 18 November 2002.

<sup>38</sup> I met him at his fishing camp at Wayag Island, 16 November 2002.

„The people from Gebe [of the North Maluku Province, but culturally related to Raja Ampat] took the eggs and took home about five to six big tuturuga. People from Ayau also came here to kill tuturuga and took the eggs. They asked our permission first. But the Balinese just came, anchored their boats near Sayang island, and collected as many live tuturuga as they wanted. I have seen, on one occasion, approximately 20 live, large tuturuga on the deck of a Balinese ship. Those were in one ship only. And those were only what I could see. I did not know how many more [tuturuga] were inside the ship. They took everything: big, small, eggs (...)"

Summarising these examples and the information explaining the structures and the actors involved in the various economic activities in Papua, it seems to be a very tough challenge – if not a titanic endeavour – to maintain or even to develop a local economy taking into consideration the skills and values of the local indigenous people. Obviously, to date, the Papuans are sufficiently skilled to defend their social and economic environment to a certain degree. But considering the tendency of an ever more expanding globalised world, this capability will no doubt diminish, probably rather sooner than later. New structures are needed to generate new space, even for survival.

## Empowerment and Special Autonomy

The Law of Special Autonomy of Papua is a breakthrough toward enabling Papuans to improve their economic status. The law provides important elements with regard to the protection and empowerment of the rights – including those concerning the natural resources – of the Papuan indigenous peoples. Article ‘e’ of the Consideration Section of the Papuan Special Autonomy Law acknowledges that indigenous Papuans are of Melanesian cultural background with their own „(...) *diversity of culture, history, and languages*“. Beyond academic anthropological discussions, this legal provision challenges the domination of the Malay-Indonesian way of doing things, which has been adopted by the State as a general approach for the entire country (Zakaria, 1997; Anon, 2000). This approach has influenced almost all past development policies and programs. The acknowledgement of Papuans as Melanesians implies that the future implementation of development policies and programs in Papua, including the design and implementation of the economic programs, should always be characterised by respecting and adopting the culture of its indigenous peoples.

Articles ‘f’ and ‘g’ of the same section of the Law implicitly recognise that since Papua became part of the Republic of Indonesia, the rights of the indigenous Papuans have not been fully respected. By encouraging certain objectives, it indirectly acknowledges that (1) the administration and development of the Papua Province has not complied with the sense of justice, not achieved prosperity for all

people, not fully supported law enforcement, and not respected the human rights of people in Papua Province, in particular among the Papuan indigenous communities. In that way, it further states that (2) the management and use of the natural wealth of Papua has not been optimally used to enhance the living standard of the indigenous Papuan peoples, having instead increased the socio-economic gap between Papua Province and other regions. It is within this context that Tom Beanal, the Leader of the PDP, considers Special Autonomy to be a means for the Indonesian Government to address the lack of development in Papua Province<sup>39</sup>.

The establishment of the Papua People's Council (*Majelis Rakyat Papua*; MRP) will enable the indigenous people of Papua to have a more significant say in the decision-making concerning the exploitation of natural resources. The MRP is the cultural representative of the Papuan indigenous peoples, based on the respect of custom and culture; the empowerment of women, and the strengthening of a harmonious religious life. MRP was established on the basis of what was perceived to be the lack of true and meaningful political representation of the indigenous peoples of Papua<sup>40</sup>.

The Law of Papuan Special Autonomy defines the customary community (*masyarakat adat*) as those indigenous Papuans who live in a specific region in Papua and are bound by, as well as submit to, a specific custom with a significant sense of solidarity among its members<sup>41</sup>. Article 43 of the Law of Special Autonomy specifies that the Government of Papua Province shall acknowledge, respect, protect, empower, and develop the rights of the customary community. More specifically, clause 3 of the Article stipulates that any use of the customary land should be based on a permit granted by the affected customary community through a proper consultation process. The use of customary community land should include proper compensation in the form of a cash payment, land substitution, resettlement, shareholding, or other form of compensation agreed to by mutual consent of the relevant parties. In addition, Article 44 dictates that the Provincial Government shall be obliged to protect the intellectual property rights of the indigenous peoples of Papua, according to the provisions of statutory regulations.

Clause 2 of Article 38 stipulates that economic ventures which are based on the exploitation of Papua's natural resources should recognise and respect the rights of

39 Statement made in an interview with Metro TV, December 2001, after the assassination of Theys Eluay, the Chairman of the PDP.

40 See Sumule (2002) on the role of *Majelis Rakyat Papua* and its Significance in Protecting the Rights of Indigenous People of Papua.

41 This definition is more or less consistent with the proposed characteristics of *masyarakat adat* in Indonesia by Walhi in 1993, as groups of people who inherit ancestral origins to a specific geographical region, as well as inheriting specific values, ideologies, economies, politics, culture, and social systems (Heroepoetri, 1997).

the customary community over those resources. This principle is treated equally with other principles relating to Papuan economic development, namely the provision of legal insurance for investors, environmental protection and sustainable development.

This Law also attempts to correct the previous unfair treatment of indigenous peoples by providing an opportunity for the community legally to challenge any permit which is granted by the Indonesian Government to a third party in order to exploit Papua's natural resources. Clause 2 of Article 40 stipulates that if a court decision considers that a permit and / or cooperation agreement is (1) legally flawed; (2) affects the rights of members of the community; and (3) contradicts the Principles of the Law of Papuan Special Autonomy, that specific permit and / or cooperation agreement should be reviewed and the permit / agreement holders should bear the legal consequences.

Another important aspect of the Special Autonomy Law is the reintroduction of the customary court (*peradilan adat*). According to the Law, the customary court can be used to reconcile disputing parties of the customary communities, and has the authority to hear civil and criminal cases among its members. The decisions made by the customary court are final and cannot be taken to the State Court unless one of the parties involved rejects the decision. The formal recognition of the Papuan customary court in the Indonesian judicial system should be seen as a historic achievement, for at least two reasons: (1) the dispute over resources by different clans in Papua can be legally processed through a customary mechanism; and (2) a precedent has been set for customary communities in other regions of Indonesia to have their indigenous legal systems recognised by the State.

The implementation of the Special Autonomy for Papua would make transmigration much more difficult. Clauses 3 and 4 of Article 61 stipulate that national transmigration can be conducted in Papua only with the agreement of the Governor, which agreement must first be enacted in a Provincial Regulation. As has been stated above, the MRP has the veto power to reject such a regulation if it is not considered to be in the interests of the indigenous peoples of Papua. Further, with regard to population management, Clause 1 of Article 61 stipulates that the Provincial Government of Papua is obliged to manage population growth in Papua. This includes the application of an affirmative policy in order to strengthen the ability of indigenous peoples to participate in the development of their country as quickly as possible. Under such affirmative action policy, the Province of Papua has the right to limit in-migration for a given period of time. The ongoing unfair competition between Papuans and non-Papuans with regard to working opportunities can also be minimised, e.g., by giving Papuans the first chance to obtain a job, but based on skills and capacities<sup>42</sup>.

42 See also Theo van den Broek, part II

## Concluding Remarks

The implementation of the Law of Special Autonomy of Papua will provide legal opportunities for the improvement of the lives of the indigenous peoples of Papua. However, there are a number of critical factors which must be dealt with. One of the main challenges currently faced by the people and the Government of Papua is the drafting of a number of regulations to implement the Special Autonomy Law. At the provincial level, these regulations include Special Provincial Regulation (*Perdasus*), Provincial Regulation (*Perdasis*), and Governor's Decree (*Keputusan Gubernur*). There are also regulations to be drafted at the district, municipality and village levels. Article 75 stipulates that all implementation regulations referred to by the Law should have been enacted within two years of 21 November 2001. This, of course, is a huge task, as many issues relating to the protection and empowerment of the rights of indigenous peoples have no precedent at the national level.

Considering the limited time available, it is important that the drafting of the regulation of the Papua Special Autonomy Law should not be the sole responsibility of the Governor and Provincial Parliament; only the draft of the Government Regulation to establish MRP has been finalised<sup>43</sup>. Genuine efforts should be made to invite relevant community members to participate in the drafting process. The drafting of the Bill of Special Autonomy for the Papua Province already involved Papuan intellectuals and demonstrated the enormous potential within the Papuan community for a drafting process. Lessons could be learnt as well from regions which are socio-culturally similar to Papua – namely the Melanesian States in the South Pacific region.

Since the *reformasi* took place in Indonesia, the determination to eradicate KKN (the acronym for *korupsi, kolusi, nepotisme*<sup>44</sup>) from the governance system has become one of the most popular political slogans. The Indonesian People's Consultative Assembly (MPR) even produced a specific decree for this purpose, as contained in the Decree No 11 of the year 1998. As part of the Indonesian political system, the Papua Government is not immune from KKN. The culture of corruption must be addressed if Special Autonomy is to bring sustainable prosperity to its people<sup>45</sup>. A principle mechanism for combating KKN has been outlined in the Papua

43 Article 72 stipulates that for the first time the Governor and Provincial Parliament draft the qualifications and numbers of members, as well as the procedure for the election of members of MRP, to be submitted to the Central Government as references in the development of a Government Regulation.

44 corruption, collusion and nepotism

45 As per clause 3e of the article 34 of Special Autonomy Law, for the fiscal year of 2002 an additional budget of Rp 1,382,300,000, or approximately US\$153.5 million, has been allocated by the Central Government for Papua Province. However, if the 30% rate of corruption persists, as has been suspected since 1992 by Prof. Soemitro Djojohadikusumo, one of the



Special Autonomy Law, which is partly through substantial participation of the people in the planning, executing, monitoring and evaluation of any development program; as by the MRP.

There has been considerable effort made to formalise the customary system of governance through the creation of various *Lembaga Masyarakat Adat* (Customary Community Institutes; LMA). These reformed LMAs were closely affiliated with the Presidium of the Papuan Council<sup>46</sup>. The latest development with regard to the formalisation of customary systems in Papua was the undertaking of the Grand Assembly of the Papuan Customary Communities in February 2002, organised by the Presidium of Papuan Council. The Assembly produced a declaration acknowledging the Papuan customary communities as owners of the rich natural resources of Papua, to be respected by the government and private sectors with regards to the exploitation of those resources. The Assembly established two bodies: the Papuan Customary Council (*Dewan Adat Papua*) and the Papuan Customary Government (*Pemerintah Adat Papua*).

Thus, at least a sophisticated legal framework has been generated in order to develop appropriate institutions of the customary communities. Nevertheless, in order really to benefit from these legal provisions and to be successful in dealing with outsiders, the Papuans must in part re-organise and particularly encourage themselves in training and institutional building at the local level; such as the Institute for Strengthening the Customary Community (*Lembaga Penguatan dan Pemberdayaan Masyarakat Adat – LPPMA*). The professionalism of any customary institution should be characterised by its ability to resolve horizontal disputes concerning resources with its own means and to develop effective partnerships with outsiders without having to compromise the peoples' customary values.

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most respected Indonesian economists, that means, some US\$46 million of that budget will disappear, which is basically equal to the total amount of the compulsory budget for the improvement of Papuan education system as stipulated in the Law; see also Transparency International, 2001.

46 For instance, in Manokwari District, the Chairperson of the LMA of the Manokwari District, Bas Mandacan, is also the Chairperson of the Manokwari Panels of the Papuan Council. The same situation can also be found in other districts / sub districts. For more information on the Adat issue in a contemporary Papua see Howard, McGibbon and Simon (2002).

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# Indonesia's Economy at a Glance

## *Appendix V*

THEODOR RATHGEBER

The discussions and conflicts in relation to economic, social and cultural rights are obviously linked to the state's capacity to protect and fulfil these rights. In addition, although the question related to the status of Papua is predominantly determined by political discourses, the economy and its dynamics also indicate how far a discourse on self-reliance, self-determination or autonomy will face an additional, severe hindrance. The following economic data seek to roughly analyse the framework of Indonesian economy and to highlight its impacts on the topics of our study. The main source for this brief sketch has been the Country Report 2004 of the Economist Intelligence Unit, related fact sheets and quarterly indicators (see References).

*Table 1 – Selected Figures on Indonesia's Economy*

<b>Issue / Year</b>	<b>1999</b>	<b>2000</b>	<b>2001</b>	<b>2002</b>	<b>2003</b>
Population (m)	220.3	224.1	227.8	231.4	235.0
Real GDP	0.8	5.4	3.8	4.3	4.5
Growth (%)					
Consumer	20.5	3.7	11.5	11.9	6.8
Price Inflation (av. %)					
Exports of	51,242	65,406	57,364	59,165	63,978
Goods fob (US\$ m)					
Imports of	30,598	40,366	34,669	35,653	39,215
Goods fob (US\$ m)					
Current-Account	5,785	7,985	6,899	7,823	8,174
Balance (US\$ m)					
Total External	151.2	144.4	134.0	132.2	136.7
Debt (US\$ bn)					
Debt-Service	30.0	22.5	23.6	24.8	16.3
Ratio, Paid (%)					

**Table 2 – Origins of Gross Domestic Product 2002**

	(%)
Agriculture, forestry and fishing	15.9
Mining and quarrying	9.3
Manufacturing	26.6
Construction	6.2
Electricity, gas and water supply	1.8
Services	46.4

**Table 3 – Principal Exports 2003**

	(US\$ m)
Textiles and garments	7,103
Crude petroleum and products	7,175
Liquefied natural gas	6,477

**Table 4 – Principal Imports 2003**

	(US\$ m)
Raw materials and intermediates	25,496
Capital goods	4,192
Consumer goods	2,863

**Table 5 – Main Destinations of Exports 2003**

	(%)
Japan	24.6
US	15.3
Singapore	10.6
South Korea	8.6

**Table 6 – Main Origins of Imports 2003**

	(%)
Japan	19.1
Singapore	15.1
China	14.0
South Korea	8.5

Various conclusions could be deduced from these figures. As a mere overview, we mainly focus on the following remarks. In general, Indonesia is confronted with an onerous debt-servicing burden and the total amount of external debt will rather increase. There is a significant dependence on natural resources and raw materials. Considering the recently high international oil and gas prices, and given the prevailing surge in demand, a fall in the trade surplus is to be expected. Therefore, the President of Indonesia, Susilo Bambang Yudhoyono, will probably strengthen the government's endeavour to attract more foreign and domestic investment in order to improve the access to the oil, gas and mining sectors.

A vital part of the gross domestic production (GDP) is still generated by agriculture, forestry and fishing, although the gross agricultural production growth (about 3%) is below the average growth of GDP. Transferred into politics, a region rich in this kind of goods – like Papua – is obviously of strategic interest for the entire nation of Indonesia. If there is no further change, the situation will prevail that Papua on the one hand ranks at the second lowest level in the Indonesian Human Development Index (2004), while the Gross Regional Domestic Product is ranking at the third highest level for Indonesia based on income from trading with natural resources (UNDP 2004). This ranking does not differ from the year 1999, prior to the Special Autonomy Law. The countries of export and import reveal in a similar way – based on their policy in the past – a focus on undisturbed business relations rather than philosophical considerations on a fair and human-rights related trade.

After election of the President of Indonesia, there is the general expectation that he will continue with reforms leading to a pro-reform, technocratic administration while drawing a greater focus on reducing unemployment and poverty in 2005. Although fiscal policy will remain constrained by the high level of debt-servicing obligations, there is likely to be a modest shift from macroeconomic stability towards microeconomic reforms and job creation (unemployment rate about 9.5%). Economist experts forecast that eventually in 2005, but probably by 2006, the structural improvement in the fiscal accounts, combined with reduced debt-servicing costs, will give the administration greater scope to invest in education, health and infrastructure. As the article of Theo van den Broek shows, this shift is urgently needed in regions like Papua and might lead to a rather extended scope for discussion at least at the level of economic, social and cultural rights.

It is expected that the fiscal decentralisation process will be continued and the greater freedom to spend for local governments be consolidated. As Theo van den Broek's article reveals, sometimes this ended up in a crackdown on graft in local government. The illustrative example of the Jayawijaya case in his article shows a local economy collapsing. However, the decentralisation process may also encourage local people to generate monitoring systems and contribute to local empowerment in the form of critical media, non-governmental organisations, independent



expert circles. Though there are concerns that rigorous investigation and blaming of local councils can be politically motivated, as the central government seeks to distract attention from its failure to prosecute high-profile corruption cases.

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*Dutch ship carrying the Dutch Trikolore and the West-Papuan Morningstar,  
around 1962*

Photographer: Siegfried Zöllner



*Dutch governour visits Wamena, West-Papua, in „Kroonduif“-aeroplane,  
December 1962*

Photographer: Siegfried Zöllner



*Commercial Centre in Hollandia / Jayapura before the Indonesian takeover of West-Papua in 1963*

Photographer: Siegfried Zöllner



*A Yali man tilling his land in Angguruk, West-Papua*

Photographer:  
Siegfried Zöllner

*A Yali woman  
manufacturing a net  
in Pronggoli, West-Papua*  
Photographer:  
Siegfried Zöllner



*Newly build traditional Yowi house for men. Pasikni, West-Papua*

Photographer: Klaus Reuter





*A house at the sea-side outside Jayapura, West-Papua*

Photographer: Siegfried Zöllner



*Church elder teaching a boy to carve a drum in Assey, West-Papua*

Photographer:  
Klaus Reuter



*Dani woman taking a brake near the Balim River on the way to Polimo / Kurima, West-Papua*

Photographer: Klaus Reuter



*Woman producing Sago*

Photographer: Siegfried Zöllner



*Market in the city of Jayapura*

Photographer: Wilfried Neusel



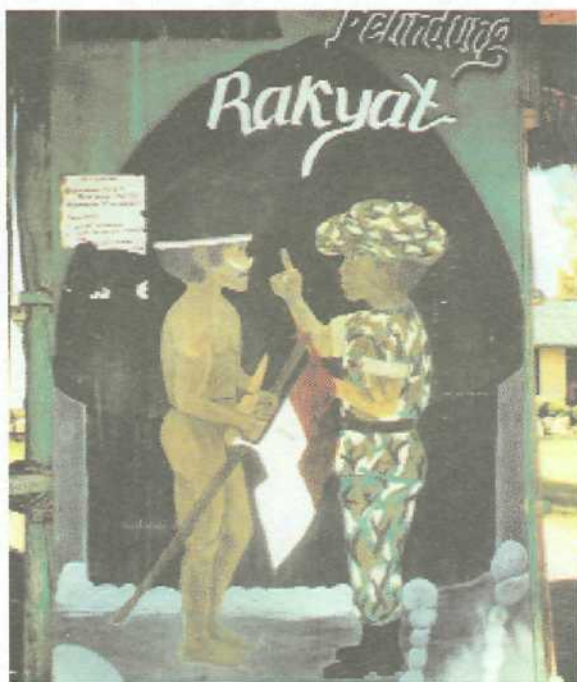
*Papuas attending the consecration of a newly build church in Pilawa, West-Papua*

Photographer: Imtraud Schild





*Military blockade in Wamena. West-Papua, during the revolts following the arrival of the corpse of Papua leader Tomas Waggai, who died in prison in Jakarta in 1996*  
Photographer: Friedrich Tometten



*Military propaganda in West-Papua. A soldier teaches a Papuan. The military is presented as the protector of the people*

Photographer:  
Klaus Reuter





*A danger notice in Jayapura, West-Papua, warning about HIV and AIDS*  
 Photographer: Klaus Reuter



*Church service celebrated by the Prisoners of Wamena. The second from the left is human rights activist Mrs. Amalia Yigibalom*  
 Photographer: Siegfried Zöllner



*Houses of 250 Javanese transmigration settlers in Topo / Nabire, West-Papua*  
Photographer: Siegfried Zöllner



*Ships in the harbour of Serui*

Photographer: Siegfried Zöllner



*Precious wood from the interiors of West-Papua*

Photographer: Siegfried Zöllner



*Illegal logging, Bintuni-Bay, West-Papua*

Photographer: Uwe Hummel





*Fishers at Lake Rombebay, Kapeso / Mamberamo, West-Papua*

Photographer: Klaus Reuter



*Lifts of Freeport linking the mines at the Grasberg to the mills, Tembagapura / Timika, West-Papua*

Photographer: Siegfried Zöllner



*Workers going home from work at the Freeport mines, Tembagapura / Timika, West-Papua*

Photographer: Siegfried Zöllner



*Open pit of the Freeport copper mines at Grasberg, 4000 metres above sea level, Tembagapura / Timika, West-Papua*

Photographer: Siegfried Zöllner



*The Aigwa-River carries enormous amounts of tailings from the Freeport-mills in Timika, Wets-Papua*

Photographer: Siegfried Zöllner



*Papuan children*

Photographer:  
Siegfried Zöllner





*Indonesian military and Papuan citizens*

Photographer: Siegfried Zöllner



*Tom Beanal (front) and Theys Eluay during the 2<sup>nd</sup> Papuan congress in 2000,  
Jayapura, West-Papua*

Photographer: Klaus Reuter



*Expressions of joy during the 2<sup>nd</sup> Papuan congress in 2000, Jayapura, West-Papua*  
Photographer: Klaus Reuter



*Little boy in Wamena proudly presenting his drawing of a Dani-house and the West-Papuan Morning star-flag*

Photographer: Klaus Reuter





Indonesia

Graphic chart: Frank Zander



West-Papua

Graphic chart: Frank Zander

# Remarks on the Economic Activities of Military Forces in Indonesia

## *Appendix VI*

THEODOR RATHGEBER

Military forces in Indonesia have been an economic actor for decades – even before independence – and this role has been widely accepted by a large part of Indonesian society. Particularly in the 1970s, there was an international discussion and discourse stressing the need of well organised, state run institutions in order to facilitate and support processes towards a better welfare of the so-called ‘underdeveloped’ countries. Obviously, in that concept state agencies such as military forces should play a prominent role. The Constitution of Indonesia itself provided military forces with a legal base to fulfil a socio-political role. In October 2004, the military tried to rush a bill through parliament which would substantially enhance its authority. Throughout history and via the military-run agency *Angkatan Bersenjata Republik Indonesia* (ABRI), the military extended its role to a strong involvement in Indonesia’s business sector. Meanwhile, the international discussion on that kind of concept developed concepts which emphasise the institutions of civil society – if not strictly market-based ones. In Indonesia, due to the recent era of reform (since 1998), the commitment of the military in business activities has come under scrutiny, but without any further concrete result up to now.

The following remarks on the military’s involvement into Indonesia’s economy and its consequences for our discussion towards Papua do not pretend to offer a comprehensive analysis of this issue. The remarks seek to brief about an actor which is of vital importance for political and economic discussions related to Papua. Dealing with military forces in Indonesia is still a delicate matter while they seek to keep a ‘noble secret’ particularly concerning their economic activities. Therefore, publicly available studies are still rare; but there are at least some (see references). A further in-depth analysis on the business activities of Indonesia’s military forces was worked out during an international conference held in Jakarta in October 2000, titled *Soldiers in Business. Military as an Economic Actor*. The information relevant to Indonesia has been provided by Lesley McCulloch (*The Role of the Indonesian Military in Business*). His statement may be available through the Bonn International Center for Conversion (BICC).

The military forces in Indonesia began to be involved in business during the National Revolution period (1945-49) and became institutionalised in 1957, e.g. with the army-sponsored oil corporation *Pertamina*. The martial law in the same year pushed military personnel – usually officer ranks – into positions of enhanced power, particularly in state-controlled sectors of the economy. It reached even the village level, where officers were often charged with the control of rice marketing. There, the so-called Territorial Command (*Koter*) is, still today, one of the areas for military business. Military personnel acquired entrepreneurial skills which enabled them to consolidate their position during the deteriorating economic climate of the early 1960s under Soekarno. The involvement of military forces in the economy expanded in 1964 and 1965, when British and US-American enterprises were placed under the auspices of the military. The military forces controlled some of the most important sectors of the Indonesian economy.

In addition to an entrepreneurial approach, military forces always faced the problem of – at the formal level – low salaries and a lack of military infrastructure. Officers then tried to bridge the gap between state provision and requirements on two levels: channelling money from the businesses to the military and, at a local level, engaging in a policy of ‘communal provision’, generating a legacy of corruption, inefficiency and mismanagement. The result: huge financial losses to ABRI itself and to the Republic of Indonesia as well. Even further, the commercial interests of military forces extended to criminal activities such as smuggling, illegal extraction of resources as logging and mining, piracy, gambling, drug trafficking, prostitution, weapon delivery to areas of conflict. Anecdotal evidence is strong; in the meanwhile, a few studies have become available which reveal that the illegal trading in commodities such as oil, timber and minerals is significant.

The involvement of military forces in the extraction of natural resources is mostly done in mining and forestry by local units. It is presumed that 70% of the timber supplied to the processing sector comes from illegal logging, thus avoiding taxes and tariffs. In relation to Papua (Boven Digoel Regency, a border region), a study conducted by Kontras (2004) found logging (for plywood), palm-oil processing contaminating the river, illegal trade with gambier and crocodile skin, deer horn and arwana fish. The business uses the military facilities, such as transportation, which is rare and consequently expensive. In addition, the military forces receive a monthly contribution from companies for security. In the mining sector, Freeport McMoRan’s Grasberg copper and gold mine has been pursued by the military as a source of budget funding. The military forces get Freeport contributions related to their presence as security forces in order to protect the mining from supposed social unrest. The amount of US\$ 100 million was requested and US\$ 35million have been paid to ABRI as a one-off payment. An annual contribution of US\$ 11 million has to be supplemented. In other parts of Papua, foreign and national investors are oper-

ating without permissions in flagrant violation of forestry legislation while the State's security people, including military and police personnel, are acting in collusion with the illegal loggers. Thousands of hectares of old-growth rainforest have already been clear-cut and the local population been displaced.

Since the reform (1998) has been initiated, democracy, economic efficiency, transparency, and accountability have been tentatively transferred into active politics. The Criminal Corruption Law 31/1999 strengthened the state authorities to audit even the military's Foundations, although it cannot be guaranteed that the information given by the military forces will be complete. However, the auditing can at least highlight the nature of discrepancies due to malpractice, corruption, incompetence, disordering and disobeying procedures.

Without going into further details, it can be concluded that the military's business activities are – according to their view – a indispensable need, a historical achievement and a source of additional power predominantly in rural areas. As the military forces do not show any intention to withdraw voluntarily from this business, and as Papua provides nearly ideal circumstances for this pattern of business, any discussion about self-reliance and self-determination will have to consider this very particular, persevering interest of the military forces beyond its mandate as security force. A mid-term hope for Papuans remains with the fact that the estimated burden of the military on the Indonesian economy is about 3.5% of the gross national product. That means, the costs of this commitment prevail over any benefit for the state or the people. At least a government which proclaims democracy and rule of law and which is increasingly bound on international agreements towards accountability of its economy has to seek for changes to this situation.

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# Social Aspects in Papua

THEO VAN DEN BROEK

## Introduction

The main focus of the study on Papua (also: West-Papua) is on people's rights to decent development. Within that context, the study deals with elements from the International Covenant on Civil and Political Rights (ICCPR) as well as with various aspects of the International Covenant on Economic, Social and Cultural Rights (ICESCR), which have in part been introduced into the Indonesian Constitution (see below). The following part of the study will deal with four basic elements in social life and its developments: [1] the demographic component of the society, [2] the way the society is governed (the administration of the society) and two main public services that are very closely connected to the mentioned rights: [3] education and [4] health services.

The people's „Right to Development“ was labelled as such for the first time at the International Conference on Human Rights in Vienna in 1993. It was afterwards passed by the General Assembly of the United Nations as a declaration as well. While this Right to Development is not legally binding, the ratification of ICCPR or ICESCR requests the government to transfer these rights into national law. The government is asked to *respect* these rights, to *protect* them, to *facilitate* them and finally to *fulfil* these rights – not an easy task and for sure a demanding one. Responding constructively to these basic obligations, the policy of the government should be marked by six basic elements, as stipulated in the *Indonesia Human Development Report 2004* as a „rights based approach“ in providing public services<sup>1</sup>:

- **Equality;** *human rights are possessed equally by everyone,*
- **Indivisibility;** *asserts that one right cannot take precedence over any other,*
- **Performance;** *setting numerical targets and attempting to monitor their achievement,*
- **Participation;** *people should be able to participate fully in determining rights and setting priorities,*
- **Empowerment;** *people who can demand rights feel in a more powerful position and are more assertive, and finally*

<sup>1</sup> *Indonesia Human Development Report 2004, The Economics of Development*, by BPS/BAPPENAS/UNDP, p. 23.

