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The Position and Role of Civil Society Organisations in Resolving the Papuan Conflict

Budi Setyanto, Bambang Sugiono, Yuzak Reba, Nico Wamafma

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With a Preface by Klaus H. Schreiner

Foreword

The study on „The Position and Role of Civil Society Organisations in Resolving the Papuan Conflict“ was conducted in close co-operation with INFID (International NGO Forum on Indonesian Development). It is part of Asia House’s activities to present civil society initiatives for conflict resolution in different Asian countries to the German and European public. The study was undertaken by the Papuan network INSTITUTE for CIVIL STRENGTHENING (ICS) – Lembaga Penguatan Masyarakat Sipil (LPMS), co-ordinated by Klaus H. Schreiner. The original version of the report was written in Bahasa Indonesia and translated by Enrico Aditjondro.

This publication is already the third one dedicated to the topic. In 2001 we published a report on “Civil Society Responses to the Conflict in Mindanao” (Focus Asien No. 3) and in 2002 the proceedings of a workshop on “Peaceful conflict resolution in South and South East Asia” (Focus Asien No. 10), dealing with the developments in Sri Lanka, Aceh (Indonesia) and Mindanao (Philippines). Unfortunately this publication is available in German only.

Asia House has to thank not only its co-operation partners but also the German Ministry of Foreign Affairs for a grant which made this study possible.

Klaus Fritsche

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Map and some basic facts of Papua

Area: 421,981 sq km

Capital: Jayapura

Borders: Pacific Ocean on the north, Arafuru Sea on the south, Papua New Guinea on the east, Province of Maluku on the west

Population: 1,649,000 (1990); 4 persons per sq km

Religious Adherence: Moslems (15%), Protestants (63%), Roman Catholics (20%), Hindus (0,1%) and Buddhists (0,8%)

Preface

Conflict Resolution in Papua – which conflict to be resolved?

by Klaus H. Schreiner

While the present report goes to the press the result of the process this study describes in some detail is under serious threat by the central government. The government of President Megawati reactivated a plan first proposed by the then President B.J. Habibie as Law 45/1999 to divide the Province of Papua into three provinces. On Feb. 13, 2003 the House of Representatives endorsed this law amidst sharp criticism from both Indonesian legislators and Papuan politicians and activists.¹ This plan – later withdrawn by Habibie's successor Abdurrahman Wahid – is fundamentally opposed to the principles agreed upon in the Regulation 21/2001 on the Special Autonomy of Papua and is likely to finally foil the tedious and exhausting efforts to bring about peace and reconciliation in this strife torn province.

In two months time Indonesians and Papuans will mark – in different attitudes – the 40th anniversary of the hand-over of the former Dutch colony of Dutch New Guinea to the Republic of Indonesia under its President Sukarno, on May 1, 1963. The negotiations between the Netherlands and Indonesia, facilitated by the United Nations and heavily pressured by the United States, that was about to enter into the war in Vietnam, resulted in the agreement upon a brief transitional administration under the auspices of the UN and the final take over by the Indonesians. Further on it was agreed to hold a referendum to provide the autochthonous population of Papua with an opportunity of self-determination after six years of Indonesian administration. In the meantime, however, Indonesia encountered a deep crisis of her state and society – the fall of Sukarno, the rise to power of Lt.Gen. Suharto and the ensuing mass killings in late 1965. A referendum was eventually held in 1969 supervised and – after heated debate in the General Assembly – finally accepted by the UN. This referendum, according to many observers and Papuan stakeholders flawed by procedural inconsistencies and even political repression and intimidation, however, became the hotbed of the present conflict, which is dragging on for more than thirty years now.

The present study offers a first hand account and analysis of the efforts of civil

society organisations in Indonesia's easternmost province. The research team consisted of four activists-cum-researchers, Budi Setyanto, Bambang Sugiono, Yuzak Reba, Nico Wamafma, affiliated to the Lembaga Penguatan Masyarakat Sipil (LPMS) Papua (Institute for Civil Strengthening) in Jayapura. The leader of this team was until last year the Secretary General of Forum of NGO-co-operation in Papua (FOKER LSM Papua). And it was in this capacity that he was involved in the lengthy process of negotiating and drafting the "Law on Special Autonomy in Papua"; known as Law No. 21/2001. The report provides a historical analysis of the genesis of the present conflictual situation in Papua, describes in detail the causes and manifestations of the conflict as well as analyses the position and policies of the conflicting parties. An extensive part of the study is dedicated to the examination of the role of the organisations of civil society in Papua in the political and societal process and their contributions to the achievement of the current status quo. At the end of the report the authors suggest some conclusions and recommendations regarding the improvement of the hitherto process to consolidate the present achievements and to make them irreversible.

This report should not be read as the result of a detached and unconcerned study, but as the account of engagement and participation. This presents both the strength and the weakness of the

¹ The Jakarta Post 14.2.2003

document. The lack of refinement of scholarly definitions and argumentation is outweighed by the immediacy and the insight of the record. The author's step back to observe and analyse the process, in which they were directly involved, from a more distant and disengaged point of view without denying their involvement and perspective. As such it reflects the state of the art in the debate in Indonesia, and in Papua at that, about the issues of conflict resolution, civil society involvement and democratic transition. It provides a clear picture of present-day Indonesia and will help to understand the difficulties of this country in the midst of a transitional process.

The research for this report was conducted during various field visits throughout the year 2002. The manuscript was finished in November 2002. During this period human rights abuses continued. One of the severe incidents occurred in the vicinity of Timika, when a civilian convoy of Freeport employees was ambushed. Two American and an Indonesian citizen were killed by unknown attackers on August 31, 2001, who are suspected by both the Indonesian police and the investigators of the FBI to belong to the local military command, which wanted to extort a higher fee for their security services delivered to Freeport at Tembagapura or to discredit the OPM (Organisasi Papua Merdeka – Free Papua Organisation), which was about to support the process launched by the Law on Special Autonomy.¹

The most recent decision of the House of Representatives puts the achievements of the last years at risks. Moreover the honesty and the seriousness of the central government in tackling this problems becomes again very doubtful. The creation of another two provinces on the territory of Papua will not only consume 90%² of the funds allocated for the implementation of the Special Autonomy, but it will most

likely result in the establishment of another two regional commands (KODAM) of the Indonesian Armed Forces that are in looking for enfeoffments to be distributed to the supporters of the present political and military status quo. The division of Papua into three provinces is not only inconsistent with the Law 22 and 25/1999 on the Decentralisation and a clear breach of the Law 21/2001 on the Special Autonomy in Papua. It is the effort of the élite in the centre of Indonesia, both the civilian and the military, to exploit the irreversible decentralisation process for their economic profit and to occupy resources for the forthcoming election campaign in 2004.

Thus the causes of the current conflict scenario are only partly within the reach of the Papuan civil society and their organisations. Their causes are rooted in the political system of Indonesia as a whole and the prevailing self-service mentality of their actors who are shamelessly and selfishly exploiting the resources of their country. This is the broader context of the conflict in Papua challenging the entire Indonesian society and jeopardising its sustainable and peaceful transition to democracy. This is the complex conflict scenario still awaiting to be seriously tackled with.

The present report is the second case study on an armed conflict in Southeast Asia produced by partner organisations in Asia in co-operation with Asienhaus in Essen in the effort to shed light on the involvement of the civil societies of these countries in the efforts to bring about a peaceful and fair resolution in a long-drawn conflict. Like the previous study on the conflict in Mindanao (Philippines) this study was made possible by the support of the German Foreign Office (Auswärtiges Amt) in Berlin, which is here again gratefully acknowledged.

Brussels, February 2003

¹ Australian Financial Review Feb3, 2003.

² Andi Ramses Marpaung, lecturer at the Public Administration Institute, The Jakarta Post Feb. 10, 2003.

THE POSITION AND ROLE OF CIVIL SOCIETY ORGANISATIONS IN RESOLVING THE PAPUAN CONFLICT

Disertai ringkasan dalam Bahasa Indonesia

By Budi Setyanto, Bambang Sugiono, Yuzak Reba, Nico Wamafma, INSTITUTE for CIVIL STRENGTHENING (ICS) – Lembaga Penguatan Masyarakat Sipil (LPMS) Papua

I. Introduction

1. Background and Coverage of the Study

Since West Papua became Indonesia's Easternmost province after the implementation of the York Agreement of 1963 and the Referendum of 1969, time and again both armed and political resistance against the Indonesian government popped up, though it was mostly sporadic and partial. During the New Order regime led by President Soeharto, the resistance groups, categorised as separatist movement and better known as the Free Papua Organisation¹ (OPM), was tagged as the a "security disturbance movement"² and always countered with military means.

In the same way, the marginalised local population in the region faced the military force in their struggle for their basic rights, especially their rights to their traditional land and the usage and the profit of natural resources (forestry, mining, oil industries heavily relying on high technology and capital). At the same time they were stigmatised to be a GPK or a part of the OPM.

Besides the injustice and violations of human rights resulting from the government's use of force to solve all these problems quickly, the presence of programmed migrants (state sponsored transmigration) and spontaneous migrants from Central and Western Indonesia contributed largely to the marginalisation of the local population, because they were economically more competitive.

The era after the fall of the New Order regime in May 1998, called the reform era (era reformasi) was marked by the emergence of the freedom of expression

without a satisfying law enforcement system. In this situation a growing movement of resistance against the central government emerged in the Papua demanding independence and a sovereign state separated from the Republic of Indonesia. But before the conflict could be appropriately solved, the demands for independence, which initially reflected a political conflict between local and central interests left its original framework and turned into a social conflict between citizens centring around horizontal ethnic differences as a result of insufficient political and democratic education of the population.

The civil society organisations (CSO) determine the strength and weaknesses of a civil society – consisting of religious groups, ethnic groups, traditional organisations³, the press, academics, labour organisations, professionals, as well as non-governmental organisations. In the conflict resolution and democratisation process in Papua, the presence of CSOs is absolutely essential. The political interest groups, consisting of bureaucrats and politicians – in Papua this group is divided into those in favour of independence and those against it – is very unlikely to become a part of a comprehensive resolution since each of them has strong short-term political interests.

