Indonesian Solidarity and the West Paper Project conference**:**

West Papua: Paths to Justice and Prosperity. Sydney University, August 9-10, 2007.

Full version of paper. By Dr. Jim Elmslie,

West Papua: Genocide, Demographic Change, the Issue of 'Intent', and the Australia-Indonesia Security Treaty.

Extract:

The issue of genocide is still open. The issue of intent is unclear. But that does not gainsay that a terrible human rights tragedy is happening to the West Papuan peoples, a tragedy that compels public spirited people of good faith to speak out, especially those in Australia, West Papua's closest neighbour. Australia's future relationship with Indonesia, for better or worse, will depend on how the issues surrounding West Papua are addressed. To ignore the dilemmas, to try to criminalize concern for our fellow human beings, will not avert the tragedy. To frankly assert that the political situation in West Papua is of legitimate concern to Australia, for instance in the repercussions caused by refugees fleeing that situation, is only common sense. Principled, high-level dialogue between West Papuan leaders and the Indonesian government, rather than increased militarisation, is the only way to start addressing this profound conflict. Otherwise the future of Australia--Indonesia relations may be as bleak as that of the West Papuans.

Recently the issue of West Papuan repression and the struggle for independence has received a lot of attention in Australia following the arrival of 43 West Papuan refugees in January 2006. They claimed that they were escaping political repression and human rights violations and that their lives would be in danger if they returned to Indonesia. Furthermore they stated that a process of genocide was occurring in West Papua. The Australian government accepted the first of these claims and granted Temporary Protection Visas to 42 of the group within three months, the final applicant having to wait some months longer. The response by the Indonesian government was swift and furious: the Indonesian Ambassador was recalled to Jakarta and Australian/Indonesian relations were, once again, thrown into turmoil.

Although the Australian government went to great lengths to try and reassure the Indonesian government that there was no official support for the separatist movement in Papua, the wounds left over from Australia's involvement in the independence of East Timor are still very raw for many in Jakarta. Deep with-in the collective Indonesian political psyche there remain great misgivings over Australia's true intentions for West Papua. Many believe that Australia wants to

wrest control of the province for its vast resource wealth, leading to the break-up of the Indonesian state. The stakes in this debate are, therefore, very high.

One consequence of the arrival of the refugees has been an enlarged debate in Australia on what is actually occurring in West Papua and what action, if any, Australia should be taking. This is now a two sided debate: previously those groups and individuals opposed to Jakarta's rule over West Papua; whether calling for an end to the well documented human rights abuses or, at the other extreme, full independence, were the only voices heard. Perhaps the most powerful recent document of this genre was from the West Papua Project at Sydney University, which published a report entitled, *Genocide in West Papua?*[1] The Australian Government's comment on the issue was to repeat, endlessly, its recognition of Indonesian sovereignty over (West) Papua[2].

With the refugee imbroglio finally came some measured response from the conservative/government camp in the form of a report by Dr. McGibbon entitled, *Pitfalls of Papua: Understanding the conflict and its place in Australia – Indonesia relations*[3]. This report characterised those academics, church people and activists who supported the West Papuans and their rights as the 'Papuan constituency', who, although "motivated by high-minded intentions[4]" in their efforts to "raise legitimate concerns about human rights abuses in Papua[5]", were essentially a negative force. They had "generated unrealistic expectations among Papuans regarding international support that has complicated the conflict[6]".

The report described the so-called 'Papuan constituency' platform as being underpinned by seven myths that they had foisted on an uncritical Australian public which were false, and worse, dangerous to Australia's relationship with Indonesia, and by extension, our national interests in the entire South East Asian region. The report argued that our relationship with Indonesia was imperilled by the Papua Constituency's calls for West Papuan independence, implicit in which is the partial break-up of Indonesia. This meant that issues of national importance, such as efforts to halt refugee flows; sponsorship at international forums, such as ASEAN and APEC; transportation of Australian exports through Indonesian waters; combating bird-flu; trade; investment; Indonesian students; and Australia's 'war on terror' were all similarly imperilled.

