

## Fifty Years after the ‘Act of Free Choice’: The West Papua Issue in a Regional Context

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### Background

West Papua, the name by which the former territory of Dutch New Guinea is commonly known,<sup>1</sup> sits at the interface of Asia and Oceania. As a result of colonial history and post-colonial politics it is part of the Republic of Indonesia and thus part of Southeast Asia. But as the western half of the island of New Guinea, it has a common border with the Oceanic state of Papua New Guinea (PNG) and shares the Melanesian culture of PNG, Solomon Islands, Vanuatu, Fiji and New Caledonia. The legacy of West Papua’s colonial and post-colonial history has been a sense of separate West Papuan identity which successive Indonesian governments have tried relentlessly to suppress, resulting in a continuing low-level conflict which has in recent years attracted growing regional and international attention.

Initially West Papua was not part of the Republic of Indonesia, which declared its independence from the Netherlands in 1945. It became a contested territory,

which Indonesian troops attempted to invade in 1962. Realising that they could not hold on to the territory, the Dutch pressed for West Papua to become an independent state — as the Australian-held territories of PNG in the eastern half of the island were about to become — but met with strong resistance from Indonesia. The outcome of this contestation was the creation, under the so-called New York Agreement, of a United Nations Temporary Administration in 1962, control of which was transferred to Indonesia the following year with the proviso that a vote on self-determination be held before the end of 1969. It quickly became apparent, however, as Indonesia asserted its authority in West Papua, that Indonesia had no intention of letting the predominantly Melanesian population of the resource-rich territory achieve self-determination. Many West Papuans who had supported Indonesia’s demand for independence became disaffected and either left to seek refuge in the Netherlands or in neighbouring PNG, or joined Melanesian separatist groups in the jungle.

The so-called ‘Act of Free Choice’ on the future status of West Papua (generally referred to by West Papuan activists as the ‘Act Free of Choice’ or the ‘Act of No Choice’) took place in 1969. But rather than a plebiscite, as mandated under the New York Agreement, the Indonesian government selected 1025 West Papuan ‘representatives’ to decide the issue, and warned that any decision other than incorporation into the Indonesian republic would be unacceptable. A UN observer observed the vote, and later reported his reservations regarding the implementation of the agreement and the ‘tight political control over the population’ (UN Representative of the Secretary-General 1969:70), but was powerless to intervene.

The UN General Assembly took note of (but did not endorse) the outcome of the 'Act of Free Choice', and it was accepted by all but a handful of African country representatives. In the context of the Cold War, and with separatist movements demanding independence in a number of UN member countries, there was little will at the UN to challenge Indonesia's actions.<sup>2</sup>

### The West Papua issue in Indonesia

Within West Papua, supporters of independence first raised the West Papuan Morning Star (*Bintang Kejora*) flag on 1 December 1961. Separatist groups came together under the umbrella Organisasi Papua Merdeka (OPM, Free Papua Movement) four years later (Ondawame 2010). Though poorly armed and lacking significant international support, and at times plagued by internal factionalism, OPM guerillas maintained a low-intensity armed resistance against the Indonesian government. In 1971 OPM leader Seth Rumkorem proclaimed an independent Republic of West Papua. Under the Suharto government, the response to West Papuan nationalism in what became the province of Irian Jaya was a heavy military presence and harsh repression, which alienated much of the population and ensured that nationalist aspirations would persist. On a number of occasions the raising of the West Papuan Morning Star flag led to mass arrests and the shooting of demonstrators by the military (Tentara Nasional Indonesia, TNI). In one such series of military operations, in the central highlands around Wamena in 1977–78, villages were bombed and between 5000 and 11,000 people were reported to have been killed (TAPOL 2013). The military also exploited its position to become involved in illegal logging, artifact dealing, and other businesses. Estimates of the number of West Papuans killed in confrontations with the military since 1969 range from 100,000 (Crocombe 2007) to 700,000 (PNG Attitude Blog 26/1/2015).<sup>3</sup>

West Papua is rich in resources, particularly minerals and forestry. It hosts one of the world's largest gold and copper mines, the McMoRan-Freeport mine at Grasberg, but the local Amungme population has received little compensation, in terms of money, services or jobs, for the loss of their land and the pollution associated with the mine. Indonesian soldiers provide part of the security at the formerly American-owned mine (in which the Indonesian government now has a 51 per cent equity), which has on several

### Note on sources

Access to reliable data on West Papua is difficult, due largely to restrictions on visits to West Papua by scholars, journalists and civil society organisations, though in recent years the use of social media and cell phone cameras by West Papuans has provided new sources of information about ongoing developments.

Over the years, however, a number of organisations, including TAPOL (an NGO working on human rights in Indonesia, the name comes from the Indonesian words for political prisoner *tahanan politik*), Amnesty International, Survival International, Human Rights Watch, ETAN (the East Timor and Indonesia Action Network), Asia Pacific Solidarity Network, the Hong Kong-based Asian Human Rights Commission and the World Council of Churches have provided continuous detailed accounts of human rights abuses and other issues affecting the people of West Papua. The US State Department publishes annual country reports on human rights practices and has frequently drawn attention to human rights abuses in West Papua.

The International Coalition for Papua (ICP) has published a compilation of recommendations and observations made by the UN, EU and other bodies on the conflict and human rights situation in, and Indonesian human rights policies affecting, West Papua.

A good deal of documentary and other material is also to be found on the websites of the Free West Papua Campaign, the United Liberation Movement for West Papua, the Federal Republic of West Papua, and at papuanarchive.org.

There is also a substantial scholarly literature of West Papua, some of which is listed in the references. Otto Ondawame's *One People, One Soul* (2010), based on his ANU PhD thesis, provides an important insider account of West Papuan nationalism.

This paper has drawn on these and other sources.

occasions been the target of OPM attacks. As recently as March 2020 there were reports of clashes between security forces and the military wing of the OPM, Tentara Pembebasan Nasional Papua Barat (TPNPB) around Tembagapura, targeting the Freeport mine (Radio New Zealand 4/3/2020).

On figures of gross regional product nominal per capita for 2018, West Papua Province ranks 6 and Papua Province 7 of Indonesia's 34 provinces, reflecting the provinces' big resource projects. But human development index figures for the same year rank the two provinces at 33 and 34 respectively (Badan Pusat Statistik).

As a result of officially-sponsored resettlement (*transmigrasi*) and spontaneous immigration from other, more populous, parts of Indonesia, the population of Irian Jaya grew steadily, to the point where the Indigenous population was threatened with becoming a minority within the province;<sup>4</sup> non-Melanesians outnumber Melanesians in the major urban centres and non-Melanesians run most of the businesses and much of the administration in the province, even in the smaller towns. Moreover, as the Melanesian population is predominantly Christian, or adheres to traditional cultures, and most immigrants are Muslims, by the 2000s Muslims outnumbered Christians and there were reports of increasing tensions between religious groups in the province. A 2008 report by the International Crisis Group suggested that conflict between Muslim and Christian communities could erupt unless the situation was effectively managed (ICG 2008), and there is little evidence that it has been. In 2017 the outspoken governor of Papua Province, Lukas Enembe, commenting on the growing influence of radical Islam, said that if Indonesia were dominated by radical Islam, Papua would separate (quoted in Chauvel 2019). Such concerns were exacerbated in 2019 by the formal integration of a religious militia, Paguyuban Nusantara, into the TNI; Paguyuban Nusantara reportedly has declared its intention to wage jihad in West Papua.<sup>5</sup>

With the political demise of President Suharto in 1998 (and again after Timor Leste became independent in 2002) there were hopes, within West Papua and amongst international observers, that things might change — even though in 1998, in what has become known as the 'Biak massacre', about 200 West Papuans who were attending an independence rally on Biak Island were detained, tortured, raped, murdered and

dumped at sea by Indonesian security forces.<sup>6</sup> The years 1999–2000 have been referred to as 'the Papuan Spring'. Under President Habibie, who briefly succeeded Suharto, attempts were made to open negotiations with West Papuan leaders, and then under President Wahid, who held office from late 1999 to July 2001, a number of concessions were made. It was agreed to rename the province Papua and to allow the Morning Star flag to be raised (under certain, increasingly restrictive, conditions), and the province was granted special autonomy (*Otonomi Khusus* or OTSUS).