Both from the perspective of conceptualisation and implementation it has become a basic assumption that civil society can exist without a democracy, however, a democracy could not operate effectively without the existence of a solid civil society. Such a society needs a variety of civil organisations and professional institutions to influence – i.e. monitor and push for changes – the direction and substance of government policies as instruments of the

¹ Organisasi Papua Merdeka (OPM) (All footnotes in this report were added by the editor)

² Gerakan Pengacauan Keamanan (GPK).

³ Organisations based on the respective customary law (adat) of the various ethnic groups

state's power. The growth of a solid civil society is a necessary prerequisite for the functioning of a democratic system.

2. Objective of the Study

To analyse the position and the role of CSOs in the wider context of the conflict resolution process in Papua, especially the process going in the reform era, a research was conducted that focuses on two aspects in particular:

To describe and analyse the causes, triggers, and escalating tendency of the conflict in Papua.

To describe and analyse the position and the role of civil society organisations within the conflict resolution process in Papua.

3. Study Method and Analytical Technique

The study was conducted during a period of six months, from September 2001 to November 2001, and was followed up with further research activities in March to June 2002. The present findings are resulting from a combination of written material and data collection:

3.1. In-depth Interviews

In-depth interviews were conducted with informants based structured questionnaires designed according to the scope of the study and the pertaining terms of reference. The informants were fifteen individuals: three (3) representing the pro-independence component; three (3) representing opponents of Papuan independence; three (3) individuals representing religious groups, three (3) individuals speaking on behalf of traditional *adat*-groups⁴ of Papuan origin; three (3) represented journalists' organisations; three (3) academics; and three (3) activists of non-governmental organisations (NGO). Most of the interviews were conducted in Jayapura, while others in Sorong, Manokwari, Wamena and Merauke. The selection criteria for the informants were: (i) significant working experience within the conflict, and sound

familiarity with the re-presented group or institution, (ii) willing to provide opinion and information honestly, freely, and without the obligation to present official policies of the represented group or institution.

3.2. Focus Group Discussions

Focus group discussions were conducted with five (5) groups representing elements of the CSOs, religious organisations, academics, the civilian and military bureaucracy, *adat* and tribal groups, as well as the incoming traders or migrants. Each group consisted of five to eight individuals of both sexes, except for the groups representing military bureaucrats and tribal organisations where all members were men. The structured questionnaires based on the terms of reference were used in a flexible way in order to generate discussions. All the discussions were held in Jayapura.

3.3. Previous Findings and Institutional Documentation

Findings of earlier studies, theoretical frameworks as well as relevant papers on the resolution of the Papuan conflict were included to enrich the present research and to serve as analytical tools for this study.

The content analysis of the present study was done qualitatively, beginning with the identification and followed by an inventory and classification of information. The second phase included a cross-checking and synchronisation of information gathered from interviews and informants, material resulting from the focus group discussions and other relevant documentation. In the last phase a critical consolidation and analysis of the combined findings was undertaken by the research team.

Technically, the analysis followed a working procedure with the following steps:

- (a) arranging instruments for interviews, questionnaires and guide lines for the focus group discussions,
- (b) initial identification and communication to ensure the appropriate method in gathering accurate information,

⁴ The term *adat* encompasses the system of belief, law, and social organisation of Indonesian societies. It is commonly referred to as customary law, however, it includes more than only legal aspects of a society's life.

- (c) transcription and preliminary analysis of recorded discussions, interviews and questionnaire results,
- (d) editing, clarifying and classifying substance,
- (e) discussion of the process and the identification of the substance with the study team on the one hand and the data collectors and interviewers on the other hand.

II. Findings and Analysis

1. Description of the Conflict in Papua

1.1. *The Nature and Causes of the Papuan conflict*

1.1.1. Definition and Type of Conflict

To reach a common understanding on the definition of conflict, the present study uses the term conflict in the sense of a dispute between two parties or more, which involves large groups, such as communities, ethnic groups and the state. Thus conflict is understood as the relation between to parties, individuals or groups, that have or that feel that they have opposing targets that in turn result in violent actions. Meanwhile violence is understood as a statement, an attitude, or an action, which causes physical, mental, social or environmental damages, and/or prevents an individual or a group of people from reaching its full potential.

The understanding of conflict in the present study also covers those aspects of conflicts resulting from a certain group's usage of all available means to reach its targets and to materialise its objective. In this case, a conflict evolves between the party trying to gain or dominate values and assets on those trying to defend its possessions.

Therefore the conflict always centres around concrete problems that result in difference and dispute. Such a concrete problem has been the cause of a debate and leads to solution in conflict. As long as no agreement can be reached, the conflict will continued, while if an joint agreement can

be reached, the conflict can be settled and finished.

The types of conflict described in this study are categorised into two types: *First*, violent conflict occurs in societies and states lacking a consensus on the principle foundations and objectives and also lacking institutionalised mechanisms for resolving conflicts so that they result in massive violence. *Second*, non-violent conflicts occur in a society or administration with legal mechanisms and instruments to solve conflicts by means of negotiation, mediation, arbitration and reconciliation.

Non-violent conflicts occur in societies with a participatory and modern political culture, while violent conflicts occur in societies characterised by a parochial culture. Modern societies tend to apply progressive methods and to avoid resolving conflicts by violence, while the parochial societies with a lower level of education turns to the use of conventional methods that create various social conflicts.

The sources of conflict in Papua are generally latent and hidden. Such conflicts are particularly dangerous since they have serious implications and long-term impacts since they create divisions within the society. Such conflicts are often not visible on the surface for a long period, however, they may come to the surface when triggered by various social events that are not directly related to the conflict itself.

1.1.2. The Political Conflict in Papua

The political history, as one of the major sources of conflicts in Papua, created a hidden conflict including also structural problems of Papuans present situation. The history of the conflict involves three groups with different ethnography and patterns. The chronological description shows three main players in conflict: the autochthonous Papuan society as representative of the Melanesian ethnic group, the Indonesian Government representing the Malay ethnic group, and the Dutch Government as representative of the Caucasian ethnic group.

The conflict between the Papuans and the Dutch Government lasted from 1828 to

1962, the conflict between the Indonesian Government and the Dutch Government began in 1946 and continued until 1962, while the clash between the Papuans and the Indonesian Government only started in 1964 is still continuing in until today.

The first conflict between the Papuans and the Dutch Colonial Government occurred in 1828 when the Dutch claimed Papua as its colony by building the Fort du Bus on the Lamenciri peninsula. In the evolving armed conflict The Papuans killed a large number of Dutch soldiers and had the bodies thrown into rivers. Since the colonial government encountered so many obstacles in opening its posts in Papua, it was only more than 50 years later in 1898 that the Netherlands started opening new posts in Manokwari and Fak-Fak. But the resistance continued until the end of the Dutch colonial period in Papua/Irian Jaya. Even though the Colonial Government had the intention of granting freedom to West Papua already at the end of 1946, even until 1960 independence for Papua did not materialise.

The second conflict occurred between the Dutch Government and the Indonesian Government and was first sparked in 1946 during the Malino Conferences held in Pangkal Pinang and Denpasar, where the Dutch Government demanded that Papua should be independent from East Indonesia and that the region had the right of self-determination. However, the Indonesian Government bluntly rejected the demand. The matter was then brought to the Round-Table Conference in Den Haag, the Netherlands in December 1949. There an agreement was reached, the Dutch Government acknowledged Indonesia's sovereignty with the exception of the Irian (West Papua);, which was to be discussed in the following year. However, even after 12 years after the Round-Table Conference, the Dutch did not fulfil their promise. This sparked the anger of Indonesia's President Soekarno, and led him to deliver the the *Trikora*-address (the Three People's Commands) on December 19; 1961 in Yogyakarta. He urges the Indonesian people to:

- 1). Prevent the formation of a puppet

- 2). Fly the Red and White flag in the lands of Papua, and
- 3). Prepare for mass mobilisation to defend Indonesia's independence.

Soekarno's policy was driven by his disappointment for always having weaker position in the political diplomacy on Papua vis-à-vis the Western countries, especially the capitalist nations. The Papua policy was followed up with further political approaches towards Moscow and Peking, capturing the attention of the international community, especially of the United States, which was in the middle of the Cold War with the Soviet Union. The US and the Western countries concurred with the Papua problem in order to draw Indonesia back on the side of the USA. Later on the USA and her allies invited Indonesia and the Dutch Government to New York for a discussion on Papua issue. The negotiations reached an consensus that later became known as the "New York Agreement". On the basis of this accord the Indonesian was hoisted alongside with the colours of the United Nations during the transitional period before Papua became fully integrated into Indonesia. The Dutch, however, had to withdraw from Papua and to lower its flag.

The third conflict exists between the Papuans and the Indonesian Government and sprang up in 1964 when the Dutch-educated Papuan élite demanded that Papua should be free not only from the Netherlands but also from Indonesia. The dispute began when Indonesia detained the chairperson of the independence movement Terianus Aronggear and his colleagues. The detention sparked the anger among Aronggear's followers, including former Papuan volunteer soldiers under the leadership of Ferry Awom. The group carried out a large-scale attack against the military barracks in Arfai, Manokwari on July 28 1965. An intense guerrilla campaign evolved in the jungle, disturbing the development and enforcement of the central government's administration system in Papua implemented by Acub Zaenal, who was the commander of the

Cendrawasih Regional command in 1970 - 1973. The guerrilla groups became known as the Free Papua Organisation (OPM).

During the referendum in 1969⁵, the Papuans also rejected the voting method used in the referendum, also known as "Act of Free Choice". According to the New York Agreement, the method to be used was 'one man one vote', however, the voting used a representative method (*musyawarah-mufakat*), sparking mass demonstrations in Nabire, Manokwari, Biak, Wamena, and in especially in Jayapura at the residence of the UN Special Representative Fernando Ortis Sanz. (Decki Natalis Pigay, pp.44-46).

Based on the above description, one can conclude that one the main sources of the conflict in Papua is the fundamental difference of opinions between the Indonesian Government and the autochthonous Papuan society about the process of integration of Papua.

a) West Papua from the Papuan Perspective

West Papua should not be part of the Republic of Indonesia based on the following arguments:

First, *Nederlandsch Nieuw Guinea* (West Papua) was not part of the East Indies based on the Batavia Agreement March 7, 1910. The territory of the Dutch East Indies covered the regions between Aceh and Maluku. The colony was under the authority of the East Indies Governor in those years.