The first and most important myth that McGibbon sought to debunk was that of a West Papuan genocide[7]. This is an issue I would like to examine in some detail, as it is central to the

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[1] *Genocide in West Papua? : The role of the Indonesian state apparatus and a current needs assessment of the Papuan people.* John Wing with Peter King, West Papua Project, Centre for Peace and Conflict Studies, University of Sydney, 2006.

[2] The Australian government's changing terminology on the disputed province has been interesting. Early on in the refugee saga of 2006, many Australian politicians, including Immigration Minister Vanstone, used the term, 'West Papua'. This changed to alternating with the term, 'Papua', until the 'West' was dropped entirely. Finally, and currently, the term 'Indonesian Papua' was exclusively.

[3] *Pitfalls of Papua: understanding the conflict and its place in Australia-Indonesia relations,* Lowy Institute Paper, October 7, 2006.

[4] *Pitfalls of Papua,* p. 93.

[5] *Pitfalls of Papua*, p. 95.

[6] *Pitfalls of Papua*, p. vii.

[7] The other myths are:

- Australian policy is dominated by a Jakarta lobby which is intent on appeasing Indonesia.
- Papua parallels the East Timor situation.
- Indonesia is a Javanese empire where democracy is a façade.
- Indonesia has expansionist tendencies.
- Recent evidence exposes Indonesia's manipulation of the Act of Free Choice and the international community's complicity.

arguments of both camps. Certainly it is germane to acknowledge here that many West Papuans, besides the 43 refugees as mentioned above, have made this claim with great sincerity and conviction[8].

Convention on the Prevention and Punishment of the Crime of Genocide (1951).

The central document in discussing genocide is the 1951 United Nations Convention. This document was drafted in the late 1940's in response to the Nazi holocaust and called genocide an 'odious scourge[9]', which it undoubtedly is. It recognized that 'at all periods of history genocide has inflicted great losses on humanity[10]', in other words that genocide was a common, or at least not rare phenomenon. The document is brief (three pages) and I would argue, loose in its terminology. Although large-scale genocides such as the holocaust or the more recent Rwanda event, spring to mind on hearing the term, the convention does not preclude other smaller, less dramatic intentional mass killings directed at a particular group.

The key section of the Genocide Convention is Article II, which states:

In the present Convention, genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

(a) Killing members of the group;
(b) Causing serious bodily or mental harm to members of the group;
(c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
(d) Imposing measures intended to prevent births within the group;
(e) Forcibly transferring children of the group to another group.

The strategy that McGibbon employs to refute the allegation that genocide has occurred is to focus on the word 'intent' rather than deny that any of the above acts have actually taken place. This is the argument that has been used in denying that a genocide occurred to the Australian Aboriginal population: it was not the government's 'intention' that these above acts occurred (which they did), therefore they can be seen as historical abuses and crimes but not genocide. I will discus the issue of 'intent' further below.

There are several pertinent points made in the Convention which cloud the black and white nature of denying genocide by simplistically applying the veto bar of 'intent' -- generally taken to mean the intention of the State, being the legitimate government of a sovereign nation.

Firstly, Article IV states that: 'Persons committing genocide……shall be punished, whether they are constitutionally responsible rulers, public officials or private individuals.' In other words genocide does not necessarily have to involve a State acting with 'intent'; public officials (i.e. members of the military) or private individuals can engage in genocide without State sanction.

- As Melanesian Christians, Papuans are essentially different from Indonesians. On the basis of these religious and ethnic differences, Papua's incorporation into Indonesia should be changed.

[8] To name just two central figures here, Soyan Yoman, head of the Baptist Church in West Papua, and John Rumbiak, founder of ELS-HAM, West Papua's leading human rights advocacy organization.

[9] Convention on the Prevention and Punishment of the Crime of Genocide, adopted by resolution of the U.N. General Assembly on 9 December 1948, entry into force 12 January 1951. Preamble.