In 1999 a West Papuan People's Team of 100 prepared a statement, addressed to the president, which presented a list of demands, including a national dialogue and recognition of West Papuan independence. The Team of 100 statement was endorsed by a 'great consultation' (*Musyawahar Besar Papua*) in February 2000, which also created a Papuan Praesidium Council (Dewan Presidium Papua or DPP), jointly chaired by Tom Beanal and Theys Eluay. The DPP organised a Second Papuan People's Congress (the first Papuan People's Congress had been held in 1961) held in Jayapura in June 2000. The People's Congress endorsed a resolution which rejected the New York agreement of 1962 and the 1969 Act of Free Choice, stating that the Papuan nation had been sovereign as a people and a state since December 1961 and calling on Indonesia, the Netherlands, USA and the United Nations to recognise the political rights and sovereignty of the West Papuan nation.<sup>7</sup> Several members of the praesidium, members of the pro-independence Komite Independen Papua Barat, were promptly arrested and charged with conspiracy to commit crimes against national security. The head of the DPP, Theys Eluay, was also arrested and was murdered by Indonesian Special Forces (Kopassus) soldiers the following year.<sup>8</sup> After Wahid left office most of the concessions which had been granted were wound back: the province was divided into two (Papua and West Papua), the critical special autonomy law (which was already a substantially watered-down version of the draft legislation) was effectively never implemented,<sup>9</sup> the proposed national dialogue was compromised and undermined, and military repression again escalated. Unsurprisingly, a number of West Papuans returned to the jungle to resume their guerilla campaign. Clashes between the OPM and the military resulted in an increase in troop numbers and more deaths on both sides.

Under the presidency of Susilo Bambang Yudhoyono (from 2004 to 2014) several initiatives were taken to address the West Papuan situation, but with little effect. One of the provisions of the special autonomy law was for a Papuan People's Assembly (Majelis Rakyat Papua, MRP) intended to protect the rights and customs of Indigenous Papuans. The provision, however, proved contentious: the MRP was not set up until late in 2005 and the process of selection of its members was challenged, with suggestions that it would simply act as a puppet of Jakarta. Papuan activists responded by creating their own Papuan Customary Council (Dewan Adat Papua, DAP) and in 2008 there were calls for the dissolution of the MRP (*The Jakarta Post* 1/11/2005, 7/11/2005, 12/2/2008). Two years later the Indonesian government countered by replacing the MRP by an equally contentious Customary Community Council (Lembaga Masyarakat Adat) (see Dewi 2017).

With hostility to the special autonomy law growing, in 2011 the government created the Unit to Accelerate Development in West Papua (Unit Percepatan Pembangunan Papua dan Papua Barat, UP4B), headed by a former commander of military operations in Aceh (*The Jakarta Post* 29/10/2011). Its object was ostensibly to improve people's welfare through socio-economic and cultural development, but UP4B brought little benefit to Papuans and was opposed by Papuan activists. In 2013 President Yudhoyono promised a new autonomy agreement, 'OTSUS Plus'. This initiative, too, failed, in the words of one commentator, 'through a combination of disputes, delays and public anger over the lack of any consultation with civil society' (Jones 2015). There were also proposals to revive *transmigrasi*, which was met with strong local opposition (*Tabloid Jubi* 3/11/2014; *Jakarta Globe* 10/11/2014).

Meanwhile, expressions of support for West Papuan independence and protests against human rights abuses by security forces continued and were met by mass arrests and violence. In 2010 a rally to mark the 1 December anniversary of the Declaration of West Papuan Independence in 1961 was marked by heavy security force intervention, prompting further protests across West Papua and in October 2011 participants in a Third Papuan People's Congress — which declared an independent Federal State Republic of West Papua (FSRWP) — were attacked by police and soldiers, with reports of several hundred arrested and a number of deaths. Under the Indonesian Criminal Code, *makar*

(subversion or treason) is a crime carrying a maximum penalty of life imprisonment, and those attending pro-independence rallies or carrying Morning Star flags are often charged with 'treason' (as was DAP chair Forkorus Yaboisembut and several others in 2011 after declaring the FSRWP; the so-called 'Jayapura Five' were imprisoned for three years).<sup>10</sup> The International Crisis Group's Sidney Jones described police action against the Papuan People's Congress as 'a case study in poor policing' (Jones 2011) and a statement endorsed by over fifty international, regional and local organisations added its condemnation. International protests, however, did not prevent further 'sweeping operations' in the highlands in late 2011, involving the joint police-military counter-terrorism unit Densus 88.

Actions by security forces against Papuan activists continued throughout 2012 and 2013, escalating as Papuans marked 50 years since the beginning of Indonesian administration in 1963. Locally and internationally there was a growing concern about human rights violations in West Papua, including the torture and killing of Papuans by the security forces.

West Papuan hopes were again raised when Joko Widodo succeeded Yudhoyono as president in 2014. Widodo made West Papua something of a focus of his election campaign and shortly before his inauguration was reported as saying that his pragmatic policy and democratic approach could resolve the root causes of Papua's separatist insurgency. He promised a dialogue with separatist leaders, investigations into past human rights violations, and relaxation of restrictions on access to West Papua — though in October 2014 two French journalists were gaoled for reporting on West Papua without journalist visas and special permission letters. He also proposed — in the face of local opposition — to revive OTSUS Plus. Widodo saw economic development, particularly infrastructure projects (but also a proposal to build a presidential palace on the shores of West Papua's Lake Sentani), as a way of addressing West Papuan grievances (*Sydney Morning Herald* 23/8/2014, 19/10/2014; *The Canberra Times* 25/10/2014; Jones 2015; Sebastian and Emirza 2015).

But economic development was seen as bringing little benefit to the largely rural Melanesian population. One of the infrastructure projects was a Trans-Papua Highway, which many West Papuans saw as primarily giving the military access to areas of potential unrest. In late 2018, in the Nduga regency — a highlands

regency with the lowest human development index in Indonesia — guerillas of the TPNPB attacked workers employed on the road project (thought by some to be military personnel), killing at least 17. The Indonesian government launched a massive retaliation, flying in several hundred troops and destroying villages believed to be supportive of the TPNPB. According to a report by the Nduga Civil Society Coalition, 182 civilians, half of them children, died as a result of military operations between West Papuan guerilla fighters and the Indonesian military in the eight months to August 2019, and over 30,000 villagers were displaced,<sup>11</sup> some later crossing the border into PNG and seeking asylum (West Papua Campaign 22/1/2019; Radio New Zealand 3/4/2019; *The Guardian* 1/12/2019.). The national government denied this, calling the reports ‘a hoax’ and saying ‘only 59’ had died (reported in *The Guardian* 12/8/2019, 16/8/2019).

Prior to this, in April–May 2016 over 2000 West Papuans, including journalists, were arrested in connection with demonstrations across West Papua and in some other provincial cities to support West Papua’s membership of the Melanesian Spearhead Group (see below) and demands for self-determination. Organisers seeking police permission for the demonstrations were refused and in some cases arrested; protesters were reportedly beaten and tortured (ICP, reporting Human Rights Papua, 18/5/2016, 6/6/2016; Martinkus 2016). Later in the year further mass arrests were made at demonstrations commemorating 1 December 1961 and calling for self-determination, bringing the total for the year to over 5,000 (Radio New Zealand 20/12/2016).

In another more recent instance, in August 2019 West Papuan students in Surabaya, Java were accused of ‘disrespecting the national flag’ and barricaded in a dormitory where they were harassed by what were described as ‘nationalist vigilantes’ who chanted ‘Monkeys, get out’ and other racist abuse.<sup>12</sup> Police fired tear gas into the dormitory and arrested more than 40 Papuans. Around the same time, demonstrators protesting the anniversary of the New York Agreement in 1962 were attacked by civilian militia and over 100 were arrested by police; several were charged with treason, including the chairman of the Komite Nasional Papua Barat (KNPB, National Committee of West Papua), Buchtar Tabuni. These two incidents provoked protests across Indonesia. Protestors set fire to the provincial parliament building and police establishments in Jayapura, and an airport in Sorong

was destroyed and dozens were reported to have been killed in clashes between protestors and police and the military (*The Guardian* 16, 19, 31/8/2019, 13/9/2019; ABC News 19/8/2019; Aljazeera 23/8/2019, 16/9/2019; Radio New Zealand 11/9/2019). President Widodo promised an investigation into the incidents, which attracted attention and expressions of concern across the region and more widely internationally. Within Indonesia a number of civil society organisations expressed solidarity with the West Papuans.<sup>13</sup>

These incidents have followed a common pattern, in which demonstrations of Papuan cultural and political identity — particularly rallies to commemorate the first raising of the Morning Star flag on 1 December 1961 — have met with mass arrests, human rights abuses and often deaths. In 2000 President Yudhoyono told West Papuan leaders that anniversary celebrations would be treated as an act of treason (Inter Press Service 24/11/2000) and as Papuan church leader Benny Giay said in 2016, ‘Every protest and negotiation effort by indigenous people is met with brutal responses and security operations’ (quoted by Martinkus 2016). The semi-independent National Commission on Human Rights (Komisi Nasional Hak Asasi Manusia, Konmas HAM) has regularly reported on such incidents but lacks the capacity to restrain the military, police and nationalist militias or even ensure that human rights violations are dealt with. A number of local human rights groups — ELSAM (Lembaga Studi dan Advokasi Masyarakat, Institute for Human Rights Study and Advocacy); Papuan Peace Network (Jaringan Damai Papua, JDP); Justice and Peace Commission of the Catholic Diocese of Jayapura; Academic Forum for a Peaceful Papua; Commission for Missing Persons and Victims of Violence (Kontras); Front Rakyat Indonesia untuk West Papua (FRI-WP, Indonesian People’s Front for West Papua), and others — have continuously drawn attention to human rights abuses, but with little impact.