Second, community leaders, especially the youths, were not involved in the National Movement in Indonesia starting in 1908 with the foundation of the *Budi Utomo*-group. This movement culminated in the

⁵ The New York agreement stipulated a referendum to be held six years after the preliminary integration of Papua into the Indonesian nation state. This referendum is referred to as "Act of Free Choice" or "Penentuan Pendapat Rakyat" (Establishing the People's Opinion). Because of the irregularities, the political pressure of the Soeharto regime, and the disregard of the principle of "One person, one vote", some observers ridiculed it as "The Act Free of Choice".

"Oath of the Youth" (Sumpah Pemuda) on October 28, 1928. In that historical event, no Papuan student took part.

Third, anthropologically speaking, the population of Papua differs from the rest of the Indonesians. During the Saigon Meeting on August 12, 1945, which Soekarno, Drs. Mohammad Hatta and Dr. K.R.T Radjiman Widyaningrat attended on the Indonesian side, the Japanese General Hasaichi Tarachi stated that he was to hand over his authority over the Dutch East Indies, and asked, which status for West Papua the Indonesians envisioned. Hatta explained that the people of Papua belonged to the Melanesian nation; therefore he suggested that it should be up to the Papuans determine their future for themselves. Soekarno said that the Papuans were primitive therefore they should not be part of Indonesia's independence. Soekarno and Hatta also did not provide suggestions in the Second Session of the Indonesian Independence Preparatory Body (BPUPKI) on July 10, 1945 on boundaries of the new state Indonesia that was soon to become independent.

Fourth, the society of Papua did not take part in the process of the proclamation of independence on August 17, 1945. West Papua received the attention of Indonesia only three years after achieving her independence, in 1948 when the Soekarno Government developed the propaganda that West Papua should be part of Indonesia and started to infiltrated the area by sending Indonesian politicians to Papua.

Fifth, when Indonesia started with its efforts to annex Papua in 1948, the Dutch Government was beginning to prepare West Papua for independence. This becomes clear from the following facts: (1) the formation of political parties, (2) the District Council was formed in 1957, which convened community, traditional and religious leaders in all districts, and (3) *Nieuw Guinea Raad* (West Papuan People's Representatives' Council) was formed in 1957. The process reached its peak through the independence proclamation on December 1, 1961. The nation was prepared

through a long process and was equipped with various instruments, such as the *Raad* (Representatives' Council), a national flag (the Morning Star), a national anthem (*Hai Tanahku Papua*), a state ideology, and also a national symbol (the Bird of Paradise). The independence was regarded as the realisation of the United Nations' decolonisation program for the Pacific region, including West Papua at that time.

However, the freedom did not last long: on December 19, 1961, President Soekarno announced the "Three People's Command" (*Trikora*). Immediately after delivering the *Trikora*-speech, Soekarno started a military action to infiltrate into Papua.

The United Nations, represented in West Papua by its agency UNTEA⁶ was leaning towards the United States of America and Indonesia, supporting the integration of West Papua with Indonesia. The New York Agreement itself did not provide sufficient opportunity for self-determination procedures as demanded by the Papuan society through the *Nieuw Guinea Raad*. In the resolution, adopted by the Council on February 16, 1962 the Papuans stated their wish for an "act of free choice". The Papuans initially believed that their demands would be accommodated by the New York Agreement, however, it failed to be realised in the referendum *Pepera*, held on August 2, 1969, since the Indonesian government as the organiser did not apply the "one man one vote" rule as requested. On the contrary, the voting was organised under strict military scrutiny initially involving only 1026 Papuans as representatives, which were handpicked from the community and *adat* leaders. Later the number of voters was further reduced to only 200 persons. The voting also did not run freely as it stipulated in article XVII and XXII of the New York Agreement. The UN General Assembly finally accepted on November 19, 1969 the outcome of the referendum and thus failed to comply with those articles.

⁶ United Nations Temporary Executive Authority.

b) The Perception of the Republic of Indonesia

After Indonesia and the Netherlands ratified the New York Agreement on August 15, 1962 the United Nations Temporary Executive Authority (UNTEA) was formed. This UN agency was responsible for the West Irian administration before handing it over the power to Indonesian President Soekarno on May 1, 1963. Since then, Indonesia already held the *de facto* authority of West Irian. (Soebandrio, p. 113)

Based on the New York Agreement, a procedure was designed to organise the Act of Free Choice in West Papua, to be monitored by the United Nations, in which the people of Papua could decide whether they wanted to become an independent state or to remain under Indonesian sovereignty. The then Foreign Minister Adam Malik confirmed at a press conference in Jakarta, on April 27, 1967 that his Government would comply with the New York Agreement of 1962. He said that the voting for Papua was to be held in 1969. Since the Agreement did not explicitly agree on a voting method, Indonesia was therefore to establish a system under the consent of the UN Secretary General that was considered appropriate. Foreign Minister Adam Malik requested the Secretary General of the UN to send his Special Representative for Political Matters, Rolz-Bennet to discuss the details of the referendum and the voting methods. They finally signed a joint memorandum in 1967 agreeing on the following issues:

- The Act of Free Choice was to be held before the XXIV United Nations Assembly in 1969.
- The Indonesian Government would conduct consultations with community councils in West Papua on the best format to be used for the People's Voting and agreed with the participation of the United Nations in the consultations.
- The Indonesian Government agreed to the re-appointment of UN representatives based on article XVI of the New York Agreement.

- The Indonesian Government agreed that a brief statement by the UN Secretary General on the understanding of the "Act of Free Choice" would be included in his annual report to the UN XXII General Assembly.
- The Indonesian Government suggested that the UN development funds for West Papua should be disbursed as soon as possible.

On August 12, 1968, a year prior to the People's Voting, the UN Secretary General sent his representative, the Bolivian Ambassador Dr. Fernando Ortiz Sanz, to West Papua in the effort to implement Article 18 and 20 of the New York Agreement. Ortiz Sanz was responsible to manage the implementation of the referendum. In relation to that, Papuan leader Frans Kaisipo was appointed to be the head of West Papua Project Command XII, responsible for data collection, registration and other procedural instruments such as the rules and regulations for the referendum, which were to be started in 1968. In the beginning the UN urged that the "Act of Free Choice" should be based on the principle "one person one vote" and should involve all adults of both sexes, as it had been an international norm. But the Indonesian Government preferred the method "many men one vote", based on the Indonesian consensus system laid down in the state ideology Pancasila. Indonesia argued that the international system was not compliant with the Indonesian culture.

The consultations about the implementation of the referendum were held among the XII West Papua Project Commands and its officials on the one hand and representatives of the District Councils still formed by the Dutch on the other hand. They resulted in a number of agreements:

- (i) the referendum was to be conducted democratically,
- (ii) the locations were to be arranged in each district by the Referendum Consensus

Council⁷ that should be the representative for the whole district.;

(iii) the number of the Council members should be proportional to the population of each district.

It was initially agreed that there should be one representative for each 750 persons. But since the district of Fak-Fak only had a population of 40'000, while Jayawijaya had 165'000, a minimum of 75 persons or a maximum of 175 persons was agreed that was to represent each district. Therefore the number of Consensus Council members in each district were the following:

Out of a total population of Papua of almost 800,000, the Consensus Council representatives who voted for the fate of Papua were only 1025 persons.

The People's Voting was done in a marathon of eight districts. The voting started on July 14, 1969 in the district of Merauke, followed by Jayawijaya, Paniai, Fak-Fak, Sorong, Manokwari, the Gulf of Cenderawasih, and lastly Jayapura on August 2, 1969. The voting was attended by UN Special Representative Fernando Ortiz Sanz, Chairperson for the Voting Organising Committee Sudjarwo Tjondronegoro, and other invitees. The organisation and implementation of referendum was entirely in the hands of the Indonesian Government, while the UN acted only as a monitoring body.

August 2, 1969 was the last day of the plebiscite in West Papua. On that occasion, the Indonesian officials of the organisation committee prepared 26 Consensus Council representatives to present their views clearly to the UN officials and ambassadors from Australia, West Germany, New Zealand and Burma. They stated that each district voted in favour of an integration with Indonesia.

The result of the referendum was later complemented with the notes of the UN Special Representative Ortiz Sanz, and presented to the 24th UN General Assembly for endorsement. In that

⁷ *Dewan Musyawarah Pepera* – lit.: council for the deliberation of the referendum.

assembly, only 15 African and Caribbean member countries rejected the result of the polling.

After the result of the People's Voting was made official acknowledged by the UN General Assembly, the Indonesian Government regarded the West Papua matter as resolved and settled, as it was agreed that West Papua was to be integrated with Indonesia after undergoing the legal process legitimised by international law. Based on this, the Indonesian government viewed the groups demanding freedom as a separatist movement challenging the legitimate authority of the state. Therefore the government was determined to do anything in its power to defend the unity of the Republic of Indonesia.

The perception of the Indonesian government of the separatist movement can be summarised as follows:

- The pro-independence groups were likened to a brother who had gone astray and needed some reorientation;
- The low level of education in West Papua created a lack or no proper communication;
- A civil war would have erupted had Papua become independent. It was impossible that the hundreds of tribes in Papua would reach a consensus. Those with political knowledge would have used the situation for their own interests.

c) The Self-perception of Papuans of Not Being Indonesians

The Papuans regard themselves both physically and socially different from the rest of the Indonesians. The majority of Indonesians are Malays and originate from Yunan, South China, while the Papuans are of Melanesians descent. The Papuans regard also their way of living and their social organisation as different from the customs of the Indonesian majority on the other islands. The people of Papua have a characteristic authority to rule and develop the needs of needs and to resolve conflicts that is based on the customary law

arranging the rights and duties of each individual. This customary law is hardly compatible with the idea of a unitary state of Indonesia.

The disregard and denial of a Papuan identity during the *Trikora*, the UNTEA period and prior to the referendum spurred the evolution of the Papuan nationalism. For the people of Papua, the struggle for identity and the rise of nationalism is a long process that started in 1948 when John Ariks campaigned for independence, refusing the integration into Indonesia, and that continued until February 26, 1999 where 100 Papuan community representatives, also known as Team 100, presented their demand for Papuan independence to the then President Habibie.