[10] *Ibid.*

Secondly, under Article VI, if persons have engaged in genocide it is the obligation of the State in which these crimes occurred to prosecute these individuals.

Thirdly, under Article VIII, 'any Contracting Party may call upon the competent organs of the United Nations to take such action under the Charter of the United Nations as they consider appropriate for the prevention and suppression of acts of genocide.' I would argue that any 'Contracting Party' has an obligation to 'call upon' the UN when a possible act of genocide is encountered. This obligation derives from Article I which states, the 'Contracting Parties confirm that genocide……..is a crime under international law which they **undertake to prevent and punish.'** The signatories of the Convention are therefore duty-bound to report to the United Nations possible acts of genocide, whether by sovereign States or individuals within those States.

Claims of genocide are thus of a different order of magnitude than allegations of human rights abuses. States can raise human rights abuses with other States or not, as they please; they are not obligated to under any United Nations convention. However they do not have this discretion in relation to claims of genocide: they have undertaken to prevent and punish genocide, which means investigating claims of genocide. This is because genocide is such an evil crime with devastating consequences, and obviously, States engaged in such a crime may seek to hide and deny their activities.

Demographic transition in West Papua in relation to claims of genocide.

I have mentioned that the situation in West Papua is not akin to the holocaust: there are no death camps; no specifically designed incinerators and no Government policies or statements such as Hitler made in relation to the Jewish people. West Papua is also not like Rwanda, where 800,000 people were killed in the space of a few months in a clearly agreed act of genocide. The killings in West Papua have taken place, as Clements Runawery has noted, over a period of decades, a 'slow-motion genocide', and not in the compressed time frame of Rwanda[11].

Over the last 43 years in West Papua there have been many killings; disappearances; land expropriations and repressive Indonesian government policies that have severely affected the demographics of the province. These may, as many West Papuans claim, constitute genocide and puts the onus under the 1951 Convention for signatories to investigate the veracity or otherwise of these claims.

An examination of successive Indonesian government censuses reveals the changing demographics of West Papua. I have used as my starting point the 1971 census conducted by the Indonesian Statistics Office. An argument could be made that it would be more appropriate to use earlier figures dating to the effective takeover by Indonesia in 1963, however this would entail drawing on Dutch colonial sources, which would be open to dispute by some. Using entirely Indonesian sources makes comparison between and across different census periods less contentious.

In 1971 there were 887,000 'Irian born' (Papuan) people in West Papua and 36,000 'non-Irian born' (Asian Indonesians), out of a total population of 923,000. This meant that, even after eight years of Indonesian control, Papuans comprised 96% of the population in 1971[12].

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[11] Clements Runawery talking at the Australian Institute of International Affairs (SA), Adelaide University, 21st September, 2006.

[12] *Irian Jaya: Economic Change, Migrants, and Indigenous Welfare.* Chris Manning and Michael Rumbiak in Hal Hill, Ed., *Unity and Diversity, Regional Economic Development in Indonesia since 1970.* Oxford University Press, Oxford and New York, 1991, p.90.

Thereafter the distinction between Irian born and non-Irian became less relevant as, obviously, children of non-Irian born migrants were Irian born. I have derived the figure for the Papuan population in the 1990 census by dividing the population into those who speak Bahasa Indonesia as a 'mother tongue' and those who do not. This is because the census does not record the racial profile of the province. On this basis there were 1,215,897 Papuans and 414,210 non-Papuans in 1990 out of a total population of 1,630,107. Papuans comprised 74.6% of the total and non-Papuans 25.4%[13]

The growth in the Papuan population from 887,000 to 1,215,897 during the period from 1971 to 1990 represents an annual growth rate of 1.67%. Assuming that this growth rate continued to 2005, the latest figures released by the Indonesian Statistics Office, the Papua population would be 1,558,795 out of a total population of 2,646,489[14] and the non-Papuan population 1,087,694. This means that Papuans comprised 59% of the population and non-Papuans 41% in 2005.

