

The Report leads with "Perspective," an analysis piece; followed by "Update," a summary of some developments during the covered period; and then "Chronicle" which includes analyses, statements, new resources, appeals and action alerts related to West Papua. Anyone interested in contributing a Perspective or responding to one should write to [edmcw@msn.com](mailto:edmcw@msn.com). The opinions expressed in Perspectives are the author's and not necessarily those of WPAT or ETAN.

F

*or additional news on West Papua see the [reg.westpapua listserv archive](#) or on [Twitter](#).*

## CONTENTS

This edition's PERSPECTIVE by Dr. Budi Hernawan examines Vanuatu's efforts to place West Papua on the international human rights agenda. In UPDATE, Indonesia was questioned by the UN Committee on Economic, Social and Cultural Rights. The Indonesian military want to purchase additional U.S. assault helicopters. New violence creates tension on the PNG border near Vanimo; more arrests and torture of peaceful Papuan student protesters; the anniversary of transfer of West Papua to UN control in 1963; the establishment of a new Free West Papua office in Perth, and the sentencing of the former Merauke District chief for graft.

In CHRONICLE: A photo project draws attention to West Papuans struggle for respect of their political and other human rights. David Robie questions why South Pacific nations have not supported Vanuatu's efforts to draw international attention to Indonesia's human rights violations in West Papua. Craig Harris highlights Papuans criticism of mining giant Freeport McMoRan at a U.S. environmental conference. Oil palm plantations in West Papua and elsewhere face growing scrutiny.

## PERSPECTIVE

### **Prospects for a UN Resolution on Papua**

**Dr. Budi Hernawan \***

At the 25th session of the UN Human Rights Council (HRC) in March 2014, Vanuatu Prime Minister Moana Carcasses Kalosil, called on the HRC "to consider adopting a country mandate on the situation of human rights in West Papua." (see April 2014 West Papua Report)

Kalosil's appeal to the HRC echoed his presentation before the 62nd Session of the UN General Assembly in November, 2013. Although, it is not unprecedented that a UN member state would call for an investigation of human rights in another UN member state, such a motion is controversial and generally meets fierce opposition from targeted countries and their allies. Such calls for investigation of the state of human rights are seen as contributing to the politicization of the process for reviewing human rights and has been labelled as a 'naming and shaming' tactic.

The more important thing for us to ask, however, is why Vanuatu seems so persistent in its efforts to raise the issue of human rights of Papua at the UN fora despite minimal support from its neighbours? As Kalosil emphasizes, Papua has long suffered not only from crimes against humanity committed by the Indonesian state actors but also from the failure of the international community to act.

Surely, Vanuatu can argue that it acts on the principle of Responsibility to Protect (R2P) recently endorsed within the UN fora. Grounded in Article 24 of the UN Charter, the principle redefines the essence of state sovereignty as responsibility, rather than simply immunity from public scrutiny. A State holds the primary responsibility for the protection of its people. Where a population is suffering from serious harm, such as genocide, crimes against humanity, internal war, insurgency, or state failure, and the state in question is unwilling or unable to fulfil its responsibility, the principle yields to the international responsibility to protect. It is arguable therefore, that R2P is applicable for Papua.

Nonetheless, we all are aware of the high politics within the UN system. Indonesia is no stranger to the system. On the contrary, it is a significant player within the HRC as well as the UN system at large. Indonesia actively involves in the UN Peacebuilding Commission to promote peace around the globe. It contributes to MONUSCO, the UN peacekeeping force in the Democratic Republic of Congo, one of the deadliest and on-going conflicts in the Great Lakes area of Africa. Having managed to sign a peace deal with the Free Aceh Movement (GAM), Indonesia has also been sought by ASEAN countries for advice in dealing with armed conflict in the region. Indonesia has earned credentials as a peace promoter.

Vanuatu, on the other hand, is not a novice either. In conjunction with Nauru and Timor-Leste, it managed to put French Polynesia back into the UN's decolonization agenda. Of course, a resolution on Papua cannot be done overnight. It will be a long and painful journey for Vanuatu if this small and politically unstable country persistently works on it. It has to mobilize support within the UN in order to secure enough votes to pass a resolution, probably not in any near future. This would be a challenge for any interested parties if they wish to support Vanuatu.

In the meantime, Papuans should be well aware of the reality that it is all just the beginning.