1.1.3. The Violent Social Conflict

The violent conflicts in Papua are generally caused by the social imbalance between the autochthonous Papuans and the immigrants coming from other islands of the archipelago. These conflicts result from failures of a development policy that has been pursued for a long time:

a) Exploitation of Natural Resources

The development strategy focusing on material profit and applying economic indicators only placed Papuans in a marginal position in their own society. The development was directed towards the exploration of natural resources, such as agriculture, forestry, mining, and fishery, while the interests and concerns of the Papuans as the holders of traditional rights on the lands and its resources were ignored. They were not involved in the decision-making processes, even though they themselves would bear the negative consequences of the exploration. Their concept of natural resources as the source of life with a limited right of usage was not respected.

Example:

The case of lands where Papuans lost their rights of lands for the state's transmigration program. These often resulted also in a loss of natural resources and income for the Papuans. They lost their

prey, their traditional crops and the forests as an intact local ecosystem. Mine activities caused serious negative implications for the local community. The Freeport McMoran mine e.g. produced tailing wastes that have polluted various sources of life, such as species of *molluscs*, a protein source for the Kamoro-Sempan people in Omawita. Exploitation of the sea in Biak, Sorong, Merauke and Fak-Fak degraded the ecosystem and hampered the fish population, making life more difficult for local fishermen using traditional fishing techniques.

With the assistance of the government the investors rapidly installed facilities for the exploitation of natural resources and neglected the needs for preparation and facilitation of local population to gain access to projects of natural resources management.. The Papuan communities became no more than just onlookers of the destruction of their own natural resources, often times sacred lands or forests. Since the Papuans did not receive any preparation or training nor a proper place in the development scheme of their own home country, they are left behind by the process of economic development.

b) The Social Domination of Migrants in the Papuan Society

Injustice to the Papuans also occurs in state administrations and other political processes. President Soeharto's New Order regime gave the Papuans only a small chance Papuans to play a role in the regional government. Main positions were always held by non-Papuans, arguing that the Papuans were not prepared yet and incapable. Though this may be true in some aspects, the state's real agenda was to exclude Papuans from the bureaucracy. All applicants were severely screened since the government suspected that all Papuans were supporters of the Free Papua Organisation (OPM). The stigma of OPM affiliation was consistently used to keep Papuans away from political positions and from the bureaucracy where there could voice their grievances and defend their rights. The alleged threat by the OPM was

also used as an excuse for the increase of the military budget in West Papua.

The domination of the non-Papuans also features in the private sector. The manufacturing industries that exploit the natural resources mostly prefer to use both materials and manpower from outside the island, e.g the plywood company PT. Wapoga, and the fish cannery companies in Biak and in Sorong. The banking sector is also dominated by migrant employees. The reason commonly given for this situations is the Papuans' lack of preparation to compete in the development era. However, policy makers have paid little attention on why and what to do about this situation. Domination and pressure by outsiders have further nurtured Papuan nationalism and demand for self-determination in the reform era.

c) Uniformisation of Cultural Identity and Standardisation of Local Administration

The Indonesian government authority in West Papua is being represented and executed by officials brought in from other islands and by spontaneous migrants. These newcomers observe and measure the cultural identity of the Papuans from the point of view of the development ideology, its cultural pattern and political interests. Thus the local culture becomes a target that needs to be "pacified" to fit into the ideological pattern of development and the interest of the central government. All human resources development efforts were also directed towards that objective.

The modern leadership system was introduced to the Papuan society to replace the traditional pattern and expected to bring positive impacts on the local society. However, this change resulted in uncertainty and confusion, as the society's traditional leadership had established a state of order.

The human resources development in Papua did not focus on local knowledge and traditional wisdom. Become aware of this threat to the Papuan way of life prominent Papuans such as the cultural anthropologist Arnold Ap tried to explore and

develop local cultures. However, the military considered him a dangerous person. Ap was later killed in a manner that was hurtful to the Papuan society and humanity in general. The domination by migrants and military repression strengthen the sense of identity and nationalism of the Papuans, shoring up more support for the demand of independence.

d) Repressive Conducts of the Military

Military repression in West Papua occurs in various forms, including intimidation, terror, torture and murder. These methods are used in the forceful appropriation of traditional right on natural resources for the purpose of their exploitation such as industrial forests, transmigration programs, mining, manufacturing industries as well as for tourism. When the Papuans tried to defend their rights, the military responded with intimidation and terror. The dominance of the military in the political arena and even in the civilian administration created an atmosphere in which the military were considered to be first class citizen who could do anything without being held responsible. This dominance also spurred the rise of militarism within political parties and other parts of the society.

1.1.4. The Socio-political Implications of the Papuan Conflict

The collection of data shows that since 1970 until present the conflicts in Papua have been the result of various parties of interests, with various motives, patterns and objectives. The conflicts in the New Order regime were characteristically vertical and structural. Various types can be discerned based on the kind of violence occurring: (i) political violence: military vs. elements of Papuan society that politically and physically resisted against central government authority, (ii) economic violence: collaboration of major and small business owners vs. the people that protested on the exploitative policies on the natural resources, and (iii) cultural violence: the power holders implementing a policy of standardisation and uniformisation vs. the population of Papua.

The violent conflicts arising after 1998 when the New Order regime collapsed and the country entered the reform era, were generally horizontal in nature and occurred between groups and/or members of the society in Papua: (i) Papuans vs. non-Papuans, and (ii) pro-independence vs. pro-Indonesia citizens. The actors in these two types of violent conflicts used ethnic symbols merely for motivation of their own support. Ironically the traditional values and principles of equality of man and the human rights seemed failed to be used as a means for a peaceful and fair conflict resolution.

This reality proves that the binding elements in the ethnically, religiously and socio-economically composite society are only artificial and peripheral and are unable to touch upon the substance of social interaction, such as appreciation, honesty, and openness to acknowledge the difference of identities. In fact the society in Papua is highly complex featuring a variety of ethnic groups, places of origins, physical structures, professions, and ideologies. In the process of democratisation the variety of ethnic groups and religions did not provide as solid value system, but tends to become a trigger of conflict of interests that could turn violent and lead to a human tragedy.

A number of factors have been identified as causes of the conflicts in Papua: (i) little comprehension and weak implementation of the legal, justice and human rights values among individuals and groups in the society, (ii) the long period of oppression prevented members of the society from learning the principles of democracy, (iii) the rise of mutual suspicions between members of the society and the government, as well as within the society, and (iv) the rise of the view among the marginalised Papuans that independence means that all migrants should leave the island of Papua.

Numerous facts indicate that the rise of the struggle for independence is also followed by the rise of sensitivity, as small scale criminal conducts could generate into violent conflicts between members of the

society, making ethnicity as excuses. The Papuan struggle for freedom is a perceived to be a political process, which oppose the existence of the lower-class non-Papuan society.

Since 1997, the conflicts of violence have general sets of pattern of cause, expression and implications that could be identified as follow:

Cause: Ethnic or group fanaticism against candidates in the elections of governors, district heads and mayors. **Expression:** Physical clashes between ethnic groups from each supporting party. **Implication:** Damage of social relations and public facilities as well as insecurity.

Cause: Unbalanced control of natural resources and unequal access to public economic facilities for migrants and Papuans. **Expression:** Crimes and physical clashes among members of the society. **Implication:** Damage of social relation and public facilities as well as insecurity.

Cause: Manipulation and lack of respects for the basic *adat* rights of the autochthonous society. **Expression:** Blocking of government buildings and forceful occupation of private and public estate by the members of *adat*-groups. **Implication:** Crisis of trust in the state and the law enforcement authorities, and also the rise of street justice.

Cause: The security forces' arrogance and misuse of authority. **Expression:** Intimidation and assaults of citizens outside legal procedures. **Implication:** Public's refusal of the security forces and veiled vengeance by the victims.

Cause: Inaccurate and subjective media reporting that favouring only one political power. **Expression:** Destruction of media offices, assault on journalists and destruction of public facilities. **Implication:** deception of the public, playing the citizens one against the other, and loss of trust to the press.

Cause: Discriminations in the delivery of services and justice for certain social and economic groups. **Expression:** Social violence among members of society. **Implication:** Crisis of trust in the state and the

law enforcement authority, and also the rise of street justice.

Cause: State policies on politics, economic, social and culture issues are unclear and biased towards certain groups of society. **Expression:** Violent clashes between members of the society and repressive acts of the armed forces (TNI) and the police (POLRI). **Implication:** Public's refusal of the security forces and veiled vengeance by the victims.

Cause: The widespread and legally uncontrolled sale of unlicensed alcoholic drinks. **Expression:** The rise of criminality and frequent clashes among members of the society. **Implication:** Social vengeance among members of the society, damaging the young generation and social insecurity.

Cause: The strive for power under the pretext of religious issues and symbols. **Expression:** Provocation of violence between the adherents of different religions using religion and ethnicity as political commodity. **Implication:** The degradation of religious values, the rise of religious fanaticism and provocation of animosity among different believers.

Cause: Corrupted and intransparent state bureaucracy. **Expression:** Social violence in the fight for political positions. **Implication:** Jealousy and suspicion among members of the society.

The above overview shows that the analysis of the present condition in Papua cannot be simplified with only the two qualifications of political and social violent conflicts as mentioned earlier. A closer investigation into the visible "expressions" of conflict on the surface and the functional and structural causes and reasons below the immediately visible surface lead to the conclusion that the actual conflicts in Papua can be classified into the following five (5) aspects:

Human Rights Violations:

Surface: The struggle for the enforcement of traditional rights is being stigmatised to be a "security disturbance movement" (GPK) and to belong to the Free Papua Organisation (OPM). Many human rights activists have been detained. *Below:* Business dealings using military force, appropriation of Papuans' rights of natural resources, huge and out of proportion military deployment.

Social Structure:

Surface: Dominance of foreign cultural attributes and the destruction of the traditional *adat*-leadership structure. *Below:* standardisation to uniform local Papuan identity, disrespect for the Papuan identity and traditional social institutions of the *adat*-society.

Economy:

Surface: Destruction of migrants' assets, and violent clashes between Papuans and migrants. *Below:* economic involvement of the military, weak competitiveness of the Papuans compared to the migrants, and exploitation of natural resources.

State policies:

Surface: inconsistent state policies and ineffective governance. *Below:* Centralistic and unaccommodative policies, primordial bureaucracy, and political forces with the hidden agenda to maintain the violent conflicts in Papua.