This analysis shows that the Papuan population has diminished as a proportion of the population from 96% to 59%, and the non-Papuan increased from 4% to 41%. This represents a growth in the Papuan population from 887,000 to 1,558,795 for the period 1971 to 2005, or 75.7%. By contrast the non-Papuan sector of the population has increased from 36,000 to 1,087,694, a growth of 3021% or more than 30 times. This represents an annual growth rate in the non-Papuan population of 10.5% from 1971 to 2005.

Using the two growth rates for the Papuan and non-Papuan populations, 1.67% and 10.5% respectively, we can predict future population growth and relative percentages of the two groups. By 2011 out of a total population of 3.7 million, Papuans would be a minority of 47.5% at 1.7 million and non-Papuans a majority at 1.98 million, or 53.5%. This non-Papuan majority will increase to 70.8% by 2020 out of a population of 6.7 million. By 2030 Papuans will comprise just 15.2% of a total population of 15.6 million, while non-Papuans will number 13.2 million, or 84.8%. This may be an unduly optimistic forecast for the Papuan population as the current HIV-AIDS epidemic is firmly established in that population group and could have an African-style impact, cutting numbers and growth rates even further.

Besides the relative decline of the Papuans as a percentage of the population they have also enjoyed a much lower growth rate than a very similar Melanesian Papuan population across the border in Papua New Guinea. Here the population has been growing at 2.6% per annum since independence in 1975. PNG acts almost as a control population when examining Papuan growth rates as the indigenous people on both sides of the border are closely related and settled in societies that had, until very recently, been self-contained for thousands of years. If the Papuans under Indonesian control had enjoyed the same growth rate as those in independent Papua New Guinea, 2.6%, their population would be 2,122,921, or 564,126 more than it was in 2005. This demographic discrepancy can be attributed to Indonesian rule.

Thus from a position of comprising 96% of the total population in 1971, Papuans will be a small and dwindling minority within a generation or two. This will have great consequences for Papua New Guinea as Indonesian military/business groups engage ever more deeply in that country, particularly in the logging and retail industries. With the increasing militarisation of West Papua, particularly in the border regions, PNG's own security may come under threat.

The issue of 'intent'.

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[13] Jim Elmslie, *Irian Jaya Under The Gun: Indonesian Economic Developmentversus West Papuan Nationalism,* Crawford House Publishing (Australia), 2002, p. 76.

[14] *Population Projection by Regency/Municipality,* BPS-Statistics of Papua Province, Indonesian Government, August 2006.

Why would there be such a variance in growth rates between two such similar population groups? Especially when health services in both countries are at very basic levels and declining in PNG as part of the general malaise of the public sector. I will list several factors, but by no means all, that, in combination, go some way towards explaining this variation.

Firstly, the use of contraception programmes funded by the United Nations in Highland areas like the Baliem Valley, where the population already suffers high rates of sexually transmitted disease, such as gonorrhoea. This disease causes infertility if untreated. Not only is gonorrhoea not treated, the suffers are given long lasting contraceptive injections. Collectively this lowers fertility.

Secondly, Indonesian military (TNI)-backed prostitution utilizing the services of women from other parts of Indonesia who are HIV positive. In remote parts of West Papua sexual services are provided in exchange for the valuable sap of the eagle wood tree, *gaharu,* which is used as an incense by Islamic societies in Jakarta and elsewhere. This has resulted in what leading Indonesian scholar, George Aditjondro, calls 'micro-genocides': remote groups of men becoming infected by contact with prostitutes who then infect their wives, leading to the decline of the whole group[15]. Whether the HIV positive prostitutes are supplied by the military with the intention of spreading the disease and therefore causing the deaths of Papuan groups, or whether this is an incidental side effect, the result is the same.

Thirdly, dislocation of communities by large-scale logging and mining operations that destroy traditional lands and ways of life also affect fertility and general health. In some cases forced prostitution of village women and girls to forestry workers also results in their exposure to STD's as well as a break down in traditional family life.