- **Accountability;** *the strongest interpretation of human rights demands the possibility of legal action in pursuit of these rights.*

These elements are also key references to evaluate what is actually happening in Papua.

## I. The Demographic Situation in Papua

The way a society lives and works is very much determined by the composition of its members. This is especially true when the specific society has recently gone through a very significant change of its composition and has moved from a familiar ethnic homogeneity to a high degree of heterogeneity. The community of Papua has gone through this process over the last 50 years. Therefore, substantial attention should be given to this internal change and its impacts on the social life in Papua. Besides changing from a homogeneous society into a very heterogeneous one, also the speed of the growth of the total number of the population, among other things caused by large-scale (*trans*)migration, has heavily influenced the pattern of development in Papua; see Table 1 above on inhabitants in Papua and their spreading over the districts (*Kabupaten*) during the last 16 years.

According to Table 1, the growth-rate has been high: a virtual doubling of the population in a time span of 25 years. The growth is especially heavy in the urban districts (i.e. districts with an important urban centre), such as like Mimika, Manokwari, Sorong and Jayapura. The development in Mimika district is influenced mainly by the fact that it includes the roughly 100.000 (51%) inhabitants of the booming town of Timika (centre of the copper- and goldmine operation by PT Freeport Inc.). Of the former Jayapura district, 181.372 (50%) people live in Jayapura town, and of the former Sorong district 174.714 (54%) people live nowadays in Sorong town. The four mentioned urban districts stand for 46% (1,096,398) of the total population of Papua. This means that Papua has been very 'urbanising' over the last 20 years. Compared with the high growth-rate in the urban areas, the districts in the interior show a relatively slow growth, especially the Jayawijaya area (only 27,5 % in 16 years), which covers an important part of the highlands. The Jayawijaya area and the Paniai area taken together present the main concentration of the indigenous population in Papua. The mainly 'indigenous areas' such as Yapen Waropen, Biak Numfor, Puncak Jaya and Merauke (a large part of the increase in population in the Merauke district is due to transmigration to the urban centre and its environs) are also showing a relatively slow growth. The figures suggest that the general growth in Papua is due to external factors rather than being related to internal natural growth. This reality is felt most in districts where the economic opportunities are substantial.

Looking at the figures – as far as they are available way back to the 1960s – the population in Papua is reported to have reached 736,700 people in 1960<sup>2</sup> and 923,440 in 1971<sup>3</sup>. The relatively high increase over a 10-year period might suggest that the census in 1971 reached a larger area than had that in 1960, as communication had improved or additional areas had been opened up to the outside world. The

**Table 1 – Population of Papua 1985 and 2002<sup>4</sup>**

<i>District</i>	<i>Population</i>		<i>Growth</i>	<i>Density: persons per km<sup>2</sup></i>
	1985	2002	In 16 years	2002
Jayapura *	207,983	365,978	76 %	
<i>Jayapura district</i>		184,606		3.00
<i>Jayapura town</i>		181,372		192,95
Biak Nunfor	82,815	115,798	40 %	3.00
Yapen Waropen	59,406	84,130	41.5 %	4.49
Manokwari	113,954	212,233	86 %	5.60
Sorong **	173,694	322,039	85 %	
<i>Sorong district</i>		147,325		3.92
<i>Sorong town</i>		174,714		158.11
Fakfak ***	75,696	196,148	159 %	
<i>Fak-fak district</i>		85,626		3.01
<i>Mimika district</i>		110,522		5.64
Merauke	220,329	336,376	52.5 %	2.81
Jayawijaya	338,289	431,338	27.5 %	8.15
Paniai ****	213,661	323,387	51 %	
<i>Paniai district</i>		13,569		13.43
<i>Puncak Jaya</i>		99,764		6.41
<i>Nabire district</i>		86,054		5.92
<b>Total Papua</b>	<b>1,485,827</b>	<b>2,387,427</b>	<b>60 %</b>	<b>5.66</b>

\* in 2002 Jayapura consisted of Jayapura district and Jayapura town

\*\* in 2002 Sorong consisted of Sorong district and Sorong town

\*\*\* in 2002 Fak-fak consisted of the districts: Fak-fak and Mimika (including the booming mining town of Timika)

\*\*\*\* in 2002 Paniai consisted of the districts: Nabire, Puncak Jaya, and Paniai

2 Netherlands Government Annual Report to the United Nations on Netherlands New Guinea, 1960, The Hague, p. 6.

3 Population census 1971.

4 Sources: *Irian Jaya dalam Angka 1986* (Irian Jaya in Figures 1986) and *Papua dalam Angka 2002* (Papua in Figures 2002).



736,700 people in 1960 were predominantly indigenous people<sup>5</sup> and divided up in roughly 253 tribal as well as language groups<sup>6</sup>. Way back in the sixties, while important historical changes were taken place (transition from the Dutch administration to the administration by the Indonesian government) the population was predominantly homogeneous, as only a handful of non-Papuans were living and working in Papua<sup>7</sup>. The various homogeneous groups lived in their traditionally confined areas, and were slowly opening up to the 'new surrounding world'.

**Table 2 – Population, Area, Density in Indonesia and Papua 1986 and 2002<sup>8</sup>**

Item	INDONESIA		PAPUA	
	1986	2002	1986	2002
Population	165,153,600	232,073,070	1,453,919	2,387,427
Area (km <sup>2</sup> )	1,919,443	1,904,443	421,982	421,982
Density (persons / km <sup>2</sup> )	86.0	122	3.5	5.66

Dramatic demographic changes took place after the Presidential Decree No. 7/1978<sup>9</sup> came into force. This Decree declares the program to move large numbers of people out of the overpopulated and deeply impoverished areas (Java, Bali, Madura) to areas with a low population density, i.e., Papua. Before that time, Papua had received only a small number of transmigrants: 527 heads of families<sup>10</sup>. After 1978, the government planned, during the 5-year period 1983-1988<sup>11</sup> to move 137,000 heads of families to Papua. Due to inadequate planning and growing criticism against the transmigration policy, this plan was never realised. By 2000, the total of planned

5 A small number of 'outsiders' lived and worked in Papua as teachers or catechists brought in by the various Christian missions active in the region; a small number of civil servants had also been brought in by the colonial government, and there were also people involved in trading. The Netherlands Government report mentioned above estimates their total as comprising 2.5% of the population. With respect to the figure on tribal groups, see Zoellner as well.

6 for more details see the part on the cultural setting of Papua.

7 For an explanation of (Non-) Papuans, see the article by Siegfried Zöllner.

8 *Statistik Indonesia 1986 and Papua dalam Angka 2002*.

9 This decree stipulates the provinces of Aceh, North Sumatra, North Sulawesi and Papua as the most important recipients of transmigrants.

10 For details see table 8.1. in *Final Report by Jayapura Regional Advisory group*, September 1983 – June 1986, Volume 1, under the responsibility of Sir M. Macdonald and Partners Asia. Jayapura, June 1986.

11 The government worked with 5-year plans, the so-called „Repelita“; the period 1983-1988 stands for the „Repelita IV“.

transmigrants had reached the figure of 336,399 people<sup>12</sup>, which represents 17.31% of the total population at that time. During the past few years, the number of officially planned transmigrants has been rather low: 2,884 (1999), 4,198 (2000) and 6,202 (2001)<sup>13</sup>.

While the *planned transmigration* has a substantial impact on the increase of the number of people in Papua, it does not cover the whole story of „in-migrants“. Besides the planned transmigration, more and more people from other parts of Indonesia moved into Papua looking for a better life in terms of their economic situation. They form the important group of *voluntary transmigrants*. Even more in-migrants should be categorised under the voluntary transmigrants than under the planned transmigration scheme. This is especially true after critics of the planned transmigration put pressure on the World Bank to stop its support for the program<sup>14</sup>. In addition, the increased frequency of passenger's ships – going back and forth to Papua on a regular, almost weekly, basis – opened the door for anyone interested to move into Papua. This new opportunity was especially relevant for people who were looking for new economic opportunities. The Lavalin International Inc.'s report in 1987 quotes an estimate of about 50,000 – 60,000 migrants from Sulawesi into the province in the period 1985-1986<sup>15</sup>.

The impact of this and other groups from outside Papua is expressed by a demographer at the Cenderawasih University. He estimates that the indigenous population in 2000 represented less than 70% of the total population<sup>16</sup>. The impact of this group of voluntary in-migrants is not limited to the mere quantitative figures. Perhaps more important is the fact that the voluntary in-migrants settled in urban centres, whereas the planned ones have been allocated sites relatively far from these centres. This is not surprising, since people who have come on their own initiative look first of all for economic opportunities, and these are most available in the urban centres.

12 Unpublished paper by Dominggus A. Mampioper, „*Dari kolonisasi sampai transmigrasi di Tanah Papua*“, (From colonisation to transmigration in the land of Papua.“ Jayapura, 2000, p.2.

13 *Papua in Figures 2002*, Table 3.2.1.

14 On critics on the transmigration program, see later on in this chapter.

15 This estimate is taken from Aditjondro, George, „*Datang dengan Kapal, Tidur di Pasar. Pulang naik Pesawat*“ (Arrive by ship, sleep in the basar, return home by airplane“, YPMD, Jayapura 1986, pp. 14-15. The in-migrants from Sulawesi are known to be very keen to make use of economic opportunities to improve their life, anywhere in the archipelago.

16 M.C. Rumbiak: „*Sumber Daya Manusia Papua*“, unpublished paper. Fakultas Ekonomi Universitas Cenderawasih, Jayapura, 2000, p.2. UNDP Jakarta gives a significantly lower figure: 62%, as quoted in: *Indonesia Commission: Peace and Progress in Papua*, by the Council on Foreign Relations, New York, 2003, p. [23]. See also Table 5 in Siegfried Zoellner's article.

Therefore, the number of in-migrants in the urban centres tended to overwhelm the local Papuan population. This can be said of Merauke, Sorong, Jayapura, Timika, Nabire. The situation is quite well illustrated in Table 3<sup>17</sup>:

Table 3 shows some important developments

- the increase of the number of people living in urban areas is almost exclusively related to the increase of a ‘non-Irian born population’ (raising the percentage from 17% in 1971 to 25% in 1990);
- the changes in the proportion of the non-indigenous people in relation to the entire population (urban and rural), of course also changes the composition of the total population. Within 20 years, the non-indigenous portion increased from 4% to 21%. In 2000, the figure was estimated to be more than 30%. There are even estimates that the actual percentage today (2004) is about 45%. This figure is difficult to support formally, since the statistics no longer make a clear distinction between the population which is Papua-born and that which is not in Papua-born.<sup>18</sup>
- people living in urban centres in Papua have the impression (and for good reasons!) that their city is rather „Indonesian dominated“. Papuan people in urban centres are beginning to feel they are a minority on their own land. In Jayapura, e.g., the population number of the Islam-community has reached the figure of 83,916, which amounts to 46.28% of the total population of the town of Jayapura (181,372 in 2002). Adding the Hindu and Buddhist communities, the figure rises to 47.88%<sup>19</sup>. There were already statements in 1988 „that two-thirds of Irian Jaya’s urban population living in the five main towns (Jayapura, Sorong, Manokwari, Merauke and Biak) is not Irian-born“<sup>20</sup>.

17 In: *Regional Development Plan for Irian Jaya, Anthropology Sector Report*, by Lavalin International Inc., in association with Hasfarm Dian Konsultan. Jayapura, October 1987, Chapter 1, p. 6.

18 An indication might be found in the proportion of religious adherence, especially in the number of people who declare themselves as belonging to Islam, as originally there was only a very small Muslim community, in and around the area of Fakfak (Sorong/Raja Ampat). In 2002 there were 498,329 members of the Muslim community in a population of 2,387,427, which means 20% of the population (*Papua in Figures 2002*, Table 4.4.1.). But the figure should not be overemphasized. After the planned transmigration had been criticized as an effort by the Indonesian Government to Islamize Papua, large numbers of transmigrants were recruited from more Christian provinces, such as Flores and Timor.

19 *Papua in Figures 2002*, Table 3.1.7. and Table 4.4.1.

20 Lavalin International Inc., *Regional Development Planning for Irian Jaya. Volume I, A Framework for provincial Development*, August 1988, p. 17.

**Table 3 – Estimated Components of ‘Irian Jaya’ Population 1971 – 1990**

Urban – Rural	People (numbered in thousands)				(in % of the 1971)	Total population 1990
	1971	1980	1986	1990		
<b>1. urban population</b>						
- Irian born	118	164	204	228	13 %	13 %
- non-Irian born:						
Java	14	20	32	44		
Sulawesi	10	34	70	113		
Maluku	6	14	23	32		
others	3	5	7	9		
Sub-total	33	73	132	198	4 %	12 %
All Urban	151	237	336	426	17 %	25 %
<b>2. rural population</b>						
- Irian born	769	916	1,040	1,141	83 %	66 %
* transmigrants	1	13	89	145		
* others	1,5	7	12	18		
Sub-total	3	20	101	163	(0,3) %	9 %
All Rural	772	936	1,141	1,304	83 %	75 %
<b>3. urban and rural</b>						
- irian born	887	1,080	1,244	1,369	96 %	79 %
- in-migrants	36	93	233	361	4 %	21 %
<b>All Irian Jaya</b>	<b>923</b>	<b>1,173</b>	<b>1,477</b>	<b>1,730</b>	<b>100</b>	<b>100</b>

Sources: Census Penduduk 1971 and 1980 and data provided by the Transmigration Office in Jayapura (1986).

### *Social Impacts*

These dramatic changes in the demographic composition have far-reaching consequences, beginning with the very critics of the transmigration program as such. In 1984, a letter to the World Bank<sup>21</sup> stated: *Critics refer to crucial problems* such as: **the loss of land** experienced by the indigenous population. According to figures till 31 August 1999, an area of 2,100,760 ha. has officially been put at disposition for transmigration – including areas opened up for agrobusiness, such as palm-oil winning<sup>22</sup>. Usually, the local community has hardly any say in the process of making the land available, although in official legal terms the reservation should be identi-

21 Letter addressed to the President of the World Bank by Anastasia Cleary on behalf of the Minority Rights Group, New York, December 10, 1984.

22 Regional Office for Transmigration in Papua, 2000. [1] Jayapura: 201.150 ha; [2] Manokwari 598.500 ha; [3] Sorong 214.530 ha; [4] Nabire: 135.610 ha; [5] Jayawijaya: 1.500 ha; [6] Merauke: 155.000; [7] Fakfak: 388.025 ha; [8] Mimika: 146.075 ha; [9] Biak Numfor: 100 ha; [10] Yapen Waropen: 260.250 ha.

fied with the 'consent of the local traditional owners'. In reality, the government rather follows what was said in an earlier document: „The rights of traditional-law communities may not be allowed to stand in the way of the establishment of transmigration sites“<sup>23</sup>

The process of transferring the land to the government and alienating it from its traditional owners is often based on:

- [1] the basic assumption that all land which is not used is owned by the state,
- [2] 'internal deals' with local leaders who are ready to disregard the traditional rules, and
- [3] intimidation, even physical harassment – often with the help of the security forces – as people who refuse to go along with national policies are easily labelled as 'anti-government', if not 'subversive'.

For anyone who is a familiar with the importance of land for any tribal community, it is obvious that the deprivation of their land takes away the traditional guarantee for their survival (economic as well as communal)<sup>24</sup>. It further destroys the customary traditions in dealing with land.

The in-migrants pick up most of the economic opportunities. They are more ready (skill-wise) to do so, or they are just keen to pick up anything that keeps them alive and keeps the perspectives open for better opportunities in the near future. The indigenous population experiences a **loss of economic opportunities**. Judging just by their appearance, most of the construction workers, street vendors or taxi-drivers are in-migrants. They gradually become involved in small manufacturing, such as furniture, bricks, motor repair workshops. They also become the owners of their taxis. It proves to be very difficult for the indigenous people to compete. Even when indigenous people are employed, e.g., in construction work, saw mills, repair shops and furniture business, they normally work for an in-migrant who is the owner of the business. Even in the field of the fishing industries, which for long time were dominated by the Papuans, they have been slowly moved aside by middlemen or their whole business has even been taken over.

The loss of economic opportunities is further increased because one of the main objectives of the official transmigration program is not achieved in many cases: making the transmigrants less poor in comparison to their situation in their original homes. They received areas cleared out of rainforest, where the soils proved to be poor. Hence, after a first and second harvest, the soil is virtually exhausted. So, the transmigrants move to the urban centres, pick up any job available, making the job

23 Basic Forestry Act, Clarification Act, No. 2823, 1967. The Law on agriculture in 1960 does recognize 'indigenous rights'.

24 Cfr. The Arso Land Case, in: Lavalin International Inc., *RDPFIJ. Anthropology Sector Report*, p.29-32

market in the urban centres still more competitive, and easily sideline the indigenous people.

– This atmosphere mainly applies in the urban centres<sup>25</sup>, while in the more remote areas the economical pressure is felt in a different way. There, it might be the loss of sago areas, or the loss of hunting grounds which endangers the local population. Or small commercial activities marketing their local garden-products to fellow-citizens in the village might have been taken over by in-migrant traders who produce more and in a more sustainable way. In the local administration centres, the small shops (*kiosk*) are run by people from outside. They completely dominate the local economy. The indigenous population is left with the feeling that they are just helping these people to get rich, while the money is carried away to the urban centres, where the small shop-holder in e.g. Enarotali (inland of Paniai) is building his private house in Nabire (capital of the district). Is it necessary to say that this kind of economic dominance by the in-migrant group is causing bitter feelings among the indigenous group as they feel

[1] robbed of their belongings such as land,

[2] robbed of their right to get a job,

[3] powerless to compete,

[4] jealous of the progress made by others, and

[5] looked down upon as being inferior – combined with all kinds of stigmatisation („stupid“, „poor“, „lazy“, etc.).

According to Drs. Michael Rumbiak, the transmigration program has impoverished the local community. The local tribal community experiences a final loss of rights to their land, to the richness of their land. They cannot simply make use of other areas, as these, too, are owned by other local tribal communities. Where can they go after having been forced to make their land available for transmigration?<sup>26</sup> This is especially true in relation to hunting societies. They need an extensive area to ensure their existence. They cannot be expected to simply switch their economic way of life from that of a hunter to that of a settled farmer. The Arso-case – a place in the direct hinterland of Jayapura and part of the northern border area with Papua New Guinea – is very illustrative and summarises the impact of transmigration (see Appendix VII). Besides losing economical opportunities, the indigenous population also experiences a loss of self-esteem and self-confidence.

25 ICG Asia Report No. 23, *Indonesia: Ending Repression in Irian Jaya*, Jakarta/Brussels, 20 September 2001, p.5.

26 Quoted in „*Dari kolonisasi sampai Transmigrasi di Tanah Papua*“, by Dominggus Mampioer, Jayapura, 2000, p.11 (unpublished paper)

### *Ethnic Diversity, Discrimination and Violent Conflict*

Describing the impact of transmigration, we have slowly moved into a broader picture of ethnic diversity. This is not exclusively connected with the transmigration program as such, but is exacerbated by the heavy influx of people from the outside settling in Papua. Another main aspect is the feeling that the local cultural identity is under heavy pressure, as well. According to Drs. John Rahail, the transmigration program in Papua is far from being democratic. Local traditional knowledge is completely disregarded. Everybody has to tune in with a 'strange culture'. Everybody has to adjust to a culture that is alien to his or her native land<sup>27</sup>. Everything has to be done in an „Indonesian way“. Local traditions are regarded as being 'not valid anymore' or as being just interesting for a tourist! The transmigration program has been very heavily criticised from this point of view. Officials of the government have promoted the transmigration program as a way „to educate the Papuan people“, „to teach them the necessary skills and work-discipline „<sup>28</sup> and to make them 'real Indonesian citizens'. It virtually means that the Papuan people have been given the feeling that they were **not recognised as human beings** with traditions of their own, as well as a very highly valued culture, let alone as real citizens with the rights and obligations of an Indonesian citizen. They often feel just treated as commodities, as objects which can be moved about at will.

This aspect is one of the most injurious in the relations of Papuans with the immigrants, fuelling the feeling of resentment as well as the drive towards nationalism. It is not exaggerated to state that often the Papuans have developed a sharp consciousness of their own identity by referring to their feeling of resentment towards the people who hold the jobs they would like to have, toward people who tend to dominate them or who are in key positions<sup>29</sup>. This may well already have been true for the colonial administration of the Dutch, where the indigenous people were faced with the Ambones, Keiese or Menadonese in the administration or in other institutional positions. It is certainly true today, where they face an overwhelming econo-

27 In „*Dari Kolonisasi sampai Transmigrasi di Tanah Papua*“, by Dominggus A. Mampioer, Jayapura, 2000, p. 9 (unpublished paper). See also the paper by the military Commander in Papua in 1983: „*Program transmigrasi di Irian Jaya harus ditangani secara khusus agar dapat membantu penyelesaian masalah keamanan*“, by R.K. Sembiring Meliala, Jayapura, January 1983, p.2.

28 This aim of the transmigration program can be read in almost any official government document.

29 Richard Chauvel, *Decolonizing without the Colonized: The Liberation of Irian Jaya*, in Dolores Elizade (ed), *Las Relaciones Internacionales en el Pacifico (Siglos XVII-XX): Colonizacion, Descolonizacion Y Encuentro Cultural*, Consejo Superior de Investigaciones Cientificas, Madrid, 1997, p.560.

mic as well as socio-political dominance by people from the outside. The very dramatic changes in demographic composition have led to a highly profiled ethnic diversity that provides a fertile ground for the indigenous people to feel [1] economically and politically dominated and even exploited, as well as [2] socio-culturally neglected and being not recognised in their human dignity.

One of the striking elements in the social classification of people in Papua is the trend to stigmatise certain ethnic groups. This stigmatisation often sounds like: 'Papuaans are not yet ready for a responsible job, they have no discipline, they are backwards, they are lazy and like to drink alcohol'. This is indeed often heard, and especially people living on the other islands are brought up hearing this negative imaging. A striking example can be read in the prestigious weekly *Tempo*. The head of the National Badminton Association, Mr. Sutiyo, states very flatly that he would not recruit „athletes from Papua as they are not disciplined because they like to drink hard liquor“, so they are not really worth-while to invest in<sup>30</sup>.

In addition to being personally hurting, this social imaging is still more dangerous when used within a political context where certain ethnic groups have been labelled as „troublemakers“. This label has been especially applied to the Highlanders (especially those from the Jayawijaya and Puncak Jaya districts) since the attack on a police post in Abepura, December 7, 2000<sup>31</sup>. On that occasion, the head of the police in Abepura declared war on the Highlanders<sup>32</sup>. Since then, for the authorities a „Highlander“ is virtually equivalent to „a troublemaker“ or „a separatist“. This stigma was again confirmed by the incident in Wamena in 2000<sup>33</sup>. This stigmatisation was used to legitimate the sweeping military operation in the Jayawijaya region after the robbery of a military weapon-arsenal in Wamena in April 2003<sup>34</sup>. An entire highland area became the target of the military operation, leaving scores of people intimidated, ill treated, taken into custody or even killed. The operation culminated in the summary execution of 10 suspects in Yalengga, on the 5<sup>th</sup> of November 2003. Without any decent investigation, the whole area was just declared 'suspect', if not involved in, the incident mentioned. At least 7.000 people were displaced<sup>35</sup>. Obviously, the right to feel safe and protected is not supported by stig-

30 *Tempo*, August 14, 2004, p. 46. The quoted head of the National Badminton Association happens to be the Governor of Jakarta, as well.

31 For a full report on this incident see: *Wamena Report, 2001*

32 „Police raid student hostels in Jayapura, arrest scores“, *AFP*, Jakarta, 7 December 2000.

33 Humanitarian Team Report, p. 49

34 *Laporan Awal – revised - Kasus Wamena*, by Koalisi LSM, Jayapura, Juni 2003, p. 11

35 The consequences of stigmatization is clearly shown in the cases of Wasior (2001) and Wamena (2003), currently under investigation by the National Committee for Human Rights (Komnas HAM). In the initial report to the Attorney General in Jakarta (3rd of September 2004), Komnas HAM clearly indicates that security personnel have committed crimes against



matisation. This further prevents people from constructively take part in building up the community, being creative and participatory.

Keeping in mind that the transmigration scheme as well as the 'open door' policy have a severe and often negative impact on the indigenous people, it is interesting to know whether the central government was aware of the consequences of the migration to Papua. The most common arguments to promote transmigration are:

- [1] to promote development in Papua by bringing in people who have other (more) skills, so the Papuan can learn from them;
- [2] to help overpopulated areas to lighten their burden by moving people to relative empty areas in the Republic;
- [3] to respond to the need for additional labour for the big nucleus-estate programs (e.g. palm oil plantations); small-holders-pattern development in and around Arso and Manokwari;
- [4] to live up to the reality that all Indonesian citizens have the right to chose the place where they wish to live within the Republic, while integrating themselves into a multicultural society.

All these arguments sound reasonable. But listening to the complaints of Papuan people, another series of arguments seem to catch more attention. People feel that:

- [1] there is little reason to expect landless people from Java to teach skills to Papuans;
- [2] a javanisation is taking place;
- [3] a very clear islamisation process is set in movement;
- [4] the very purposeful creation of a „human fence“ separating Papua from Papua New Guinea.

In other words, for the Papuan people, transmigration is a very politically motivated program. To be sure, such arguments will not be acknowledged by the official authorities, but they echo what people are experiencing. The economic background is easily turned into an ethnic characterisation (javanisation) or transferred into religious terms (islamisation), although the government has not completely ignored the critics. But the proposed changes in the planned transmigration did not affect the composition of the spontaneous migrants. In addition, a lot of planned transmigrants never experienced that their life had really improved, and thus returned or moved to other places. This group<sup>36</sup> is as much a victim of the national transmigration policy as are the indigenous people!

humanity. In the Wasior case, four people died, six were tortured, one was raped. In the Wamena case, nine people died during the military raids, thousands became internal displaced people (42 died during their time in 'refugee-camp'), 38 were tortured, while 15 others were arbitrarily arrested during the raids. See: Jakarta Post.Com, September 3, 2004.

<sup>36</sup> Way back in 2000, we were closely involved with such a group, living in Bonggo and fighting for their legal rights, to which the transmigration office in Jayapura never really paid any attention.

The program substantially affects the socio-economic and political setting in Papua and tends to tip the demographic balance in favour of the non-indigenous population. This makes indigenous people feel nervous, as is clearly expressed in the version of the Special Autonomy Law formulated by a team in Papua (Ch. XVIII, Art. 59.2)<sup>37</sup>. Besides the fact that the implementation of the Special Autonomy Law encounters a lot of constraints, and hence is not implemented in a consistent way, the Law does not stipulate any policy concerning the spontaneous in-migration, which is still as topical as ever. Thus, no really felt changes in demographic policies for the time being.

Urban centres in Papua are not very different from other small towns in Indonesia, showing a mixed Indonesian population. They also give the impression that the people get along quite well with each other in the daily course of life. On the surface, not much tension is perceptible – but that impression changes when talking with people, especially Papuans. They may refer to other ethnic groups and often in a disturbing way, since they feel that their life is run by others. The stories are not always very objective, but they help one to understand the underlying tension, which can easily come to the surface.

Over the last couple of years, Papua experienced a number of violent events which give an indication of the intensity of the underlying tension. Just small incidents are sufficient to trigger a major violent event. Early in November 2000, the market of Abepura was the scene of violence involving Papuans and settlers from Makasar-Bugis. The violence began when some Papuans refused to pay for a meal. A fight followed, leaving five Papuans injured. A couple of days later (November 11, 2000), another clash occurred involving a large number of people and leaving 16 people injured<sup>38</sup>. The market closed down for almost a week. Similar incidents – often minor in scale – take place almost all over Papua and are often reported as a local, small news-item.

The matter becomes more serious in incidents such as the one in Wamena on October 6, 2000<sup>39</sup>. The incident began when the security forces started to pull down the Papuan flags and to cut down the flagpoles at gathering points of the local community. Scores of local ‘independence supporters’ were taken into custody without any proper form of judicial procedure. By 15.00 p.m. the incident turned into a violent one when local people were fired on by members of the security forces who were hiding in the

37 Rancangan UU tentang Otonomi Khusus bagi Provinsi Papua, Draft 13, by Tim Pembentukan Gubernur Papua, Jayapura, 4 April 2001.