In December 2019 students and human rights activists rallied to demand that President Widodo honour his promise to address a case involving abuses by the military in Paniai in 2014. In this instance, Konmas HAM subsequently found that four students had been killed and more than 20 tortured; demands for action against those responsible resulted in more arrests (see Radio New Zealand 10/12/2019, 19/2/2020).

In recent years, confrontation between West Papuan activists and the military appear to have been escalating, and in the process attracting greater regional and international attention. There are also suggestions that a younger generation of provincial governors (under the special autonomy law, the provincial governors of Papua and West Papua Provinces must be Indigenous Melanesians) are becoming less amenable to the dictates of the central government and the military (see for example Chauvel 2019). In December 2018 Governor Enembe attracted the ire of the military when, backed by civil society organisations, he asked Widodo to withdraw the security forces from Nduga during December; a provincial military spokesman accused Enembe of violating state law and said he should be prosecuted (*Asia Pacific Report* 27/2/2019).

### The West Papua issue in relations between Indonesia and Papua New Guinea

In the 1960s there was some contact between an emerging Melanesian political elite in West Papua, who were coming to realise that the prospect of independence was remote, and an emerging political elite in PNG, for whom self-government and independence were becoming a reality.<sup>14</sup> In 1969 there was a good deal of empathy in PNG with their 'Melanesian brothers and sisters' and support for West Papuan demands for independence (May 1986:85–159; Ondawame 2010:164–65). Australia, however, accepted Indonesia's sovereignty in West Papua and after PNG's independence in 1975 successive governments followed this policy.

As noted above, some West Papuans crossed the border into PNG in the 1960s and were allowed to stay, some becoming PNG citizens. Indeed, in a rather complex and restrictive set of provisions, the PNG constitution provided that, 'A person born in the country before Independence Day who has two grand-parents who were born in the country or *an adjacent area* is a citizen' (PNG constitution s. 65(1), italics added);<sup>15</sup> 'adjacent area' was defined to include 'the Province of the Republic of Indonesia known as Irian Jaya'. Subsequently, the granting of citizenship to West Papuan refugees was suspended but in 2016, PNG began a review of asylum claims by more than 1000 West Papuans and urged all West Papuan refugees to register for citizenship (Radio New Zealand 8/2/2016, 7/11/2017).

As Indonesia imposed its repressive rule in West Papua, more Papuans crossed into PNG, and OPM guerillas took refuge in the dense jungle along the border, sometimes establishing camps on the PNG side. The PNG government was opposed to the OPM presence in its territory but lacked the capacity to effectively police remote areas along the border and declined to take part in joint border operations with the Indonesian military. On a number of occasions there were border incursions into PNG by the Indonesian military in pursuit of suspected OPM sympathisers. There were also complaints that along the southern section of the border Indonesian soldiers were crossing to poach deer in the Bensbach River area.

In the early 1980s Indonesian incursions became a major source of tension in Indonesian–Papua New Guinean relations. There had been reports of military incursions; a trans Irian Jaya highway under construction had veered across the border into PNG (this was at first denied by Indonesia but subsequently confirmed), and in 1984 some 12,000 West Papuan border crossers had come into PNG seeking refuge as the result of a military crackdown following a West Papuan flag raising in Jayapura in which West Papuans had been killed by Indonesian troops. The influx of border crossers created something of a humanitarian crisis in PNG, and with Indonesia in denial PNG's foreign minister Rabbie Namaliu took his country's grievances to the UN General Assembly. On its part, Indonesia complained that PNG had not done enough to prevent OPM guerillas from establishing camps on its side of the border.

In the wake of this, the two countries negotiated a Treaty of Mutual Respect, Friendship and Cooperation (though the treaty contained little that had not already been covered by an agreement signed at the time of independence) (see May 1987). Following this, there was an easing of tensions, though border incidents have continued to occur. In 1999 the Papua New Guinea Defence Force conducted a successful operation to rescue 11 Indonesian hostages who had been abducted by OPM rebels and taken into PNG. The hostages were returned to Indonesia and no casualties occurred. In at least one instance it was reported that Indonesian soldiers had fired upon a PNG Defence Force border patrol (*Sydney Morning Herald* 28/5/2014). There also may have been some decline in popular support for the West Papuan cause as border crossers in the northern border area were seen to receive assistance — from

the UN High Commission for Refugees (UNHCR), the PNG government, churches and NGOs — in areas where local populations claimed to have been neglected. Many of those who crossed the border in 1984 were resettled away from the border, in East Awin. Some later returned to West Papua but there are still around 3000 people at East Awin and 6000–7000 in settlements along the Fly River.<sup>16</sup>

Although some Papua New Guinean politicians, as well as NGOs and students, have over the years expressed support for their Melanesian brothers and sisters (May 1991; Ondawame 2010), successive PNG governments have shown little support for West Papuan demands. When in 1978 OPM leaders Jacob Prai and Otto (John) Ondawame crossed into PNG, believing they were to have talks with the PNG government, they were arrested and were refused residence in PNG (eventually being accepted as refugees by Sweden). In 2005, Ondawame, then living in Vanuatu and a member of the Vanuatu delegation to a Melanesian Spearhead Group (MSG) meeting in PNG, was rejected by PNG's prime minister Somare who would not accept his credentials as a Vanuatu delegate — despite (or perhaps because of) a mass rally in Port Moresby urging Pacific leaders to take West Papua's case for independence to the Unrepresented Nations and Peoples Organization (UNPO). Papua New Guinea was for some time opposed to granting West Papuan representatives membership of the MSG and prime minister O'Neill and his foreign minister did not attend the critical 2013 meeting (see below); they were, at the time, visiting Indonesia, where O'Neill reportedly assured the Indonesian press that PNG supported Indonesian sovereignty in West Papua and signed several bilateral agreements, including a new agreement on border arrangements and an extradition treaty (*Islands Business* 19/6/2013).

In 2015 O'Neill seemed to have shifted his country's position when he told a PNG Leaders' Summit in Port Moresby:

Sometimes we forget our own families, our own brothers, especially those in West Papua. I think, as a country, time has come for us to speak about the oppression of our people there. Pictures of brutality of our people appear daily on the social media ... We have the moral obligation to speak for those who are not allowed to talk (ABC News 6/2/2015. Also see *Post-Courier* 9/2/2015, 16/2/2015).

However, while O'Neill subsequently supported the proposal for a MSG fact-finding mission to West Papua (see below) his enthusiasm on the issue appeared to have waned. Later that year, when O'Neill asked National Capital District Governor Powes Parkop to cancel a planned 1 December Morning Star flag raising ceremony in Port Moresby and Parkop refused, O'Neill ordered his arrest. United Liberation Movement for West Papua (ULMWP) chairman Benny Wenda, who was in Moresby at the time, was also threatened with arrest for violating the conditions of his visa. Other prominent politicians, including Oro provincial governor Gary Juffa, and former deputy prime minister and opposition leader Belden Namah, have remained committed and James Marape, who replaced O'Neill as prime minister in 2019, appears to be sympathetic, having supported the PIP's August 2019 call for a UN Human Rights Council visit to West Papua (see below), condemned the harassment and killing of West Papuans (*Post-Courier* 3/9/2019), and (in the wake of the TNI's operations in Nduga) told parliament that PNG was prepared to take refugees from West Papua (NBC News PNG 15/10/2019).<sup>17</sup>

In September 2019, following the protests in Indonesia over alleged racially motivated harassment of West Papuans (see above), around 2000 people, led by Parkop and Juffa, marched through Port Moresby in a gesture of Melanesian solidarity; they condemned racism and violence towards West Papuans and supported an independence referendum for West Papua (*Post-Courier* 10/9/2019; Radio New Zealand 10/9/2019, 11/9/2019). The following month the UN resident coordinator in PNG received petitions from both West Papuan and Papua New Guinean signatories demanding immediate UN intervention to address the humanitarian crisis (*Loop PNG* 13/10/2019). Parkop, who is the parliamentary member and governor for the National Capital District, subsequently announced that he would establish a Free West Papua Campaign office in Port Moresby (Radio New Zealand 27/2/2020).

Recent years have seen growing links between West Papuan and Papua New Guinean leaders. In 2018 Papuan Governor Lukas Enembe attended independence day celebrations in Port Moresby, at the invitation of Governor Parkop, and went on to visit Lae, Madang and Wewak, and Parkop and others have travelled to Jayapura. There have also been exchanges between sporting teams and cultural groups.

But while Papua New Guinean leaders may be prepared speak out about human rights abuses, to accept refugees (up to a point), and perhaps to support West Papuan membership of the MSG, with its own separatist movement to deal with in Bougainville a PNG government is unlikely to back demands for West Papuan independence.