Fourthly, there are also the direct killings, disappearances and imprisonment of West Papuans that date back to the time of the Indonesian takeover in 1963 and continue to the present. Due to the circumstances in which these crimes have been committed it is extremely difficult to compile an accurate death toll. This has been completed in East Timor, but only after the occupying Indonesian forces left and open access to the whole country became possible. The fact that the same Indonesian military forces, with the same military personnel who served in East Timor, are operating with complete impunity in West Papua, would lead one to expect similar tactics and hence results.

The forces listed above all impact on population growth rates but do they constitute genocide? Dr. McGibbon has said no, because he does not see 'intent' in these actions. But is this merely a case of semantics? Certainly the people who are suffering under this crushing demographic transition find it a moot point if there is 'intent' or not, the result: lower growth rates; marginalisation; dispossession; minoritisation; widespread death, misery and suffering, are the same. In fact the changing demographic is laying the groundwork for a Rwandan style genocide as two starkly different racial/religious groups conflict on many levels.

Is this proof of a genocide? No, but neither can the claim be dismissed. Without further research it is impossible to say whether genocide has occurred or is occurring now. That the crimes listed in Article II of the Convention have occurred has been well documented in the affirmative (with the exception of (e)). The result of Indonesian government policies has been the rapid increase of one sector of the population, the Asian, mainly Muslim sector who completely dominate the senior military, educational and business realms, over the relatively declining population sector of

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[15] George Aditjondro comment, West Papua Project Conference, *Reconciliation and Consolidation Among Papuans,* 2-3 September, 2002, Sydney University.

indigenous, Melanesian, Christian/Animist (but also some Muslim) Papuans. It is not hard to extend the trends that I have outlined to see a large scale, copybook genocide in the near future. With 'intent.'

The necessity for debate on the West Papuan issue.

McGibbon, as mentioned above, has characterized the supporters of West Papua as being well intentioned but naïve and potentially dangerous to Australia's strategic interests, particularly for our relationship with Indonesia, and even for the West Papuans themselves. I would remind Dr. McGibbon that the island of New Guinea has always been of great interest and importance to Australia and to Australians, and that what happens on that island is of vital concern for us as a nation, now and in the future. It is absolutely necessary that the great demographic changes that are occurring, and the devastating consequences of these changes, are debated.

The south-east portion of New Guinea first came under Australian control in 1883 when the colony of Queensland declared this to be the new colony of 'Papua'. The British government pointed out that as Queensland itself was a colony it was unable to 'colonise' another territory. The British then, somewhat reluctantly, proclaimed the colony of British Papua – they were loath to take on any more non-viable obscure colonies when their empire already spanned the world, but felt obliged to placate Australian and Queensland domestic sentiment. The motivation of the Queenslanders' was to prevent foreign interests such as the French, the Germans or the Russians, claiming parts of New Guinea, which is adjacent to Far North Queensland, and threatening their security.

In the World War One, Australia's first armed engagement was capturing the small German garrison in Rabaul. It was seen as vital to this country that German New Guinea came under Australian, as opposed to any other country's control. This point was emphasized during the negotiations for the Treaty of Versailles. Australian Prime Minister, Billy Hughes, spent 18 months in Europe vigorously defending Australian interests against US President Wilson's policy of 'universalism', which would have given all allies equal rights over Germany's colonial possessions. Hughes wanted control over German New Guinea and he particularly did not want the Japanese (allies in WWI) to have equal access to the region, which would have seriously weakened Australia's strategic position. This view was vindicated in the Second World War.

National interest was again at stake when Australian troops fought and beat the Japanese army in New Guinea during WWII. It was seen as the battleground for Australia itself, although some dispute that view now. If a hostile nation ever took control of PNG it would obviously be very much against our interests.

Therefore we have a vested interest in trying to understand the processes that are happening on the island of New Guinea, in both Papua New Guinea and in West Papua. These strategic interests and actions all predate the formation of the state of Indonesia from Holland's polyglot colonial possessions after the World War II. Concern over current developments on the island of New Guinea, and their implications for Australia's strategic security position, are as valid today as they have been for the last 120 years.