38 „Abepura market brawl leaves 16 injured“, Jakarta Post, 14 November 2000

39 For complete information, see: „Peristiwa Tragedi Kemanusiaan Wamena, 6 Oktober 2000, Sebelum dan Sesudahnya“, by the Humanitarian Team led by the Justice and Peace Office (SKP) of the Catholic Church in Jayapura, Jayapura, January 2001. See: [www.ham-papua.org/skp/indexe.html](http://www.ham-papua.org/skp/indexe.html)

houses of (non-Papuan) civilians. This fact triggered off all the anger which had already built up during the round-up by the security forces in the course of that day. A mass attack by local people followed, attacking settlers (non-Papuans as well as Papuan natives from the coastal areas) in their houses and burning the houses. The balance was disastrous<sup>40</sup>: 37 people killed (24 settlers, 7 local people, 6 unknown), 89 people injured, 13,565 internally displaced persons split up over 20 locations, 83 people jailed. The incident further caused a complete exodus of Indonesian civilians and coastal Papuans during the following days and weeks and demonstrated the delicate relations among the different ethnic groups. The daily *Kompas* estimated that about 1,000 settlers had left the area (roughly 7% of the total number of settlers)<sup>41</sup>. The exodus especially affected public services, such as education. Most of the schools outside Wamena closed down and 200 teachers applied to be moved out of the area<sup>42</sup>. This situation lasted for months. During a seminar in 2001, UNICEF's representative started talking about 'the lost generation' in Jayawijaya<sup>43</sup>.

Another development draws the attention to non-Papuans who began to organise themselves after a delegation of Papuans had met with President Habibie (February 26, 1999), after which local popular gathering places (*Posko*<sup>44</sup>) became common places for local actions (i.e. flag raising). The first signal was given in Sorong that non-Papuans had organised themselves to defend their interests or 'the nation'. They offered their support to the security forces in order to take part in actions when needed<sup>45</sup>. The same signals have been given to the Chief of Police in Papua, Bridjen S.Y. Wenas, who encouraged the non-Papuans to arm and defend themselves against Papuans. The trend was expressed by the formation of „*Gerakan Solidaritas Masyarakat Indonesia Non-Papua*“ (Solidarity movement of Indonesian non-Papuan community members), which was supported by the Head of the Education Department of Papua in his letter to the Minister for Education<sup>46</sup>. Obviously, this kind of

40 Humanitarian Team report, p. 32

41 „*Suara Pengungsi Wamena. Biar dibangun seperti surga, kami tetap trauma*“, *Kompas*, 24 October 2000

42 Humanitarian Team Report, p. 43-45

43 Seminar Pendidikan Kabupaten Jayawijaya, Wamena, 18-20 Juni 2001; „*Lost Generation*“, by Dr. Budi Subianto (Unicef).

44 The term *Posko* stands for 'pos komando', which means 'commander post'. These small locations showed up everywhere in Papua after the meeting with President Habibie as places where local people gathered to talk about the issues of the day, mainly political ones. They constitute a kind of very simple mass organization. Also, via the Poskos, news of any sort could easily be spread among the local communities.

45 This signal was given after the flag-raising in Sorong, July 1999.

46 Letter: No. 6626/118.H.I./MIN/2000 d.d. 23 December 2000.

action will heighten the already tense interethnic relations, and will contribute to the further stigmatisation of Papuans as „troublemakers“<sup>47</sup>.

Certain parties eager to follow their own political goals might even use the tension instrumentally. After a new province in Timika (*Central Irian Jaya Province*) was declared, an extended community protest arose and a standstill was the result. Suddenly, at least seven 'ojek-drivers'<sup>48</sup> (all non-Papuans) were attacked and two of them killed the same night. Only the wise behaviour of the Head of the Police prevented the clash between the „Makassar community“ and the indigenous community<sup>49</sup>. It appeared that ethnic tension was to be used to trigger off a bloody conflict.

## II. Administrative Structures in Papua

*Participation, leadership and democracy* are the basic keywords in explaining how a community is ruled and who the actors are. Therefore, the analyses stress the way in which these key elements have been developing, particularly taking into consideration a) the pattern of government and administration applied in Papua, as well as its impact on the local community, and b) the granting of autonomy and the re-division of the regency / province as official governmental strategies.

### *From Traditional to Modern Patterns of 'Government'*

Looking at the traditional pattern of community life, we can get a glimpse of how the community has been ruled in the past. The main stronghold for togetherness is expressed in a „package“ of customary rules (*adat*)<sup>50</sup>. The main aim of the 'adat' is to provide a shared and accepted 'code of life', which will safeguard the future existence of the group<sup>51</sup>. This *adat* rules the community. In addition to the rules, there are people

47 A number of publications in regional as well as national papers have contributed significantly to this stigmatization, channeling information which often was neither based on facts nor professional; for a list of news items, see Humanitarian Team Report, pp.45-46.

48 Meant are the motorbike-taxi-drivers.

49 ALDP report on Timika Case, August 2003

50 The *adat* covers ownership of land, rules for marriages and for acceptable daily social behavior, as well as sanctions for conduct which violates the rules. It is part of the educational system, including the stages of initiation towards becoming an adult member of the community. Usually, the *adat* is not put into writing, but every member of the traditional community knows the contents by heart. For a further description of traditional patterns, see the article of Siegfried Zöllner.

51 Analogous to the „*The Declaration of Universal Human Rights*“, which is meant to provide a common base for togetherness and a safeguard for the future existence of mankind nowadays.

within the community – a leader or leaders – who keep watch over their application. In Papua, a number of different types of leadership can be distinguished<sup>52</sup>.

Another outstanding feature of the traditional community in Papua has always been the feeling of togetherness; the sense of belonging to a community and being responsible for its future. This sense of togetherness has been under pressure since the integration of Papua into the Indonesian Republic, and especially since the revival of the movement of liberation (freedom from all kinds of oppression) that has picked up speed since 1999.

This loss of togetherness and sense of belonging was once painfully expressed to me when I was talking to a citizen in Papua New Guinea, way back in 1984. Talking about the increase of problems in PNG and its paralyzing lack of security, he responded: „You are correct, we are in a mess. But it is OUR mess and WE will take care of it in due time. You can hardly say that of your own situation on the other side of the border (West Papua)“.

[tvdb]

A third traditional pattern refers to the leadership which is marked by its egalitarian character. A change in leadership-type over the time is just a normal part of history. The change might be felt more painfully when changes have to be made fast, and the socio-political setting hardly provides room for a development of new-style but appropriate leaders. As Papua is actually going through an important period of history, facing fast changes and since 1998 with a bit more room to express its feelings and pain, the need of directing local leaders is more felt than ever.

Traditional leadership has been heavily challenged by the ‘formal bureaucratic leadership’ system introduced by the government. At the moment, an official Head of the Village is nominated and elected, on the basis of formal education and a governmental ‘fit and proper-test’, rather than on traditional criteria. The position of traditional leaders automatically comes under pressure. This process has been strongly felt since the integration of Papua into the Republic of Indonesia and explicitly set in practice when Law No.1/1977 came into force. The law provided and enforced the establishment of a uniform village-model nationwide, which was a very Javanese model. This policy has effectively destroyed the traditional leadership model in Papua. This process has been very painful for most of the authentic traditional leaders, as they experienced being „not worth to be listened to anymore“.

52 For full explanation of these different types of leadership see: „Sistem Politik Tradisional di Irian Jaya“, by dr. J.R. Mansoben, MA, Leiden, 1995; see the article of Siegfried Zöllner as well.

The lack of leadership is also expressed on a very local level. When the community in Iwur was asked about their main problems, one of the most repeated reply was: „The administration in Iwur does not function at all, because the civil servants never are on the spot; since his nomination, the head of the municipality never settled down in Iwur. In addition, the budget available for the area's building up of infrastructure just disappears via the corruption of the civil servants themselves“. This unashamed absence is not exceptional – on the contrary!

SKP

It is even worse when the government appoints so-called ‘tribal heads’, who are in fact not in that position and rather play a very disturbing role<sup>53</sup>. They claim the right to act ‘on behalf of the community’ without any real dialogue with the community. They reach, e.g., an agreement with the government concerning a piece of land and are privately paid for it (or: paid off). The corresponding community has not been asked, even though especially land is valued as being inalienable, basically community-owned and the very base of community’s existence in the past and in the future. These ‘government-appointed tribal heads’ are also often used by local authorities to back up their position as District Head (*Bupati*), the role of security personnel or to legitimise disputable programs (e.g., transmigration, agribusiness etc.). The true traditional leaders often complain about this strategy and suffer especially as they see their community going down the drain but feel powerless to interfere<sup>54</sup>.

In addition to the fast process of the breakdown of isolation, the lack of capable modern leaders is also the result of a more general pattern of government. During the Soeharto regime (over a period of 32 years!) people were not supposed to think for themselves. Or, in terms of the quote referred to above: nobody was supposed to be „independent“. Civil servants (clear up to the level of governor) were just sup-

53 The government’s strategy to weaken the position of the real traditional local leaders who stick to the traditional rules has often been used in issues where the government needs a formal agreement from the local community to make land available. These ‘government appointed local tribal leaders’ are often ironically referred to as „Kepala Suku Inpres“ (*tribal head by presidential instruction*).

54 This feeling was very emotionally expressed in a training session the SKP (Office for Justice and Peace Jayapura) organized in Wamena at the end of 2002, gathering 15 authentic traditional tribal leaders. See also the text box quoting a report on field visit and training session organised by the SKP Jayapura to Iwur, 26 July – 3 Aug. 2004. Iwur is a sub-district in the highlands, right on the border to Papua New Guinea, half-way down from Jayapura to Merauke.

posed to implement the instructions issued by the central government. Local leadership, too, has long been in the hands of „people from outside Papua“, which has considerably impeded the training of local people potentially capable of playing a role in the bureaucracy.

Although the territorial re-division is officially meant to bring the administration (government) closer to the people, so far, the program has had exactly the opposite effect (see below) and makes the people unused to relying on their own capabilities. They lose trust and are experiencing that what is on track is not their business. The people increasingly depend on government projects and get used to presenting ‘proposals’. This individualising ‘project mentality’ will slowly kill any sense of self-esteem and self-reliance. It might end up with a ‘culture of poverty’, where people claim their unique right to be helped out because they are poor.

Within that context it can hardly be expected that people feel challenged to be creative, to think independently, to look for proper approaches or to become a true leader. Nowadays and in general terms, Indonesia pays a high price on that level, and Papua – having been oppressed over a long time – has been left without new indigenous leaders. This reality was painfully felt in 1998, when the door was opened for „Papuanisation“ and participation. Indigenous people moved into official administration jobs, and other socially highly valued positions.

This priority had been demanded for a long time but has speeded up only since 1998, the era of ‘reformation’. A renewed awareness came to the conclusion that the local population cannot be denied their rights as ‘first born’. At this very moment, 26 out of the 30 Heads of a District (*Kabupaten* or *Kotamadya*) are Papuan. Scores of other positions in the governmental administration – including the position as Governor – have been handed over to Papuans. Being officially in charge does not necessarily mean that they dispose of real power. Any position is embedded in a complicated bureaucratic structure where a lot of power-play prevails, especially when it comes to the use of the budget. Obviously, not all the newly appointed indigenous leaders have acted up to the high expectations; to say the least<sup>55</sup>.

The development of a new leadership within the communities has been disrupted. The traditional leaders have lost their grip, as they have also lost their understanding about a community, which has become part of a complicated, larger world. This larger world can no longer be ruled by traditional standards. This vacuum of true leadership enables a lot of ‘playing around’ and has very destructive effects on local community life.

55 See „Jayawijaya-case“ in Appendix IX.

### *Civil Society: Actors and Scope*

The lack of true indigenous leaders has consequences for the 'civil society' too. The Customary Council of Papua (*Dewan Adat Papua*), the Presidium of the Papua Council (*PDP*) and its organisational branches show a leadership which is still a mix of the charismatic traditional style of leadership and the modern political style needed. This can especially be said for the formation of the Presidium in 2000<sup>56</sup> and its functioning afterwards. The Customary Council of Papua has to reach out to its local traditional community and at the same time to play a directing and supervising role towards the government. Similar to other community-level organisations, the dynamics of the Customary Council are still under the impact of years of forced silence.

When in the past the Council became vocal and claimed traditional rights (e.g. on natural resources), it has often been accused in a stereotyped way of being „anti-government“, „anti-public“, „against national interests“ or even „subversive“. Even now, the Council emphasises 'traditional issues', such as land rights. It is slowly moving to defend the respective communities against modern threats<sup>57</sup>. Recently, the Council has become more vocal in a 'political' direction to the Papuan community. The Council urged government and community to be consistent on the implementation of the Special Autonomy Law and also to take part in the general and presidential elections<sup>58</sup>. This increasing articulation is an encouraging fact, as it means that within the traditional leadership-circle the need for more direction for the people has been recognised and is keenly felt.

Principally, the role played by the civil society is still very limited and is embedded in the democratisation process, in which Indonesia as such is involved. Nevertheless, the process of enhancing participation is already showing some results. A large number of Non-Governmental Organisations (NGOs) are present in the various urban centres, dealing with environment, human rights, economic development, health care, and, once in a while, critically supervising the governance in Papua. They often still have to summon up a lot of energy in empowering themselves at the structural, functional and professional levels as well. Their weakness includes a striking minimal readiness of NGOs to be self-critical of their own activities, taking for granted that they are on the correct side of the 'oppressed' commu-

56 It conveys the strong impression that the composition of the Presidium is primarily based on representation and less on the leadership qualities needed to do the job. See: *Memoria Passionis di Papua, Kondisi Sosial Politik dan Hak Asasi Manusia, Gambaran 2000*, by SKP Jayapura, p.155.

57 *Memoria Passionis di Papua, Kondisi Sosial Politik dan Hak Asasi Manusia, Gambaran 2000*, by SKP Jayapura, p. 215-216

58 This change in focus was expressed after the Council's annual congress in Biak on February 25-29, 2004.



nity. This claim does not always correspond to the facts of the commitment in terms of a vocal and critical attitude towards government or security policies. The NGOs suffer, as any other institution, from more than 30 years of oppression which ended up in a „fearful and silent community“.

In addition to internal factors which minimise the impact of the NGOs' activities, another clear hindrance is the fact that the authorities are not used to be questioned about their policies. This attitude was clearly demonstrated in an event that took place in the south of Papua, in Merauke, where the *Bupati* made clear that he does not like to be criticised<sup>59</sup>. The *Bupati* in this area is known as a District Head who has been committed to the Papuan community more than any of his predecessors, while at the same time he is heavily criticised for his sole ambition to become the first Governor in a „new province to be set up in the South“. This leads him to get involved in show-projects, handing facilities to interest-groups, soothing relations with local communities 'by giving', while basic needs for local education are left unattended<sup>60</sup>. In September 2003, a coalition of NGOs started to study the implementation of the regional budget and came across a far-reaching pattern of corruption. The coalition voiced its findings, interested in stimulating good governance. The reaction by the *Bupati* was quite stunning. He met with the top government people (including Army and Police), with local leaders (traditional and religious lea-

The pressure on 'civil organizations' is still on. Through the spreading of the issue on „interference by foreign intelligence“ in the elections, the security forces indirectly point to the NGOs or to the private local person they employ, as the intermediate or local co-operators of these 'foreign intelligence group'. This threat is not just a privilege for Papua. In Jakarta the offices of PBHI and KontraS have been visited by a group of people threatening them if they did not stop criticizing Indonesia, especially in international fora. The identity of the group remains unknown. The spreading of these vague issues without mention of sources, evidence or transparent information has become a favorite method in the security-circle.

SKP, Three-month report, January-March 2004

59 See the annual report by the *Office for Justice and Peace (SKP)* of the Catholic Church in Merauke, delivered at the joint SKP annual meeting in Sorong, 5 January 2004.

60 *Cepos*, October 18, 2004, reports on 10 primary schools in the sub district Okaba as completely neglected: the buildings are falling apart, classes are being organized under the tree, one teacher is responsible for six classes, etc. The deputy *Bupati* admits that the situation is indeed worrying.

ders) and denounced the criticising coalition, Forpamer<sup>61</sup>, as a „provocateur and agent of Australia“. In addition, he strongly stressed the fact that most of the NGO leaders involved in the coalition were non-Papuans, using the ethnic issue to counter the critics. The next day, the *Bupati* used the local radio, broadcasting his point publicly. Shortly afterwards, two pickups full of angry local people (*Marind*) drove to the main offices of the representatives in the coalition and threatened to burn down their offices and other facilities.

The security forces have demonstrated the same kind of intimidation, stimulating an atmosphere of ‘suspicion’. In November 2003<sup>62</sup>, the Chief of Staff of the Armed Forces (KSAD), General Ryamizard Ryacudu, asked everyone to watch out for the security situation in Papua because foreign elements would start to ‘play their games’: „We must be aware, because they will undermine and stir up Papua and then separate it“. Additionally, the member of a Parliamentary Commission (DPR), Tasril Ananta Baharuddin<sup>63</sup>, denounced that the latest mode of intervention of foreign elements would be through research institutes or civil society organisations (NGOs). They would undertake activities under the pretext of democracy, human rights and environmental conservation. In the wake of the elections, the local and national security authorities fuelled the same kind of issues again. It can easily be foreseen that almost all critical utterances made by organisations will be interpreted by certain parties as ‘supporting the separatist movement’. The room to speak up freely and sustain a critical, civilian stance monitoring the development in Papua might progressively be closed again.

The trend mentioned above also surfaces when we look at the role of the local newspapers. Since 1998, a number of daily and weekly newspapers have emerged, but a number of them have also already closed down because of lack of funds or mismanagement. The main dailies, like *Cenderawasih Pos* and *Papua Post*<sup>64</sup>, originally started out as critical and informative papers. Both meanwhile have moved to serve interests groups, among them the authorities and security forces. Both will hardly ever publish information on events unless they are paid for doing so. Hence, there is a striking lack of coverage of important news and also of journalists who are eager to critically serve with correct and politically educating information. Even such an event as the annual meeting of the Papua Customary Council<sup>65</sup> was hardly covered or made public. Statements concerning Papua, such as the press release by

61 Forpamer stands for Forum Partisipasi Masyarakat Merauke (*Forum for Participation by the Merauke Community*).

62 Media Indonesia, 23 November 2003.

63 Media Indonesia, 17 November 2003

64 Both based in Jayapura and sent out to major urban centres in Papua. The *Papua Post* has not been printed any more since August 2004.

65 Held in Biak 25-29 February 2004.

Bishop Desmond Tutu<sup>66</sup>, were not mentioned at all. Also a playful and at the same time critical celebration of the International Peace Day, 21<sup>st</sup> of September in 2004, organised by NGOs and publicly held in the heart of Jayapura, was evidently not worth being mentioned in the paper. The only local newspaper in Merauke, *Suara Nurani*, originally subsidised by the local government, collapsed financially after the *Bupati* and the local government were criticised. Hence the financial support by the government was cancelled<sup>67</sup>.

A weekly like *Tifa Papua* with a 48-year-old history is still keeping up, but has its unpredictable ups and downs, related mainly to financial matters. The *Tifa Papua* has not been printed for several months. It is not yet clear whether it has stopped definitively. For years, it was the only very critical media, but has lost its specific character in the mainstream of a commercially-oriented media world. Another weekly, *Jubi*, was a vocal, quality and critical weekly for a couple of years, but stopped because of financial problems. Among the newcomers is the bi-weekly *Suara Perempuan Papua* (Voice of Papuan Woman), led by women's organisations in Papua, which tries to bring a fresh and independent approach.

With respect to the 'intelligentsia' – academics who are mainly connected to the universities, i.e., the University Cenderawasih (Jayapura) and the University Papua (Manokwari) – its role as a vital part of 'civil society' is still very limited, even hardly felt. Most of them are completely immersed in the academic activities on campus. The results of their research are hardly popularised and do not have any real impact on the community or on decisions taken in politics. As academics are not really highly paid, an assignment by a commercial actor (big companies or government projects) might be more attractive. The silence of academics may also be related to the past, when they were accused of 'independence-sympathies' (especially in the 1970s and 1980s) turning them in a silent partner of so many others in the Papuan community.<sup>68</sup>

Nevertheless, these same academics played a major and even a spectacular role in 2001, when they got involved in drafting the concept of Special Autonomy for Papua. This concept has led to the final text as legalised in Law No. 21/2001<sup>69</sup>. They pulled this job off together with representatives of religious communities, NGOs, traditional councils, etc.; a huge commitment never before seen in Papua. Indeed, an effort of real quality. Once the task was done, the team of academics hardly played

66 On February 27, 2004, the bishop made an appeal to the United Nations to have a look into the processing of the Act of Free Choice in Papua (1969) and closely to monitor recent developments in Papua.

67 Internal communication with *Office for Justice and Peace (SKP)* in Merauke.

68 Ketakutan tersebut mulai merasuki para dosen sejak terbunuhnya antropolog UNCEN, C.A. Ap di tahun 1984, yang memicu pengungsian besar-besaran kalangan menengah Papua menuju PNG. Jumlah yang cukup besar berasal dari kalangan mahasiswa dan dosen UNCEN.

any role in watching the implementation of the same law, although their critical observation would be highly needed. Particularly the availability of so much money can become a disastrous factor if it is not channelled according to well-outlined concepts of development and mechanisms of control. The intelligentsia is needed more than ever to contribute their capacities to the actual developments in Papua.

A special role is still reserved for religious institutions. Through all the various regimes (Dutch, Japanese, Dutch again, Indonesian) the churches were the only institution always being on the spot. They obtained a very high reputation as authorities, as they often went alongside the people in the most threatening situations. Especially in the inland, they were the only functioning institution taking care of development, education, health care and spiritual guidance as well. The government really began to be present in the interior only in the second half of the 1970s. Based on this long tradition of 'being with the people', the religious institutions are often looked to and expected to speak up. They have indeed done so over the past years, and hardly any major event has gone by without getting serious attention by the joint religious leaders<sup>70</sup>.

Although it is encouraging to see this readiness of the religious institutions to speak up, at the same time it is hoped that the people will not solely depend on them for a more powerful participation in 'ruling the province'. Within the context of a larger world and of global communication, the religious institutions should also be aware that secularisation will set in soon. In its wake, it will bring changes in relation to institutions and organisations to which people will listen in the future. This process will also take place in Papua, and is already expressed in initial criticisms of churches or their leaders<sup>71</sup>. Nevertheless, it is of vital interest for the Papuan community that the religious institutions play their own 'spiritual' role, siding with the oppressed as the key element in their pastoral care for the people. The main mission of the religious institutions is to safeguard, and when necessary, to restore human dignity.

69 *Mengatasi Keterpecahan yang Melumpuhkan*, by Theo van den Broek, Jakarta, 2001.

70 In cooperation with the Office for Justice and Peace (SKP) of the Catholic Church in Jayapura, the joint religious leaders have issued about 20 public statements and appeals over the last 5 years, addressed to the community as such, to the Central Government, to the National Committee for Human Rights and others (see website: [www.hampapua.org](http://www.hampapua.org)). The latest appeal was addressed to all the newly elected members of the local parliament in Papua (see: *Papua Post*, 6 September). Recently, the church leaders invited the presidential candidates (Megawati and Yodhoyono) for a dialogue in Sentani (Sentani, 24-25 August 2004; for the statement handed to the candidates see: [www.hampapua.org/skp/indexd.html](http://www.hampapua.org/skp/indexd.html)). Further information on the role of churches see Siegfried Zoellner's article.

71 A lot of critical remarks were addressed to the Catholic Church for failing to have educated local, indigenous candidates for the position of bishop when a non-indigenous priest was ordained bishop in Timika (April 2004) and Merauke (July 2004). The ordinations triggered a lot of very critical discussion via the Internet and email.

### *Re-Structuring the Region*

Up until 2003, Papua formally consisted of 14 districts and one administrative town (Jayapura). Now there are 28 districts and two administrative towns (Jayapura and Sorong). Responding to a long-standing criticism of centralism, the Indonesian government introduced a regional autonomy system nationwide<sup>72</sup>. The autonomy affects not only the provincial government, but also has its impact on the lower administrative bodies, such as the districts (*kabupaten*) or the sub-districts (*kecamatan*). The re-structuring of the province of Papua into new districts and sub-districts had already been in full swing even before the autonomy law was applied. According to the official philosophy, through this restructuring, the administration would be closer to the people, more responsive to local needs, and more effective. In Papua, 14 new districts were officially approved and became operative in 2003, whereas the restructuring at the lower administrative level had already been going on for years. Papua is now made up of 28 districts and 2 administrative cities<sup>73</sup>. The administrative restructuring was justified with *closer to the people and more effective*, but the implementation does not seem to be that easy. Principal doubts can be expressed on its feasibility in a number of cases, where a complete lack of local infrastructure, geographical isolation, and a relatively conspicuous lack of appropriate manpower to staff the new administration units has been found. Feasibility studies have been written, but their quality might be doubted. Quite a number of the new districts (e.g. Boven Digul dan Asmat, Mappi, Pegunungan Bintang) were not even functioning at all by the end of 2004. Some activities under government responsibility in these areas (services such as education and health care) have even come to a virtual standstill! In the meantime, the available budget has been used for extensive travelling<sup>74</sup> of people who have been nominated to prepare the final setup of the district, or on 'mega'-projects<sup>75</sup>. A number of new districts still have their

72 Regulated in a special LAW No. 22/1999 and No. 25/1999.

73 On April 12, 2003 the Minister for Domestic Affairs, Hari Sabarno, proclaimed the official erection of 14 new districts in Papua: Keerom, Sarmi, Yahokimo, Tolikara, Puncak Jaya, Teluk Bintuni, Teluk Wondama, Supiori, Waropen, Kaimana, Raja Ampat, Pegunungan Bintang, Mappi, and Boven Digul dan Asmat. Jayapura and Sorong are independent administrative towns, having the same legal status as a district. See also Table 1, above.

74 This problem is clearly referred to in the speech of the governor upon the occasion of the installation of the members of the local parliament in Boven Digul dan Asmat on October 1, 2004: „(the governor) reminds the members to stay on the spot, instead of making useless trips outside the district“. The *Papua Post* of June 16, 2004, reports that the people in the new district Teluk Wondama have nailed shut the office of the head of the district as a protest against his frequent traveling, since he is hardly ever on the spot.

75 This information is based on oral reports of people from that area during a seminar held in Sentani, 5-9 June 2004. Such projects include the hiring or purchase of aircrafts and boats.

main office in the 'mother district'. It is not surprising that the Governor ordered the 'care-taking heads of the new districts' to move their office to the district itself<sup>76</sup>. It seems to be quite a challenge to make a new district work properly. I quote a personal discussion in February 2004<sup>77</sup>:

A prominent activist in Merauke stated: *„The restructuring creates all sorts of unforeseen problems“.... „After the new districts of Boven Digu dan Asmat, Mappi and Agats were created, the district head (Bupati) of Merauke, from which they had been split off, ordered all the civil servants who had overnight become employees of the new districts, immediately to vacate their offices in Merauke and to move to the new locations. The problem was that there were no facilities in the new districts, and the families were all living in Merauke, with their children at school. But the Bupati cut their salaries and said if they wanted to be 'in charge on their on land,' they had to leave.“*

Further on, he informs: *„All sorts of incompetent people are being appointed to new district posts. An elementary school teacher in Boven Digul became the head of the 'agriculture department'. He has no experience in agriculture and has never run an office before“.*

Another disturbing element in the process of filling the positions is the tendency to primordialism (see Appendix VIII). The closer the administration comes to the local community, the more the community starts to look for new jobs and opportunities within the administration. Even the position of *Bupati* in Merauke seems to strengthen this trend towards a primordial attitude, which leads to additional problems<sup>78</sup>. The same discussion reveals: *„In Boven Digul there is already a power struggle going on for the Bupati position among the four top ethnic groups that are relatively evenly represented there: the Muyu, Jair, Mandabo and Mappi. Within the Mappi, there is a struggle between two clans, Yagai and Awuyu. In Agats there is a struggle between the Muyu and the Asmat peoples“.*

Thus, the restructuring at the district and the lower level leads to various disturbing realities:

- [1] the – at least temporary – breakdown of basic services in the area;
- [2] an increasing tension among local ethnic communities;

The *Papua Post*, July 7, 2004 reports that the head of the new district of Yahukimo has chartered two helicopters of the type MI 8 AMT, each having a capacity of 40 ton and 10 passengers.

76 *Papua Post*, May 26, 2004.

77 Sidney Jones voiced this kind of comments when addressing a seminar on Papua organized by CSIS (Centre for Strategic and International Studies) in Jakarta on the 17th of February 2004. Jones had visited Merauke earlier that month.