### West Papua as a regional issue

When in 1978–79 attempts were being made to find a home for Prai and Ondawame outside PNG (see above), approaches to PNG's Pacific Island neighbours proved fruitless. Subsequently, however, after gaining independence in 1980, the government of Vanuatu, under Walter Lini, welcomed Andy Ayamiseba and other members of the popular Melanesian musical group Black Brothers, who had been forced to leave Indonesia. From Vanuatu, Ayamiseba continued to press for West Papua's independence and in 1985 Lini officially recognised the OPM. Ayamiseba's campaign stalled when local politics caused the Black Brothers to leave Vanuatu four years later but in 2003 they returned. That year, after leaving Sweden and completing a PhD degree at The Australian National University in Canberra, Ondawame joined them in the Vanuatu capital Port Vila. Together Ayamiseba and Ondawame maintained a Papua People's Representative Office in Vila, which was supported by the Vanuatu government despite pressure (and financial inducements) from Indonesia to close the office, and they were co-founders of the West Papua National Coalition for Liberation (WPNCL) (see Ondawame 2010:174). Vanuatu prime minister Serge Vohor and foreign minister Barak Sope raised the West Papua issue at a UN General Assembly meetings in 2002 and 2004, calling for a review of the UN's conduct in relation to the Act of Free Choice, requesting a fact-finding mission to West Papua, and seeking to have West Papua re-inscribed on the UN list of non-self-governing territories. In 2010 the Vanuatu parliament passed the Wantok Bilong Yumi [Our Friend] Act committing Vanuatu to support independence for West Papua. Vanuatu has included West Papuans in its delegations to the UN, the Pacific Islands Forum (PIF) and the MSG, and in 2018 appointed a special envoy for West Papua.

From the early 2000s West Papuans, supported by Vanuatu, began campaigning more systematically

for support from the two key regional bodies, the PIF<sup>18</sup> and the MSG.<sup>19</sup> Responding to the West Papuan initiative, Indonesia also sought to enhance its Pacific regional presence.<sup>20</sup> In 2001 Indonesia became one of (currently) 18 post-forum dialogue partners of the PIF, and in 2010 it applied for MSG membership, arguing (contentiously) that with 11 million Melanesian citizens spread across 5 of its 34 provinces it had a larger Melanesian population than that of all the MSG members combined. By engaging with the PIF and the MSG, Indonesia doubtless hoped to be able to block discussion of West Papua within these forums.<sup>21</sup> Indonesian governments have long used the argument that the West Papua issue is a purely internal affair for Indonesia and that 'no other country, organization or individual has the right to interfere' (*The Guardian* 16/8/2019). Since 1963, access to West Papua by journalists, film-makers and scholars has been restricted.

The issue of West Papua was first raised at a PIF leaders' meeting in 2000.<sup>22</sup> The initiative came from Vanuatu's prime minister at the time, Barak Sope, and was supported by Nauru (whose delegation included several West Papuans). The communiqué from the Forum expressed the leaders' 'deep concern about past and present violence and loss of life in ... Irian Jaya (West Papua)' and urged all parties to uphold human rights. The following year, leaders expressed 'continuing concern' and 'encouraged the Indonesian Government ... to ensure that the voices of all parties in the province are heard'; leaders agreed 'to follow closely' developments in the province. Having welcomed the special autonomy law for Papua in their 2002 communiqué, in 2003 leaders reiterated their support but noted that the 2001 special autonomy law 'had yet to be fully implemented' and urged Indonesia to take the steps needed to give effect to special autonomy. It again expressed concern about continuing violence and, further, 'urged the Indonesian authorities to bring to justice the perpetrators of serious crimes in the province'. This was repeated in the 2006 communiqué, in an otherwise generally positive comment, but there was no further mention of Papua in PIF communiqués until 2015. With an eye to its own relations with Indonesia, Australia has opposed discussion of West Papua at PIF meetings, and has been supported in this by New Zealand and, until recently, PNG. For the most part, the representatives from the Polynesian and

Micronesian states and territories, other than Nauru, showed a limited interest in West Papua.<sup>23</sup>

In 2015, however, at its leaders' meeting in Port Moresby, a PIF Specialist Sub-Committee on Regionalism identified five issues for specific attention; along with fisheries, climate change, information communications technology and cervical cancer, these included West Papua. In its communiqué from the meeting, it was reported that leaders recalled concerns expressed in 2006 regarding reports of violence in Papua, called on all parties to uphold the human rights of all residents in Papua, and, while recognising Indonesia's sovereignty over the Papuan provinces, 'requested the forum Chair to convey the views of the Forum to the Indonesian Government, and to consult on a fact finding mission to discuss the situation in Papua with the parties involved' ([Pacific Islands Forum Secretariat](#) 2015). The same year, Solomon Islands Prime Minister Manasseh Sogavare, as chair of the MSG, proposed a meeting with Indonesian President Joko Widodo. In their [2016 communiqué](#), however, PIF leaders simply 'recognized the political sensitivities of the issue of West Papua' while agreeing on the importance of an open and constructive dialogue with Indonesia and that alleged human rights violations in Papua should remain on their agenda.

Following the 2016 PIF meeting, the leaders of Solomon Islands, Vanuatu, the New Caledonian independence group Front de Libération Nationale Kanak et Socialiste (FLNKS) and the United Liberation Movement for West Papua (ULMWP) formed the Pacific Coalition on West Papua. They were joined by Tuvalu, Nauru, Tonga, Marshall Islands, Palau and the Pacific Islands Association of Non-governmental Organisations (PIANGO). The 'Group of 7' UN members in the Coalition raised West Papua's concerns at a UN General Assembly meeting later that year, and also presented a statement to the Africa, Caribbean and Pacific Council of Ministers the following year.

In 2016, PIANGO urged member states to place human rights violations in West Papua on the agenda for the next meeting of the PIF, to be held in Apia, Samoa in 2017. By this time, awareness of the situation in West Papua was increasing and criticisms of Indonesia's approach were mounting. In Apia, prior to the PIF leaders' meeting, delegates were confronted by a small group of activists protesting Indonesia's actions in the Papuan provinces. Indonesia's defence of its position was not enhanced when the

Indonesian ambassador to Samoa, Tonga and New Zealand complained that the protesters should have sought a government permit to stage their protest and Indonesian delegation member Franzalbert Joku<sup>24</sup> told reporters that the PIF summit was not the place for the Papua issue to be discussed and that West Papua was 'doing fine'. The Samoan protest organiser was 'appalled' by Joku's comments and the secretary general of the Pacific Conference of Churches, who was present at the protest, was 'not impressed', saying, 'The killing of these [West Papuan] people is real'. There was little discussion of West Papua at the Forum meeting itself, but the following week Pacific concerns about West Papua were raised at the UN General Assembly (Radio New Zealand 8/9/2017, 15/9/2017). At the General Assembly meeting, Solomon Islands Prime Minister Sogavare condemned 'the constant human rights violations in West Papua' and supported West Papua's right to self-determination, encouraging Indonesia to engage in 'more constructive dialogue' (reported in Free West Papua Campaign, 22/9/2017). In contrast, the communiqué from the [2018 PIF leaders' summit](#) simply recorded that 'leaders recognized the constructive engagement by Forum countries with Indonesia with respect to elections and human rights in West Papua'.

As increasing attention was being drawn to the situation in West Papua, the Indonesian government sought to strengthen its ties with the island Pacific (in particular Fiji — see below). Prior to the 2019 PIF summit, an inaugural Indonesian exposition was held in Auckland, New Zealand designed to showcase Indonesia's trade, tourism and cultural links to the Pacific. At the exposition the Indonesian government launched a 'Pacific Elevation' which it described as promising a new era of Pacific partnership. The exposition was attended (at Indonesia's expense) by 15 Pacific Island states and territories, including Cook Islands and Niue, with which Indonesia signed cooperative agreements; Indonesia's foreign minister subsequently reported to the Indonesian parliament that Cook Islands and Niue did not support separatism in West Papua. Most commentators have seen the 'Elevation' as an attempt to gain influence with the Pacific Island states and deflect criticism over West Papua (see, for example, Smith 2019; Kabutaulaka 2020).