International Constellation:

Surface: Mass rallies (Mubes) and the Papuan Congress ceremonies are held regularly on December 1 to celebrate the independence of West Papua. The ceremonies are followed by flying the Morning Star flag. **Below:** The Papuans are of the opinion that the New York Agreement did not allow the participation of the Papuans and that the "Act of Free Choice" in 1969 was flawed by intimidation and political manoeuvring, rise of ethnic solidarity among Melanesians.

The predominantly visible impact on the public caused by the social violence conflict in West Papua is the lack of law enforcement to protect the rights of the

Papuans. The slight freedom of expression for some groups could not exert a positive influence on the following conditions: (i) security, (ii) respect of human rights, and (iii) social maturity. The negative implications that emerge from such conditions are as follow: (i) religious and ethnic clashes, (ii) degradation of ethics and moral values, and (iii) degradation of the socio-economic condition. The result of all these conditions is the creation of a conflict-prone society used by groups with the hidden agenda to destroy the democratisation process in West Papua.

1.2. Efforts for Conflict Resolution in Papua

1.2.1. The Definition of Conflict Resolution

As a process of conflict and strive that involves mass powers, impacts public life negatively and creates a contra-productive environment, the Papuan conflict needs an appropriate alternative approach to its resolution, though it might need serious efforts, smart moves, and possibly a long period of time so that the result would become effective before it turns into a bigger social violence.

Theoretically, there are three means to resolve conflicts: *First: Conciliation:* it is generally conducted through legislative bodies or parliaments by providing space for all the conflicting parties to openly discuss the matter and to attempt to reach a compromise. *Second: Mediation:* a third party, accepted by the conflicting parties, urges the to meet and find an agreement. *Third: Arbitration:* conflicting parties agree to appoint a referee to rule a legal decision as way out of the conflict.

Analysing available evidence, there are four frequently applied methods of approach of conflict resolution: *First: Prevention:* the solution – it is hoped – will come automatically. *Second: Power:* the solution involves the use of force or the involvement of military means. *Third: Law:* conflict resolution undergoes the processes of arbitration process, fact-finding, legislation, and policymaking. *Fourth: Settlement:* the conflict parties solve the

conflict through the processes of negotiation, mediation and reconciliation.

The experience of various cases of conflict resolution shows that the methods most commonly regarded as the fairest, most effective and precise is the combination of the legal and the settlement methods.

1.2.2. Indonesian Efforts for Social and Political Conflict Resolution in Papua

The investigation into various policies and events in the context of conflict resolution in Papua resulted in the establishment of two main policies performed by the Indonesian government:

a) The Military Approach

This approach involves the use of arms, also known as the security approach. The TNI/ABRI chose this way to combat every form of resistance in the society, which was always tagged as OPM movement springing up early 1970 and being effective until 1996. The military operation to combat OPM were carried out under various labels depending on tactical considerations. They occurred in a number of regions in West Papua, but mainly focused on the bordering area with Papua New Guinea. The combat area was named the Military Operational Zone (DOM).⁸

Before the military goes to the field for operation, it gathers village chiefs to ask them for their opinions, suggestions as well as to explain and to inform them. On the other hand, the gatherings are used to recruit back-up soldiers, to investigate and capture those who are accused to be involved in the movement, and to give warnings to family members of OPM soldiers and to tell them to report to the authorities.

b) The Socio-Cultural Approach

When Indonesia first took over its posts in West Papua on May 1, 1963, the first duty of its officials was to 'Indonesianise' the Papuans. This operation was conducted

directly by government bodies such as the education and information institutions. The main theme used was that Indonesia including West Papua had been colonised by the Dutch for over 350 years. The colonisation period had created, like it was the case with Indonesia, poverty and an oppressed society.

This concept, however, could not be applied in West Papua since the Dutch Colonial Government had especially changed their policies so that would not suffer to the same degree as the other parts of the colony in the archipelago. The propaganda fired back since a majority of the population supported the OPM and considered Indonesia as the new coloniser, based on their observations of the armed forces' conduct. They saw how the Indonesian military forcefully took away the belongings of the Papuans left behind by the Dutch administration, tortured men and women publicly, insulted the Papuans and stigmatised the OPM to justify the violent measures.

In the effort to "Indonesianise" the Papuans and to enforce their position also used the paradigm of the Papuans' retardation and the status of having fallen behind. Papuans were groomed to take over important positions in the bureaucracy. In the past there was an impression of distrusts towards the Papuans on the side of the Indonesians. The lack of integration of Papuans, however, was more often the result of private manoeuvring and vested interested of Indonesian officials working in the province.

However, the policy and propaganda were not apt to prevent the development of a conflict scenario in Papua since they were applied in a very biased manner favouring only certain groups in the society. In the macro level, the conventional centralistic policy and governance was still in use that neglected the variety of customary forms of local administration.

⁸ Such a designation actually means declaration of the state of emergency.

1.2.3. Obstacles to Conflict Resolution

a) Papua: A Pluralistic Society in Transition

The population of West Papua at present is around 2,200,000 or less than 1 percent of the whole Indonesian population. However, the size of West Papua is three times the size of Java. This figure of the Papuan population, however, is still a rough estimate since the exact data are difficult to gather due to various factors, such as the fact that there are still 14 untouched areas, which according to reports are inhabited.

Though it is small in population, Papua has a the highest cultural diversity among the Indonesian provinces. There are 250 ethnic groups using their respective dialects. Most of them do not know of each other. Adding to that, there are languages, ethnic groups and cultures of the migrants and transmigrants. This plural society gave birth to a unique social structure and unprecedented social relations, social strata, and social networks. Amongst the characteristics of such social relations is the occurrence of inter-group and interpersonal violence.

The rural society represents about 76 percent of the total population. The society consists of Papuans, spontaneous migrants and transmigrants. Hundreds of transmigration sites are located in the rural areas. Through this influx the composition of the rural population has actually reached the point, where the migrant population is about to outnumber the autochthonous population and new social structure is created. This tendency results also in a change of power relations in the society. The population dynamic in Papua is influenced both by the immigration process and the natural demographic growth. The resulting plural society shows some positive features, however, it also has the potential to become the trigger for violent conflict.

The monitoring of violent conflicts between citizens in almost all districts of Papua indicates in Observations indicate that the violence is caused by issues related to

ethnicity, regionality, religion, economics, politics and ideology. The vertical social structure would is not a source of conflicts as such. It does so, however, when it interacts with the horizontal structure. This condition becomes a basis for conflicts and it is frequently worsened by the intentional and unintentional use by groups that pursue their vested interests in such a hostile environment.

The most important characteristic of a pluralistic society in its social political life is the lack of a common will. This characteristic is caused by complex, varied and multidimensional aspects. A society consists of elements divided from each other due to differences in ethnicity, tribes, regions, religions and others. Each element is therefor more a group of individuals rather than an organic entity. And as a group of individuals, the social life of a society is not complete. When common will becomes weaker, organic and mechanical mechanism are created to get rid of individuals or groups not aligned with each other. The lack of a common will results from a variety of complex and dimensional aspects, such as ideology, politics, social relation, culture, economy, and psychology.

The inability and/or the unwillingness of member of a given society to develop a common will to live in a peaceful social, political and cultural condition in the pluralistic society causes and conditions the creation of a violent conflict-prone situation in this society.

Differences of race, religion, origin, and social stratum cross each other and create a composite society. The cross-cutting affiliation later causes conflicts within groups in the society.

b) Differences in Ideology: Papua's Struggle for Freedom, Indonesia's Will to Maintain Integration

The Papuans struggling for independence are of the opinion that freedom is the ultimate goal. It is a right that was robbed during Indonesia's annexation process. The integration process through the People's Voting was a manipulation sponsored by

the Indonesian Government. They consider two dates as important: December 1, 1963 as the death of the West Papuan Nation through the Trikora act, and July 1, 1971 as the rise of the West Papuan Nation. They will keep on fighting for independence. They do not believe in any of Indonesia's proposals. And many have even grown tired of the peaceful method to achieve freedom. On the other hand, the group offers little solution to reaching the goal of independence.

The Indonesian Government views that West Papua was legally integrated according to international laws, therefore its sovereignty of Papua could not be challenged anymore. Based on that, the Government considers all demands for independence as separatist movement that must be destroyed. The Government is prepared to anything in its powers to defend the unity of the Republic of Indonesia. The difficulty consists in finding a compromise that could be used as a bridge the gap between the quest for independence and the interest of the central government. The Indonesian government considers all those striving for independence, both militantly and diplomatically as separatists, while the Papuans view the Indonesian government as the new colonisers.

c) Defending Business and Authority Interests

A number of the military have the hidden agenda to maintain and prolong the conflict in Papua. A situation of prolonged tension becomes a political commodity to strengthen the bargaining position in order to defend the status quo of military intervention, that justifies their presence and enables them to pursue their business interests. The region could also become a place for military 'field practice', a place full with promises for promotions and better careers. In this context, Papua is in the same position as Maluku, Aceh and Poso. The long posting in the region also provides opportunity for military officials to conduct illegal business of exploiting the natural resources and arms trade. Moreover, they

can extract money from companies operating in the area by offering security services.

1.2.4. Opportunity in Resolving the Papuan Conflict:

a) Stratification Model for Papua's Independence Struggle

The community supporting the freedom movement of Papua can be classified into three groups: (i) the Papuan political élite: a combination of former political prisoners, community leaders persecuted by the Soeharto regime, and former government officials disappointed by the Soeharto regime; (ii) the Papuan intelligentsia organised by intellectuals, students and NGO activists, and (iii) Papuan citizens from various ethnical groups in the mountains, urban areas and the coasts who usually belong to the lower social strata. The following are the characteristics of each group:

Elite Strata: Prominent individuals from the following backgrounds: (i) the group demanding freedom for Papua by use of any means, (ii) the group demanding freedom for Papua by following a gradual realistic process, and (iii) the group that consider Papua an already independent state since December 1 1961, and demand the Republic of Indonesia to return Papua's sovereignty.

Mid Strata: This group considers being independent from Indonesia would only become meaningful if Papua would become a more prosperous nation. They consider being "free" individually or socially more important and make it their primary goal. Whether or not Papua becomes independent from Indonesia, the main target is that the people of West Papua must control its own region. Therefore the social preparation of the Papua people to become "free and independent" is the main issue on their political agenda.