Conclusion.

The debate is not about independence for West Papua: it is about the survival of the West Papuan people as a viable Melanesian population. Although any informed objective observer would agree that the overwhelming majority of West Papuans want independence and that they have been denied it due to the machinations of international diplomacy, especially a particular interpretation of US strategic interests during the Cold War, they continue to suffer the outrages

any army of occupation imposes on its subject population and independence is still a far off dream. No country other than Vanuatu supports them and they are too numerically, politically, economically and militarily weak to be a credible threat to the Indonesian state.

However dreams sometimes do come true, as we all saw with East Timor, but they require tumultuous events to break political deadlocks. Suharto's fall led to a free East Timor. The Boxing Day tsunami broke the impasse in Aceh. Is there a similar such event that could transform reality in West Papua? Who knows, but history is full of the unexpected, and PNG the land of. At least one possibility is a socially radical Islamic revolution in Indonesia, as it becomes apparent that the thin veil of democracy has only served to further entrench the power and wealth of a small but fabulously privileged elite. This would cause the US to reassess its strategic interests in the region, and particularly the status of West Papua.

The human rights situation is getting worse in West Papua, not better. Even the Australian government is forced to concede this when issuing Temporary Protection Visas to West Papuan refugees. The massive inflow of migrants and soldiers, and the rapid economic development of the logging, mining and oil and gas industries are fuelling repression and conflict. In economics trends are your friends: they show the future and it is not good. Rather than acknowledging a deteriorating reality on the ground caused by the increasing militarisation of West Papua, the Australian government has decided to sign a security treaty with Indonesia aimed, in part, to suppress support for West Papuan self-determination and human rights in Australia. This may well turn out to be a major headache for the government because what the Indonesians clearly see as a consequence of the treaty -- stamping out support in Australia for the West Papuan cause -- flies in the face of our basic rights of free speech and expression, and political realities here.

While providing material aid to an armed rebel group fighting the legitimate government of a friendly nation is illegal, speaking out against outrageous human rights abuses and peacefully supporting an oppressed minority's right to self-determination is not. If the Australian government tries to crack down on domestic West Papuan supporters in the manner that Indonesia expects and may demand, it risks a massive backlash by the Australia public as the dire situation in West Papua becomes more widely known. One has only to recall how East Timor became a mass emotional issue in Australia, almost overnight, to see how quickly public opinion can shift on these issues. That would leave the whole relationship with Indonesia in a very deep hole. And yet if the government does nothing to reign in West Papuan supporters the Indonesians may very well call the entire treaty a sham and walk off in a huff; as they did with the last Keating era treaty during the East Timor conflict. With this treaty the Howard government is putting itself between a rock and a hard place.

The issue of genocide is still open. The issue of intent is unclear. But that does not gainsay that a terrible human rights tragedy is happening to the West Papuan peoples, a tragedy that compels public spirited people of good faith to speak out, especially those in Australia, West Papua's closest neighbour. Australia's future relationship with Indonesia, for better or worse, will depend on how the issues surrounding West Papua are addressed. To ignore the dilemmas, to try to criminalize concern for our fellow human beings, will not avert the tragedy. To frankly assert that the political situation in West Papua is of legitimate concern to Australia, for instance in the repercussions caused by refugees fleeing that situation, is only common sense. Principled, high-level dialogue between West Papuan leaders and the Indonesian government, rather than increased militarisation, is the only way to start addressing this profound conflict. Otherwise the future of Australia--Indonesia relations may be as bleak as that of the West Papuans.

About the author:

Dr. Jim Elmslie has published, Irian Jaya Under the Gun: Indonesian Economic Growth versus West Papuan Nationalism*, (Crawford House and University of Hawaii Press, 2002). He was founding co-convenor of the West Papua Project, University of Sydney, in 2000, and is a Research Fellow with the Centre for Peace and Conflict Studies, University of Sydney.*