In the wake of international reports and condemnation of escalating violence in West Papua in

2018, at its 50th forum meeting in Funafuti, Tuvalu in August 2019 the PIF gave West Papua greater attention. In the lead-up to the meeting, Vanuatu foreign minister Ralph Regenvanu, a longstanding supporter of West Papua, called for a 'strong stance' on West Papua, saying that Indonesia should honour its invitation to the United Nations Human Rights Council (UNHRC) to visit the Papua and West Papua Provinces (Radio New Zealand 7/6/2019), and ULMWP chairman Benny Wenda attended the Forum meeting as part of the Vanuatu delegation. The communiqué from the meeting recorded:

Leaders **reaffirmed** recognition of Indonesia's sovereignty over West Papua ... **acknowledged** the reported escalation in violence and continued allegations of human rights abuses in West Papua ... and **agreed** to re-emphasise and reinforce the Forum's position of raising its concerns over the violence ... Leaders **welcomed** the invitation by Indonesia for a mission to West Papua ... by the UN High Commissioner for Human Rights, and **strongly encouraged** both sides to finalise timing of the visit and for an evidence-based, informed report on the situation be provided (sic) before the next Pacific Island Forum Leaders meeting in 2020.<sup>25</sup>

This was a diplomatic, but strongly worded, rebuke of Indonesia's actions in West Papua and its failure to respond to requests for a fact-finding mission,<sup>26</sup> and challenged Indonesia's claim that what happened in Papua was a purely internal affair. Indonesia was reported as being 'not at all happy' (*The Guardian* 12/8/2019, 16/8/2019). Added to this, in September the PIF secretary general, Papua New Guinean Dame Meg Taylor, issued a press release saying she was 'deeply concerned' by events in West Papua (PIF Secretariat press release 2/9/2019),<sup>27</sup> and Vanuatu NGOs petitioned the Vanuatu government to report the outcome of the summit meeting in Tuvalu to the MSG (Radio New Zealand 3/9/2019). Shortly after this, at a UN General Assembly meeting, Vanuatu's prime minister followed up by calling for the UN to find a solution to the ongoing human rights violations (MacLellan 2019).

Meanwhile, though West Papuans did not pursue membership of the PIF, they did aspire to membership of the MSG, which already included the New Caledonian independence group FLNKS. An unsuccessful attempt by Ayamiseba and Ondawame to

gain West Papuan membership of the MSG was made in 2008, with the backing of Vanuatu and the FLNKS; it was blocked by PNG's prime minister Somare. Two years later, following receipt of a petition from ni-Vanuatu citizens, the Vanuatu parliament resolved to seek an opinion from the International Court of Justice on the 1962 agreement between Indonesia and the Netherlands and the legality of the Act of Free Choice, with the aim of having West Papua relisted with the UN Special Committee on Decolonization. Vanuatu's prime minister Edward Natapei also undertook to support the granting of observer status to West Papua at the MSG and PIF, both to be chaired in Vanuatu in 2010. But in the event none of this eventuated. Moreover, in this period Vanuatu supported a move by Fiji and PNG to grant observer status to Indonesia, and to Timor Leste, in 2011. Fiji chaired the MSG from 2011 to 2013 and during this period developed a close diplomatic relationship with Indonesia (Elmslie and Webb-Gannon 2014; Claxton 2014),<sup>28</sup> and, along with PNG, opposed West Papuan membership.

Change came in 2013. Under a new prime minister in Vanuatu, Moana Carcasses Kalosil, and following an address to the Vanuatu parliament by West Papuan refugee Benny Wenda, who had established the Oxford-based Free West Papua Campaign, the quest for West Papua's membership of the MSG was revived with backing from Vanuatu and the FLNKS. The WPNCL, recently formed by the reconciliation of the two main factions of the OPM, formally applied for membership in 2013. As host for the summit meeting, New Caledonia's FLNKS invited a delegation from the WPNCL to present their case. Also present in Honiara in 2013 was Australian-based Jacob Rumbiak, foreign affairs representative of the FSRWP, who claimed observer status for the FSRWP (Elmslie and Webb-Gannon 2014). But from Abepura State Prison, Yaboisembut, as president of the FSRWP, withdrew his organisation's membership application to the MSG and supported that of the WPNCL. There was even talk of Indonesia being voted out of the MSG (Pacific Scoop 9/4/2013; also see *Post-Courier* 10/4/2013).

The outcome, for West Papua, of the leaders' summit meeting in New Caledonia in 2013 was ambivalent. On the one hand, it was recorded 'that the MSG fully supports the inalienable rights of the people of West Papua towards self-determination as provided for under the preamble of the MSG constitution' and endorsed 'that the concerns of the MSG regarding the

human rights violations and other forms of atrocities relating to the West Papuan people be raised with the Government of Indonesia bilaterally and as a Group'; it also noted that the Indonesian government had invited a MSG Foreign Ministers Meeting (FFM) mission, headed by the foreign minister of Fiji, to visit Jakarta and West Papua. On the other hand, it did not grant West Papua MSG membership. Instead, the leaders agreed to review the application according to a 'roadmap ... based on clear and achievable timelines', subject to the report of the FMM; but the leaders 'acknowledged that ... it was important to continually engage with Indonesia ... [and] agreed to establish a process of dialogue and consultation with Indonesia'. The 'roadmap' appears to have emerged after a pre-summit meeting between Bainimarama and Indonesia's coordinating minister for political, legal and security affairs (Maclellan 2015:275).

The FMM, however, did little to resolve the issue. On learning that the five-day visit would include only one day in West Papua and would not include meetings with any civil society groups or West Papuan independence activists, and that delegates were to sign a statement committing to 'non-interference in each other's internal affairs', Vanuatu withdrew from the mission, declaring that it would not allow the MSG to obtain credible information (ABC News 14/1/2014). Papua New Guinea's foreign minister, Rimbink Pato, in contrast, took part in the mission and said he saw no evidence of human rights violations, reaffirming the MSG's support for Papua to remain under Indonesian sovereignty (quoted in Elmslie and Webb-Gannon 2014).

Following the FMM mission in January, a special MSG leaders' summit meeting was held in Port Moresby in June 2014. With respect to the FMM report, its communiqué simply recorded a number of bland, Indonesia-friendly resolutions: agreeing 'to invite all groups to form an inclusive and united umbrella group in consultation with Indonesia to work on submitting a fresh application [for West Papuan membership of the MSG]'; welcoming 'the progress on greater autonomy in Papua and the recent announcement by the President of Indonesia to withdraw the military from West Papua'; endorsing continued dialogue with Indonesia on the issue of West Papua and establishing bilateral cooperation, and so on — though it did endorse 'a more proactive approach' by the MSG and Indonesia in addressing the issue of West Papua.

At the time, the Indonesian ambassador in Fiji was reported as saying, 'No one has the right to interfere in matters relating to West Papua' (*The Fiji Times* 25/6/2014).

One of the factors weighing against the WPNCL's application was the existence of several other organisations, within and outside West Papua, which had competing claims to leadership in advocating the demand for self-determination. The West Papuans were advised that an application for West Papuan membership would be stronger if they could achieve unity.

Negotiations between the major West Papuan activist groups, in response to the call for unity, resulted in the formation of the United Liberation Movement for West Papua (ULMWP) at a meeting in Vanuatu in 2014. The ULMWP brought together the three main activist groups: the WPNCL, the Vanuatu-based umbrella organisation claiming to represent 29 pro-independence groups in West Papua; the Federal State Republic of West Papua (FSRWP)/Negara Republik Federal Papua Barat (NRFPPB), headed by Yaboisembut in West Papua, with Jacob Rumbiak as its representative in Australia; and the National Parliament of West Papua, including its associated Komite Nasional Papua Barat (KNPB, National Committee for West Papua), a West Papua-based organisation formed in 2008 by several civil society organisations. The ULMWP is chaired by UK-based Benny Wenda. In late 2014 a further application for MSG membership was submitted by the ULMWP.

Prior to the next MSG leaders' forum, in the first half of 2015 Indonesia's Foreign Minister Retno Marsudi visited PNG, Solomon Islands and Fiji, and President Widodo made a state visit to PNG. The visits were generally regarded as last-minute attempts to lobby against West Papua's membership of the MSG (Antara News 26/2/2015; *Pacific Scoop* 28/2/2015; *Post-Courier* 12/5/2015, 13/5/2015; *The Australian* 12/5/2015). And referring to the issue in a welcoming speech for President Widodo, prime minister O'Neill said that while the PNG government wanted to welcome 'our Melanesian brothers and sisters' into the MSG, 'this must be with endorsement of the Indonesian Government'.<sup>29</sup>

The MSG had proposed to hold a special summit meeting in May 2015 to consider West Papuan membership, with a final decision to be made at the leaders' summit in the Solomon Islands later in the

year. But this meeting did not take place and at the leaders' meeting in Honiara in June West Papua was not on the agenda, though the ULMWP's membership application was prominent in discussion. In the event, the MSG decided against full membership for the ULMWP but approved its admission as an observer 'under the regional and international category representing Melanesians living abroad'. At the same time Indonesia was elevated to associate membership, representing its 'five Melanesian provinces'. The meeting also directed the secretariat to do further work on the criteria for observer/associate membership.

Although the granting of observer status fell short of the ULMWP's expectations, the ULMWP's secretary general welcomed the MSG's decision as opening the door to the West Papuan delegation. But the decision was a victory for Indonesia: West Papua could be represented at MSG meetings through its two provincial governors while the ULMWP remained an observer. The communiqué also noted that President Widodo was 'someone whom the MSG can dialogue with'. In PNG, MP Gary Juffa said the MSG should be disbanded, having failed in its original mandate and not representing Melanesian values (EMTV 13/5/2015). In West Papua, rallies in support of the application for MSG membership were broken up by security forces with a spate of mass arrests and human rights abuses (*The Jakarta Post* 22/5/2015).