Lowest Strata: This is the grass root community. They represent the largest group, generally with a low social economic status. They often become the victims of the ruling regimes, and become the trading

good in the power struggle of the interest groups. Many of them consider freedom as to expelling all non-Papuan from West Papua. They interpret independence as the expulsion of all foreigners from Papua. Moreover, independence is for the a comfortable live without the migrants who are considered as the source of insecurity and conflicts.

The mid strata and part of the elite strata are the groups that could be pushed to conduct peaceful and constructive dialogues with rational and open approaches. The members of the two strata realise that aside from the differences of interests and opinion of the conflicting parties, in the end the entire society had to carry the social, economic, and cultural burden of the violence.

b) Growth of Local Media

The existence of a local press in Papua became more prominent only after the fall of the New Order regime in 1998. Newspapers developed along with local electronic media and the establishment of the branches of the state-sponsored Indonesian Journalists' Association (PWI), the reformed PWI Reformasi and the Alliance of Independent Journalists (AJI), which previously was an underground press movement during the Soeharto era.

The rise of the local press has become a positive means for pushing for constructive dialogues and for a political awareness building for the importance of law enforcement, the respect of human rights, the protection of minority groups, and the promotion peace, advocacy. Moreover, a journalism for advocacy and peace can contribute to an atmosphere of dialogue and openness between the conflicting parties.

c) Decentralisation Policy and Acknowledgement of Identity and Local Administration

Reform oriented and progressive government policies resulted in the Government Regulation No. 22/1999 on Regional Administrations with its drive for decentralisation to replace the centralistic and

uniforming attitude in Regulation No. 5/1974 and Regulation No. 5/1979. The new law urges for the strengthening of the civil society and for more local civil authority. Such a development can open room the development of democracy at the local level and for dialogue between the stakeholders at the local level.

Besides the regional administration bill, the Regulation No. 21/2001 on Special Autonomy for the Province of Papua was drafted. This regulation gives more political authority to Papua by introducing the political institution of the Representative Council of Papua⁹, besides the existing institutions of the Governor and the Papua Regional Parliament. The People's Representative Council is a political institution with the authority to endorse legislation to protect the rights of the traditional societies through the instrument of "Special Regional Regulations"¹⁰ Social Regional Policy. The Council consists of members representing the *adat*-societies, religious groups and women's groups.

This policy implemented in a move to acknowledge the Papuan identity, is an opportunity for a more intense communication between the conflicting parties in the effort to find a peaceful solution for the future that meet the needs of the Papuans.

1.3. Conflict Resolution and Democratisation Process

1.3.1. Requirements for Democratisation in Papua

The efforts to conflict resolution in Papua have a strategic function for the fostering of the democratisation in all layers of the society. The process can not be separated from the political conditions that affect the role of the elements of civil society . The results of the research show that two prerequisites must be fulfilled in order to achieve the goal of democratisation:

⁹ Majelis Perwakilan Rakyat Papua (MPR Papua) – People's Representative Council of Papua.

¹⁰ Peraturan Daerah Khusus (Perdadas).

a) Professionalism for Civil and Military Bureaucracy

The *first* target are the elements of the civil society and their role for achieving democracy. The *second* target are the elements of the bureaucracy and politics to materialise the independence of the subject of development.

The existence of the civil elements has been acknowledged in the reform era. However, with the long period of time under a repressive regime, political education is still limited, therefore the realisation of freedom could ironically lead to social tragedy.

The Indonesian Police (POLRI) has structurally been separated from the Armed Forces (TNI) with each of them having more clearly defined duties. However, the police is still sociologically unable to perform the task of providing security, delivering good services to the society and of tackling problems of criminality and social tension. Likewise the TNI is still not able to function as a professional defence instrument while its soldiers continue to show the New Order regime- attitude of absolute authority. The general election held in 1999 was a improvement to the previous elections. However, the proportional system still has flaws and the politicians still lack credibility, commitment to reform. The political élite lacks a clean track record and does not yet show an openness and responsiveness to public control.

In order to create such conditions, the Papuan civil society and its elements – religious leaders, CSOs, mass media, professionals and labour organisations – must become proactive in showing democratic attitudes. Religious leaders could play a role in developing various components of the society by the following teachings: (i) individual integrity and morality, (ii) focus on religious values rather than symbols, and (iii) relating textual study with contextual dynamics. Civil society organisations (CSO) should be well-managed and co-operating with local, regional and international networks. The strength of CSO activists is influenced by the quality of the

organisations itself. CSOs must have the following characteristics: (i) sound orientation and focus of the work, (ii) well-reasoned selective collaborate with the government as policy maker, (iii) high sensitivity and professionalism in responding in serving the society's rights.

The press should grow more variedly, being competitive impartial, independent, professional and function to generate public opinion towards social control on policies and public services by the state, economic players and the political élite. The professional organisations should grow in more variety and develop a professionalism according to their respective fields. They should act progressively and proactively towards a social renewal and play a role in controlling state policies related to development. Labour organisations should grow in number and kind in proportion to each orientations and fields. The organisations should be managed normatively and provide real power in bargaining with the owners of capital.

On the other hand the legislative and bureaucracy elements must be improved also. These institutions must show their commitment to the process of reform and democratisation by proactively developing their professionalism.

The Armed Forces (TNI) should become a professional and effective defence force. The military must be honest, prompt and clear in taking action against perpetrators of human rights abuses and other legal offences. On request the defence institution should support the police in providing security for the population of Indonesia and preventing human rights violations by the state. The Indonesian Police Force (Polri) should become a professional and effective factor in the field of security and law enforcement. Police must guarantee security for the society and prevent human rights violations by the state. The institution should also be honest, prompt and clear in taking action against its members who violate the laws and human rights.

The People's Representative Council (DPRD) should play a functional role as a political force, which possess the effective capability to conduct the following: (i) accommodate the aspirations of the people, (ii) prevent state policies that do not favour the people's interests, and (iii) being open and responsive to people's control of its honesty and effectiveness.

The administrations in the region – cities, sub-districts and province – should act professionally and technocratically in designing and implementing public policies. They should also be open, honest, proactive and responsive to public criticisms. The needs of the population should be the primary target. The administrations must develop and possess clear legal instruments for the administrative division of labour and the settlement of disputes among government agencies. They have to develop clear and effective rules to tackle with the abuse of authority of its officials in cases such as corruption and nepotism.

b) Civil Society Empowerment

The first target are individuals of all ethnic groups, religions and social strata in the effort to provide freedom from fear and freedom of expression. The second target are the traditional societies in the effort to strengthen their organisations in the use of natural resources for a sustainable prosperity.

There are strong indications that the pattern of the conflict has shifted from being a vertical conflict to being a horizontal dispute. The tendency of a fragmentation of the society into primordial groups threaten individual rights of safety and freedom as the foundations of life and democracy. The traditional societies show a tendency to weaken and becoming unorganised. Therefore conflicts often occur in the use and management of natural resources caused by both internal and external factors.

Various means and instruments are necessary to bring about this empowerment both on the level of the individual citizen and the traditional societies.

For the Individual

Every individual should be able to enjoy freedom from fear and freedom of expression. Such conditions would best be achieved by: (i) an affordable and systematic education that focuses on religious, ethic and moral values rather than symbols, (ii) political democracy, (iii) economic democracy, and (iv) the enforcement of the rule of law.

Education is the appropriate means to develop the intellectuality and morality that can save the individual as part of an entire generation from the public hopelessness generated by the manipulation of the plurality of society on behalf of the political élite and its sectarian interests. They apply physical violence and pitch primordial sentiments in order to instigate a horizontal conflict.

Political democracy is the facility for a fair competition to conduct a qualitative selection process through: (i) the implementation of rights through direct, transparent and orderly general election based on the district system allowing for a public and informative debate, (ii) real and active participation of the opposition, and (iii) freedom to express ideas through non-partisan media.

Economical democracy is a means for the protection and organised stimulation for individuals of a lower socio-economic status, who is marginalised in the development process, without threatening the legitimately acquired rights of those coming from a higher socio-economic grouping. Therefore conflicts between workers and capital owner's, between the rich and the poor, between wealthy and retarded regions can be bridged in a clear legal procedure.

The rule of law is a means to avoid threats of using the law as an instrument of power, to prevent legal uncertainty and disobedience to the law, impunity and violations of human rights.

For the Traditional Society

The realisation of the organisational capacity to use the natural resources sustainably for the prosperity of its

members reflect the empowerment of traditional societies. This can be achieved by: (i) recognition of the law as part of the development process, (ii) transparent and orderly strengthening of its institutions, (iii) involvement of the traditional societies as partners in the development process.

The legal recognition of the existence of traditional societies is an important factor in their empowerment, for it enables them to clearly define the role, function and institutional power as well as the obligation of their members in their interaction with other legal subjects (individuals, legal bodies, government agencies) from outside the *adat*-society. This prevents their marginalisation in the development process. Institutional strengthening, conducted openly and regularly, is a means for the improvement of the organisation's quality and discipline. It covers the decision making process, the management of natural resources and the yields thereof, the enforcement of the members' rights and the obligations, that have to internally implemented and should be widely known. This can prevent a misuse of authority by the leaders and members of the traditional society as well as pressure by interest groups from outside.

The traditional societies can become a partner in the development process and contribute to the welfare of their societies. This can be achieved by active participation, self-reliance, fulfilment of necessities, and the appropriate use resources (human, capital and natural) thus preventing their unfair exploitation and the economic domination by outside actors.

1.3.2. Requirements for Conflict Resolution Process

The professionalism in the civil and military bureaucracy and the empowerment of the civil society as the prerequisite of the democratisation process in Papua in order to become the basis of the conflict resolution requires a follow-up from the side of the government by taking serious steps and policies to guarantee the following activities:

- acknowledgement of cultural identity and local administration;
- cessation of pressure and the use of violence;
- legal guarantees of the freedom of expression;
- the political will to compromise.

In a situation after the end of oppression and restraint the elements of the society tend to go out of control in the euphoria of freedom, generating unfair competition and displaying primordial symbols. The weak social political condition creates a conflict prone society, that could easily be provoked by parties with vested interests to spoil the transition to democracy. Without a strong and transparent legal system supported by a professional police force, individual and group freedoms cannot be realised in a reasonable way but could lead to anarchy and chaos. Without any real effort to find viable compromises on moral, ethics, and legal methods between the parties involved in this transition process, the creative and positive tension of such conditions could develop into physical clashes leading up to a tragedy with high costs and difficult to resolve.