78 Personal communication with Sidney Jones during a seminar organized by CSIS (Centre for Strategic and International Studies) in Jakarta, 17 Feb. 2004

- [3] a strengthening of a project-mentality, as money is available and access to it a matter of competition or connections; it is no secret that those people who profit most from the new economic opportunities belong to the non-indigenous population;
- [4] the 're-division' trend further encourages the community to look for more and more divisions, down to the lowest level, in order to gain access to the budget for special projects or aid-programs;
- [5] the creation of fertile soil for the increase of corruption;
- [6] a selection of manpower into new positions using the wrong criteria: incompetence, collusion, corruption and nepotism (*KKN*);
- [7] an increase in boosting private ambitions;
- [8] a local community which does not understand what is happening, but experiences that their needs are not really being attended to, while observing that the 'new elite' spend the available money.

The problems mentioned are not applicable solely to the 'new-born' districts, but also to a number of already existing districts. The Jayawijaya-District has been one of the first districts which has profited from the 'Papuanisation' and might serve as a disturbing example (see Appendix IX).

### *Special Autonomy Law for Papua (Otsus) and Re-Division*

Without a doubt, the most crucial change in administration over the last years has been the granting of a Special Autonomy Law for Papua (*Otsus*)<sup>79</sup>. This kind of autonomy has been offered to Papua partly as an implementation of the nationwide decentralisation program, and partly as a response to the increasing demand within Papua for independence. The autonomy granted deserves the adjective „special“, as the outline of the law does not strictly follow the national patterns of autonomy. It is based mainly on a concept formulated by a local team in Papua under the inspiring efforts of the academics at the local University of Cenderawasih. Due to these efforts, the law incorporates the main issues and concerns which the people in Papua actually have. After long lobbying and substantial curtailment by the central government, the 'local concept' has been approved by the national Parliament and the President.

Although the new law was not welcomed by that segment of the Papuan community which had opted for 'independence only', dividing the community into *pro*- and *contra-Otsus*, the Special Autonomy came into effect on January 1<sup>st</sup> 2002 and became the main compass for the new government to work with. Those who accep-

<sup>79</sup> National Law referred to as UU21/2001. Special Autonomy is locally referred to as „*Otsus*“ (*Otonomi Khusus*).

ted the *Otsus* did so despite the fact that they were still very sceptical, rather taking an attitude of 'wait and see'. In their hearts, they hoped for positive results and felt that new opportunities to increase the quality of life in Papua were within reach. The Special Autonomy opened a real perspective for substantial change and improvement. For the local community, it opens the way to experience „being in charge“, „being in command of one's own land“. In this perspective, the governor formulates his basic development vision for the period 2001–2005:<sup>80</sup> „By the year 2005, Papua will possess a strong economic, social, cultural and political basis, enabling the will of the Papuan society to become 'lord on their own land' to become a reality“.

*Otsus* opens up many possibilities, and if it is implemented in a consistent way, it will substantially curtail the interference by interest groups. Especially the say over the control of the resources is crucial in this perspective. Nonetheless, during the years 2002–2004 it has been proved that implementing *Otsus* is not all that easy and assumes a number of determining factors which should be taken into account:

- [1] informed and well-trained personnel;
- [2] establishment of an annual budget according to the priorities as stipulated by *Otsus*;
- [3] realizing concrete indications and actually improving the daily life of the community;
- [4] the translation of the *Otsus*-principles into practical, legally binding regulations;
- [5] the formation of the necessary constituent bodies, especially the *Majelis Rakyat Papua* (MRP), a new 'semi-parliament body' representing (a) tradition, (b) religion and (c) women.

The main socialisation of the new law and its impact still has to be achieved, particularly in order to correct the popular view that *Otsus* was just about money (a substantial increase of budget). It cannot be denied that during the year 2002 the government did not really succeed in countering the scepticism among the people. The budget was not in line with the promised priorities to improve life for the citizens (education, healthcare and people's economy)<sup>81</sup> and the seriousness promised by the government failed to materialize. Instead, the new resources available were, rather, spent on travels for civil servants (comparative studies elsewhere!), on cars for governmental and parliamentary dignitaries, on construction consuming huge amounts of money, etc.. The money was released without appropriate mechanisms of controlling, opening the doors for non-transparent spending, to say the least. In addition, the formation of the new representative body, *MRP*, in which such great expectations had been placed, did not materialise, since the then President was

80 *Nota pengantar Laporan Keterangan Gubernur Provinsi Papua Tahun Anggaran 2003*, Buku II, hlm. 16 (Juni 2004).

81 See more detailed information in the economic part of this study.



reluctant to give her approval<sup>82</sup>. The people slowly began to feel: ‘cheated once again’<sup>83</sup>. This feeling became even stronger at the very start of the year 2003.

The process of dividing the province of Papua into two or more new provinces was the prevailing aspect during the year 2003. The Presidential Decree No. 1/2003<sup>84</sup> (*Inpres No. 1*) was issued and came as a shock to all. This had not been expected at all, since the question of dividing the province (at present and in the future) had already been neatly dealt with in the Law on the Special Autonomy for Papua No. 21/2001. The launching of the *Inpres No. 1*, along with the factual declaration of a new province by a ‘new candidate governor’, Bram Atururi, in the West of the province of Papua, provoked major questions.

From the very beginning, widespread protests arose against the erection of a new province in the Western part of the Papua province. Some government representatives (supported by legal experts with unquestionable credibility<sup>85</sup>) have stated that the *Inpres No.1* has no legal basis and should be abrogated, and a judicial review be initiated<sup>86</sup>. Even from within the cabinet, voices questioned the issuing of *Inpres No.1*. Nevertheless, everything just took its prescribed course, even though *Inpres No. 1* was considered not to be legal by various components of the society. Meanwhile, the process of forming a new province went on for almost two years and is obviously supported by strong persons in the central government<sup>87</sup>. No

82 In a meeting in Sentani (Papua) with church leaders on 25 August 2004, the President reacted to the question about the whereabouts of the ratification of the MRP by saying: „we should not do things in a hurry“. She might have forgotten that the draft has been offered to her for signing in August 2002, i.e., two years beforehand!

83 This expression was very popular when the *Otsus* was granted. A part of the community was convinced that after having been cheated in 1969 (Act of Free Choice), they would now once again be cheated by the government.

84 Referred to as *Inpres No.1/2001*, issued on January 27, 2003..

85 *The Jakarta Post.com*, July 29, 2004; In his declaration to the *Constitutional Court*, Prof. Harun Alrasyid of the University of Indonesia said: „The division of Papua as stated by Law No. 45/1999 is no longer valid with the existence of Law No. 21/2001, in accordance with the principle that a new statute supersedes an earlier statute“. He added that the division of Papua also failed to follow Law No. 22/1999 on regional autonomy, which says that the formation of a new province requires the approval of the people of the mother province. Another constitutional expert, Sri Soemantri, said in a written statement to the same court, that Law No. 45/1999 ran counter to Article 18(b) of the Constitution, which stipulates that the state should respect special regions regulated by law.

86 The national *Constitutional Court* has accepted the request by the Chair of the Provincial Parliament in Papua to review *Inpres No.1*. The judicial review is still in process.

87 This support was expressed very clearly by the official nomination of Bram Atururi as the acting Governor of the West Irian Jaya Province, taking place at the office of the Ministry of Domestic Affairs in Jakarta on November 14th, 2003 – a nomination (via Keppres 213/M/2003) which was declared illegal by the *High Court for National Administration (PTUN)* on June 14, 2004.

attention was paid to any protest except for the official judicial review. This is a bitter reality.

As if one division had not yet caused enough trouble, a similar effort was launched in the central part of the province of Papua, in Timika, in August 2003, and did not differ all that much from the way in which the Western province had been prepared. While taking the contents of *Inpres No.1* as prime legitimisation, the preparation took place in a rather secretive way. Efforts were made to gain support, including from members of the local parliament (*DPR-D*), in order to gather signatures under a statement which was handed out to them at their respective homes. Even though the local population sustained that it would not agree with the implementation of this new province, the Chairman of the local parliament of Mimika, Andreas Anggaibak, insisted on proclaiming this province. While most of the members of the *DPR-D* became worried and began to cover up their support, the head of the district (*Bupati*) and other elements of the ruling elite kept completely silent or just let it happen.

Various people pushing for the erection of the Central Irian Jaya province disturbingly illustrate this effect in their efforts to settle the matter to their own interests. One is led by a Papuan elite (ex-high official in the Navy) in Biak, while claiming Biak as the future capital; another is pushed from Nabire, claiming Nabire as the future capital and led by another Papuan elite (ex-Deputy Governor, ex-Ambassador in PNG), while in Timika the Chairman of the local parliament is still proceeding with his efforts to make Timika the capital of the new province.

[tvdb]

The circumstances marking all these attempts to divide the province have a number of important effects which greatly influence the social atmosphere in Papua at present and in the future:

- [1] the **loss of trust of the community in all elements of the government** at the levels of Districts (*Kabupaten*), Province (*Javapura*) and Centre (*Jakarta*). Once again, an important part of the community feels ignored, even betrayed, as agreements ratified in the Special Autonomy Law have not been respected. It is also clear that the central government is not reluctant to issue conflicting policies;
- [2] the **implementation of the Special Autonomy got stuck** by the policy of the Central Government, which trespassed against law No. 21/2001 (*Otsus*) by issuing *Inpres No.1*;
- [3] the **competition among the elite in Papua** with a number of different agendas often linked to personal ambitions (see text box). The solidarity among the lea-

ders in Papua is no longer obvious and the people feel that they no longer have any clear leadership.

- [4] the **paralysis of the provincial government**, and also of all the institutions linked to it. It looks like a retrogression to the centralist attitude of the Soeharto period, for lately too often civil servants at the provincial level in Papua have been saying „we are waiting for a decision from Jakarta“, while the people feel that their ‘shepherds’ have abandoned them;
- [5] the **division at the community level**. Every faction gathers its supporters, dividing up the society. The fundamental argument in the effort to ‘embrace’ the people stresses that ‘later there will be a lot of money; right now Jayapura eats it all up’. These dynamics are based neither on a constructive discussion nor on correct and critical information, but solely on the emotions or disappointments of people who turn out to be easily influenced. In Timika, this has led to many casualties and generated a horizontal conflict.

This disorderly division has had an extraordinary impact on the life of the community in Papua during this past two years. Overall, the impact is negative, since it breaks down, rather than building up. It is no exaggeration when the Bishop of Jayapura states that the „society is drunk on chaotic democracy“, whereas the leadership in Papua has become „dizzy“ from the effort, „to face the policy of the Central Government seven times“<sup>88</sup>.

### *The Policy on Papuanisation, Re-Division and Decentralisation*

Some of the important changes mentioned are merely the result of a normal process of development, shifting from relative isolation into a larger, even globalised world. Within that process, various key factors have been changing: values, the role of community and structures. This process has been additionally sped up by governmental policies. To name the most important ones: [1] indigenisation of manpower (Papuanisation), [2] re-division of administrative units, [3] decentralisation (local and regional autonomy).

The vision behind the indigenisation of manpower is obvious. For a long time, the indigenous community was hardly present in the official administration – a fact that often led to a deep feeling of dissatisfaction, feeding the experience of ‘being occupied by a new colonial power’. The indigenous people of Papua felt they had been robbed of their land – including the natural resources – and been denied the opportu-

88 Address by Mgr. Leo L. Laba Ladjar OFM, Bishop of the Diocese of Jayapura, on November 23, 2003, commemorating three years of leadership by Mr. J.P. Solossa M.Si and veterinarian Constan Karma as Governor and Vice-Governor, as well as commemorating two years of Special Autonomy for the Province of Papua.

nity to decide on what should be done. This feeling has often been put into the saying that Indonesia regarded Papua as being an „*anak mas*“ (golden child), but had proved to be interested only in the „*mas*“ (the gold) and not in the „*anak*“ (the child).

Due to strong and long-lasting pressure, the government has tried to change this impression during the past few years, putting indigenous people in charge and getting them into positions of official authority. To be successful in this policy, additional elements are determinant, such as the availability of properly educated people. It is common knowledge that this factor still presents a real constraint. In part, Papua still lacks the conditions to produce these capable people, and in part the competition by in-migrants is high. Nevertheless, a lot has changed and, as has been mentioned, 26 out of the 30 district-heads are Papuans, and scores of other positions are also formally staffed by Papuans, although examples like the „Jayawijaya case“ (Appendix IX) question the success of the Papuanisation.

Once in a while, critical voices raise the question: „Are Papuans, who have proved not to be up to the job, kept in their positions on purpose, to prove the prejudice that Papuans are not capable of bearing responsibility?“ This is, to be sure, a very blunt question. Still, reality gives it a certain substantial basis. At the very beginning of the Papuanisation, three Governor-Assistants were nominated for various regions (Merauke, Manokwari and Jayapura). It was obvious that among them were candidates of whom it was certain that they would fail in giving the job real contents and credibility. In addition, the functions appeared to be rather ceremonial. It was not a serious effort to get Papuans in charge of the policies in Papua. The same remark can be made in view of a number of districts-heads who have been officially installed over the past years<sup>89</sup>. This fact is not merely a matter of official policies, but is equally a result of local power play, often mixed with money-politics (see text box below). In the end, the local community is the main victim, and it no longer surprises any one when common citizens complain that their own people, once in charge, 'forget the people'. Apparently, a change of personnel does not necessarily change the culture of bureaucracy.

With respect to the re-division, the official argument stresses the need to „bring the administration closer to the people, in order to make it more effective“. This sounds politically correct, especially in a vast area like Papua, where communication is still a headache (major parts of the inland can be reached only by plane or on foot). The question of whether this vision works in practice is still open for discussion. Unfortunately, there are hardly any critical evaluations available, a situation similar to the initial weakness of the program, caused in part by a stunning lack of critical feasibility studies.

89 For more information, see: *Memoria Passionis in Papua, Kondisi Papua 2001*, by SKP.

Once in a while, a keen observer gets the impression that the main governmental dignitaries (governor, bupati, and others) are just 'peons', steered by the businessmen or other people with economic interests. During the period leading up to the election of new dignitaries, they are sponsored by this economically interested group to get to the top. After being installed, they are bound to these people and 'have to pay back' (grant them the governmental projects!). The process of becoming a governor, bupati, etc., demands huge amounts of money for lobbying at the decisive desks.

[tvdb]

Especially in relation to the division of the Province into two or more provinces, another question should be asked as well: whether the re-division of the territory served other purposes. After a delegation of Papuans had faced the then President Habibie<sup>90</sup> in 1999 and bluntly told him that they wanted independence, the issue of dividing the province emerged<sup>91</sup>. The suggestion was clearly launched to counter the 'independence aspirations' expressed by the indigenous community in Papua. Hence the concept was politically loaded from the very beginning. The suspicion of a hidden agenda became still clearer in September 1999, when two new governors were secretly nominated in Jakarta<sup>92</sup>. When the nominees returned to Papua, they faced strong protests. In response to the protest, the issue, including the new nominations, were put on 'hold' – and the issue of a future division of the province became an explicit aspect regulated in the later ratified Law on Special Autonomy for Papua.

The critical question of the extent to which the division of the province serves a hidden political agenda became relevant again at the moment when the Presidential Decree was launched contradicting the *Otsus* already in force. Especially in the Timika case, the question became even more urgent: by whom was the Chair of the Parliament backed up and why; as he felt strong enough to dare to oppose the people's opposition? The same question came up when Bram Atururi began his activities in Manokwari!

The answer is really not easy, although there is a strong indication that in both cases the National Intelligence Agency (BIN) played an important role<sup>93</sup>. Why is

90 Meeting on 26 February 1999 between the „Delegation of 100“ and President Habibie.

91 The issue was heavily pushed by a member of the *Dewan Pertimbangan Agung* (DPA – High Advice Council for the President), Mr. Baramuli.

92 Herman Monim and Abraham Atururi were nominated in Jakarta on October 11, 1999.

93 When Atururi began his activities in Manokwari (January 2003), he carried with him a 'letter of nomination' signed by Hendropriyono, head of BIN.

BIN so interested in getting the province divided up? The answer can only be guessed at, but it is certain that the division will lead to internal differences in the Papuan community. The program will divide not just the territory, but the people as well. This aspect has been dramatically proved in the case of Timika, where pushing the declaration of a new province created a horizontal conflict. What was the aim behind the nightly attacks against the motorcycle-taxi drivers? Triggering off a horizontal conflict, as most of the motorcycle-taxi drivers are in-migrants? Who was responsible for these bloody deeds? Questions like these arise in the minds of observers. Only after months of protests did the central government 'freeze' the division-program until at least after the presidential elections in September 2004<sup>94</sup>.

It appears that the motivation behind the revival of the division of the province was intended as a means to break down the unity within the Papua Community and to weaken their appeal for a recognition of their independence. Another effect was the virtual standstill of the implementation of the *Otsus*. It appears that *Otsus* offers too much regional authority over the use of the natural resources. Some voices at the level of the Central Government wish to change the law substantially, including the role of the *MRP*, the special representative body of the indigenous Papuan community. This raises the question of who else might be interested in preventing a consistent implementation of *Otsus*.<sup>95</sup>

Apart from these questions, a decentralisation program makes sense in a republic like Indonesia, where the geographic components are so spread out and the living conditions in the various parts are so diverse<sup>96</sup>. After a long period of very centralised policies under Soeharto, the need to decentralise was felt nationwide and demanded. Decentralisation has been part of the „reformation-program“ which it was possible to start after Soeharto had been forced to step down. Decentralisation affects not only the provincial level, but is proportionally applied at the district and sub-district levels as well. This new situation demands a lot of adjustment and a lot of manpower on the spot capable and willing to implement the new approach, as well as making responsible use of the new authority given to them. As has been mentioned, this has not always worked out in a satisfactory way.

Officially, the indigenous population is in a better position to participate in political decision-making than ever before. Many high positions in the administration have been entrusted to Papuan people. A consistent implementation of the autonomy law would further open the way to participation in local decision-making in a very

94 The delay in further re-division was made public in a decree by the Minister for Domestic Affairs, Hari Sabarno, on March 8, 2004, but not proclaimed by the governor until June 2004.

95 An additional partial reply is given in the article of Agus Sumule.

96 Indonesia is a republic spread over 13.677 islands (6.000 of them inhabited), covering a distance of 5.150 km (3.200 miles) from west to east.

substantial way. The number of seats in the local parliaments held by indigenous people has increased considerably, as can be seen when the results of the election in 1999 are compared with those from 2004. The participation of Papuans in parliamentary positions has risen from 47% to 65% of all the available seats<sup>97</sup>, even though this increase is mainly due to the increase of seats in the inland districts. It applies far less to the coastal areas and the main urban centres. In the most important centres of power, the parliament is still dominated by people originally from outside Papua. Therefore, the long-demanded ratification of the *Majelis Rakyat Papua* (MRP) will be another important step towards room for the emergence of new local leadership – on the condition that they can make a stand against corrupting structures.

### III. Public Services in Papua: Education

Turning to the public services, two main fields of attention will be dealt with particularly: education and health care as vital areas of concern for the community. Both fields have been given high priority in the Special Autonomy Law, with especial reference to the use of the available annual budget<sup>98</sup>: a minimum of 30% of all revenues from certain natural resources (specified as oil and natural gas) will be spent on education, while a minimum of 15% of the same resources are to be spent on health care and nutrition. Because of the high similarity of the problems in the two fields, we will follow the same setup of analysis for both sections.

#### *Obligation, Right and Crucial Need*

In Chapter XVI, Art. 56, the *Otsus* states that „the Government is responsible for the organisation of education at all levels and of all kinds in the Province of Papua“ (Art. 56,1), and that „all the residents of the Papua Province have the right to receive qualified education (...) up till and including secondary school level at a very minimum of – financial – burden to the community“ (Art. 56,3)<sup>99</sup>.

The government is aware of its obligation and of the crucial role of education in developing the province. The role of education is highlighted primarily in the discussion related to the ‘availability’ of qualified people for the work to be done in Papua. Especially in relation to Papuanisation, the issue of appropriate education

97 Information by General Elections Committee (KPU) Jayapura.

98 Law No. 21/2001, Ch. IX, Art. 36.2

99 The same rights and obligations are expressed in Indonesia’s Constitution: Art. 28 C (1), Art. 31 (1) and Art. 31(2).

and access to education has been a central theme for years. An effective answer to these needs is a must if the participation of the community in the development of Papua is to be a real option. In his presentation note to the parliament<sup>100</sup>, the governor stressed a number of elements requiring attention: the diversity in Papua requires [1] adjustments in the teaching materials by adding 'local materials', [2] a wider distribution of qualified teaching manpower, [3] an adjusted system of education for Papua which (a) develops a system of education based on boarding-schools or boarding houses, (b) decreases the educational costs (school fees) and (c) strengthens the private foundations for education.

**Table 4- Primary Schools in Papua 1985 and 2003**

District	Schools		Pupils		Pupils per school	
	1985/86	2002/3	1985/86	2002/3	1985/86	2002/3
Jayapura *	204	286	33,937	56,686	166	198
<i>Jayapura distr.</i>		204		28,431		139
<i>Jayapura town</i>		82		28,255		345
Biak Numfor	154	182	17,261	28,919	112	159
Yapen Waropen	123	151	11,711	19,105	95	127
Manokwari	148	229	18,337	32,512	124	142
Sorong **	248	308	31,684	47,690	128	155
Fakfak ***	148	200	13,883	29,284	94	146
<i>Fak-fak</i>		141		16,802		119
<i>Mimika</i>		59		12,482		216
Merauke	299	445	36,735	65,125	123	146
Jayawijaya	300	311	29,379	51,765	98	166
Paniai ****	262	295	28,827	42,250	110	143
<i>Paniai</i>		97		14,895		154
<i>Puncak Jaya</i>		77		6,849		81
<i>Nabire</i>		121		20,506		170
<b>Total Papua</b>	<b>1,886</b>	<b>2,407</b>	<b>221,754</b>	<b>373,336</b>	<b>118</b>	<b>155</b>

\* in 2002, Jayapura consisted of Jayapura district and Jayapura town

\*\* in 2002, Sorong consisted of Sorong district and Sorong town

\*\*\* in 2002, Fak-fak consisted of the districts: Fak-fak and Mimika (including its booming mining town Timika)

\*\*\*\* in 2002, Paniai consisted of the districts: Nabire, Puncak Jaya, and Paniai

- the number of schools includes public and private schools;
- the number of pupils involved in Primary School education in 1985/86 was: 221,754, and of these 65,621 in Jayapura and Sorong (=29.5%); while the number of pupils in 2002/3 was: 373,336, and of these 104,376 in Jayapura and Sorong (=28%);



- Jayapura and Sorong (urban districts) together comprised 25,7% of the population in 1985; in 2002: 28,8%;
- the number of pupils involved in Primary School education in 1985/86 was: 221,754, and of these 58,206 in Jayawijaya and Paniai (=26.2%); while the number of pupils in 2002/3 was: 373,336, and of these 94,015 in Jayawijaya and Paniai (=25%);
- Jayawijaya and Paniai (rural districts) together comprised 37.1% of the population in 1985; in 2002: 31.6 %.

Comparing the figures of 1985/86<sup>101</sup> with 2002/03<sup>102</sup>, we gain some insight into the developments over a period of roughly two decades (see following Tables 4 to 8). There has been an increase in the quantity school facilities available all over the province, which might indicate real progress. The same can be said of the increase in the number of pupils and teachers. However, the figures would justify such a conclusion only if the increase were significantly to exceed the increase in factual demand due to the growth of the population and the increasing awareness of parents that their children need to be educated. Compared with an increase in population of 60% over the same time span, the increase in the number of facilities has been given as 27,6% (Primary) and 120% (J&SHS), in the number of pupils as 68% (Primary) and 135% (J&SHS), and in the number of teachers as 118% (Primary) and 84% (J&SHS).

For a more detailed insight into the effective improvement, it would also be necessary to know not merely the number of schools, but also the number of classrooms, as well as the state of the up-keep of the facilities. It might be safe to conclude that the increase in facilities, pupils and teachers indicate a mere consolidation in the attempt to keep pace with the demands of the population to be served. There is no real evidence that the education offered to the population has improved as such. In comparison to the needs to be met, it could be labelled as a mere „rudimentary provision“.

There is a striking improvement in the pupil-teacher ratio as far as some districts in the interior are concerned: Jayawijaya and Paniai. To reach a more valid conclusion, we would also have to look at the effective presence of the teachers on the spot where they are supposed to teach. The ratio in the Sorong district changed for the better, too, whereas it is rather surprising that in the Fakfak district, which includes the fast-growing urban centre of Timika, the ratio demonstrates a deterioration.

101 Source: *Regional Office of the Department for Education and Culture, Jayapura, - 1985-1986*; and *Irian Jaya dalam Angka* (Irian Jaya in Figures) 1985, p. 83-95.

102 Source: *Papua in Figures 2002*, p. 140-158.

**Table 5 – Junior and Senior High Schools in Papua 1985 and 2003**

<i>District</i>	<i>Schools</i>		<i>Pupils</i>		<i>Pupils per school</i>	
	1985/86	2002/3	1985/86	2002/3	1985/86	2002/3
Jayapura *	49	108	14,096	28,850	288	267
<i>Jayapura district</i>		59		11,195		190
<i>Jayapura town</i>		49		17,655		360
Biak Numfor	19	37	5,054	9,960	266	269
Yapen Waropen	12	25	2,487	7,311	207	292
Manokwari	25	44	4,969	12,213	199	277
Sorong **	33	70	8,789	20,331	266	290
Fakfak ***	20	36	3,139	10,477	160	291
<i>Fak-fak</i>		24		6,631		276
<i>Mimika</i>		12		3,846		321
Merauke	31	72	5,670	15,729	183	218
Jayawijaya	22	40	4,466	10,233	203	256
Paniai ****	24	48	4,891	11,330	204	236
<i>Paniai</i>		11		2,373		216
<i>Puncak Jaya</i>		6		983		164
<i>Nabire</i>		31		7,974		257
<b>Total Papua</b>	<b>235</b>	<b>477</b>	<b>53,615</b>	<b>126,434</b>	<b>228</b>	<b>265</b>

- the number of schools includes public as well as private schools;
- the number of pupils involved in Junior and Senior High School education in 1985/86 was: 53,615, and of these 22,885 of them in Jayapura and Sorong (=42.7%); while the number of pupils in 2002/3 totals: 126,434, and of these 49,181 in Jayapura and Sorong (=39%). Jayapura and Sorong (urban districts) together represented 25.7% of the population in 1985; in 2002: 28.8%;
- the number of pupils involved in Junior and Senior High School education in 1985/86 was: 53,615, and of these 9,357 in Jayawijaya and Paniai (=17.4%); while the number of pupils in 2002/3 totaled: 126,434, and of these 21,563 in Jayawijaya and Paniai (=17%). Jayawijaya and Paniai (rural districts) together represented 37.1% of the population in 1985; in 2002: 31.6 %.

The figures do not give much indication of the extent to which the urban centres are favored over the interior, although it can be expected that any improvement in education services might primarily be felt in the urban centres. According to the statistics, the increase in facilities in the urban centres merely kept pace with the population growth in these places. Concrete reporting on the factual education in the interior – with which we will deal later – might help to gain a better insight into this matter.