The next formal leaders' summit was scheduled for Vanuatu, but after being postponed twice was not held in 2016. Instead, a special leaders' summit was scheduled to meet in Port Moresby in June to appoint a new director general and consider the ULMWP's application. The meeting was cancelled, however, when Wenda was refused entry to PNG. The venue was shifted to Solomon Islands. On the first day of the rescheduled meeting, Indonesian delegates walked out after officials ignored their demand to remove a Morning Star flag flying next to the flags of the MSG members. On the subject of ULMWP membership, the leaders agreed to defer consideration of West Papuan membership pending 'further development' of membership criteria and guidelines by a subcommittee, to be completed by September 2016. A subcommittee met later in the year to do this. Subsequently Vanuatu prime minister Charlot Salwai said he would table a motion at the next MSG summit meeting calling for full membership for the ULMWP. On a visit to Australia, the Indonesian defence minister Ryamizard

Ryacudu was reported as saying, 'Please tell Solomon Islands and those six nations never to interfere or encourage West Papua to join them. Those countries better keep their mouths shut and mind their own business' (Maclellan 2019).

In February 2018 the MSG met, for the first time since 2015, in Port Moresby. In the lead-up to the meeting, Solomon Islands Prime Minister Sogavare argued that Indonesia's 'apparent rejection' of the PIF resolution of 2015 for a fact-finding mission to West Papua, and the Indonesian president's refusal to meet with him to discuss West Papua, constituted 'strong grounds for elevating the status of ULMWP to full membership' (Free West Papua Campaign 12/7/2016). The issue dominated the Port Moresby meeting but the MSG stopped short of granting the ULMWP full membership, instead accepting that the West Papuans had fulfilled the prerequisites for full membership and referring the ULMWP's application to the MSG secretariat. At the time of writing (December 2020), this was still the situation.

Heightened attention to the West Papua issue within the PIF and the MSG over the past few years has had something to do with changing leadership in the Melanesian states. Vanuatu has been a continuing source of support for the West Papuan cause, apart from a brief pro-Indonesian period under prime minister Sato Kilman, when Vanuatu signed a Bilateral Development Cooperation Agreement with Indonesia (which included Vanuatu's recognition of Indonesian sovereignty in West Papua and the two states' agreement not to interfere in each other's affairs) and backed Indonesia's bid for MSG observer status (Kilman lost office soon after).<sup>30</sup> Successive prime ministers have supported West Papua at regional and international forums: in 2010 prime minister Natapei requested UN support for the International Court of Justice to provide an opinion on the 1969 Act of Free Choice, and prime minister Carcasses Kalosil, at a UN General Assembly meeting in 2013, accused the UN of consistently ignoring the plight of the West Papuan people and called for investigation of human rights abuses (Radio Australia 30/9/2013). Ralph Regenvanu, Vanuatu's foreign minister until April 2020, maintained the support for West Papua. The FLNKS has also been a consistent supporter of West Papua's full membership of the MSG, and has even argued that Indonesia is not part of Melanesia and opposed the granting of observer status to Indonesia in 2011 (*Pacific Scoop* 9/4/2013).

The departure of Sir Michael Somare from PNG politics may have removed one obstacle to the ULMWP's membership of the MSG, but while his successor, Peter O'Neill, seemed to signal a shift in policy (see above), O'Neill's foreign minister, Rimbink Pato, was said to be close to his Indonesian counterparts and averse to West Papuan demands. O'Neill was replaced as prime minister in mid-2019 by James Marape. Marape appears to be more sympathetic: though recognising Indonesia's sovereignty in Papua he supported the resolutions of the 2019 PIF meeting and was quick to condemn the reported violence against Papuans in August that year (*Post-Courier* 3/9/2019).

Under prime ministers Gordon Lilo and Manasseh Sogavare, from 2011 to 2017 Solomon Islands was strongly supportive of West Papua. Sogavare supported West Papua's application for full membership of the MSG in 2016, saying that Indonesia 'sought membership ... to only protect its own interest' and that ULMWP membership was 'justifiable' (*Asia Pacific Report* 18/5/2016). He initiated the Pacific Coalition on West Papua, appointed a special envoy for West Papua in 2015, and spoke of 'the unbreakable and longstanding support of his people and nation for the people of West Papua' in advocating self-determination at a UN General Assembly meeting in 2017 (*Free West Papua Campaign* 22/9/2017). However his successor, from November 2017 to April 2019, Rick Houenipwela, declared that his government wanted nothing to do with West Papua and had no policy on West Papua, and when Sogavare returned as prime minister in 2019 he appeared to have softened his position, saying he would try to improve the human rights situation through friendly talks with Indonesia (*Solomon Star News* 25/4/2019).

Fiji has opposed West Papuan membership of the MSG, and after being suspended from the PIF in 2009 (after coup leader Commodore Bainimarama had abrogated Fiji's constitution) was courted by Indonesia and hosted a visit from President Yudhoyono in 2014 during which Yudhoyono pledged funding support for the agenda of the PIDF created by Bainimarama. But Fiji's parliamentary opposition has supported West Papua's full membership of the MSG and in June 2019 accused Bainimarama of succumbing to 'Indonesia's cheque-book diplomacy' and turning its back on innocent West Papuans (*Radio New Zealand* 21/6/2019); there has been strong support for West Papua from civil society groups in Fiji, such as the Fiji

Solidarity Movement for West Papua's Freedom and the Pacific Conference of Churches.

The greater regional focus on West Papua may also be prompted in part by growing impatience within the region at Indonesia's dismissal of Pacific concerns, its criticism of local journalists and activists, and its refusal to accede to a meaningful fact-finding mission.

Beyond the governments of the Melanesian states, boosted by social media (especially after the violent events of 2019 and early 2020), churches and other civil society groups in the region have become more aware of the problems in West Papua and have called on their governments to press for action. And as awareness grows, this regional push has become part of an international concern.

### West Papua as an international issue

As noted above, at the time of the so-called Act of Free Choice there was little inclination on the part of UN members to challenge the Indonesian government's actions in denying the West Papuan people a genuine free choice in deciding their future political status. A number of newly independent African countries, led by Ghana and Togo, supported a Brazzaville Resolution which condemned the Indonesian occupation of West Papua and called for a new plebiscite under UN supervision, but they failed to gain traction, though the General Assembly 'took note' of the UN special representative's report — which documented complaints about the procedure and recorded his reservations — rather than endorse the outcome of the Act. For a few years after 1969, then President Senghor of Senegal (a former catholic priest) hosted a West Papuan office and provided links to the Vatican. Governments of the Netherlands sought to disengage from the West Papua issue after 1962, and for the US and Indonesia's neighbour Australia, security and economic considerations outweighed concerns about West Papua's Melanesian population. What international support there was for West Papua came mostly from expatriate Papuan groups in the Netherlands and Sweden, and church and other civil society organisations (Ondawame 2010).

Sweden granted residence to several prominent West Papuan refugees in the 1970s and hosted an OPM office, and in the mid-1990s the Swedish parliament considered several motions urging the government to press for UN intervention. The European parliament in 1996 called for demilitarisation and the presence

of an international monitoring group in West Papua. The same year the Irish parliament urged the UN to investigate the validity of the 1969 Act of Free Choice.

In more recent times, Vanuatu, Nauru and Tuvalu were the first countries to support West Papuan self-determination at the UN, during the 2000 UN Millennium Summit meeting in New York. Since then West Papua's situation has been raised at a number of UN General Assembly meetings, along with calls for action by the UN Human Rights Council.<sup>31</sup> As a party to the International Covenant on Civil and Political Rights, Indonesia is subject to periodic examination of its human rights record. In May 2012 the Indonesian government agreed to invite the Special Rapporteur on Freedom of Expression to visit Indonesia, but subsequently postponed the visit. A year later the Office of the UN High Commissioner for Human Rights expressed concern at the Indonesian government's crackdown on demonstrators in West Papua (UNHCHR News Release 2/5/2013) and said a visit was 'now urgent'. The mass arrests of demonstrators in 2016 drew two letters of early warning from the UN Human Rights Committee on the Elimination of Racial Discrimination.<sup>32</sup> But when, two years later, Vanuatu addressed a UN General Assembly meeting, denouncing human rights abuses in West Papua and calling for a supervised self-determination, security forces in West Papua responded with further mass arrests and human rights abuses (Survival International 4/10/ 2018).

Over the years a number of organisations, including TAPOL, Amnesty International, Survival International, Human Rights Watch, ETAN (the East Timor and Indonesia Action Network), Asia Pacific Solidarity Network, the Hong Kong-based Asian Human Rights Commission, the World Council of Churches, and the International Coalition for Papua (ICP), have provided continuous detailed accounts of human rights abuses and other issues affecting the people of West Papua. In 2015 the ICP called on the EU to send a fact-finding mission to West Papua.