*\*Dr Budi Hernawan is a visiting fellow at the Royal Netherlands Institute for Southeast Asian and Caribbean Studies (KITLV) in the Netherlands. A version of this article appeared in the Jakarta Post.*

UPDATE

## **UN Rights Body Questions Indonesia on Papua**

The International Coalition for Papua (ICP), Franciscans International, VIVAT International, Watch Indonesia!, and the West Papua Netzwerk reported on the UN Committee on Economic Social and Cultural Rights in Geneva review of Indonesia's adherence to those rights. "The review process covered access to health care and education, the problem of land-grabbing, and the rights of minorities and indigenous peoples. In the discussion the committee showed particular concern to the situation in Papua," the groups wrote.

This was Indonesia's first report since ratifying the International Covenant on Economic, Social and Cultural Rights in 2005. Committee questions involving West Papua raised issues of unequal development, "the allegation of land-grabbing for development projects," and the human rights impact of extractive industries, ICP also reported that Indonesia said "that it does not plan to ratify any of the international treaties that would allow Indonesian nationals to launch individual complaints to UN mechanisms."

The committee will issue its concluding observations and recommendations around May 23 on the OHCHR website. Documents concerning the review from the Indonesia government, civil society and others are also linked from that site.

## **Indonesia Seeks to Augment Helicopter Force**

Indonesia has announced an intention to buy 20 more assault helicopters. The recommended purchase would include 17 Sikorsky UH-60 Black Hawks and three Boeing CH-47 Chinooks and would follow the purchase of eight Apache helicopters in 2013. The 20 second hand copters are expected to cost over Rp3 trillion.

The Black Hawk is specifically designed for air assault and air cavalry operations. It can transport 11 combat-equipped soldiers and operate at night operations in difficult terrain. The Chinook has a heavy lift capacity enabling it to transport even more troops as well as equipment. The Chinook has functioned well during disaster.

The sale of eight Apache helicopters, according to Indonesian military officials, included no conditions governing how those aircraft were to be used. There is no indication that any conditions would be attached to this new purchase.

Many international NGOs and observers condemned the Apache sale, expressing grave concerns that the Apache would significantly augment the TNI's capacity to conduct "sweeping operations" in the highlands of West Papua. Indonesia's intent to further expand its fleet of assault helicopters exacerbates these concerns. Those sweeping operations indiscriminately attack purported hideouts of the armed opposition (OPM) and civilian villages. Over many years such attacks have driven thousands of villagers from their homes into surrounding forests and mountains where a dearth of food and no access to shelter or healthcare have led to severe suffering and death for the civilians. The assaults on villages amount to "collective punishment," a war crime (the Fourth Geneva Convention, Part III Article 33).

WPAT Comment: *The United States Government has repeatedly demonstrated a willingness to augment the capacity of the Indonesian military to employ more sophisticated weapons systems in its "sweeping operations." U.S. support for these operations renders the U.S. complicit in these operations' collateral civilian toll. U.S. material support for these operations also endorses and encourages the Indonesian Government's persistent employment of the "security approach" in dealing with the myriad human rights problems posed by Jakarta's five-decade colonial occupation of West Papua.*

### **New Border Violence Spurs PNG Official's Protest**

On April 16, Indonesian and Papua New Guinea authorities reopened the border area in the Skouw Wutung area after it was closed April 6 following the wounding of two Indonesian security officials. A subsequent shooting incident saw a civilian injured.

Reacting to the April 6 violence at the Skouw Wutung border crossing point near Vanimo, PNG opposition leader Belden Namah, who grew up in the border area, released a statement condemning the Indonesian military: "The people of West Papua are being butchered like animals by Indonesian security forces for rejecting Indonesian rule. Papua New Guinea has a moral obligation to raise the plight of West Papuans and their struggle for independence with the Indonesians and before international bodies and forums."

### **Indonesian Police Arrest, Torture Peaceful Papuan Protesters**

The Asian Human Rights Commission, April 23, issued an Urgent Appeal detailing the arrest and torture of two Papuan university students, Alfares Kapisa and Yali Wenda on April 2. The arrests, according to information provided by TAPOL, occurred during a peaceful protest that was part of the Global Day of Action, demanding the release of Papuan political prisoners. The protest was held at Cenderawasih University.

The police arrested then beat the two as they sought to negotiate with them about a planned march from the university to Abepura prison. The police continued to beat the two for over an hour and employed an electric stun baton on the two. The police released the pair in the afternoon of the following day. While they were detained, police would not allow human rights lawyers to contact the two.

Tapol, ETAN and other groups filed an urgent petition with Frank La Rue, United Nations Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression. The groups called the students "human rights defenders" and wrote "The arrest and torture of these two men are part of a worsening pattern of arbitrary arrest, use of excessive force by police and torture in detention, aimed at preventing free speech and free assembly among indigenous activists and human rights defenders."