Another interesting observation can be made when comparing the number of pupils involved in Primary School education, which in 1998/1999 totalled 319,945, with the number of pupils continuing their education at the Junior and Senior High School (J&SHS) level, which in 2002 totalled 126,434. These figures indicate that only 39.5% of the pupils of the Primary-School level continued their education on the J&SHS level. The percentage is slightly higher when we include the 18,168 who

**Table 6 – Number of Teachers per Primary School 1985 and 2003**

<i>District</i>	<i>Schools</i>		<i>Teachers</i>		<i>Teachers per School</i>	
	1985/86	2002/3	1985/86	2002/3	1985/86	2002/3
Jayapura *	204	286	1,407	2,908	6.9	10.2
<i>Jayapura district</i>		204		1,586		7.8
<i>Jayapura town</i>		82		1,322		16.1
Biak Numfor	154	182	902	1,413	5.9	7.8
Yapen Waropen	123	151	701	1,233	5.7	8.2
Manokwari	148	229	913	1,677	6.2	7.3
Sorong **	248	308	1,092	2,471	4.4	8.0
Fakfak ***	148	200	795	1,344	5.5	6.7
<i>Fak-fak</i>		141		968		7.0
<i>Mimika</i>		59		376		6.4
Merauke	299	445	1,354	2,598	4.5	5.8
Jayawijaya	300	311	603	2,058	2.0	6.6
Paniai ****	262	295	757	2,282	2.9	7.7
<i>Paniai</i>		97		517		5.3
<i>Puncak Jaya</i>		77		466		6.0
<i>Nabire</i>		121		1,299		10.7
<b>Total Papua</b>	<b>1,886</b>	<b>2,407</b>	<b>8,524</b>	<b>17,984</b>	<b>4.5</b>	<b>7.5</b>

- the number of teachers involved in Primary School education in 1985/86 was: 8,524, and of these 2,499 in Jayapura and Sorong (=29%); while the number of teachers in 2002/3 was: 17,984, and of these 5,379 in Jayapura and Sorong (=30%). For the rural districts Jayawijaya and Paniai: 29.7% in 1985; in 2002/3: 25%;
- the number of teachers involved in Junior and Senior High School education in 1985/86 was: 3,198, and of these 1,279 in Jayapura and Sorong (= 40%); while the number of teachers in 2002/3 was: 5,900, and of these 2,643 in Jayapura and Sorong (= 45%). For the rural districts Jayawijaya and Paniai 17.5% in 1985; in 2002/3: 14.5%.

continued in some type of vocational training. The percentage rises to 45 %, but is still less than the half. This low percentage is caused in part by „dropping out“ during the Primary School period and by the number of pupils who decide not to continue formal education after finishing the Primary School. Drop-outs over the period 1991-1999 on the level of Primary School had an annual average of 6.36%, on the level of JHS an annual average of 7.15%, and on the level of SHS an annual average of 9.09%, while the annual average percentage of pupils not continuing formal education after finishing Primary School has been 10.91% over the same period of time.<sup>103</sup>

103 Source: Regional Department for Education in Papua, 1999/2000.

**Table 7 – Ratio Pupil – Teacher Primary Schools in Papua 1985 and 2003**

District	Teachers		Pupils		Pupils per Teacher	
	1985/86	2002/3	1985/86	2002/3	1985/86	2002/3
Jayapura *	1,407	2,908	33,937	56,686	24.1	19.5
<i>Jayapura district</i>		1,586		28,431		17.9
<i>Jayapura town</i>		1,322		28,255		21.4
Biak Numfor	902	1,413	17,261	28,919	19.1	20.5
Yapen Waropen	701	1,233	11,711	19,105	16.7	15.5
Manokwari	913	1,677	18,337	32,512	20.1	19.4
Sorong **	1,092	2,471	31,684	47,690	29.0	19.3
Fakfak ***	795	1,344	13,883	29,284	17.5	21.8
<i>Fak-fak</i>		968		16,802		17.3
<i>Minika</i>		376		12,482		33.2
Merauke	1,354	2,598	36,735	65,125	27.1	25.1
Jayawijaya	603	2,058	29,379	51,765	48.7	25.2
Paniai ****	757	2,282	28,827	42,250	38.1	18.5
<i>Paniai</i>		517		14,896		28.8
<i>Puncak Jaya</i>		466		6,849		14.7
<i>Nabire</i>		1,299		20,506		15.8
<b>Total Papua</b>	<b>8,524</b>	<b>17,984</b>	<b>221,754</b>	<b>373,336</b>	<b>26.0</b>	<b>20.8</b>

- the ratio is relatively very high in some rural areas, such as Merauke and Jayawijaya, while being relatively low in other rural areas, such as Yapen Waropen and Paniai;
- the pupil-teacher ratio for the Junior and Senior High Schools in 1985/6 was: 13.6, while the ratio for 2002/3 was: 21.4.

The trend has already been mentioned to get involved in general secondary and tertiary education, while the more vocational type of education remains completely underdeveloped (see the following Table 8). In 2002, 87.4% opted for the general academic education, while only 12.6% was enrolled in vocational education. Developing the vocational sector deserves to be, or, more precisely, to become one of the main priorities for education policy in Papua. There has not been any significant progress over the last 20 years.

**Table 8 – Attendance to Vocational vs. General Junior and High Schools in Papua 1985 and 2003**

<i>Type of Education</i>	<i>Teachers</i>		<i>Pupils</i>		<i>Pupils per Teacher</i>	
	1985/86	2002/3	1985/86	2002/3	1985/86	2002/3
Vocational	673	915	10,648	18,168	16	20
General	3,198	5,900	53,615	126,434	13.6	21.4
<b>Total</b>	<b>3,871</b>	<b>6,815</b>	<b>64,263</b>	<b>144,602</b>		

- The table shows that, in the realm of continued education, more than 80% (83.4% in 1985 and 87.4% in 2003) opted for general secondary education. This trend is based on the socially accepted view that the main objective of education is to obtain a diploma or degree and, if possible, an academic one. In addition, the most important employer has been the government, and it normally looks for people with a general academic education. Many young people can be heard to say that becoming a civil servant is their ideal. The attractiveness of obtaining a more concrete skill is less appreciated in the society and therefore obviously only a second choice.

### *The Involvement of Private Institutions*

Providing education to the people in Papua has for a long time been, and still is, a joint effort involving both the government and private institutions (see Tables 9 and 12). Especially the churches have participated in providing this service. They have set up their own foundations to tend to this special field and are especially to be credited for their involvement in education in the interior. This situation was already a common pattern during the time of the Dutch administration. The Dutch were aware of the need to have the churches on board and assisted the churches' efforts to run schools by granting them substantial subsidies (including paying the teachers)<sup>104</sup>, virtually paying for the running costs of the schools. The same pattern was initially adopted by the Indonesian administration. Slowly, however, the Indonesian government has been urging the private institutions to run the educational facilities on their own, limiting the governmental help to incidental contributions or to granting projects (covering only roughly 25% to 30% of the running costs<sup>105</sup>) and to a kind of hidden support, in which the government pays for teachers at private schools.

104 This support was officially legalized in the LOSO- and MOSO-law {s?}.

105 Information by the Head of Office for Catholic Schools in Jayapura, Mr. V. Ohoitimur, Sept. 2004.

**Table 9 – Participation by Private Institutions in Primary School Education 1985 and 2003**

<i>District</i>	<i>Schools</i>		<i>Private</i>		<i>Participation in %</i>	
	1985/86	2002/3	1985/86	2002/3	1985/86	2002/3
Jayapura *	204	286	89	103	43.6 %	36.0 %
<i>Jayapura district</i>		204		72		35.3 %
<i>Jayapura town</i>		82		31		37.8 %
Biak Numfor	154	182	95	95	61.7 %	52.2 %
Yapen Waropen	123	151	71	72	57.7 %	47.7 %
Manokwari	148	229	75	102	50.7 %	44.5 %
Sorong **	248	308	123	142	49.6 %	46.1 %
Fakfak ***	148	200	89	95	60.1 %	47.5 %
<i>Fak-fak</i>		141		62		43.9 %
<i>Mimika</i>		59		33		55.9 %
Merauke	299	445	193	208	64.5 %	46.7 %
Jayawijaya	300	311	79	77	26.3 %	24.7 %
Paniai ****	262	295	103	111	39.3 %	37.6 %
<i>Paniai</i>		97		51		52.5 %
<i>Puncak Jaya</i>		77		9		11.7 %
<i>Nabire</i>		121		51		42.1 %
<b>Total Papua</b>	<b>1,886</b>	<b>2,407</b>	<b>917</b>	<b>1,005</b>	<b>48.6 %</b>	<b>41.7 %</b>

- This table shows clearly how important the private sector has been in providing education to the people in Papua. Almost half of the service has been provided by the private sector. The change in governmental policies – limiting its financial support – has caused substantial problems for the churches to continue their services. This ‘finance-struggle’ has significantly decreased the impact of private teaching, especially in the interior over the past 15 years.

### *Tertiary Education*

To complete the basic picture, some information is given in relation to the availability of institutions for tertiary education (see Tables 10 to 12). For a long time, the Cenderawasih University (beginning in 1965) and some church academies – which primarily provide church-personnel – have been the main institutions offering tertiary education. Before the 1990s, the University Cenderawasih (UNCEN) disposed of four faculties; education (including teachers-training), law, social and political science and agriculture (this last one is located in Manokwari and covers education in agriculture, animal husbandry and forestry). At the end of the 1980s, the UNCEN reported the figures in Table 10, while in 2002 the picture changed, as indicated in Table 11<sup>106</sup>.

106 University Cenderawasih Report, 1986/1987, pp. 3, 5.

**Table 10 – Number of Students and Lecturers at University of Cenderawasih 1986 / 1987**

<i>Faculty</i>	<i>Students</i>	<i>Lecturers</i>	<i>Ratio Student – Lecturer</i>
Teachers training and education	1,337	86	15
Law	433	15	29
Social and Political Sciences	765	27	28
Agriculture	577	58	10
<b>Total</b>	<b>3,112</b>	<b>186</b>	<b>17</b>

**Table 11 – Number of students and lecturers University Cenderawasih 2002**

<i>Faculty</i>	<i>Students</i>	<i>Lecturers fulltime</i>	<i>Lecturers part-time</i>
Teachers training and education	3.433	159	87
Law	1.141	47	16
Social and Political Sciences	2.855	69	71
Agriculture*	n.a.	n.a.	n.a.
Economics**	2.667	48	43
Science***	484	26	72
Mathematics and Science****	583	57	80
<b>Total</b>	<b>11.163</b>	<b>406</b>	<b>369</b>

\* in 2001, the agriculture faculty in Manokwari was transformed into an independent university: Universitas Papua (UNIPA)

\*\* this faculty was established in 1993

\*\*\* this faculty was established in 1998

\*\*\*\* this faculty was established in 2000

In addition to the state universities UNCEN and UNIPA, a number of private institutions have developed their academic presence by organising education in various sectors: religion, economics, administration, technology and social science. A rough picture for 2002 is given in the following Table 12<sup>107</sup>:

**Table 12 – Number of Students and Lecturers at Private Academic Institutions 2002**

<i>Name of the Institution</i>	<i>Students</i>	<i>Lecturers fulltime</i>	<i>Lecturers part-time</i>
STIE Ottow and Geissler Jayapura (economics)	793	18	6
STIE Yapis Jayapura (administration - management)	900	n.a.	n.a.
STIE Port Numbay (economics)	n.a.	n.a.	n.a.
STFT Fajar Timur Jayapura (philosophy and theology - Catholic)	89	16	11
STAIS Yapis Jayapura (philosophy and theology Islam)	100	n.a.	n.a.
STISIPOL Silas Papare Jayapura (political science)	883	10	43
Institut Sains dan Teknologi Papua (science – technology)	3,690	75	92
ST Baptis Jayapura (philosophy – theology: Baptist)	85	8	12
ST IS Kijne Jayapura (philosophy and theology: Protestant)	125	n.a.	n.a.
ASMI Jayapura (administration – secretarial training)	838	12	70
Akademi Pertanian S. Thomas Aquino Jayapura (agriculture)	100	n.a.	n.a.
<b>Total</b>	<b>7,603</b>		

- in addition to the number of students at UNCEN (11,163), the private institutions provide additional opportunities for 7,603 students, as 40.5% of the total of students in Jayapura. Once again, the private participation in providing education is significant;
- all the figures deal with facilities in Jayapura and are concentrated in the ‘student suburb’, Abepura. In addition to Jayapura, Manokwari has become one of the main educational centres. Over the past few years, various types of tertiary institutions have been set up in Sorong, Merauke and Timika. The figure of even 42 academic educational institutions has been given for 2002<sup>108</sup>;
- it is difficult to determine the quality of the various institutions; the proportion / ratio of full-time to part-time lecturers might be an indication.

108 *Identifikasi permasalahan pendidikan di provinsi Papua*, a paper by Drs. Festus Simbiak MPd, lecturer at the University Cenderawasih, October 10, 2002, p. 14.



### *Reality in the Field*

In addition to the statistical availability of educational opportunities, we now turn to aspects which will lighten up when looking at the experiences in the field. It is common knowledge that education in Papua is of poor quality and far below the standard necessary to ensure a bright future. During a seminar on education in Wamena (2001), reports were presented concerning the factual situation in the field. Attention is drawn [1] to curriculum, [2] to manpower, [3] to facilities, and [4] to the social environment. The head of the District Office for Education in the district in Jayawijaya gives a more detailed summary<sup>109</sup>:

- the mentality of a part of the teachers, who are not really motivated to be teachers. Their primary aim is to be a civil servant with a guaranteed salary;
- security on the job locality is not always guaranteed, causing teachers to move out [*this refers especially to what happened after the bloody clashes in Wamena in 2000, when more than 200 teachers left the area – tvdb*];
- the government fails to act in a just way. Teachers who never teach are paid and assisted as much as are teachers who actually actively teach. Teachers who do not teach have been given opportunities to get enrolled in an additional education program, while those who are actually active teachers are never given a chance;
- there are no effective sanctions by the government when teachers fail to do their job;
- the quality of the teachers is very low. It has been admitted that a number of teachers can hardly read, write and calculate properly;
- an obvious lack of teachers for exacta (mathematics etc.);
- the selection of teachers is done in a very casual – or even corrupt – way, so that quite a number of those selected do not really qualify as teachers;
- a lack of awareness on the part of the parents that education is important for their children. Many parents do not care whether their children attend school or not;
- local traditions: e.g., females are often not allowed by their parents to go to school;
- there is hardly any supervision; some schools have never been visited by departmental staff;
- the pattern of education is still far from what would really be necessary and appropriate to the situation in Papua, especially in relation to the population in the interior;
- The official governmental budget does not yet in actual fact give priority to education.

109 *Pendidikan tetap menjadi prioritas utama*, by Drs. G.W. de Fretes, S.Th, p. 2, during the *Seminar Pendidikan Kabupaten Jayawijaya*, Wamena, 18-20 June 2001.

In this summary, a major emphasis has been placed on the manpower aspect. The summary is less articulated in relation to the curriculum (although it does give hints) and the facilities (although these are referred to indirectly). The summary of the results of the seminar provides some more details about various aspects. Some are illustrative, such as<sup>110</sup>:

- the money earmarked for education does not reach the target group;
  - the curriculum does not respond to the local culture of the people in Jayawijaya. The contents, as well as the way of presenting the material, is based primarily on the culture of West Indonesia / Java;
  - pupils who have finished the primary school often can not read, write or calculate;
  - moving up to the next class in school can be achieved simply by paying the teacher.
- The picture is not valid merely for Jayawijaya. A recent report on the situation in the Diocese of Jayapura does not differ from it very much. It summarises the problems faced as follows<sup>111</sup>:

- the number as well as the quality of the teachers is deteriorating increasingly;
- the financial resources are becoming increasingly limited;
- the educational materials, as well as the facilities, are increasingly limited or simply unusable;
- government support for privately run education is becoming increasingly restricted;
- community support is not equal and is, in general, very limited.
- As an illustration, see the situation of a Senior High School in Arso, district Kerom (hinterland of Jayapura), run by the education foundation (YPPK) of the catholic church<sup>112</sup> (see the following Tables 13 to 15).

110 *Summary of the qualitative data; Seminar Pendidikan Kabupaten Jayawijaya, Wame-na, 18-20 June 2001*

111 *Perbaikan dan Peningkatan Mutu Pendidikan dan Persekolahan Katolik, Keuskupan Jayapura melalui Sekolah Prioritas. Diocese Jayapura, November 2003, p.5.*

112 *Laporan Hasil Lokakarya Pendidikan YPPK Kabupaten Kerom, Waena-Jayapura, 11-15 Maret 2003.*

**Table 13 – Status of Facilities of SMU YPPK Teruna Tegasa in Arso (District Kerom)**

Facilities	Factual Condition		Needed additional
	Quantity	Quality	
Classrooms	5	3 Average condition 2 good condition	2
Office headmaster	1	Average condition	1
Teachers' room	1	Average condition	1
Manager' office	1	Average condition	1
Library	-	-	1
Laboratories	-	-	1
Language lab.	-	-	1
Staff housing	-	-	1
Sanitary facilities- staff	-	-	2
Sanitary facilities- pupils	-	-	2

**Table 14 – Number of Pupils at SMU YPPK Teruna Tegasa in Arso (District Kerom)**

School	Pupils			Sex		Total
	1 <sup>st</sup> grade	2 <sup>nd</sup> grade	3 <sup>rd</sup> grade	Male	female	
Teruna Tegasa	50	71	41	100	72	172

**Table 15 – Number of Teachers and the Need for Teachers at SMU YPPK Teruna Tegasa in Arso (District Kerom)**

Fields	Teachers or Staff			Total	Needed additional
	<i>Civil Servant</i>	<i>Private</i>	<i>Honorary and part-time</i>		
Religion	1	-	-	1	1
State philosophy	-	-	1	1	1
Indonesian lang.	-	-	1	1	2
Mathematics	-	-	1	1	2
Biology	-	-	1	1	1
Physics	-	-	1	1	1
Chemistry	-	-	1	1	1
History	-	-	1	1	1
Economics	-	-	1	1	1
Geography	1	-	1	2	1
Sociology	-	-	1	1	1
Anthropology	-	-	1	1	1
State administr.	-	-	1	1	1
Culture history	-	-	1	1	1
English lang.	-	-	1	1	1
German lang.	-	-	1	1	1
Art	-	-	1	1	1
Gymnastics	-	-	1	1	1
Counselling	-	-	1	1	1
Management	1	1	-	2	-
Night/day watch	-	-	-	-	1
<b>Total</b>	<b>3</b>	<b>1</b>	<b>17</b>	<b>21</b>	<b>22</b>

The picture of just one school is quite representative, especially for schools outside of urban centres. It illustrates the poor conditions under which education is provided. To complete the picture, we refer to another case-study, made available as Appendix X.

### *Tentative Conclusions*

Considering the results of the field studies – and, unfortunately, these results can be multiplied – there is only one conclusion: the education opportunities in the interior are at a disastrously low quality level. Despite the official discourse, the education service in the interior is below any acceptable standard. The Head of the Regional Office for Culture and Education admits this, summarising the main causes of the low quality when he states: „[1] *the low quality of the pupils [raw input; tvdb], psy-*

*chologically as well as physically (...), intelligence level, nutrition level, low interest in education, mental attitude (...) and the distance to be bridged before reaching school (...); [2] the weakness of the instrumental components, such as the limited number of books, demonstration materials, supporting instruments for practice; and [3] the weakness of the environmental components: attention and motivation of the parents (...), the welfare of the teachers.*<sup>113</sup> It is quite remarkable that he does not even hint at the weakness of the official governmental offices themselves in dealing with their direct responsibility as stipulated in the Special Autonomy Law<sup>114</sup>: „*the government is responsible for the organisation of education at all levels and of all kinds in the Province of Papua*“.

The available material implicates the conclusion that most of the improvement in education opportunities are effective solely in the urban centres. This leads to an increasing gap between urban and interior development, as well as to a high migration of school-age children from the interior to the major centres. This latter phenomena often causes problems in town, as the ‘young migrants’ have to find a place to stay and to find some means to live. They have to rely on their nearest kin in town which leads, physically as well as psychologically, to rather unhealthy situations and tensions in the local families. They also have to hope for some sort of government provision, such as district-based boardinghouses. These boardinghouses are all over the place and normally quite overcrowded. For their current expenses, they depend on subsidies by their home district administration or their parents. Both do not always prove to be reliable.

The lack of both teachers and facilities are faced by public as well as private institutions. The problem arises because there is simply no money or manpower available. If there is money, it is completely mismanaged. If there are teachers, they are undisciplined and no sanctions are applied. Frequently, they prefer to change their status to that of an ‘office-worker’. The private institutions feel the problem even more, since they depend more than do public services on their own – community – means in relation to money and manpower. In the Diocese of Jayapura, the situation has motivated the Bishop and his staff to limit, or rather to prioritise their attention and commitment<sup>115</sup>. Of the 126 primary schools subject to the responsibility of the Diocese, only 27 will be given real attention and will be developed in the future. The remaining 99 will merely be monitored, but not really invested in. At the Junior High School level, only 3 out of 12 schools will receive priority, while at

113 *Kebijakan Pendidikan*, by Handono, Head of the Regional Office for Culture and Education in Papua, Seminar Pendidikan, 18-20 June 2001, p.6.

114 UU no. 21/2001, Art. 56,1

115 *Perbaikan dan peningkatan mutu pendidikan dan persekolahan katolik (YPPK) Keuskupan Jayapura melalui sekolah prioritas*, Diocese of Jayapura, November 2003.

the Senior High School level only 2 out of 6 will receive the necessary effective attention. By applying this kind of policy, the Diocese hopes to make sure that at least the prioritised schools – almost exclusively in the interior! – will provide decent education. It is a pragmatic policy which takes the situation seriously and is adjusted to the means available now and in the near future.

The situation described gives a hint at a widespread lack of action and commitment of official administrative offices – those related to education, as well as other supporting offices. Their inactivity can be caused by lack of qualified manpower, by lack of commitment, or by obvious mismanagement. This inertia – once again very evident in the more remote areas – is really disastrous. During the seminar in Wamena, the expression „a lost generation“ came up and no one really seemed surprised. There was the same lack of surprise when on August 12, 2004, Radio Republic Indonesia (RRI) in Jayapura announced that all the teachers in the district

Director General for Elementary Education at the Ministry of Education, Indradjati Sidi, revealed that more than 30% of the elementary schools were either in ruins or in a state of irreversible decay. He admitted that the decrepit state of the buildings was just one of the many problems plaguing the educational system in the country.

Indradjati said that a large percentage of the state elementary schools could no longer be used safely and that all school activities have to be conducted outside because the government had not allocated the necessary funds to rebuild them (...) The government had allocated Rp. 625 billion in the 2003 state budget to rehabilitate the schools, but the amount was far from enough, so they would have to prioritize schools that could no longer be used and were located in densely populated areas.

The government has said it would raise the education budget to 20% of the national budget, as stipulated by the amended Constitution, but it has allocated only about one-fifth of that amount. (...).

According to Ki Spriyoko, a professor at the Sarjanawiyata Tamansiswa University in Yogyakarta, the poor condition of the school buildings was just one component of the pathetic state of education in the country. The situation is not new because the country has had these problems since independence in 1945, he said: „The real problem is that the nation has failed to devote serious attention to developing education“. Spriyoko said further that the state elementary schools had also been running short of educational facilities and teaching staff. „Many of the teachers of the elementary schools are not permanent and many local administrations have deployed security personnel to teach students in elementary schools in remote areas“, he said.

of Serui had gone on strike for a day because they did not have any operational budget to run the schools in the district.

The situation in Papua is not unique in Indonesia, and is partially a result of the national malaise as described in the following extract<sup>116</sup>:

### *The Policy on Education*

After realising that educational matters are very worrying, the question arises: what is the government doing about it? We quote the Governor via his annual accountability report to the regional parliament in relation to the three main policy elements stressed by him in his presentation note to the parliament and mentioned at the beginning of this section: [1] adjustment to the diversity in Papua, including 'local teachings-subjects'; [2] better deployment of qualified manpower; and [3] adjustments in the educational system by promoting boardinghouse related education, reduction of school fees, and the empowerment of private foundations. Going through the accountability report with the list of programs in the field of education, the governor reports on various fields of attention as follows<sup>117</sup>:

#### **[1] in relation to basic education (Kindergarten, Primary and Junior High School):**

- the improvement of facilities is stressed, although very limited in volume;
- the availability of teachers and their quality has been a matter of projects;
- another point of attention has been the availability of teaching materials; and
- some promotion has been done to stimulate the implementation of a boardinghouse-system to support education.

#### **[2] in relation to Senior High School education**

- the improvement of facilities is stressed, although very limited in volume, including repairs and practical facilities, such as laboratory facilities;
- the availability of teachers and their quality has been a matter of projects, although not fulfilling the original target.

#### **[3] in relation to higher academic education**

- additional scholarships have been organized to provide access to tertiary education;
- facilities have been improved at the two main universities; while
- private institutions have been encouraged to enlarge their role in education.

<sup>116</sup> Extracted from an article by Yuli Tri Suwami, in the *Jakarta Post*, March 02, 2004, as published in *Indonesia Human Development Report 2004*, by BAPPENAS/UNDP, p. 37.

<sup>117</sup> *Nota pengantar LKPJ Gubernur Tahun 2003*, June 2004, p. 28-32; for details see Appendix XI.

In his evaluation of developments in education in Papua, the governor is rather positive, since the number of pupils participating in basic education has slightly risen. He highlights this rise (2%) as an indication that the government has been successful in its efforts. The disappointing rate of increase of participation at the level of secondary education tempers his enthusiasm. In addition, he admits that the new approach of „boardinghouse related education“ and „scholarships“ has not yet succeeded in lowering the percentage of drop-outs. This percentage in 2003 is higher at all levels than in 2002:

<u>Drop-outs</u>	<u>2002</u>	<u>2003</u>
Primary Schools	4.91%	5.73%
JHS	4.16%	4.98%
SHS	4.12%	4.53% <sup>118</sup> .

Keeping in mind this rather short and limited evaluation by the governor, we cannot rid ourselves of the impression that the full scale of the enormous problem of education, especially in the interior, is hardly reflected in the official policies or the programs listed. The contents of the policies as expressed in the list of programs over 2003 are in fact very limited. It is even more disturbing to hear the governor saying that all the programs have been implemented with 100 percent success(!), giving the impression that there actually has been an effective response to substantial problems. Our evaluation presented above does not support that kind of conclusion and the situation is probably becoming rather more worrying than providing any decent reason for new, well-based hope.

The improvement of education has been identified as one of the highest priorities. The questions remains whether enough money – at least 30% of the revenue from oil and natural gas – has been set apart to respond to the problems. In addition, the question should be asked whether the money has been used properly, considering the real problems and programs involved. On the basis of our findings, the impression prevails that the governor’s list of programs is based on a rather superficial insight into the problems, conducted on the basis of traditional points of attention and motivated by the disturbing „project mentality“. Doubts remain whether there is the political will and discipline to get to the heart of the problems – to improve the availability and quality of education. It is rather disturbing to hear the dignitaries talking so much and so easily about developing „qualified manpower“.



## IV. Public Services in Papua: Health

### *Obligation, Right and Crucial Need*

In Chapter XVII, Art. 59 and 60 of the *Otsus* explicitly state that „the regional Government is obliged to realise standard and qualified health services for its inhabitants“ (Art. 59,1), and that „all the residents of the Papua Province have the right to receive qualified health services (...) at a very minimum of – financial – burden to the community“ (Art. 59.3). The obligation includes „organising programs for the improvement of nutrition“ (Art. 60, 1)<sup>119</sup>.

The importance of health services hardly requires further explanation. The access to qualified health services is simply a must if any positive development of the community is to be hoped for. In his presentation note to the parliament,<sup>120</sup> the governor stresses a number of elements requiring attention: [1] the equal distribution and improvement of the quality of health services, by [2] putting them within reach of the whole community, [3] preventative health programs as well as curative programs, [4] an increase of the number of medical, as well as paramedical personnel, [5] improvement of services at the hospitals, [6] a better supplying of medicines, [7] better nutrition and [8] the improvement of the environment.

Comparing some general figures of 1985/86<sup>121</sup> with those of 2002/03<sup>122</sup>, we get a first insight into the developments over a period of roughly two decades (see following Tables 16 to 25).

**Table 16 – Population, Area, Density, Birth Rate, Death Rate, Infant Mortality in Indonesia and Papua, 1986 and 2002**

Item	INDONESIA		PAPUA	
	1986	2002	1986	2002
Population	165,153,600	232,073,070	1,453,919	2,387,427
Land and area km <sup>2</sup>	1,919,443	1,904,443	421,982	421,982
Density persons / km <sup>2</sup>	86.0	122	3.5	5.66
Population growth	2.15 %	1.8 %	3.15 %	3.18 %
Infant mortality / 1000	107	43.5	106	50.5 *
Life expectancy		66.2		65.2

119 The same rights and obligations are expressed in Indonesia's Constitution: Art. 28H (1) and Art. 34 (3).

120 *Nota pengantar LKPJ Gubernur Tahun 2003*, June 2004, p. 18.

121 *Irian Jaya Health Situation, 1985 and Irian Jaya dalam Angka (Irian Jaya in Figures) 1986*.

122 *Papua in Figures 2002*, pp. 160-179; *Indonesia Human Development Report 2004*, by BPS/Bappenas/UNDP, p. 97 and p. 155.