The US State Department publishes annual country reports on human rights practices and has frequently drawn attention to human rights abuses in West Papua. Its 2004 report on Indonesia, for example, observed that 'security force members murdered, tortured, raped, beat and arbitrarily detained civilians and members of separatist movements ... in Papua' (US State Department 2005:787). In 2006 a report by the

US Congressional Research Service, prompted in part by an investigation into the killing of two Americans in Timika, in which the Indonesian military appears to have been involved (see *The Age* 27/2/2003), gave a critical review of the situation in West Papua, quoting amongst other sources a University of Sydney Centre for Peace and Conflict Studies report *Genocide in West Papua?* (Wing and King 2005).

In Australia, the Australia West Papua Association and several other civil society organisations have protested human rights abuses and supported West Papuan demands for self-determination, and in 2006 initiated a request from UNPO to the UN Special Committee on Decolonization for an opinion from the International Court of Justice 'concerning irregularities in the administration and annexation of West Papua'. However, the committee, which includes Indonesia, Fiji and PNG, has ruled that West Papua is beyond its mandate.<sup>33</sup> The same year the Australian government granted asylum to 42 West Papuans, prompting Indonesia to withdraw its ambassador. But successive Australian governments have upheld Indonesian sovereignty and actively discouraged support for West Papua.<sup>34</sup> New Zealand governments have also confirmed their support for Indonesian sovereignty in West Papua, notwithstanding the pro-Papua sentiments of civil society groups and individual MPs (Leadbeater 2018), though New Zealand foreign minister Phil Goff offered (perhaps naively) to mediate between Indonesia and West Papua in 2002.

In the post-Suharto period there was some optimism about the prospects for change, but repression by the military continued. In the case of East Timor, local demands for independence were supported by Portugal (as the former colonial power) and by Australia. But in the case of West Papua, while there is increasing support among civil society groups, some members of parliament and some academics, Australian governments of both right and left and right persuasion have upheld their support for Indonesian sovereignty, which was formally acknowledged in the Agreement Between the Republic of Indonesia and Australia on the Framework for Security Cooperation (the 'Lombok Treaty') of 2006 (White 2008).

Continuing instances of human rights violations over the past two decades, frequently captured and circulated through social media, however, have led to a growing awareness of the West Papua issue, internationally as well as regionally. The impact of the

Freeport mine on the local population, and illegal logging, have also attracted attention from environmental groups internationally. And Indonesia's denials and restriction of access to West Papua, despite promises to free up access, have exacerbated rather than muted criticism.

In September 2017, a 'people's petition', claiming to have the signatures of 1.8 million Papuans, was delivered to the UN, asking the UN to appoint a special representative to investigate human rights abuses, and to 'put West Papua back on the decolonisation committee agenda and ensure their right to self-determination ... is respected by holding an internationally supervised vote'. The request was rejected (as in 2006) by the UN as being outside the mandate of the Decolonization Committee. Yanton Awerkion of the West Papua-based KNPB was subsequently arrested and charged with treason for his involvement in the petition (*The Guardian* 9/1/2018). But in February 2018 it was reported that Widodo had invited the UN High Commissioner for Human Rights to visit Indonesia. The petition was re-presented to the UNHCHR in Geneva by Wenda in January 2019, despite a raid on the office of the KNPB and mass arrests of petition organisers in late 2018 (Free West Papua Campaign 29/1/2019; ABC News 21/1/2019). In the same period a BBC journalist covering the situation in Nduga was expelled (ABC News 3/2/2018).

Further arrests of West Papuan activists were made during 2019, partly in the context of the protests against military operations in Nduga and responses to the racist incidents in Surabaya (see above), and an Interpol red notice was issued against Australian-based Indonesian human rights lawyer Veronica Koman, who had circulated accounts and photos of the protests and police actions (*The Guardian* 11/9/2019, 17/9/2019). In September, the UNHRC called for immediate measures to protect freedom of expression (Aljazeera 16/9/2019).

A significant factor in the internationalisation of the West Papua issue has been the establishment in 2004 of a Free West Papua Campaign (FWPC) based in Oxford and headed by Benny Wenda. Wenda, from the Baliem Valley in the highlands of West Papua, was arrested in Jayapura in 2002 over his involvement in pro-independence activities. Facing a long gaol sentence, he escaped while on trial, fleeing to PNG and being granted political asylum in Britain. In 2011 the Indonesian government issued an Interpol red notice seeking Wenda's arrest and extradition but after

investigation Interpol withdrew the notice, ruling that the allegations against Wenda were 'predominantly political in nature' (BBC News 6/8/2012). Wenda was instrumental in the formation of the ULMWP in 2017 and became its chairman. The FWPC has attracted a following in the UK and internationally. As well as its office in Oxford, the FWPC now has offices in The Hague and Port Moresby and its website lists branches and supporting organisations in Australia, Canada, Denmark, Fiji, Finland, Germany, Micronesia, Mexico, New Zealand, Poland, South Africa, Spain and the USA.

In 2008, International Parliamentarians for West Papua (IPWP) was launched in the Houses of Parliament, London.<sup>35</sup> A 2016 meeting of the IPWP in London, attended by MPs from fifteen UN member states, produced the Westminster Declaration, supporting an internationally supervised vote on self-determination for West Papua. Support for the ongoing struggle in West Papua and the human rights of the people was subsequently included in the manifesto of the British Labor Party and in 2019 the British House of Commons debated the situation in West Papua (FWPC 15/5/2019).

The year after the IPWP was formed, International Lawyers for West Papua (ILWP) was launched in Guyana, with the aim of assisting the Indigenous peoples of West Papua to exercise their fundamental rights under international law. The launch was accompanied by demonstrations, and mass arrests in Jayapura. The ILWP subsequently established offices in PNG and the Netherlands. In 2019, TAPOL and ETAN backed another legal move, filed by human rights lawyers on behalf of Papuan traditional leaders and churches, to have the Indonesian Constitutional Court review the 1969 Act of Free Choice on the grounds that it was contrary to rights granted under the Indonesian constitution (*Asia Pacific Report* 13/4/2019).

The restrictions placed on foreign media coverage of West Papua, and the frequent harassment of local journalists have been of longstanding concern. In 2014 President Widodo promised to relax restrictions on access, though the subsequent arrest of two French journalists (see above) brought international condemnation as well as local protests. While visiting PNG in 2015 Widodo announced that 'foreign media are now free to enter Papua', though the coordinating minister for political, legal and security affairs explained that journalists would still be screened and

subjected to a complex permit process, involving several government departments. Further, the minister said that ‘Their reports must not contain defamatory content and information that is not based on facts and discredits Indonesia’ (Antara News 11/5/2015; *Tempo* 11/5/2015). Media access to West Papua remains difficult for foreigners and local journalists are still targeted by security forces (see, for example, Human Rights Watch 10/11/2015; Reporters sans frontières 23/8/2019).

When the FWPC office was opened in Oxford in 2013, mass protests were organised in Jakarta and the British ambassador to Indonesia was summoned to explain why the group was allowed to set up the office; the ambassador responded that this had ‘nothing whatsoever to do with the British Government’ (*The Jakarta Post* 5/5/2013, 7/5/2013; BBC News 8/5/2013). A presentation by Wenda to a gathering in Sydney the same year similarly resulted in an official complaint to the Australian government, which seems to have met with much the same response. In 2019, the British minister for Asia and the Pacific acknowledged that the Act of Free Choice was ‘an utterly flawed process’ but suggested that there was ‘no appetite to revisit the question of the legitimacy of Indonesian control’ (*The Guardian* 12/8/2019). Fifty years after the Act of Free Choice this was probably an accurate assessment of the West Papua issue. But there is little to suggest that the issue will go away.

### Conclusion

Since the fall of former President Suharto there has been much discussion of Indonesia’s transition from authoritarian rule to democracy<sup>36</sup> — notwithstanding the continuing role of the military in Indonesia’s political system and President Widodo’s appointment in 2019 of former general Prabowo Subianto, notorious for human rights abuses in East Timor and West Papua, as minister for defence (succeeding another former hardline military man, General Ryacudu). But there has been little evidence of a transition to democracy in West Papua, where in 2019 an estimated 60 per cent of the Melanesian population boycotted the national election (*Asia Pacific Report* 19/4/2019). And despite the rhetoric of special autonomy, there has been no significant shift in the Indonesian government’s intolerance of West Papuan demands for self-determination by its Melanesian population; the mere raising of the Morning Star flag can still lead to mass

arrests and the shooting of peaceful demonstrators. In recent years, lawyers representing West Papuan activists have also been targeted. A persistent sense of Melanesian, and more broadly Oceanic, identity has led to West Papuans increasingly seeking support from their Pacific Island neighbours. Indonesian governments have responded with an enhanced, but still fairly crude, engagement with Pacific Island states and territories.

There is, however, greater international awareness of the West Papuan issue, and growing criticism of Indonesia’s response to West Papua demands. Without a major change in Indonesia’s attitudes to West Papua, Indonesia’s hardline policies will entail increasing costs of maintaining security and damage to its regional and international reputation.