A consistent implementation of state policies could, however, prevented that. Such implementations include the organising of a dialogue forum that involves a variety of parties with political, social and cultural interests representing the government and the civil society in Papua. The objective of the forum is an agreement on principles related to the issue: (i) the need for acknowledgement of cultural identity, (ii) the prevention of and appropriate tackling with violence and pressure, (iii) legal guarantees for the freedom of expression to be respected by all individuals, groups, and government agencies in their social interaction, and (iv) legal action against all individuals, groups, and government agency that commit human rights violations, including the abuse of authority by the security apparatus (Polri/TNI). Only by this means state sponsored human rights violations can be combat since state agency are turning a blind on then. The

result of the dialogue should be followed-up by an improvement of the legal instruments and a public campaigns as a process of socialisation and feedback.

There should also be a forum of dialogue between elements of the state that insist on Papua remaining an integral part of Indonesia and elements of the Papuan society that demand the secession and independence for Papua. The focus of the dialogue could cover solution methods as well as the building of awareness of the direction and the intentions of the respective struggle of each party in their efforts to empower the people. At least the forum could clarify the moral, ethics, and legal standards that could be used in the quest of each struggle so that the conflicting parties could avoid physical clashes and unnecessary civilian victims.

The implementation of state policies should followed up with the effort to appoint institutions or individuals as mediators that could proactively approach conflicting parties and urge them to meet and bridge their differences and to draft a common agenda. The mediators need to be neutral, impartial, not a party of the conflict, capable to act as good listeners in the context of examining and identifying the needs of each party. The mediators must also be able to create an atmosphere of trust that convince all the involved parties that their interest receive the due attention and can be expressed freely. The mediators must possess skills to persuade the conflicting parties to propose each of their positions, offer innovative suggestions, capable of generating win-win solutions and conduct a diagnosis to identify causes and implications of conflicts accurately, and professionally. They should have a reputation and be respected by all parties.

The selection and appointment of the mediators must be done in a careful, planned, and transparent manner since the social and political environment of the conflicting parties is still fragile and susceptible to provocation. A failure in the appointment could easily lead to further clashes, therefore the process must be legally fair, clear and prompt.

2. The Position and Role of Civil Society Organisations in the Conflict Resolution in Papua

2.1. The Condition of Civil Society Organisations and Their Views on the Conflict in Papua

Civil society can be defined as an integrated set of various non-governmental organisations (NGOs) that is strong enough to counter-balance the state but at the same time does not prevent the state from playing its role as the peace keeper and arbitrator of main interests, and is able to prevent the state from dominating and undermining the people. Its formation is closely related to despotism, as under such a system social consciousness, which manifests itself in social movements to assure more tolerable conditions, is repressed and exploited among the emerging grass root groups.

A vigorous civil society is a key factor for effective democracy to take place. It can exist without democracy, but contrary-wise, democracy cannot possibly run effectively without strong civil society. A strong civil society needs various and professional civil organisations, which are essential to influence – to watch over and change – the direction and substance of governmental public policy as an instrument of state power. Strong development of civil society organisations (CSOs), which includes elements such as: NGOs, religious organisations, business organisations, media, professional groups, academia, labour unions, and political parties especially in their capacities to promote debates on policy issues, are an absolute prerequisite for democracy to work.

Ideally, CSOs must always work and continually co-operate to encourage, maintain and strengthen the roles and position of pro-democracy actors. This is also an effective way to improve cultural values, humanity, law and justice because democracy is not an end product of human struggle, but rather, a continuous fight for as long as human beings need civilised peace.

In reality, the existing CSOs in Papua consist of various elements of NGOs, religious organisations, professional groups, ethnic organisations, press organisations, intellectuals, business people and economists, traditional community groups and labour unions. To better illustrate the general condition of CSOs in Papua, they can be categorised as follows:

2.1.1. Non-governmental Organisations (NGOs)

Initiatives for the establishment of NGOs in Papua as an element of CSOs date back to 1989 following the Presidential Policy issued on April 4, 1989 to promote the broader development orientation in Eastern Indonesian regions.

This policy created concerns among NGO activists that there would be a massive exploitation in Papua. Such concerns were understandable as there was empirical evidence on the trends of development in the area under previous governments in, which Papuans were systematically marginalised from the public domain in terms of political, economic, and socio-cultural participation. Moreover, reflecting on earlier exploitations experienced by regions in Western Indonesia, they could see more generally the process of the marginalisation of local people in development.

NGO activists consider that development in Papua absolutely demands the participation of local people as a central part and purpose of every development process. Therefore, people's participation is essential in the strategy to achieve the objectives of development. Objective analysis suggests that the existing "poverty" in the region is the result of structural impoverishment caused by the lack of opportunities for the people to participate in decision-making. This in turn hinders them from accessing and using any resources (be it natural, social, economic, political, legal or cultural) that are rightfully theirs.

There are a number of NGOs that have been prominently involved in all kinds of issue-based advocacy since this time. These include: LBH (Legal Aid) Jayapura, PPM

Jayapura, Bethesda Jayapura, YPMD Jayapura, Delsos Keuskupan (diocese) Jayapura, Mitra Karya Merauke, Delsos Keuskupan (diocese) Asmat, SKP Enarotali, Sinepun Wamena, P5 Moanemani, Yasanto Merauke, Yapsel Merauke, and YKPHM Jayapura. To make the advocacy movement more effective and to strengthen the capacity of public resources, an Alert Committee was established on August 31 1991 to form a network through a Papuan NGO Co-operation Forum (FOKER) based in Jayapura, the capital of the province of Papua. Their vision is to bring about a fairer order for "poor" people and the traditional communities of Papua, men and women alike, to give them greater access to and control over their economic, social and cultural resources and to determine their own future.

Similar to the general approach or working patterns of NGOs elsewhere, NGOs in Papua generally share a number of the following characteristics: Firstly, the majority of NGOs both theoretically and ideologically are still supporters of *developmentalism*, as they almost always accept the concept of development as it is without critical question or proposing alternative long term objectives. Secondly, most NGO activists position themselves as government partners as far as development is concerned, and therefore they are not anti-government nor do they intend to destroy the state's development ideology. Thirdly, NGOs tend to work as consultants of development rather than as part of the people's movement, although the majority of the activists realise that their movements are essentially civil society movements meaning they are part of the people's movement and should be community based. Fourthly, the majority of NGOs indicate their dependency on the hegemonic position of funding agencies. Since, in reality, donors have the power to steer and shape their co-operation agenda. These patterns of power relationships have in many ways made it difficult for NGOs to develop their own ideology, vision and agenda.

2.1.2. Religious Organisations

Among different religious organisations in Papua, such as the Protestant, Catholic, Islamic, Hindu and Buddhist institutions, churches as institutions representing Protestant and Catholic community are the oldest and most dominant. Churches have existed and played important social roles since the 19th century. Their social roles are mainly in worship, education and health. Since 1970 churches in Papua, e.g. through the Institute for Research and Development¹¹ of the GKI Synod¹² and the Secretariat of Justice and Peace of the Catholic diocese, have given advocacy on human rights and the increasing cases of human rights violation especially by military personnel.

The study identifies that generally churches view the conflicts and their solution in the following way. It is inevitable that there are many ethnic and religious differences in Papua. With regard to religion, there is always possibility for conflicts because of differences in methods of worship, religious rituals and dogma. Within the Christian religions for instance we can find the Protestant GKI, the Pentecostal church, Kimih and other religious beliefs. According to Ernst Cassirer human beings are symbolic creatures. This means they create and use symbols, which make religious life become formalistic and in turn create causes for conflict. Generally speaking, there are basic fundamental values and if these are held too firmly they may cause conflicts. Symbols created by human being are subject to human emotion. In practice, the inculcation of religious values cannot be separated from the fact that human beings are also members of the community. Since human beings who communicate with God through that religion are also living in a community, religion can therefore influence the community to prevent conflicts.

Actually, each believer of a religion should understand his religion well. This means that it is not the symbols that matter most but, more importantly, it is the understanding of religious values, to be able to practice them in their life and to build relationship with people of different beliefs, that is important. So when conflicts occur, it is often because of a lack of understanding of their own religious values. The readiness for self-sacrifice among people is currently diminishing because of their materialism. Therefore we need to aim for perfection. But we are still shackled by problems of politics, violence, respect, position, status, etc. and these cause conflicts.

To transform Papua as a zone of peace, efforts must be made to promote peaceful relations between fellow human beings of different religious persuasion. Those efforts must include the inclusion of religious instruction in the school curriculum for high school (SLTP-SLTA). This needs to be done with the aim of shaping their behaviour in order not to create new religions. Without such efforts, conflicts will continue because people will become more fanatical about their own religion and continue to be ignorant of other religions. Relationships between different religious institutions need also to be established by forming co-operating forums across religious and ethnic groups.

2.1.3. Professional Groups

Lawyers, especially those who are members of the Indonesian Lawyers Association (*Ikadin*) are the only group of professionals actively involved in conflict resolution in Papua. Their role, which began after the formation of the association in 1990, is predominantly concerned with advocacy through both litigation and non-litigation for people charged with subversion against the legitimate government. Most of the accused are stigmatised as members of the OPM, even though their activities are mainly concerned with trying to defend their property and gain access to natural resources of the forests and the sea in their area. The study concludes that the general views held by professional groups

¹¹ LITBANG – Penelitian dan Pengembangan.

¹² GKI – Gereja Kristen Injili di Irian Jaya (Christian Evangelical Church of Irian Jaya).

regarding the conflict in Papua and methods for its resolution is as follows:

The conflict in Papua is caused not only by different views of the history of integration into Indonesia and by other causes. Firstly, with regard to law enforcement, there is still a lot of discrimination, which mainly affects common people; elite group in power are safeguarded against criminal and civil charges. Law enforcement in Indonesia generally, and in Papua in particular, is a serious issue, which always raises debate among the people, academics, politicians and professionals, especially lawyers. The debate arises from various court cases involving disputes between the community and bureaucrats where the decisions are often unfair to the people and offend their sense of justice. Therefore, the judicial system as the last avenue for people wanting to seek justice to assert their rights does not meet the needs of the community. However, it often occurs that people are victimised by the interests of those in power and they do not get adequate legal protection. *Those with power and capital continually practice the monopoly of justice* (a Mafia of justice as it is called in Papua) while the rest suffers from insufficient protection and continue to be victimised by certain interests.