La Rue has been trying to arrange an investigative visit to Indonesia and West Papua since early last year.

### **West Papuans Mark Transfer of Authority to UNTEA, May 1, 1963**

May 1 was the 51st anniversary of the transfer of authority over West Papua to the UN Temporary Executive Authority (UNTEA), the body which assumed control over West Papua by virtue of the U.S.-negotiated "New York Agreement" of 1962. UNTEA was to have guaranteed Papuans the right to plebiscite to determine whether West Papua would become an independent nation or a part of Indonesia. The promised plebiscite was never held, and under UNTEA Indonesia took de facto control of the territory.

The UNTEA's 1,537 security force was composed mainly of Pakistani troops who sympathized with Indonesian commandos who numbered 1,500. The Indonesian soldiers in theory were to assist the UNTEA security force, but in reality deployed to repress nationalist sentiment.

## **Free West Papua Campaign Office Opens in Australia**

Prominent Papua campaigner Benny Wenda opened a new campaign office in Australia on April 27. The office in Perth will help coordinate activity supporting Papuan self-determination in Australia with West Papua activists in Melbourne, Sydney, Canberra, Darwin and Brisbane. The opening of the Perth office follows on from the opening of offices last year in Oxford, The Hague, and Port Moresby.

## **Former Merauke Regent Sentenced to A Year in Prison for Graft**

The Jayapura Corruption Court has sentenced former Merauke regent John Gluba Gebze to a year in prison and a Rp 50 million fine. He was found guilty by a panel of judges of graft relating to the procurement of souvenirs made of crocodile skin worth Rp 18 billion.

In 2007, as Regent, Gebze launched the Merauke Integrated Food and Energy Estate, a commercial project with strong backing from the Indonesian central government. The MIFEE project has generated strong local protest who have seen vast stretches of forest, on which they depend for food and livelihood destroyed to make way for plantation cropping. International observers have long condemned the project as ignoring the rights of local inhabitants and the destruction of pristine forest. (A report by IRIN details the tension and conflict generated by corporate agribusiness interests in the Merauke area of West Papua.)

CHRONICLE

## **West Papua: Photo Project Draws Attention to Rights Abuses and Political Struggle**

A Dutch Surinamese photographer and journalist Rohan Radheya has created a photo project featuring West Papuans living in exile to raise awareness of their plight. While visiting West Papua, his equipment was confiscated and returned only upon his departure. On his return to The Netherlands he "was introduced to many West Papuan political refugees and started photographing each of them holding a board of a place in West Papua where war crimes have taken place.

## **Border 'butchers,' absentee poll reps**

Dr. David Robie questions why Pacific nations have failed to endorse Vanuatu's condemnation of Indonesia's violations of human rights in West Papua. He writes that recent parliamentary elections have produced many representatives for West Papua who do not even live there.

## **Papuans Speak out Over Freeport Environmental Destruction**

Craig Harris recounts a presentation by two Papuans on the devastating impact of Freeport McMoRan mining operations on the lives of ordinary Papuans. The two Papuans were part of a delegation of nine invited to presentation at an environmental law conference at the University of Oregon, but seven had their visas rejected. Harris places the mining operation in its proper historical context, noting that it is part of the legacy of long-denied Papuans right to self-determination.

## **Oil Palm Plantations Under Scrutiny**

A new report from the Center for International Forestry Research (CIFOR) contends that palm plantation development in West Papua will advantage migrants over local Papuans. CIFOR warns that Indonesia needs to create a development plan that addresses disparities caused by the rapid increase in plantation investments. Krystof Obidzinski, a senior scientist with CIFOR, observes that: "Frontier oil palm expansion should be undertaken in stages to ensure the needs of the poor are considered."

This is the 121st in a series of monthly reports that focus on developments affecting Papuans. This series is produced by the non-profit West Papua Advocacy Team (WPAT) drawing on media accounts, other NGO assessments, and analysis and reporting from sources within West Papua. This report is co-published by the East Timor and Indonesia *Action* Network (ETAN). Back issues are posted online at

<http://www.etan.org/issues/wpapua/default.htm>

Questions regarding this report can be addressed to Edmund McWilliams at

[edmcw@msn.com](mailto:edmcw@msn.com)

. If you wish to receive the report directly via e-mail, send a note to

[etan@etan.org](mailto:etan@etan.org)

Link to this issue: <http://etan.org/issues/wpapua/2014/1405wpap.htm> .