### Author notes

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### Endnotes

1. In 1969 the former Dutch New Guinea became the Indonesian province of Irian Barat (later Irian Jaya). In 1999 it was renamed Papua. Four years later Papua was split into two provinces, Papua and West Papua (Papua Barat). In this paper I use the term by which the territory is commonly known: West Papua, and refer to its indigenous people as Papuans.
2. See Chauvel and Bhakti 2004; Drooglever 2009; Lagerberg 1979; King 2004; Kirksey 2012; Lijphart 1966; May 1986; Ondawame 2010; Penders 2002; Saltford 2003.
3. For a more detailed discussion of allegations of genocide see Brundige et al. 2004; Elmslie and Webb-Gannon 2013.
4. In 1960, the last census conducted under Dutch administration, the Melanesian population comprised 97 per cent of West Papua’s population; according to the 2010 Indonesian census, the figure had fallen to 66 per cent. Population figures by ethnicity are not available but estimates suggest that the percentage of the Melanesian population has continued to fall. For a detailed analysis of the figures see Ananta et al. 2016; Elmslie 2017.
5. See letter from ULMWP spokesman Jacob Rumbiak to the Australian Minister for Foreign Affairs, Marise Payne, 16 October 2019.
6. In 2013 the University of Sydney’s Centre for Peace and Conflict Studies held a ‘Citizen’s Tribunal’ on the massacre, recording evidence from some of the survivors. No one was ever charged over the atrocity.

7. A translation of the 'Resolution of the Second Papuan People's Congress – 4 June 2000' is available online at [freewestpapua.org/documents/resolution-of-the-second-peoples-congress-4th-june-2000/](http://freewestpapua.org/documents/resolution-of-the-second-peoples-congress-4th-june-2000/).
8. The soldiers accused of Eluay's murder were described by Kopassus chief of staff, General Ryacudu, as 'heroes' for defending the unity of Indonesia and received light sentences (see *Post-Courier* 19/3/2003).
9. For commentary on the special autonomy arrangements, see Chauvel and Bhakti 2004; Hernawan 2011; International Crisis Group 2010; McGibbon 2003, 2004; Sullivan 2003; Timmer 2005; Van Den Broek 2003; Yoman 2009.
10. See Amnesty International's 2019 [open letter](#) on *makar* charges on its website.
11. Extracts from the report were posted on the Free West Papua Campaign website, 22/1/2019.
12. A similar incident in 2014 prompted the publication of *As If We're Half Animals* (Jakarta: Deiyai Publishers, 2014) by West Papuan activist Filip Karma. Karma was imprisoned for 10 years for treason, over a flag-raising incident in 2004.
13. A report by the International Coalition for Papua (2020) details developments in the period 2017–19. Also see Chauvel 2019; Human Rights Watch 14/1/2020; TAPOL 3/10/2018.
14. For a more detailed account of the period from the 1960s to the mid-1980s, see May 1986 and Ondawame 2010.
15. The Constitution of the Independent State of Papua New Guinea is available at [www.paclii.org](http://www.paclii.org)
16. For details on the resettlement of West Papuan refugees in Papua New Guinea see Glazebrook 2008, 2014; *The Guardian* 1/12/2019. In 2015, processes were under way to grant Papua New Guinea citizenship to West Papuan border crossers (*The National* 11/12/2015), but a number of West Papuans have also been unwillingly repatriated to Indonesia.
17. In February 2020 it was reported that more than 130 West Papuans from the Nduga regency had crossed into PNG and were seeking refugee status (*The National* 26/2/2020).
18. The PIF was created (as the South Pacific Forum) in 1971 to foster cooperation between the Pacific Island states and territories, including Australia and New Zealand. Currently it has 19 members. Its secretariat is located in Suva, Fiji.
19. The original members of the MSG — Papua New Guinea, Solomon Islands and Vanuatu — first convened in Vanuatu in 1986 and adopted an Agreed Principles for Cooperation two years later. In 1989 the New Caledonian Melanesian independence group, Front de Libération Nationale Kanak et Socialiste (FLNKS) joined the group and in 1996 Fiji became a member. These five signed a formal Agreement Establishing the MSG in 2007. The group now has a secretariat (supported financially by China and the EU) in Vanuatu and has been recognised as a subregional organisation by the UN. For more detail see May 2011; Newton Cain 2015.
20. Indonesia's interest in the island Pacific developed in the 1980s under foreign minister Mochtar Kusumaatmadja (see Brown 1989).
21. As a post-forum dialogue partner of the PIF and an observer, and later associate member, of the MSG, however, Indonesia is not a signatory to PIF or MSG communiqués. MSG communiqués are available online at [msgsec.info/documents-of-cooperation/](http://msgsec.info/documents-of-cooperation/).
22. PIF communiqués are available online at [forumsec.org/category/communiqués/](http://forumsec.org/category/communiqués/)
23. Despite the low level of interest from the non-Melanesian island state governments, several civil society groups have supported West Papuan demands, and US Congressman Eni Faleomavaenga of American Samoa has voiced concerns for West Papua in the US congress, calling for an internationally-mediated dialogue (Radio New Zealand 10/11/2009, 28/9/2010).
24. Joku was a West Papuan who crossed into Papua New Guinea following the 1969 Act of Free Choice. As a Port Moresby-based journalist he was an outspoken supporter of West Papuan independence. He later worked in the Office of the Prime Minister in Port Moresby but in 2008 returned to Indonesia and (though still supporting West Papuan autonomy) became a spokesman for the Indonesian government at PIF, MSG and other regional and international forums.
25. Pacific Islands Forum Secretariat, Forum Communiqué 2019:6. Emphasis in the original. Also see *The Guardian* 12/8/2019, 16/8/2019. The wording of the communiqué — apart from the explicit recognition of Indonesia sovereignty — was said to have been proposed by Regenvanu and to have won out over vociferous opposition from Australia (*The Guardian* 12/8/2019).
26. Former UNHRC officer Zeid Ra'ad Al Hussein complained in 2018 that an earlier invitation 'had not been honoured' (Blades 2019).
27. Earlier in the year Dame Meg had described the situation in West Papua as 'desperate' and Vanuatu's support for West Papua as 'admirable' (Free West Papua Campaign (14/2/2019).
28. Following a coup in 2006, and the intransigence of the incoming military government, Fiji was suspended from the PIF in 2009, due largely to pressure from Australia, and remained outside the Forum for ten years. Fiji,

- however, remained a member of the MSG, though in 2010 Natapei, as the outgoing chair, postponed the next meeting of the MSG at which the chair would have passed to Fiji, saying that he thought it inappropriate that a leader who had violated the MSG's commitment to democracy and good governance should chair the group (Radio New Zealand 15/10/2010). Fiji's Prime Minister, Voreqe Bainimarama, responded by calling a meeting in Fiji — initially termed 'MSG Plus' but subsequently 'Engaging With the Pacific' — to which he invited all members of the PIF (this meeting subsequently evolved into the Pacific Islands Development Forum [PIDF], which first met in 2013). Bainimarama also suspended Fiji from MSG meetings. A reconciliation was achieved, following a change of government in Vanuatu, and in 2011 Fiji took up the chair of the MSG (May 2011). Yudhoyono attended the 2014 PIDF forum in Suva, with an entourage of around 90, and co-led a multinational team of observers of the general election which restored democracy in Fiji in the same year. (See *Jakarta Globe* 17/6/2014; *The Fiji Times* 25/6/2014.)
29. Government of Papua New Guinea press release 11 May 2015: Speech by Hon. Peter O'Neill CMG MP Prime Minister of PNG at welcoming dinner for the President of Indonesia HE Joko Widodo.
  30. See *Vanuatu Daily Post* 22/5/2012, 7/6/2012.
  31. The International Coalition for Papua has published a compilation of recommendations and observations made by the UN, EU and other bodies on the conflict and human rights situation in, and Indonesian human rights policies affecting, West Papua (ICP 2016 [updated to 2019]).
  32. See letters from the Office of the UN High Commissioner for Human Rights to the Indonesian permanent representative to the UN, 3/10/2016, 13/12/2016. The first letter also refers to incidents in 2013 and 2014, and notes that Indonesia's reports to the Committee are overdue since 2010.
  33. See [UNPO: Request to Special Committee on Decolonization on West Papua](#), 18/4/2006.
  34. *The Guardian* (12/8/2019) reported an Australian Foreign Affairs spokesman as saying that Australia 'regularly raised human rights concerns with Indonesia' but that 'Australia will not support efforts that undermine Indonesian sovereignty over Papua in any form and will not associate itself with any PIF communiqué to that effect'.
  35. Buchtar Tabuni, chairman of the KNPB, claims to have organised the IPWP in 2008. He was arrested in West Papua that year over his pro-independence activities and charged with treason but was released three years later following lobbying from Amnesty International and Human Rights Watch. He has since been arrested on more than one occasion, most recently in September 2019 (Radio New Zealand 11/9/2019; *The Guardian* 13/9/2019).
  36. In 2015 Fiji's Prime Minister Bainimarama described Indonesia as 'one of the most vibrant democracies in the world' (in a speech to the MSG summit plenary session in Honiara 26 June 2015, quoted in Maclellan 2019).

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