The figure on infant mortality in 2002 (\*) is taken from *Indonesia Human Development Report 2004*. However, a recent statement by UNICEF says that between 1999 and 2002 the infant mortality rate at the national level had fallen from 91 deaths per 1,000 to 45, but that there were pockets of high under-five mortality, especially in eastern Indonesia. The rate sometimes reached more than double the national average; „(...) (policies should) focus on these regional disparities“.<sup>123</sup>

The main causes of child mortality in the country are acute respiratory infection, post-birth complications, diarrhea, tetanus, neural diseases and typhoid. Still more worrying are the figures given by the Regional Health Office of Papua Province. Accordingly, in 2003 the Mother Mortality Rate (MMR) was 102 to 10,000 live births (1.02%), the Infant Mortality Rate (IMR) for babies – less than one year – is 122 to every 1,000 live births (12.2%), and the Under-Five Mortality Rate (U5MR) is 186 to every 1,000 live births (18.6%). The cumulative figure (IMR+U5MR) is a total of 30% to every 1,000 live-born children! It is difficult to imagine that this picture reflects the overall situation in Papua, but it might be true for remote areas. The following results of a simple momentary survey in Ngalik (district of Jayawijaya) may illustrate<sup>124</sup>: stillbirths amounted to 36 (3.9%) out of 933 births. Of liveborn children, 13% died within half a year and 24.7% died before reaching the age of five.

The main diseases in Papua are related to respiratory infections, malaria, and skin diseases. Over a period of 5 years, there has been a significant decrease in the number of patients in all of the three main categories. It might be a sign of real improvement in preventive healthcare or in public awareness, although it must be admitted that especially over the last years (2000 – 2002) hardly any improvement is shown; a slight setback is even reflected in the figures related to respiratory infections.

We listed a number of main diseases that point to ‘respiratory difficulties’ as one of the most frequently surfacing. When listening to other sources and to the common ‘people on the street’, they feel that the main diseases are: malaria, tuberculosis and AIDS. These might be the most publicly experienced and feared ones, although less in line with the statistics. It looks like it is not just the daily experience,

123 *Agence France-Press*, October 7, 2004

124 *Chants, Prayers and Drugs, a medical-anthropological survey among the Ngalik people in Jayawijaya, Papua*, by Kurt Hanevik, MD, MSF, July 2000, p.33.

**Table 17 – Number of Patients for main Diseases in Papua 1998, 1999, 2000 and 2002<sup>125</sup>**

Diseases	PAPUA			
	1998	1999	2000	2002
Respiratory infections	129,257	104,622	99,041	101,357
Specially pneumonia	28,827	26,851	24,776	24,140
Specially bronchitis	6,275	5,983	5,280	5,322
Specially asthma	9,869	11,374	8,893	9,107
<b>Total Respiratory Infections</b>	<b>174,228</b>	<b>152,030</b>	<b>137,990</b>	<b>139,926</b>
Malaria tropical	22,993	19,871	19,528	18,775
Malaria tertiana	19,795	21,794	18,682	17,904
Malaria mix	2,938	2,586	2,193	2,046
Malaria clinical	85,431	83,940	81,752	80,552
<b>Total Malaria</b>	<b>131,157</b>	<b>128,191</b>	<b>122,155</b>	<b>119,277</b>
Skin diseases	74,367	69,862	67,591	66,709
Specially scabies	27,765	21,946	19,403	19,216
Specially mycosis	21,327	19,518	17,890	18,447
<b>Total Skin Diseases</b>	<b>123,459</b>	<b>111,326</b>	<b>104,884</b>	<b>104,372</b>
Diarrhea	31,553	33,479	28,651	n.a.
Dysentery	10,787	11,268	9,427	9,169
<b>Total Diarrhea and Dysentery</b>	<b>42,340</b>	<b>44,747</b>	<b>38,078</b>	<b>n.a.</b>
Stomach problems	27,861	25,841	22,113	21,873
Worms	25,077	23,858	20,773	18,819
Ear infections	15,219	14,842	12,722	12,503
Tuberculosis	14,221	13,728	12,605	12,093
Anemia	26,757	17,466	11,861	10,861

other sources hint to the same reality<sup>126</sup>. According to a survey by *Malaria Kontrol Papua* (Papua Malaria Control) 2 to 3 persons of every 5 inhabitants got infected with malaria. This includes patients with very clear signs of malaria as well as a kind of 'hidden malaria', which just makes people less active. TBC is especially high in the region around Jayapura, Sorong and Merauke, but is beginning to show up in the highlands as well, due to an increasing mobility of the population. Dr. M. Rybi Machmoed M.Ph made headlines when telling the participants during a recent workshop in Jayapura that during the year 2003, 1,280 new cases of TBC were found. That means a raise of 80% compared with the previous year<sup>127</sup>. Especially in relation to these two diseases, the level of nutrition is very important. People with a low nutrition level will be among the first to be infected. This remark draws atten-

<sup>125</sup> *Papua in Figures 2002*, p. 170-171, table 4.2.10

<sup>126</sup> *Papua Post*, June 1, 2004, in the article: *Menciptakan pelayanan kesehatan masyarakat yang tepat sasaran dalam rangka Otonomi Khusus di Papua*, by dr. Bagus Sukaswara Widjaya (deputy Head of regional Health Department in Papua) and Ms. L. Christine Ansanay, S.E. (executive director of Foundation for Development of Community Health).

<sup>127</sup> *Papua Pos*, August 31, 2004.

tion to a fundamental aspect which should be considered if the high prevalence of the diseases mentioned is to decrease.

Special attention should be given to the very troubling increase in HIV/AIDS cases in Papua. The statistics are alarming.

**Table 18 – Cumulative Number of HIV / AIDS Cases in Papua per August 31, 2004<sup>128</sup>**

DISTRICT / TOWN	HIV +	AIDS	TOTAL	DIED
Jayapura district	18	37	54	12
Jayapura town	35	91	126	25
Biak	6	0	6	0
Serui	1	3	4	1
Nabire	12	66	78	11
Manokwari	3	6	9	0
Fak-fak / Kaimana	30	1	31	0
Mimika	516	76	592	22
Sorong	57	64	121	53
Merauke	362	295	657	104
Jayawijaya	8	0	8	0
Paniai	0	1	1	1
<i>Total</i>	<i>1,049</i>	<i>640</i>	<i>1,689</i>	<i>229</i>

The spread of the disease through the districts displays very heavy pockets in Merauke, Mimika and increasingly in Sorong and Jayapura. Nabire is also on the way to developing a troubling situation. The heavy pockets are urban areas or areas marked by intensive contact with outsiders, such as in Merauke (fishermen) or with an over-representation of single people (such as in Timika). Looking at the recent developments, it might be that Timika, the booming mining town, will take over the 'top position' from Merauke. Nevertheless, it should be mentioned as well that some real sources are developing in very remote areas<sup>129</sup>, such as the Asmat district and Asgon sub-district (Merauke district), in relation to economic activities, such as the winning and trade in sandalwood. The difficulty is that hardly any figures are available con-

128 No. 1689 *Aids News From Papua*, by Health Department of Papua, August 31, 2004

129 *Cepos*, October 20, 2004 reports on a first clear indications that HIV/AIDS is spreading in the remote district of Puncak Jaya, high up in the highlands. The spreading is related to contacts with Wamena, the districts capital of Jayawijaya. The patient who has been positively testing just disappeared and it is feared that he might become a source of further spreading through the area.

cerning these remote areas. They are too well shielded off from too critical observers, or they provide profits for too many people, including the people who should watch the developments, protect the community and take appropriate measures.

**Table 19 – Number of HIV / AIDS Cases in Papua by Year 1992 – 2004<sup>130</sup>**

YEAR	HIV +	AIDS	TOTAL
1992	6	0	6
1993	48	0	48
1994	10	5	15
1995	24	5	29
1996	10	16	26
1997	22	25	47
1998	24	30	54
1999	63	9	72
2000	113	17	130
2001	205	186	391
2002	38	44	82
2003	350	204	554
31/8/2004	136	99	235
<b>Total</b>	<b>1,049</b>	<b>640</b>	<b>1,689</b>

According to the statistics above, the number of patients has gone up very steeply over the years. Some figures are confusing, especially when we pay attention to the figure for the year 2002 in comparison with the figures for 2001 and 2003. This may be a matter of improvement in registration nowadays. In any case, the spread remains fast, vast, and alarming.

**Table 20 – Cumulative HIV / AIDS Cases in Papua by Sex<sup>131</sup>**

SEX	HIV +	AIDS	TOTAL
Male	508	414	992
Female	493	218	711
Unknown	148	8	56
<b>Total</b>	<b>913</b>	<b>541</b>	<b>1,689</b>

130 No. 1689 *Aids News From Papua*, by Health Department of Papua, August 31, 2004

131 No. 1689 *Aids News From Papua*, by Health Department of Papua, August 31, 2004

Per 31<sup>st</sup> of April 2004, the registered number of HIV / AIDS patients in Indonesia was 4,159. Papua takes a very special place in this context, since the province harbours 30% of the national figure. Therefore, in Papua attention to the campaign against this disastrous disease has become highly urgent. Experts in this matter will tell everybody that the figure for Papua (1,689 by the end of August 2004) is just the tip of the iceberg. The figures should be multiplied by at least 10, or even 20, to approach the real figure of people infected by the disease. If that is the case (a multiplying factor of 20), we are talking about roughly 1.4 % of the population or 14 people of each 10,000 inhabitants. The disease is spread over both sexes and affects all age groups.

**Table 21 – Cumulative HIV / AIDS Cases in Papua by Age Group<sup>132</sup>**

YEAR	HIV +	AIDS	TOTAL
1992	6	0	6
1993	48	0	48
1994	10	5	15
1995	24	5	29
1996	10	16	26
1997	22	25	47
1998	24	30	54
1999	63	9	72
2000	113	17	130
2001	205	186	391
2002	38	44	82
2003	350	204	554
31/8/2004	136	99	235
<b>Total</b>	<b>1,049</b>	<b>640</b>	<b>1,689</b>

According to L. Christine Ansanay,<sup>133</sup> there is still little „sense of crisis“ among the executive and legislative authorities, hence the campaign against HIV/AIDS has not yet become an integrated part of the official policies. Nevertheless, the Merauke district has issued a clear policy in this matter<sup>134</sup>.

132 No. 1689 *Aids News From Papua*, by Health Department of Papua, August 31, 2004

133 *Papua Post*, June 1, 2004, in the article: *Menciptakan pelayanan kesehatan masyarakat yang tepat sasaran dalam rangka Otonomi Khusus di Papua*, by dr. Bagus Sukaswara Widjaya (deputy Head of regional Health Department in Papua) and Ms. L. Christine Ansanay, S.E. (executive director of Foundation for Development of Community Health).

134 *Peraturan daerah Kabupaten Merauke, No. 5 tahun 2003, tentang pencegahan dan penanggulangan HIV/AIDS*.

A recent survey reveals<sup>135</sup>, that there is not yet a very co-ordinated policy to handle the spreading of this fatal disease. The government has not yet shown a clear united political will to take strong measures. Private institutions often differ in their opinion of what target group to focus on (urban environment and / or rural areas) and of how to go beyond mere information towards preventive action. The churches are still very hesitant to get involved, and especially the Catholic church has trouble to cope with its official teachings, which forbid the use of condoms, while the disaster is spreading at its doorstep and appealing for (pastoral) attention. Local NGOs often experience a lack of funds, and have to struggle to be able set up an efficient management of the program, if any.

Although the prevalence of HIV/AIDS is the real eye-catcher, it should not lessen the attention to other venereal diseases. A short news item in the local newspaper is rather illustrative<sup>136</sup>: the head of the district's health office in Wamena announces that in 2001-2002 the number of patients suffering from venereal diseases totaled 2,255, which represents 13.89% of all the patients. He explains that the figure went up in 2002 by not less than 64.3 %. The head of the health office in the district Yapen Waropen draws attention to the same development<sup>137</sup>.

135 *Program Penanggulangan Infeksi Menular Seksual dan HIV/AIDS di Papua, Laporan Survey Terbats, oleh Drs. Tahi Butar- Butar; Lauliene Ansanay, SE. and Drs. Theo van den Broek, Jayapura, Nov. 2004.*

136 *Cepos, February 9, 2003*

137 *Papua Post, February 26, 2004.*

*Health Service Facilities***Table 22 – Hospitals and Health Centres per District in Papua 2002<sup>138</sup>**

District	Hospitals		Public Main centre	Health Centres		
	Public	Private		Sub centre	First aid post	Mobile unit
Merauke	1	-	26	169	33	57
Jayawijaya	1	1	30	86	65	30
Jayapura **						
Jayapura town	3	3	9	16	12	34
Jayapura district	-	-	22	96	7	43
Paniai **						
Paniai	-	-	13	19	1	5
Puncak Jaya	-	1	6	12	1	5
Nabire	1	-	22	32	3	35
Fak-fak **						
Fak-fak	1	-	10	61	3	19
Mimika	-	2	7	112	15	6
Sorong **						
Sorong town	2	2	3	18	8	12
Sorong district	-	-	17	103	7	25
Manokwari	1	1	22	104	7	38
Yapen Waropen	1	-	11	62	5	35
Biak Numfor	1	2	18	54	12	44
<b>Total</b>	<b>12</b>	<b>12</b>	<b>216</b>	<b>944</b>	<b>179</b>	<b>388</b>

\*\* in 2002 these districts were already divided up into new districts

**Table 23 – Health Service Facilities in Papua in 1986 and 2002<sup>139</sup>**

\*\* these units are equipped with a boat, car or motorcycle to go around to patients

138 Sources: *Irian Jaya dalam Angka 1986* and *Papua dalam Angka 2002*

139 Sources: *Irian Jaya dalam Angka 1986* and *Papua dalam Angka 2002*



**Table 24 – Medical Personnel per District in Papua in 1986 and 2002<sup>140</sup>**

District	1986 *			2002 *		
	Doctor	Medical staff	Non-medical staff ***	Doctor	Medical staff	Non-medical staff
Merauke	11	224	280	33	682	79
Jayawijaya	6	258	148	13	672	33
Jayapura **	65	592	208	86	989	457
Jayapura town				74	725	396
Jayapura district				12	264	61
Paniai **	9	238	186	28	617	141
Paniai				4	55	15
Puncak Jaya				2	289	62
Nabire				22	273	64
Fak-fak **	7	114	166	24	750	116
Fak-fak				19	463	81
Mimika				5	287	35
Sorong **	17	287	252	28	585	125
Sorong town				24	298	99
Sorong district				4	287	26
Manokwari	10	208	235	19	317	55
Yapen Waropen	7	130	133	12	281	67
Biak Numfor	11	166	187	19	234	51
<b>Total</b>	<b>143</b>	<b>2,237</b>	<b>1,795</b>	<b>262</b>	<b>5,127</b>	<b>1,124</b>

\* the statistics unfortunately do not include medical personnel working in private hospitals or health centres.

\*\* in 2002 these districts were already divided up into new districts

\*\*\* the available figures in Irian Jaya dalam Angka 1986 do not seem to be realistic at all. The figures given in Irian Jaya dalam Angka 1988 seem more realistic, although still relatively high compared with the figures for 2002.

### *Additional Remarks*

In a report on the health sector by Lavalin International Inc. in November 1987, the consultants conclude<sup>141</sup>:

- [1] in Irian Jaya, the health situation at present is unsatisfactory. Reinforcing existing health services and developing new health facilities is an essential component of the regional development plan;
- [2] access to basic health care in Irian Jaya is inadequate and unevenly distributed. Only 60% of the population has access to health services of any kind;
- [3] the skill levels of the existing staff are overall below national standards and the services provided are frequently inadequate;

140 Sources: *Irian Jaya dalam Angka 1986* and *Papua dalam Angka 2002*

141 *Regional Development Planning for Irian Jaya, Health Sector Draft Report*, by Lavalin International Inc., November 1987.

- [4] the food supply in many areas does not meet minimum nutritional standards. There is no province-wide program to develop safe water supplies. The incidence and effects of diseases are greatly increased by malnutrition and the lack of clean water;
- [5] the present health services are provided approximately equally by GOI and NGOs. Initiatives are working towards reaching the stage of co-operation and co-ordination with other sectors in order to achieve a balanced development and reinforcement of all basic human services;

**Table 25 – Medical Personnel in Public Hospitals and Health Centres per District in Papua 2002**<sup>142</sup>

District	Hospitals			Public Doctor	Health Centres	
	Doctor	Medical staff	Non-medical staff		Medical staff	Non-medical staff
Merauke	9	108	24	24	574	55
Jayawijaya	8	79	19	5	593	14
Jayapura **						
Jayapura town	48	508	368	26	217	28
Jayapura district	-	-	-	12	264	61
Paniai **						
Paniai	-	-	-	4	55	15
Puncak Jaya	-	-	-	2	289	62
Nabire	8	64	30	14	209	34
Fak-fak **						
Fak-fak	11	124	33	8	339	48
Mimika				5	287	35
Sorong **						
Sorong town	12	198	91	12	100	8
Sorong district	-	-	-	4	287	26
Manokwari	8	95	24	11	222	31
Yapen Waropen	6	52	31	6	229	36
Biak Numfor	10	78	27	9	156	24
<b>Total</b>	<b>120</b>	<b>1,306</b>	<b>647</b>	<b>142</b>	<b>3,821</b>	<b>477</b>

\* the statistics unfortunately do not include medical personnel working in private hospitals or private health centres

\*\* in 2002 these districts were already divided up into new districts

Looking at these conclusions and trying to follow the developments since 1987, it can be said:

- [1] new health facilities have been set up over the last two decades, virtually doubling the facilities at the level of local health centres, but leaving the total number of available hospitals unchanged;

142 Sources: *Irian Jaya dalam Angka 1986* and *Papua dalam Angka 2002*

- [2] figures in the Indonesia Human Development Report 2004 are quite disturbing, as it put the percentage of the population having no access to health facilities in 2002 at 36.1%, with no access to clean water at 61.6%, while the percentage of undernourished children under age five is 28.3%.<sup>143</sup> The director of the regional drinking-water office gives an even more pessimistic picture when he states that of the 750,000 people living in urban centres only 15% has access to clean drinking water<sup>144</sup>;
- [3] the statistics do not give any insight into the development related to the level of the skills of health staff. To have a better insight in this matter, information from the field is needed (see section below). According to the statistics and compared over two decades, the number of personnel has significantly increased. But it has to be said that recently – 2002/2003 – some vital figures related to the presence of doctors and skilled medical staff show an inverse trend<sup>145</sup>;
- [4] as might be expected, the main concentration of qualified personnel is found in the urban centres, especially in relation to hospital staffing. On the level of public health centres, the staffing has doubled, especially in the more remote areas. Whether the quantity is balanced by an increase in actual present skill has still to be assessed critically;
- [5] the available statistics in 2002 do not give an easy insight into the participation of private institutions in providing health services. Nevertheless, observations in the interior give a strong impression that private institutions have increasingly handed their services over to public health services due to a lack of personnel (especially of foreigners<sup>146</sup>), of money, or because of the opinion that health services should be provided primarily by the government, while the private institutions have kept up their role as long as no government alternative was available in the area. This last element is especially true concerning the involvement of church institutions. On the other hand, organisations such as „*Doctors beyond the borders*“ and „*World Vision Indonesia*“ have become active in the health sector.

### *Reality in the Field*

Reading through a number of statements by officials in the local newspaper, one cannot escape the impression that the health services are still far from satisfactory. The same conclusion is expressed by civil servants in charge of the health program

143 *Indonesia Human Development Report 2004*, by BAPPENAS/UNDP, p. 101.

144 *Papua Post*, June 1, 2004.

145 *Laporan Keterangan Pertanggungjawaban Gubernur Tahun 2003, Buku II*, p.197

146 in former times often the leading personnel in private health services; now it is not easy anymore for foreigners to get permission to work in Papua

itself. They often refer to the lack of operational capital or of medicaments. The same conclusion is expressed by officials, who inform us on the very high figure of infant mortality and its causes. The same conclusion is expressed by civil servants in the administration, who realise that their communities are not effectively assisted to fight an epidemic.

On the other hand, the impression is given that money is or should be available, as stipulated in the *Otsus*-law (15% of the revenues from gas and oil). The same impression is given by the head of the district Merauke, when he announces that the Japanese government is ready to give a loan of Rp. 2,4 trillion, which will be spent on education and health<sup>147</sup>. Similarly, a statement by the head of the regional health department heralds that Rp. 22 milliard will be distributed to build up the supply of medicaments<sup>148</sup>. The governor gives the impression that the problem is not a matter of the availability of money. According to his information, for the year 2002 a budget of 138 milliard, and in 2003 a budget of 114 milliard has been allocated for health care<sup>149</sup>.

Nevertheless, the assumed availability of money does not put an end to the complaints. Which means, there are other factors that play an important role as well. An initial explanation might be found in the way in which some epidemic cases over the few years have been handled, as illustrated by the Starmountains-case. The head of the sub-district Kiwirok (in the highlands / Starmountains; Jayawijaya district) complained to the local paper that „since June 2002, 65 people have died in various villages in his sub district, because of an epidemic (dysentery / malaria), and that 313 people are still waiting for help“. He made this statement on 23 August 2002<sup>150</sup>, while on June 24, 2002, the head of the health office in Wamena (administration capital of the district Jayawijaya) gave notice that he knew about the epidemic, which at that point had already caused 40 victims<sup>151</sup>. The head of the sub-district Oksibil (neighbour of Kiwirok sub-district) comes in with the same complaint and wonders about the delayed reaction at the central health office<sup>152</sup>. When staff of SKP (Office for Justice and Peace) visited the area a couple of months later, the local health staff reported on the epidemic and the action taken by the official authorities. Although they had just asked for medicaments, as they had enough health workers on the spot to administer them to the patients in the vast area to be served, at the end (in September 2002) an official team was sent from Wamena, via Jayapura, which was highly costly because of air-fares as well as per diem-fees. The medicaments

147 *Cepos*, June 17, 2003

148 *Cepos*, July 4, 2003

149 *Cepos*, October 15, 2004

150 *Cepos*, August 23, 2002

151 *Cepos*, June 24, 2002

152 *Cepos*, August 26, 2002

they brought covered only one-third of the real need. As the doctor was not used to the difficult geographical area, the team had covered only one-third of the area that had to be covered before they flew back to Wamena. The conclusion of the local health workers: why spend so much on 'a project' while they only needed to have the medicaments sent. Why send a team while there are already personnel on the spot, who are used to the difficult geographical conditions and could have covered the whole area? Is it an illustration of the gap between the bureaucracy and the practical workers in the field who know the real needs? Is it the domination of the 'project-mentality', which often pushes the real commitment into the background?

The following additional facts of life will allow a deeper insight into the field situation, and the illustration on the Iwur Sub-District at Appendix XII may complete the picture.

- *„At the celebration of the national Family Day, the governor says that in Papua 362,508 families in Papua are still categorised as „pre-welfare“ or „welfare stage 1“. This means that 74.43% of the families in Papua do not yet enjoy a decent life.“* Cepas, 10 July 2002.
- *„A member of the national parliament visiting Merauke, tells the head of the district Merauke that the health service in the area is very poor, and illustrates that conclusion by informing the head of the district that in the interior the mortality rate reaches the figure of 143 on 1000 new born.“* Cepas, October 2, 2002.
- *„A medical student reports that during December 2002 – January 2003, 65 people died because of an epidemic in the sub-district Okbibab (in the Star mountains)“.* Cepas, January 31, 2003.
- *„The head of the health centre in Sentani, dr. Petronella, makes public that within a month's time at least 60 new patients were registered with TBC.“* Cepas, July 11, 2003.
- *„A member of the regional parliament visiting the district Jayawijaya reports that he met with 200 people spread over three villages suffering of TBC and framboesia. He adds his worries as the health centre in the area has no doctor, no nurse and no medicaments.“* Cepas, September 9, 2003.
- *„The deputy head of the office for health services in Wamena reports that from 2001 till 2003 a lot of money meant for health services has been misused. Hence he is not surprised to see that health-wise there is no evidence that the people in the area are well served.“* Cepas, October 6, 2003.
- *„The head of the sub district Rumberpon (district Teluk Wondama) reports that the area is struck by an epidemic, but that the kind of epidemic can not be identified as there is no medical personnel on the spot.“* Cepas, November 10, 2003.
- During a field visit by SKP at Wamena, Dr. Viviana, director of the public hospital in the district, makes clear that the hospital is in a critical situation. From the management point of view, because there is a short of supply of medicaments,

lack of medical instruments and lack of personnel. The common cause is: no money. By August 2004, four specialist doctors had already left the hospital, leaving behind just 6 general doctors, 2 assigned permanently to the hospital and 4 borrowed from the local health department.

- Payment for daily surveillance has not materialised over the last year, affecting about 150 personnel.
- Despite demonstrations, the head of the district as well as the local parliament are not interested in health care. Only Rp. 1,000,000,000 has been given for medicine. On the other hand, the head of the district has reclaimed the official car of the hospital and has handed the car over to the military commander.
- Of the official budget for the hospital (Rp. 10,000,000,000) only Rp. 3,000,000,000 has been „made available“. *Internal report on field visit SKP, September 14, 2004.*
- „Nine doctors at the Abepura hospital threaten to go on strike if they are not paid their honorarium as 'standby doctor' over the last 11 months. By way of protest over the delay in payment, no doctor has been available at the emergency room of the hospital during the past days.“ *Cepos, September 30, 2004.*
- „The head of the section of the local health department for contaminating diseases in Wamena, Ety Ubra, stated that she had not implemented the 2003 program of immunisation for children under 5 years because of lack of funds. The lack of operational funds also prevents her supplying the health centres in the surroundings of Wamena with medicines. In addition, the health centres in the area cannot properly store the necessary vaccines, because their storage facilities are damaged or not functioning at all.“ *Cepos, October 7, 2004.*

### *Tentative Conclusions*

Considering all the information coming from the field studies – unfortunately, this kind of information can be multiplied – there is only one conclusion: the health care situation in Papua still needs very much attention in order to respond to the urgent needs, especially in the interior. There, the health care service is below acceptable standards. Most of the improvements in health care opportunities occur only in the urban centres. This leads to an increasing gap between the urban and the interior development. This reality is also reflected in the figures given in the *Indonesia Human Development Report 2004*. The percentage of the population with no access to health facilities in 2002 amounts to 36.1%, that with no access to clean water to 61.6%, while the percentage of under-nourished children under age five is 28.3%.

Public as well as private institutions face the problems of lack of medical staff and facilities. The problems arise as there is just no money or manpower available. If there is money, it is completely mismanaged. If there is medical staff, they are just

undisciplined and no sanctions are applied. Often they prefer to change their status to that of an 'office-worker'. A lack of motivation emerges when the staff is not paid according to their rightful demands (e.g., protests by medical staff in Wamena and Abepura, just to name two). It is common knowledge that a fair number of medical staff looks for side-earnings to raise their income to a decent level. This practice does not improve their performance when on official duty. This phenomenon also relates to the ease to refer patients to privately practising doctors, instead of being well served at the public health facilities. This often means a more expensive service, including the purchase of medicaments at certain drugstores (private relationship between the drugstore and the practising doctor)<sup>153</sup>.

The private institutions have a hard time to keep themselves self-supporting and at the same time to keep up their standard of service. They might also become more expensive or too expensive, hence only serving the better-off part of the community. In the past, a number of private health services – especially the ones related to churches and missions – could rely on medical staff from abroad to assist and to teach the local medical staff. Nowadays, that pattern is almost non-existent, i.e. because of the difficulties in employing foreign medical staff (work permits etc.).

The situation as described hints at a widespread lack of action and co-ordination by official administration offices (health-services related offices, as well as other supporting offices). The lack of joint commitment paralyses any public service. The situation might be a result of a lack of qualified manpower, of commitment, or one of simple mismanagement of the available means. This lack of co-ordination and joint commitment especially affects the availability of decent services in the interior.

The situation in Papua is not a unique one in Indonesia, and is partly also a result of the national problem. In this context it is worthwhile to quote the following section from the Indonesia Human Development Report 2004<sup>154</sup>:

*„WHO has estimated what it might cost to extend health services to 49 of Indonesia's most remote areas. Thus in Paniai district in Papua, on the basis of difficulty of access, all the villages were considered remote or very remote, (...) The report then compared the staffing ratios in these districts with those envisaged in the long-term vision document Healthy Indonesia 2010. Thus the target for the number of people per doctors is 2.500, while the current number nationally is 7.972 and in the remote districts it is 16.420. However, WHO concluded that the most practical level for the remote districts would be around 12.000. Achieving this coverage will mean providing for doctors not just additional incentive payments for a more remote posting*

153 *Papua Post*, June 1, 2004, in the article: *Menciptakan pelayanan kesehatan masyarakat yang tepat sasaran dalam rangka Otonomi Khusus di Papua*, by dr. Bagus Sukaswara Widjaya (deputy Head of regional Health Department in Papua) and Ms. L. Christine Ansanay, S.E. (executive director of Foundation for the Development of Community Health).

154 *Indonesia Human Development Report 2004*, by BPS/BAPPENAS/UNDP, p.35.

*but also facilities for their families and ensuring good working conditions. Similar considerations apply to nurses and health-centre midwives and village midwives. This suggests that the total costs for ensuring adequate care for these 49 districts would be an additional Rp. 1.4 trillion."*

### *The Policy on Health*

After having drawn the picture above, the question emerges: what is the government really doing about it? We quote the Governor in his annual accountability report to the regional parliament in relation to the three main policy elements stressed by him in his presentation note to the parliament and mentioned at the beginning of this section: [1] the equal spreading and improvement of the quality of health services, by [2] putting them within reach of the whole community, [3] preventive health programs as well as curative programs, [4] an increase of the number of medical as well as paramedical personnel, [5] improvement of services at the hospitals, [6] supplying medicaments, [7] better nutrition and [8] the improvement of the environment. According to his accountability report, the programs implemented by the government include the following fields of attention<sup>155</sup>:

- [1] basic healthcare has been improved via providing medical instruments, including sets for 'mother and child' health care. Extra nutrition packages have been distributed and personnel at the level of local health posts have been giving additional training. Extension service materials have been provided to fight the spread of HIV/AIDS;
- [2] laboratory service has been improved by providing needed instruments, including test units for HIV/AIDS, and a number of laboratory personnel have gone through extra training;
- [3] internal capacity / skill training has been a matter of attention, albeit very limited, and new staff have been allocated, while others have been replaced;
- [4] special attention has been given to the improvement of hospital services in and around Jayapura, while extra attention has been given to supplying medicaments, and some emergency facilities have been provided;
- [5] The drinking water has been sampled and analysed in 9 districts.

In his evaluation of developments in health services in Papua, the governor starts off by highlighting that the life-expectancy in Papua has risen from 65.2 in 2002 to 65.4 in 2003. Further on, he becomes more worried when mentioning the fact that the number of doctors went down from a total of 414 in 2002, to 321 in 2003. This means a decrease of not less than 22.46 %. The same picture surfaces when looking at the medical staff available in public hospitals. There, the number of staff in 2002,

155 for a more detailed list see Appendix XIII



totalling 2,073, went down during 2003, to a total of 1,995. The governor relates the decrease to staff's moving to other provinces or moving to the headquarters (offices). In contrast, the number of staff working at district public-health centres rose from 4,440 in 2002 to 4,810 in 2003 (an increase of 8.33%). According to the governor, the death rate of children under 5 years of ages, caused by diarrhea, went down from 5% in 2001 to 3.5% in 2002 and to 3% in 2003. The death rate due to malaria went down from 86‰ in 2001 to 49‰ in 2002, and to 14‰ in 2003. On the other hand, the governor mentioned the worrying situation expressed in the rapid increase of HIV/AIDS cases in Papua.

The picture drawn by the governor is very mixed, hinting at both progress and at regression, as well. Especially the decrease in the number of medical staff available is a real setback, as they are one of the main pillars on which to base an improvement of health services. An objective evaluation of this decrease is needed to get a real insight into the problem and the background of this disturbing fact, rather than just simply relating the decrease to 'moving' or to local political unrest. Although the governor has mentioned a real improvement in the decrease of the infant mortality rate, it has to be mentioned that the infant mortality rate is still the highest in the republic. The recent UNICEF report draws attention to this fact.

Keeping in mind this rather short and limited evaluation given by the governor, we are left with the impression that the full-scale problem of health services, especially in the interior, is hardly reflected in the official policies or listed programs. Is it really true that there were no other programs planned than the very limited ones mentioned by the governor? Or is he just reporting on what has been implemented? The contents of the policies as expressed in the list of programs over 2003 are in fact limited. It is even more disturbing to hear the governor say that all the programs have been 100% implemented with success(!), giving the impression that substantial problems have been effectively addressed. The picture we have drawn above does not support that kind of optimism, and even suggests that the situation is, rather, becoming more disturbing. The factors leading to this worsening of the situation might not even be directly related to technical medical issues, but possibly equally as much to general interfering factors, such as mismanagement, project-mentality, poor administration, lack of control and the functioning of a no-accountability mechanism.

The improvement of health services is one of the highest priorities. The questions arise, whether enough money has been set aside to respond to this high priority (at least 15% of the revenues from oil and natural gas). In addition, considering the real problems and the programs adjusted to, the question should be asked of whether the available money has been used for the intended purposes. The same questions as we have asked in the education section can again be put forward, including the reference to the disturbing talk about developing „qualified manpower“.

To end this limited analysis of the situation, we would like to cite from an article by the director of one of the health NGOs, *Foundation for the Development of Community Health*.<sup>156</sup> She states that four conditions have to be put forward if we are serious about improving the health services. First, the **aspect of transparency**, which demands a clear socialisation of the program to the community, including its financial components as well as the contents of the program. Second, the **need for relevancy**, which means that the program should really be responding to the needs. Third, the **importance of participation**, which means that the community should be involved in the whole process, from the planning till the evaluation of the program, in order to increase their sense of belonging to the program. Fourth, the condition of **accountability**, which means that the program is to be accounted for publicly. These four basic principles must be given serious attention, and doing so will determine whether any improvement in the health services will be effectively achieved in the future.

## Appendix VII ARSO CASE157

„With the establishment of the state-owned plantation in 1982, Arso families (600 in total) were given the right to purchase plots of land within the plantation [note that ironically this was traditionally their own land, before being released by the government for the plantation – tvdb] and repay their loans over a 30-year period using the proceeds from their sales of palm fruit. The plantation itself was divided into two parts: a core area comprising half of the total acreage, and satellite areas divided into plots to be sold to smallholders. The Arso people made up only a small proportion of these smallholders, as hundreds of plots were offered to transmigrated residents from Java and other parts of Indonesia. Today, the population distribution of Arso reflects this fundamental shift: non-Arso people (mostly immigrants but also Papuans from other areas) number 20.000 [I have taken the liberty to change this figure according to recent information; tvdb], while there are only 3.000 indigenous people.

Arso residents described the introduction of the oil plantation as a disastrous blow to their way of life. They found they could not compete as oil palm farmers.

156 *Papua Post*, June 1, 2004, in the article: *Menciptakan pelayanan kesehatan masyarakat yang tepat sasaran dalam rangka Otonomi Khusus di Papua*, by dr. Bagus Sukaswara Widjaya (deputy Head of regional Health Department in Papua) and Ms. L. Christine Ansanay, S.E. (director of Foundation for Development of Community Health).

157 Information quoted from a draft assessment report „*Resistance, Recovery, Re-empowerment: Adat Institutions in Contemporary Papua*“ Jakarta, 2002, p. 35-36, to assist the Indonesia Civil Society Support and Strengthening Program (CSSP) and USAID/Indonesia; the assessment team consisted of Richard Howard, Rodd McGibbon and Jonathan Simon.

They did not understand, nor were they taught, the more sophisticated farming techniques required for palm farming, and thus could not compete with outsiders who were far more skilled. As a result, most of the Arso people sold their plots to immigrants, and in many cases took jobs as laborers on the land they had once owned.

The severe economic dislocation had the effect of pushing Arso culture and lifestyle into a state of near total disarray. Community elders described how they were unable to voice their opposition to the changes that were occurring. The Indonesian security forces would have interpreted any hint of opposition as an expression of support for the OPM (Papua Independence Organization), which was still active in the area. Residents explained that during the New Order [the usual name for the Soeharto governmental system - tvdb] there were numerous military posts in the area, and forces often took brutal measures against anyone who expressed dissent. As a result, residents learned to keep quiet while trying to survive on day-labor wages and by foraging in the increasingly distant and shrinking forests.“

#### **Appendix VIII Press Clip<sup>158</sup>: Job Opportunities in New Districts**

Papuan protesters narrow-minded over autonomy: Salossa

A three-day evaluation of regional autonomy in Papua ended on Friday, with one of the most contentious issues raised being the appointment of civil servants in the province.

The issue was brought to the forefront amid prolonged protests by native Papuans, over the appointment of civil servants hailing from outside Papua. Such protests have been frequent since 2001, when the central government began its regional autonomy drive, which allowed regional administrations to have bigger roles and more power in administering their territories.

The most recent protest concerned the inauguration of the head of the Papua Fisheries Office, Astiler Maharadja, and the inauguration of the head of the Finance Bureau at the Papua Secretariat, Paul Onibala. The protesters, during the inauguration ceremony on Oct. 11, objected to the appointment of the two as they are not native Papuans. They said their appointment dampened the spirit of regional autonomy, as it failed to make Papuans the masters of their own land. Not all Papuans, however, agree. Papua Governor Jaap Salossa, a native Papuan, expressed concern over the mounting protest, saying that the protesters had narrowly defined regional autonomy. He criticized the common perception among Papuans, including top gov-

ernment officials, that all strategic posts should automatically go to native Papuans, following the implementation of regional autonomy.

„They think that all posts should go to native Papuans. They disregard meritocracy, and that is wrong. If we indulge this false perception, it will keep Papuans dumb,“ said Salossa. Ignoring the protest, Salossa said that the provincial administration would continue to fill strategic posts with both Papuans and non-Papuans, based on their achievements and intellectual criteria. He said this would benefit native Papuans and the administration in the end, as it would motivate Papuans to work harder to enhance their professional skills, to compete with fellow Indonesian citizens outside the province.

Besides, the best people for the job would run the provincial administration, which would benefit all residents of Papua, both natives and outsiders, he said. A similar view was expressed by the rector of Cenderawasih University, Frans Wospakrik. He said that a narrow view of regional autonomy could spark conflicts between native Papuans and outsiders. He added that regional autonomy should motivate Papuans to work harder to compete with people from other regions, so that the quality of human resources in Papua would be on par with that of other provinces.

## Appendix IX JAYAWIJAYA CASE

*April – October 2004*

In the national newspaper *Media Indonesia*, the following news could be read on July 22, 2004<sup>159</sup>:

*Member of the Regional Parliament (DPRD) of the Province of Papua, Piet Hein Kulalelin, STh., confesses that during a recent visit to Wamena he found the hospital closed. That situation already existed for some time because of lack of operational capital, of medicaments and because of failing to pay the honorarium of contracted medical staff for the last year. This happens despite the budget made available to the District Government, which is very impressive compared with the budget available for other districts. „It is really a shame that local administrators play around with the money for very unclear purposes, while leaving a vital sector as health service unattended“, he said. Above that not just the health sector is affected, but the education sector as well and the overall public services to the community are completely paralysed. ... This situation is still more stunning when related to the fact that all the higher local administrators of the Jayawijaya*

<sup>159</sup> *Media Indonesia*, July 22, 2004.

*district recently held their co-ordinating development meeting in the Marcopolo Hotel in Jakarta, which demanded hundreds of millions of Rupiahs.*

This news confirms our own observation during a field visit to Wamena at the end of April 2004. Therefore, it is worthwhile to have a closer look to the situation as it might help to understand what kind of constraints play a role in the administrative management in districts that now enjoy a certain degree of autonomy. We will follow the developments as reported on in the local newspapers.

Since mid-April 2004 the newspapers report on various demonstrations. Almost everybody – mainly civil servants – takes part in these demonstrations. The demonstrations are partly organised by the *Solidarity Civil Servants* group. The demonstrations involve civil servants from all the sectors, while the schools are closed and public offices, including the parliament office are nailed shut (*dipalang*). The demands are almost exclusively related to money. People have not been paid for a long time, project money has not been accounted for or not yet paid to the contractors, or no money is available to do the daily job of service to the community. They demand the resignation of the head of the district (*Bupati*), a local man, and they carry banners with texts like: ‘Hiroshima has been destroyed by a bomb, Wamena is destroyed by the *Bupati*.’ They ‘occupy’ the *Bupati*’s residence, and take turns keeping watch on his premises. The *Bupati* reacts by promising to pay ‘next week’. The garbage in town is heaping up and gives the town a very ‘dirty look’. Civil servants can be met just walking around, chatting and trying to fill their time as the offices are closed, or open but there is no use in going there, as there is no money to work with. This situation lasts for weeks. Wamena appears to be on total strike and the government’s activity is totally paralysed.

During the celebration of 50 years of Protestant missions in the district (22 April 2004), the joint churches (11 denominations) publish a statement which is very critical concerning local developments. In an oral explanation, the chair of the Baptist Church – originally from the area – says very bluntly: ‘Our administrators have become thieves of people’s money; they have lost their sense for values as proclaimed by the gospel, so they do not work with honesty, justice or in truth’<sup>160</sup>. Therefore, he concludes, the joint churches cannot tolerate this situation anymore, and their silence cannot be bought.

Early in May, the *Bupati* fires his district-secretary (*sekda*). He suggests that the blame has been put on his staff. The regional secretary in Jayapura reacts by saying that this measure by the *Bupati* is against the law: ‘There are rules to be respected when firing someone’, he tells the media<sup>161</sup>. The firing of the district’s secretary

160 *Papua Post*, April 23, 2004.

161 *Papua Post*, May 21, 2004

triggers a rather strong protest by the chair of the Baptist Church, saying that the man should not be fired „as he is not a part of the problem, and as he is an educated person from the local highlands“ [*this last part of the argument is rather interesting as it hints at ethnic arguing – tvdb*].

Prominent figures, who are from the district but reside in Jayapura, put pressure on the Governor to demand that the *Bupati*, as well as the local parliament, be accountable for what is happening. The community cannot fire the *Bupati*, but the parliament can, according to their understanding, and they wonder „how it is possible that a *Bupati* who has made a mess of things during five years in office can be accepted again by the parliament for a new period of five years“?

What is really wrong in the district? The Governor orders a team to check the situation. The *Papua Post* reports on the findings of the team on May 7, 2004, by headlining the issue: „*The District Administration of Jayawijaya is in debt for 150 milliard*“. The local administration owes this amount of money to civil servants, health workers, communities, contractors, including foreign pilots and aircrafts that are flying in and out to supply the district with the main foodstuffs, construction materials etc. In other words, the district is factually bankrupt. Based on this initial report, the Governor decides that before any other action can be taken, an official financial audit has to be done to discover why the government's coffer is empty.

By way of protest to the conditions in the district, students start 'occupying' the building of the local parliament and demand that the *Bupati* be removed. The Governor, while visiting Wamena, refuses to meet them. But in the end he receives one representative and makes clear that the change of a *Bupati* has to be done according to the rules and cannot be done that easily. „We had better stick to the rules in order not to create a very dangerous precedent“ he tells the student delegate<sup>162</sup>. The Jayawijaya student organisation in Jayapura put pressure on the Governor to act and to act fast. They accuse the political elite of Jayawijaya of using the money for their own and their group's benefit, creating an enormous gap between the elite and the local communities, who live in miserable poverty. They additionally hint to the fact that the growing disappointment in the communities helped to trigger off violence, as happened in 2000 as well as in 2003. They also draw attention to the fact that Police and Army in the district are backing up the corrupt people. The students start showing impatience with the Governor, as if he just left things unattended, while the Governor makes clear that he cannot remove a *Bupati*. The local parliament can. The students are still angry with the Governor, since he recently accepted the *Bupati* for a new period of five years in office despite the protests by the students. Once again, the Governor reacts to the protest by saying that he has no right to remove the *Bupati*. The local parliament has the right to do so.

162 *Papua Post*, May 21, 2004

By mid-June the audit-team has not yet made a move. The regional secretary explains that the delay is due to the absence of the *Bupati*, who seems to be in Jakarta for medical treatment. The secretary admits that the audit is in fact not a personal one but concerns the whole local administration. The team cannot start as long as the *Bupati* has not given the green light. The secretary denies that the *Bupati* refuses the audit. By the end of July<sup>163</sup>, the local media informs the public that the Governor very much regrets the refusal of the *Bupati* of Jayawijaya to have an audit be done. Hence, he has to call in the help by the police and the court. The next day, the *Bupati* explains that he does not refuse the audit, but is just delaying it, since he is still involved in medical treatment. Besides that, he denies that any corruption has taken place, saying that the deficit is due to the fact that the program's target has been put too high and cannot be met.

By the end of June, the hospital start operating again, although the debt is still not paid for. The head of the hospital makes it clear that they do what they can, but slips in the information that a couple of doctors (specialists) are eager to move out. In the meantime, the attention turns to the elections and the results of it, putting the election committee in the middle of the news.

In early August, the local parliament gets into the headlines, as it is discussing the annual accountability report by the *Bupati*. It might sound surprising, but at the end of the day the accountability report of the *Bupati* is accepted by the parliament. The people's representatives just limit themselves to some advice to the *Bupati* to improve a number of things. The *Bupati* talks to the media as if nothing is wrong in the area; salaries are being paid, projects are being executed, etc.<sup>164</sup>. It has already been some weeks since anybody talked about the audit team that was planned to get a critical insight into the spending of the budget.

By mid-September, a visiting staff member of SKP reports that the situation in Wamena and surroundings looks worse than it had a couple of months before. There is a visible lack of public services. The roads are increasingly in great need of repair; to get fuel, cars have to wait for hours because there is a lack of petrol, and youngsters are crowding the public places, not knowing how to fill their day and not seldom ending up drunk. At the same time, one can come across fancy cars and small shops where one has a choice in cellular phones. One get the impression that just a small group of people has access to advanced transport and communication, while the majority experiences the hard limits of „basic prosperity“<sup>165</sup>.

By mid-October, the *Cepos* headlines that the police in Wamena will investigate the *Bupati*. But surprisingly, the investigation has nothing to do with the main pro-

163 *Papua Post*, July 29, 2004

164 *Cepos*, August 3, 2004

165 *Memo kunjungan Wamena*, an unpublished report by SKP, September 18, 2004.

blems which have been paralysing the administration for the past half a year, but instead with a personal accusation by the former chair of the parliament. He handed in a complaint to the police, saying that his good name and reputation had been damaged by a letter of the *Bupati* that connects him and some others with the burglary of the military weapon arsenal in April 2003<sup>166</sup>.

Up till the end of October, there is no new information about the whereabouts of the planned investigation into the use of government funds, hence there seems to be no real effort to get the district out of its complete malaise.

## Appendix X Education in IWUR Sub-District and Similar Areas

In this Appendix we will quote some reports on very concrete conditions in the interior as observed during a training program in Iwur<sup>167</sup>, followed by some brief reports from the Jayawijaya-district as reported on during the seminar way back in 2001.

**Table 26 – Right of Education in Iwur According the Training Participants**

Rights / obligations	Who violates these rights	Who are the victims
Insufficient attention by the government for education facilities	<ul style="list-style-type: none"> <li>- provincial education department in Papua</li> <li>- district education depart in Jayawijaya</li> <li>- education supervisor in Oksibil</li> </ul>	<ul style="list-style-type: none"> <li>- children who intend to go to school</li> <li>- local teachers on the spot</li> <li>- community municipality Iwur</li> </ul>
No teachers available	<ul style="list-style-type: none"> <li>- provincial education department in Papua</li> <li>- district education department in Jayawijaya</li> <li>- education supervisor in Oksibil</li> <li>- teachers who don't teach</li> </ul>	<ul style="list-style-type: none"> <li>- children who intend to go to school</li> <li>- community municipality Iwur</li> </ul>
No real concern at the side of the parents	<ul style="list-style-type: none"> <li>- parents</li> </ul>	<ul style="list-style-type: none"> <li>- children who intend to go to school</li> </ul>
No attention for the welfare of the teachers	<ul style="list-style-type: none"> <li>- provincial education department in Papua</li> <li>- district education department in Jayawijaya</li> </ul>	<ul style="list-style-type: none"> <li>- teachers in the municipality Iwur</li> </ul>

166 The relation between the Bupati and the chair of the parliament is not free from political rivalry. Both are from the highlands: the one – Bupati - from the valley, the other from the surrounding mountain area. Both have the strong ambition to be in charge in the district, and both are looking for their own supporters to realize their ambitions.

167 Iwur is a small municipality up in the highlands in the east of Papua, close to the border with Papua New Guinea. *Refleksi pastoral paroki Kristus Bangkit Iwur, Kabupaten Pegunungan Bintang*, an unpublished study by SKP, August 2004.



The participants highlighted the lack of attention by the government's institutions like the department for education in Jayapura (province) as well as in Wamena (district), resulting in an obvious lack of education opportunities. The lack of teachers is another main problem. Either they are not there or they do not teach. The lack of educational materials like books and such. This reality leads them to the conclusion that the children's' right to education is not fulfilled at all. Having a closer look at the facilities and teachers available we get the picture below:

With respect to the following Table on Status of Primary Schools, it is obvious that out of seven primary schools in the area, only three are active. It should be additionally mentioned that in the four villages referred to as 04 to 07, there is just no opportunity to go to school. If pupils still want to attend a school they have to walk to the neighbouring village where the school is actively operating.

**Table 27 – Status of Primary Schools in the Sub-District Iwur**

No.	Name of school	Place	Pupils	Status
01.	SD Inpres Iwur	Iwur	114	Functioning
02.	SD Inpres Arimtap	Dewok	107	Functioning
03.	SD Inpres Walapkubun	Kawor	180	Functioning
04.	SD Inpres Insin	Insin	80	Not in function
05.	SD Inpres Kurumkim	Kurumkim	-	Not in function
06.	SD Inpres Ulkubi	Ulkubi	-	Not in function
07.	SD Inpres Katoabib	Katoabib	-	Not in function

**Table 28 – Teachers, their Qualification and their Status in the Sub-District Iwur**

	Name	SD	Qualification	Status
01.	Willem Oropka	Iwur	SPG	Head of SD Inpres Iwur; teaches since 1985
02.	Engel Kalakmabin	Iwur	SGO	Does not teach
03.	Albert Kakyarmabin	Iwur	IPI	Does not teach
04.	Osep Yikwa	Iwur	SPG	Does not teach because his promotion is not taken care of in Wamena
05.	Welem Nikson Walam	Dewok	PGSD	Preparing to become a civil servant
06.	Fredy Oropyana	Dewok	PGSD	Preparing to become a civil servant
07.	Simon Kalyana	Dewok	PGSD	Preparing to become a civil servant
08.	Agustinus Okbirok	Dewok	PGSD	Preparing to become a civil servant
09.	Daniel Well	Dewok	PGSD	Preparing to become a civil servant
10.	Ananias Maling			Does not teach as he moved to Langda
11.	Paulus Well		IPI	Honorary teacher
12.	Bartol Kalakmabin	Kawor	IPI	Honorary teacher
13.	Bablang Kakyarmabin		n.a.	Does not teach
14.	Eko Bintoro		n.a.	Does not teach and has moved to Oksibil
15.	Tobias Kalakmabin	Imsin	SD	Volunteer teacher
16.	Johanis Ketokyana	Imsin	SD	Volunteer teacher
17.	Matias Kalakmabin	Iwur	SMK	Volunteer teacher
18.	Anton Oropka		SMU	Volunteer teacher
19.	Titus Kimkuri		SD	Volunteer teacher
20.	Yopy Amirka		SD KLAS IV	Volunteer teacher
21.	Beni Oropyana		SD KLAS IV	Volunteer teacher
22.	Yeuri Enoka		Putus SMP	Volunteer teacher
23.	Blasidus Mopyok		SMU	Volunteer teacher
24.	Beni Itul		SMU	Volunteer teacher

The list above is very illustrative, as it shows how many teachers who are officially assigned to a school in the area are evidently not teaching or just preparing themselves to get into 'an office job' as civil servant. The list of qualifications is also instructive as the number of teachers who meet the official standard (SPG/SGO/PGSD or IPI) is hardly involved in active teaching, while the job is done by volunteers who do not qualify. Even five of them had never any further education than primary school or just a part of it.

Similar situation we met in various places in the interior. We quote from a seminar in Wamena in 2001:

The case was mentioned that 20 people applied as a teacher; 11 of them had a false diploma, while 9 of them were not decent to be a teacher. Nevertheless, 5 were accepted. 2 among them from outside Papua and of the other 3 the qualification is heavily questioned. Jayapura (provincial department) did not react on the complaints. But for sure this kind of policies does not assure a decent education.

The school in Tulem (municipality of Kurulu) is hardly functioning, but the pupils have to take part in the annual examinations. The head of the school is not on the spot; of the 8 teachers assigned to the school only 4 teach on a regular base.

In the area of Yalengga, Bugi, Milimo and Korage (sub district Bolakme), in every school only an average of 2 to 3 teachers are teaching. Most of the teachers stay no longer than a year and look for other opportunities in town.

The buildings of the primary school as well as the teachers house in the sub district Kurulu are just falling apart, the chairs are defect, the walls pierced etc. This situation applies to the SD Inpres Wadlangku, SD Inpres Wosi, SD Inpres Obia, SD Inpres Umpakalo, SD Inpres Meagemma, SD Inpres Abusa, SD YPPK Waga-Waga dan SD YPPK Wenabubaga.

In the sub district Abenaho there are 4 primary schools (SD Inpres Dombomi, SD Inpres Namoken, SD YPK Landikma, SD Somburu). Since 1994, there is nobody teaching at 3 of the schools while the other one is run by a church honorary staff. At that school (SD Somburu) there are 100 pupils. There is one Junior High School in the sub district (SLTP 2 Kurulu), but there are no teachers at the school since October 2000 (the bloody event in Wamena). The official governmental staff of the sub district, which consists of 9 villages, is also not on the spot.

## Appendix XI Government's Education Projects in 2003

### [1] related to basic education (Kindergarten, Primary and Junior High School)

- Improvement of facilities: repair of 5 JHS, a new classroom for a JHS, play materials for 29 Kindergarten, 6 houses for head of school, 4 houses for teachers, repair of 7 primary schools, and additional building at one primary school. Implementation: 100%.
- Improvement of quality of teachers: training of 430 teachers [*no specification on the length and contents of the training – tvdb*], additional education for 59 teachers up to Diploma-II level, management training for 469 heads of school, training for 325 specialised teachers, comparative study for 20 heads of school. Implementation: 90,68%.
- Availability of teaching materials: 93.300 basic education books have been spread [*no specification on the pattern of spreading – tvdb*]. Implementation: 100%.
- Availability of teachers: additional 600 teachers have been assigned to remote areas. Implementation: 100%.
- Boardinghouse-system: 23 schools, and the 2.223 pupils related to them have been supported for lodging / boarding. Implementation: 100%.

**[2] related to Senior High School education**

- Improvement of facilities: repair of 9 schools; construction of 2 additional schools, providing furniture for 2 schools, construction of 3 additional classrooms. Implementation: 100%.
- Improvement of laboratory facilities: providing 44 sets of laboratory outfit, practical instruments for 4 schools. Implementation: 100%.
- Availability of teachers: of the targeted 235 additional contract-teachers, 181 have been contracted. Implementation: 77%.
- Availability of 'elite school': 2 schools have been singled out – one in Jayapura and one in Sorong – and have been given special contribution [*kind of contribution not specified – tvdb*]. Implementation: 100%.
- Availability of 'special classes': 15 classes have been singled out and have been given special aid (teaching materials, additional staff, extra training for teachers). Implementation: 100%.

**[3] related to higher academic education**

- Improvement of opportunities: scholarships for basic higher education have been given to 1,191 students from 14 districts. Scholarships for continued higher grades (S2, S1, DIII, and DII) have been granted to 1,944 students. Implementation: 100%.
- Improvement of facilities: 9 new lecturing units have been constructed, 20 computers have been contributed, and 2 laboratories – one at UNCEN, one at UNIPA – have been constructed. Implementation: 100%.
- Empowerment of private institutions: 5 foundations in Jayapura have been given support as incentive for participation [*no specification is given – tvdb*]. Implementation: 100%.

**[4] related to general facilities**

- Library service: to the collection of post-graduate books 625 new books have been added; to the common collection 12,000 books have been added, while the non-book service has been enriched with 110 CDs. Implementation: 100%.

**Appendix XII Health Situation at IWUR Sub-District**

Looking to one of the remote areas like Iwur (as we did for education as well) the picture of the health situation can be read in following summarising tables<sup>168</sup>:

<sup>168</sup> Internal report on SKP field visit to Iwur, 26 July – 3 August 2004.

**Table 29 – Main Problems in Sub-District Iwur**

1. lack of medical staff
2. lack of health facilities
3. clean water
4. of the public health centre (puskesmas) just remains the name. There is no head of the centre, only one midwife and just two health workers.

**Table 30 – Key Problems, Improvement and Constraints in Health Service in Sub-District Iwur**

Key problems	Improvement	Constraints
<ol style="list-style-type: none"> <li>1. lack of interest by the department for health</li> <li>2. medical staff have never felt at home and motivated to do their job</li> <li>3. lack of facilities to serve the people</li> <li>4. lack of housing facilities for medical staff</li> </ol>	<ol style="list-style-type: none"> <li>1. one new public health centre-building</li> <li>2. there is one house for medical staff</li> <li>3. there are two health workers.</li> </ol>	<ol style="list-style-type: none"> <li>1. head of the public health centre is never on the spot</li> <li>2. the house for medical staff is meant for the head of the public health centre; the other staffs live in traditional housing.</li> </ol>

**Table 31 – The Right to Get Health Services in Sub-District Iwur**

Rights / Obligations	Who violates these rights	Who are the victims
1. attention by the health department	- head of the Health services district Jayawijaya	- community sub-district Iwur
2. availability of health services facilities	- Head of the Health services district Jayawijaya	- community sub-district Iwur
3. Access to appropriate health service	- head of the public health centre in Iwur	- community sub-district Iwur
4. money for health service (JPS money; immuni-sation budget – 15 million for public health centre Iwur)	- head of the public health centre in Iwur	- community sub-district Iwur

**Table 32 – Health Services – Facilities, Personnel – Available in Sub-District Iwur**

No.	Village name	Facilities			Personnel	Health groups / family plan-ning
		Health centre	Sub-centre	First Aid post		
01.	Iwur	Available	Not avail. (n.a.)	Available	- 4 medical staff - 1 volunteer - 2 health workers	Seven women
02.	Tinnot	n.a.	n.a.	n.a.	- 1 health worker	One woman
03.	Tarub	n.a.	n.a.	n.a.	- 1 health worker	n.a.
04.	Marantikin	n.a.	n.a.	n.a.	- 1 health worker	n.a.
05.	Ariju	n.a.	n.a.	n.a.	- 1 health worker	n.a.
06.	Walapkubun	n.a.	n.a.	n.a.	- 2 health workers	n.a.
07.	Ulkubi	n.a.	n.a.	n.a.	- 1 health worker	n.a.
08.	Ewen	n.a.	n.a.	n.a.	- n.a.	n.a.
09.	Kawor	n.a.	n.a.	n.a.	- 1 health worker	n.a.
10.	Ater	n.a.	n.a.	n.a.	- 1 health worker	n.a.
11.	Mikir	n.a.	n.a.	n.a.	- 1 health worker	n.a.

**Table 33 – The Most Common Diseases in the Sub-District Iwur**

No.	Disease	No.	Disease
1	Skin diseases	5	Anaemia
2	Rheumatic	6	Worms
3	Diarrhoea, cholera	7	Genital infections (male)
4	Respiratory infections		

### Appendix XIII Government's Health Projects in 2003

Following the Governor's accountability report over 2003, we can list the projects below:

#### [1] related to basic health services

- New instruments at public health centres: 76 units; providing medical handbooks (3 kinds), handbooks for home-cures (220 books) and handbook for medicine gardening (220 books). Implementation: 100%.

#### [2] related to improvement of laboratory services

- Providing supporting means for laboratories and public health centres: 150 packages; reagents material for HIV/AIDS, 135 samples; instruments for laboratories: 80 units; training for 20 laboratories staff, and for another 20 staff on public health centre level. Implementation: 100%.

**[3] related to improvement of mother & child care**

- Providing „Ponek“ instruments: 96 sets; providing midwife kits: 300 sets; providing ‘baby cohort’: 1.500 sets; providing GSI instruments: 2 sets; training of 37 midwives. Implementation: 100%.

**[4] related to improvement of nutrition & services by local clinics (posyandu)**

- Providing nutrition package: 500 packets; providing micronutrient: 500 packets; providing computer: 1 unit; intervention in 500 cases of malnutrition; providing extra food (milk and such) for school kids: 10.000 cartons; providing vitamin A in 1.000 villages [*implementation percentage not mentioned – tvdb*].
- Training for 120 staff at first aid posts (*posyandu*) level; supporting facilities for *posyandu* in 3 districts; supporting facilities for KHPPIA in 5 districts; and PMT-AS for 14 districts. Implementation 100%.

**[5] related to education of medical staff**

- Providing chair and tables for 50 students; scholarship for 1.257 students. Implementation 100%.
- Training for 530 medical staff; training of analysing data for 18 staff; technical raining for 17 staff. Implementation 100%.

**[6] related to assignment of medical personnel**

- Placement of 102 medical staff; placement of 45 specialist doctors; moving or retreating 56 dentists. Implementation 100%.

**[7] related to improvement of hospital facilities**

- Providing facilities at the hospital in Jayapura; supporting facilities at hospital in Abepura; construction of mental hospital in Abepura; construction of ‘*talud*’ for police force hospital. Implementation 100%.

**[8] related to supply of medicaments**

- Supplying 4 packages of medicaments [*no specification given – tvdb*]. Implementation 100%.

**[9] related to emergency programs**

- Providing contact packages; providing 1 unit ambulance; providing 1 emergency unit; providing equipment for 50 emergency teams. Implementation 100%.

**[10] related to HIV / AIDS**

- Special campaign materials (1000 ex); 6 extension service programs; composition of an epidemiological handbook; action for wiping out vector 2 species. Implementation 100%.

**[11] related to drinking water**

- Drinking water sampling and analysis in 9 districts; providing water wells, 34 units; construction water catching facilities, 8 units. Providing clean water for 100 families in the town of Jayapura; providing clean water facilities for 50 families in Manokwari. Implementation 100%.

# Concluding Remarks and Recommendations

THEODOR RATHGEBER

The study provides sufficient evidence that the specific relationship between West-Papua and Indonesia, as it has developed in the course of history, is the main reason for the ongoing underprivileged, and to a certain extent discriminatory, status of the Papuans in their own country. Even the figures of the official national reports and statistics show a numerical disadvantage for Papua, i.e., in health, education, infrastructure and administration. Obviously, for one thing, more financial investments are necessary to improve this situation and to enable Papua to achieve a higher ranking in social issues than its present ranking as second from the bottom in comparison to the other regions of Indonesia. Papua is a rich province, from which the Central Government in Indonesia collects considerable revenue, which should be used to alleviate the Papuan people's most obvious needs and societal problems.

Nevertheless, more money alone will not resolve the problem, as there is, for one, the risk of supporting corruption as long as no independent system with mandatory regulations for auditing or controlling exists. On the other hand, the findings of the study furthermore reveal that it is not only quantity but also quality which makes particularly those parts of Papua underdeveloped which are populated predominantly by indigenous peoples. The richness of Papua does not benefit the country and, still today, it is not used for the indigenous peoples' welfare, which gives them the feeling of being outsiders in their own habitat. For those familiar with the key factors in Papua's destiny, this comes as no surprise.

Firstly, the political and military elite in Jakarta still recruits a dominant part of its leadership and members out of the traditional ruling system. A break with the past and a critical reappraisal, e.g., in terms of justice and rehabilitation for victims of human rights violations, has never really happened. Particularly since the military and security forces maintain an autonomous existence catering to their economic interests, it is hard to believe that in the near future anything more than a precarious balance will be available for any government to meet the needs of democratic governance and a rule of law. It is actually too premature to predict and has yet to be tested whether the newly elected President Yodhoyono will be able to establish an alternative in terms of democratic controlling systems, especially for the security forces, to end impunity at least with respect to gross violations of human rights and, e.g., to deal with Papua properly. We can, nevertheless, identify some criteria, for-



mulated as recommendations (see below), which will indicate the tendency and dynamic of the process.

Secondly, although the Special Autonomy Law supplies some important changes and replacements in relation to local self-ruling in Papua, some fundamental structures remain unchanged. Certainly, it is important enough to state that meanwhile 26 of the 30 *Bupati* (Head of District) are Papuans, but the recruitment and performance of the administration as well as the regulations for making use of the local and regional budgets still follow the rules of Jakarta. The decentralisation program and the installation of 28 districts, along with 2 special urban areas in Papua has been designed and implemented without any further participation of Papuan political institutions. In December 2004, President Yodhoyono issued a decree establishing the long-requested Papuan People's Council (MRP) without prior consultation and leaving the interpretation of its competences open. In January 2005, newspapers reported to the Papuan people that the government in Jakarta intends to split the country into five provinces. Papuan representatives have now given the government in Jakarta an ultimatum until 15 August 2005 to implement the Special Autonomy Law according to the demands and genuine needs of the Papuans. Otherwise, the Papuans themselves will step back. Apart from the inconveniences related to inner regulation, by law the competences for security, taxation and financial matters, foreign affairs and religious issues are still exclusively in the hands of the government in Jakarta.

Thirdly, the keen interest of the government in Jakarta in Papua's resources determines its policies towards that province. The fact that Papua ranks third among the regions of Indonesia with respect to the Gross National Product, makes its full integration a simple economic need. Beyond that basic approach of Indonesia, there are, nevertheless, options in transforming this need into policies on economic, social and cultural issues in Papua. Principally, the provisions of the Special Autonomy Law on tax revenue and distribution would allow Papua to better benefit from its resources, gradually improving and aligning the standard of living in general. It makes quite a difference if only 10% to 15% of the revenue, e.g., from natural resources, remain in the province, or up to 70% or 80%.

Still, nothing has been said concerning programs to use the remaining resources particularly in order to make precautions for optional income generation for upcoming generations, or considering the extremely accelerated changes of the economy in the context of globalisation. In addition to the dynamic and impacts of Indonesian-related economy, globalisation has imposed significant changes on every national and local economy, particularly disfavoured the already vulnerable members of society, which in Papua predominantly means the indigenous peoples. In this context, it is to be expected that economic or political structures will continue to fail to serve life, instead undermining the social and cultural production of communities, their livelihoods and in some cases the very basis of their survival.

Fourthly, although the fall of Soeharto in 1998 opened room for political debates of civil society on fundamental rights and freedoms in Indonesia, it is still unusual and sometimes dangerous to think of Indonesia beyond the concept of a unitary state, a hierarchical order and centre-orientated imposed patterns of development. The paradigms of nation- and institution-building are predominated by the old ones. In addition, in Papua, politics are not only conducted by political parties but rather by institutions which still follow the historic patterns of gatherings and councils and seek rather the equal and geographical mode of representation of each indigenous community than the ideology of parties. The Papuan People's Council (MRP) would fit into such an approach but would need the corresponding competence and partnership-relationship with Indonesian government. In actual fact, the MRP appears to have been curtailed of its authority granted by the Special Autonomy Law and rather to have been transformed into a more folkloristic appendix.

This is the encouraging part of the analysis: the ongoing, mostly informally developed capacity of the Papuan people politically to articulate their interests based on historic forms, and despite the oppression and manipulation of their historical leadership. Principally, the Papuans themselves are able to challenge the government in Jakarta and to demand fundamental reforms on: a free and open dialogue on the political status of Papua, respect and protection of human rights and establishing a real working rule of law, full and appropriate implementation of the Special Autonomy Law, including the corresponding competence for the Papuan People's Council, a stop to splitting up the province, and the integration, particularly of the military forces into a democratic and rights-based governance.

The due implementation of the Special Autonomy Law would be encouraging but ambitious as well, even though part of the Papuan leadership supports it even though recognising the limitation that any further concept of self-determination would actually be out of reality. In two directions: the firm stand of Indonesian governments to keep Papua as an integral part of the nation and the lack of institutions and leadership on the Papuan side to run the country by their own without falling into the same schemata of policy-making as Indonesia has been demonstrating in the past. In a similar way, the dynamic of urbanisation, the processes of social and cultural diversification and the given integration of non-Papuans have altered the historic concepts of civil society in Papua, while alternatives are barely emerging. Students, church-orientated organisations and women's initiatives actually seem to be the most developed and promising parts of Papuan society, building new platforms where civil society can gather and experiment with raising their voice and creating their political bodies as checks and balances – although still threatened and harassed by the state security forces. The monitoring of the security forces, the implementation of law and the functioning of the existing local and regional political bodies are among the greatest needs.

The Christian churches – the Catholic church and predominantly the GKI on the Protestant side – are particularly pro-active – apart from spirituality – in terms of protecting human rights, maintaining and building up an appropriate social infrastructure, and conceptualising and gathering examples of local economies adapted to the needs of the indigenous peoples. As one of the few skilled institutions in Papua, the churches are requested to stress a human rights approach for economy and to intensify their initiatives to counter the impacts of global economic integration under the neo-liberal commitment to a free market. With respect to women's organisations, there is still the urgent need for further investigation and debate on the distinct role they are going to play in an altered civil society; including the institutionalised participation set up for the Papuan People's Council.

Also hopeful are the statements of the Indonesian government to extend the rights-based policy by ratifying the two basic international standards, ICCPR and ICESCR, in the near future. As the study shows, it would be of great help for all parties involved in Papua's destination to meet on a platform where standards on political, economic, social and cultural life have been established on the basis of multiple experiences world-wide, and even procedures for mediation in case of disagreement are provided. The ratification of the covenants would be a first and important step to extend the legal perspective for Papua – and would be a very appropriate framework for the concept of Papua as a 'Land of Peace'.

International standards on the human rights of peoples and their communities are additionally needed – quite apart from the special dispute on Papua – for considering and channelling the afore-mentioned globalisation of the economy, culture and means of communication, as well as the erosion of the power of any state. The threat to people's right to self-determination which emanates from globalisation and weakens any kind of national sovereignty is, at least, of similar importance compared to the dominance of Indonesia.

Equipped with these instruments and emerging initiatives, the open dialogue between representatives of the Papuan people and the government in Jakarta should be fostered, as it is one of the very few keys to tackling the contradictory and complex situation in Papua. A dialogue, if human rights-based, is able to build trust, and should be determined to reach a peaceful solution. In order to make that really operable and to change reality, support and assistance is needed as well as independent actors for monitoring.

At the Indonesian level, the expectations with respect to an equal dialogue are addressing on the one hand the effective implementation of the already existing legal provisions in political, economic, social, and cultural fields of society, as well as in the fields of state defence and security. In the specific context of Papua, and related to the findings of our study, one of the utmost priorities would be to protect and promote human rights and to ensure the immediate and exhaustive investigation and

prosecution of gross violations of human rights. Although the sensitivity of this suggestion is known, as the study reveals, it is a necessary and important signal that impunity will not be tolerated and that the future society of Indonesia and Papua will be based upon civil means of conflict management. Since part of the authors of this study are living in Germany, and considering the horrors of our relatively recent history, we are familiar with the arduous and lengthy endeavour to transfer these traumas into a healing process, as well as the necessity to begin with this process at the earliest possible moment – we know what we are talking about. In an additional step, victims and witnesses of gross human-rights violations should be particularly protected against any further harassment by the perpetrators, and rehabilitation should be sought. Expectations would also be directed towards an adequate implementation process for the Special Autonomy Law, which will at least now include Papuan representatives and institutions into the design and further realisation.

On the other hand, and taking precisely the sensitive issue of impunity into account, it is crucially necessary to extend the basis of legal order and, therefore, to accelerate the internal process of the ratification of ICCPR and its Optional Protocol, as well as of ICESCR, in order to enhance the realisation of fundamental rights. These covenants, their institutional bodies and their procedural mechanisms provide instruments to handle concrete situations and serve as mediation in case of disagreements on the scope and means for implementation. Obviously, already ratified covenants which have been transferred into national law have need of due implementation, as well. A part of the execution consists in a free and uncensored scrutiny and access to Indonesia by international experts relevant to the corresponding convention. At the level of United Nations, the so-called standing invitation to these experts would be the appropriate measure to establish the urgently needed monitoring systems as a constructive and additional contribution to the government's efforts.

In addition to the mechanisms and procedures of the international covenants, the United Nations High Commissioner for Human Rights, the Commission on Human Rights, the Third Committee of the UN General Assembly, the UN-based institutions, such as the World Health Organisation (WHO) or UNICEF, provide a wide range of expertise in the form of technical assistance and country teams to support the government in correcting each of the deficiencies revealed by the study. In addition, the European Union, including Germany, should have ready further support in the framework of development co-operation particularly strengthening democratisation, decentralisation, the rule of law and human rights, while simultaneously keeping in mind the interests of the Papuan people. Beyond the debate on the historic failures of the international community in the 1960s, there is the human rights-based obligation and responsibility of international bodies to make their means and measures available to the Papuan people in favour of a peaceful conflict-resolution. The

multilateral expertise would also contribute further to clarify important issues for the Papuan people and its country.

Finally, but with respect to implementation first of all, these potential and recommended instruments of international and national institutions should address and strengthen the capacity of self-organisation of the Papuan people and its institution-building, e.g., through working groups, additional studies, or special activities on standard settings. The study presents enough evidence to underline the capacity and potentiality of the Papuan people, as well as the conceptual need specifically to overcome the deficiencies. Support should not run the risk that, instead of being support, it further ruins the people and their political, economic, social and cultural livelihood. It is particularly up to the indigenous actors in Papua – with the little help of friends as wished – to identify, to define, and to attempt the right kind of change of their reality according to their patterns for future development. At the “end of the day”, we might have empowered and relatively sovereign Papuan people – in view of globalisation – who assign the political status of Papua not only to the polarity of secession or arbitrary integration.

## Frequently Used Abbreviations and Special Terms

ABRI	<i>Angkatan Bersenjata Republik Indonesia</i> , Armed Forces of the Republic of Indonesia
BUPATI	Head of the District
DAP	<i>Dewan Adat Papua</i> ; Customary Council of Papua
DOM	<i>Daerah Operasi Militer</i> ; Military Operation Zone
DPR	<i>Dewan Perwakilan Rakyat</i> ; House of People's Representatives, National Parliament
DPRD	<i>Deawan Perwakilan Rakyat Daerah</i> ; Regional Parliament
ECOSOC	Economic and Social Council; UN body established in Geneva
GKI	<i>Gereja Kristen Injili di Tanah Papua</i> , Protestant Christian Church in the Land of Papua
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
KABUPATEN	District
KOMNAS HAM	<i>Komisi Nasional Hak Asasi Manusia</i> ; National Commission for Human Rights
KOPERMAS	<i>Koperasi Peranserta Masyarakat</i> ; Community Cooperative Enterprise
LMA	<i>Lembaga Masyarakat Adat</i> ; Customary Community Institutions
MRP	<i>Majelis Rakyat Papua</i> ; Papuan People's Council
NGO	Non-Governmental Organisation
OPM	<i>Organisasi Papua Merdeka</i> , Organisation Free Papua
OTSUS	Local Term for SPECIAL AUTONOMY LAW
PDP	<i>Presidium Dewan Papua</i> ; Presidium of Papuan Council
SKP	<i>Sekretariat Keadilan dan Perdamaian</i> ; Office for Justice and Peace of the Catholic Church
TNI	<i>Tentara Nasional Indonesia</i> , The Indonesian National Army
UN	United Nations
UNCEN	University Cenderawasih, Abepura / Jayapura

## The Authors

### **Theo van den Broek**

Worked with the Jayapura Diocese in West-Papua from 1975 until the end of 2004. In 1987, he became the Head of the Diocesan Office in Jayapura and in 1997 the Director of the Office for Justice and Peace (SKP) of the Diocese of Jayapura. Beforehand, he had been Director of the Foundation Biro Medis Bethesda (nowadays Yayasan Kesehatan Bethesda) from 1979 to 1985. He is one of the pioneers to begin with human-rights monitoring programs for West-Papua: „A lot of things are wrong. People here who are in the police or in the army get used to the idea that they can do anything. There is nobody that will stop it. People come in from the outside with a very low esteem for the local people.“ He differentiates three aspects of the Papuans' struggle: the struggles for development, for human rights and dignity, and for the rectification of history. Originally coming from The Netherlands, he later became a nationalised citizen of Indonesia. He has also done research in Applied Sociology in Colombia and Senegal.

### **Willy Mandowen**

Member of the teaching staff of the University Cenderawasih (Abepura / Jayapura), internal and international mediator of the Presidium Dewan Papua (Presidium of the Papua Council), General Secretary of FORERI (Forum for the Reconciliation of the Irian Jaya Society) and delegate of the GKI (Gereja Kristen Injili di Tanah Papua, Protestant Christian Church in the Land of Papua) to the World Council of Churches. Since the fall of Soeharto, he has been playing an important role in the mediation between the Papuan representative bodies, such as the Presidium, and the Indonesian government. He is one of the philosophical intellectuals in the Papuan movement, and attempts to structure and focus the many groups which are competing for their voice to be heard. „We work through traditional leaders, religious leaders, student movements. We are in the beginning stages of selecting the right people for the right leadership.“

### **Theodor Rathgeber**

Lecturer with the Department of Sociology / Applied Social Studies at the University of Kassel (Germany), teaches political science, international law and human rights. He is a member of the board of the German network (Adivasi-Coordination), which concerns itself with indigenous peoples in India and is coordinator of the network tackling the ratification process on the ILO Convention 169 in Germany. For

12 years, he has been working with the human-rights organisation Society for Threatened Peoples (Göttingen / Germany) on indigenous peoples. He also works as a free-lance consultant on human rights, indigenous peoples and development issues. As of 2003, he is the official observer to the United Nations Commission on Human Rights on behalf of the German network, Forum Human Rights.

### **Hermien Rumbrar**

Works with the Women's Training and Development Centre of the Evangelical Church in Papua (P3W – GK1; Pusat Pembinaan dan Pengembangan). She coordinates the division on Research, Information and Publication. She was invited in February 2005 by the *West Papua Netzwerk* (Germany) to Berlin, to hold a lecture on the younger generation in Papua. The centre P3W was founded in 1962 in Abepura / Jayapura. Today, there are two additional centres in Polimo (highlands) and Terminabuan („Bird's Head“). The centres train and guide women of urban and rural areas to become more skilled and independent, as well as to improve the quality of life in their families, communities and churches. The programs of P3W are continuously adapted to the local needs. The centre in Abepura / Jayapura has four divisions: a) Education and Training, b) Research, Information and Publication, c) Guidance, and d) Economic Development and Income.

### **Agus Sumule**

Lecturer with the Department of Agricultural Extension, teaches agricultural economics at the Universitas Negeri Papua Manokwari, which has recently become independent and was formerly the Manokwari campus of the Cenderawasih University. He was the head of the Assistantship Team for drafting the Papuan version of the Special Autonomy Law and is still a leading academic on the governor's advisory team for the Special Autonomy (Otsus). He has also been a Visiting Fellow with the Resource Management in Asia Pacific Program (RMAP) of the Australian National University. He was a member of the Manokwari contingent to the Papuan People's Congress, where he was elected to the Congress Panel as one of 20 representatives. One of his current multiple activities on Papuan issues deals with consulting the Freeport mine on its program to foster low-economy income projects for local Papuan people.

### **Siegfried Zöllner**

Retired pastor and, until 2004, coordinator of the German *West Papua Netzwerk*. From 1960 to 1973, Siegfried Zöllner was a missionary in West-Papua in the area of the Yali people. When he began his work there, West-Papua still was part of Dutch New Guinea and for a short while a district of the Netherlands. The area of the Yali people is located in the highlands – mountains of up to 3.000 meters in height with



deeply fissured valleys. He was able to establish a lasting relationship with the Yali people, gained a deep understanding of their culture and succeeded in pacifying the traditional warfare between neighbouring communities. He works with the *West Papua Netzwerk* – a forum of German churches, NGOs, solidarity and environmental groups, as well as individuals interested in West Papua, providing information and promoting cooperation and joint action within Germany. The network was founded in 1996 after reports of severe human-rights violations and unrest in Abepura and Timika. The desk in Wuppertal (Germany), since February 2004 led by Zöllner's successor Uwe Hummel, issues a quarterly information magazine and information per email ([west-papua-netz@vermission.org](mailto:west-papua-netz@vermission.org)).

THAILAND

PHILIPPINES

MALAYSIA

PACIFIC OCEAN

SIATRA

KALIMANTAN

SULAWESI

WEST-PAPUA

Jakarta

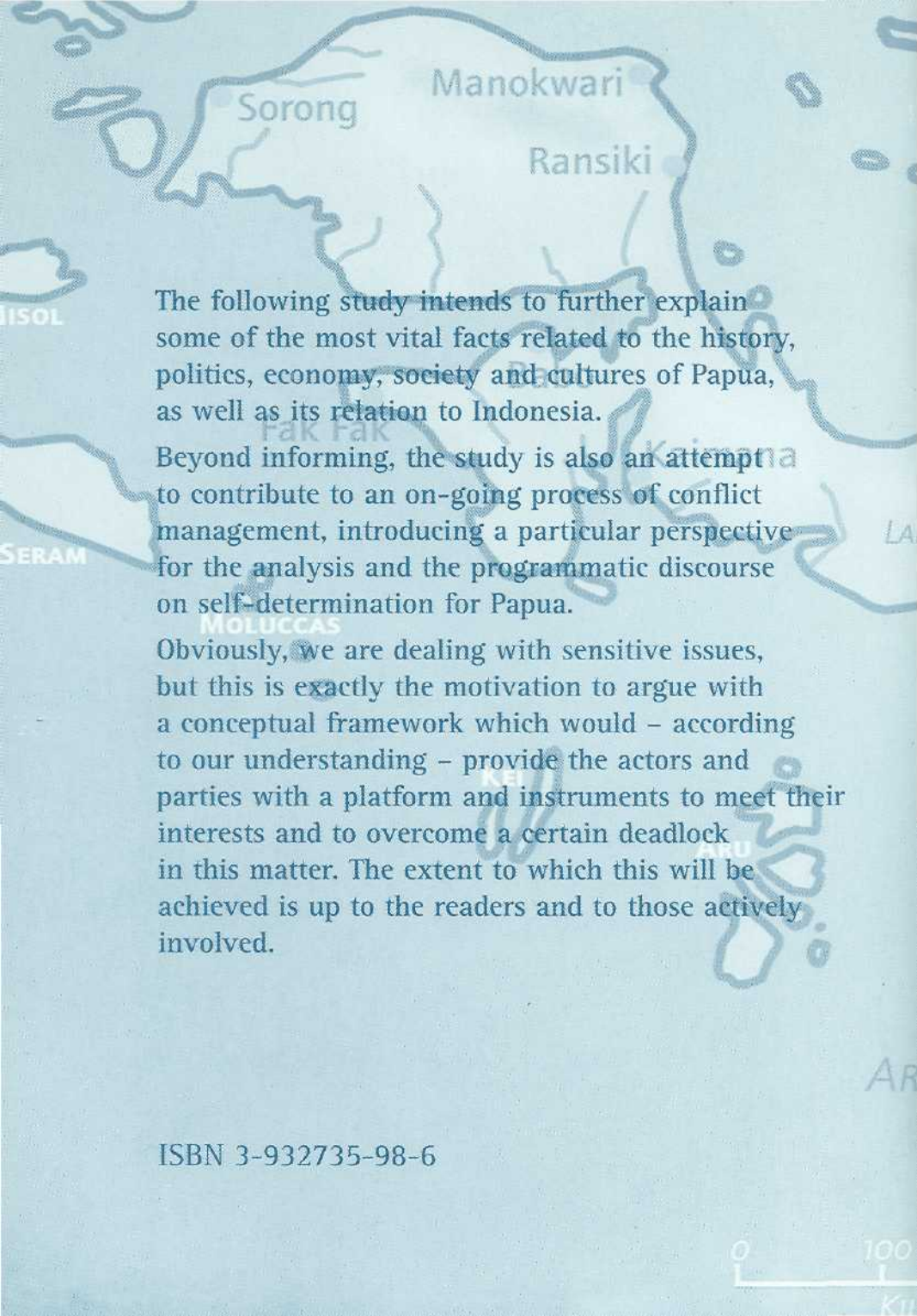
INDONESIA

JAVA

Graphic chart: Frank Zander

AUSTRALIA





The following study intends to further explain some of the most vital facts related to the history, politics, economy, society and cultures of Papua, as well as its relation to Indonesia.

Beyond informing, the study is also an attempt to contribute to an on-going process of conflict management, introducing a particular perspective for the analysis and the programmatic discourse on self-determination for Papua.

Obviously, we are dealing with sensitive issues, but this is exactly the motivation to argue with a conceptual framework which would – according to our understanding – provide the actors and parties with a platform and instruments to meet their interests and to overcome a certain deadlock in this matter. The extent to which this will be achieved is up to the readers and to those actively involved.

ISBN 3-932735-98-6

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