Secondly, during the New Order era (Soeharto's regime), Papuans were under an oppressive regime and there were many cases of human rights violations by the military. The strong New Order regime allowed Papuans no freedom to reclaim their violated rights. The military was always used to implement government policies even when these were against people's needs or interests. The rights of traditional communities were violated by the government, which exploited the natural resources belonging to Papuans. People were not given the rights to use and benefit from those resources. When they tried to resist they were always confronted by the military. Consequently, many people were tortured and killed by the military. The military not only protected the interest of the government, but also deprived the people of their rights, especially when it

concerned natural resources. The military no longer played its role as peacekeeper for the people, but they were the perpetrators of human rights abuses, which lead to conflicts between them and the people.

Thirdly, Papuans were not given political positions in the bureaucracy. According to article 27 sub section 1 of the 1945 National Constitution "all citizens are equal before the law and the government and has to uphold that law and government without exception". In practice, Papuans are not given important positions in the government because they are stigmatised as being incapable, separatist and stupid (lack of human resources). Consequently, non-Papuans always hold strategic positions, both at the local and central government. This causes jealousy among Papuans and conflicts between indigenous Papuans on the one side, and migrants or local government officials on the other. These conflicts manifest themselves openly in mass riots and in attempts to reclaim resources. However, the hidden conflicts become visible in an attitude of apathy towards governmental programs and high degree of suspiciousness towards newcomers.

Efforts that have been made to minimise problems caused by such conflicts include litigation, namely by giving advocacy to people facing criminal charges at the police station, and at the judiciary office and in court. All parties, namely the pro-independent and pro-integration groups and the government are satisfied with this process because they all feel they benefit from it.

There are a number of measures that can be taken to prevent conflicts in the community. These include having a dialogue between the conflicting parties so that peace solutions and strategic decisions can be made together. Moreover the guarantee of a consistent law enforcement for anyone involved without discrimination based on vested interest. Lawyers as a professional organisational group have not yet been much involved in conflict resolution, though individually or as teams they have committed themselves by giving legal advice either to the pro-independence

groups, the government or the law enforcement institutions.

2.1.4. Ethnic Organisations

Ethnic organisations in Papua have been established since 1970 when a large number of people from highly populated areas migrated to Papua either individually (spontaneously) or via the government's transmigration program. Ethnic organisations like the Minang of West Sumatra, Tapanuli Bataks, Madurese, Buginese and Torajans from Sulawesi, and Javanese are some of the significantly dominant groups, which have started to organise for traditional activities. Since 1997, along with increasingly more access to public participation, the activities of ethnic groups in the form of public dialogue, anti-violence campaigns and human rights promotion, have become more open, more progressive and have increasingly crossed ethnic boundaries. According to our study, the general views of ethnic organisations about conflict in Papua and its solution are as follows:

The conflict is caused by the lack of political will from all parties, including the local parliament (DPRD) to support peaceful solutions in Papua. The local parliament as the representatives of the Papuans are more attuned to plans for physical development. However, the non-physical development such as education for both indigenous and migrant communities does not receive sufficient attention. Education here means the socialisation of traditional values of the *adat* by the *adat*-community themselves (e.g. mutual understanding). This should receive attention considering the fact that many ethnic groups with different cultural backgrounds have lived together in Papua for a long time, but who on the other hand share common values. Differences in cultural backgrounds can be a potential asset for a society, but can also pose a threat to the harmony if their values are not well understood by others in their respective community.

The customary or *adat*-law in Indonesia in general contains different regulation, since it varies from place to place and from one

culture to another. However, there are common features that these different cultures share, e.g. communality, which is a salient aspect of customary law. This implies traditional wisdom such as helping and respecting each other. Different regions have different sets of rules, therefore a person entering the territory of a different *adat*-community with different customs must respect and obey these rules. In general, however, one observes that newcomers to Papua from outside Java fail to respect these rules or even do not acknowledge the existence of local customs.

2.1.5. Press Organisations

Before 1997 there was only one press organisation, namely the government approved journalist association, the PWI, one government owned radio, *RRI Nusantara V*, and one print media, *Tifa Papua*. Since 1997, there are two additional journalist associations namely, the anti status quo branch of the PWI and the AJI, the Independent Journalists' Alliance. Similarly, the print media has also developed rapidly so there are now three daily newspapers: *Cendrawasih Pos*, *Papua Post* and *Fajar Papua*, three weeklies, *Tifa*, *Jubi* and *Timika Pos*. The number of radio stations that have joined the Alliance of Papua Radios (ARP) presently amounts to more than 10. According to the press, the conflict in Papua is caused by a number of factors including the following:

Firstly, indigenous Papuans cannot access political positions such as in the government, in the legislative body of Local Parliament (DPRD) and in other government institutions. During the New Order regime, local Papuans were unfairly treated and never given the opportunities to hold important positions in the government. Domination of people from outside Papua in those positions was very prominent. This causes lasting jealousy on the part of locals. Accumulated problems remain unresolved. In addition to this, it continually causes latent conflict.

The second factor is the migrants' domination in the economic sector. Despite owning rich natural resources, indigenous

Papuans benefit only very few from these compared to outsiders who have more capital and better education. The lack of opportunity and legal protection for local Papuans make it impossible for them to develop themselves and to compete against migrants, consequently they can only "watch" while other people benefit from their natural resources.

The third factor is the proactive news coverage in the media for business purposes. Public education does not receive adequate attention in the media. News tends to be business oriented rather than giving non-partial, honest and educative information, which can be of wider relevance. This kind of reporting often causes conflict erupting for instance between mountain and coastal people, between different tribes, between the indigenous and migrant population, between the Army and Police and certain tribes. Apart from these more apparent causes, there are also hidden conflicts such as excessive religious and ethnic fanaticism. There is always a tendency to blame others and justify oneself; one's own religion is always right, others are wrong. Without good education of the public, this kind of attitude and behaviour can trigger social violence driven by religious fanaticism. A number of ways can be adopted to prevent conflict as early as possible.

Conflict resolutions efforts that can be carried out include improving journalists' capacity for more objective reporting. This can be done by providing training for both leaders (editors) and staff so they will be better qualified in reporting to the society. Lack of education among journalists can lead to erroneous and biased reporting and conveying information to the public that may have negative impacts. Well-educated journalists can have a positive impact by providing objective and educative reporting, which does not provoke conflict in the community. On the other hand, badly educated journalists can contribute to social violence provoked by subjective reporting. The media can undertake peace campaigns to give as much space as

possible to victimised people. Journalists also need to minimise provocative reporting for business purposes. Preventive measure that need to be taken in the future include: (i) Opening a dialogue between all parties involved to find a common basis for agreement based on the principles of democracy; (ii) Law enforcement institutions must do their job honestly and based on the principle of justice and equality.

The involvement of the press in conflict resolution so far is still restricted to individual and non-provocative objective reporting. Media institutions have not yet involved themselves in conflict resolution. Besides, of the few individual journalists who are involved, these are usually operating under different banners, not as representatives of a press institution.

2.1.6. Intellectual Groups

Although the intellectuals have the capacity to exert a strong influence on the public policy and opinion, in reality they are still not systematically and effectively organised. Their involvement in conflict resolution so far has usually still been in individual and private capacity, or as a loosely connected group giving ad hoc responses to various issues and cases. Their opinions on conflict and its resolution are as follow:

Reality shows that Papua has become a multi-ethnic, multi-religious region, with people expressing many beliefs. The influence of (traditional) culture, especially in remote villages, is still strong. Religion also plays a dominant role in ensuring that leaders are influential. Papua has undergone both internal and external changes prompted by a number of factors.

Firstly, ethnic and religious symbols are extensively used. The population of Papua is about 2 million people, making up only 1% of Indonesia's entire population. There are 250 tribes spread in 14 regencies that did not undergo any significant change so far. Moreover, there are 100 different non-Papuan ethnic groups. The influence of ethnicity is still very strong, therefore

incidents involving the show of disregard for social harmony usually result in violent acts. Reality shows that social communication is limited and people are reluctant to relate with people from different ethnic group or religion.

Secondly, informal leaders are still very influential. Horizontal conflicts, other than those triggered by the use of ethnic and religious symbols are also caused by the strong influence of informal leaders who can be used to perpetrate conflicts or be encouraged to work for peace. The relationship between the social system and the culture in the Papuan community is still very strong. But changes caused by the arrival of new systems shift the role of the customary law. For instance, in the past, the *ondoafi*¹³ organised traditional communities under his control, but since the introduction of UU no.5 year 1979 on Local Government, the *kepala desa* (village head) takes over this role of governing the community. In order to bring about peace, the multi-ethnic characteristics of the community must be taken into account. The approach must explore and develop a "peace of culture" in the multi-ethnic Papua community. There should also be a consciousness of the peace process. There should be a dialogue and an exchange of ideas between different groups and their leaders to establish mechanisms for a joint co-operation.

Thirdly, different ethnic groups have different customary norms. There are 350 ethnic groups with different custom values in Papua. This means, there are hundreds of customary norms that apply in this province. Conflict occurs when we fail to understand this plurality of norms and values. Therefore it is very important to be aware of these differences in the conflict resolution process. Within those norms there are shared values such as:

- Communality: The community in customary law is seen as one bond, in,

which members respect each other on an equal basis. This principle can be implemented on the basis of peace and harmony.

- Religious values: Even in the past traditional people already believed in a power greater than human power. With the advent of theistic religions, people started worshipping God. By understanding this value as something that unites all groups, harmony can be achieved.
- Democratic value: The former generations already used "democratic" principles in solving problems and making joint decisions in a convention.

2.1.7. Economic Actors

Economic actors can be classified in two groups: owners of multinational companies who undertake large scale economic activities characterised by high input of capital and technology, and those who act as distributors of goods and services characterised by limited capital but high mobility and wide access to open up new areas as economic centres. Economic actors belonging to the first category have mostly been in Papua already before 1970 and have continued and expanded their businesses through the opening up of new concessions in co-operation with the government in Jakarta. Actors of the second category began to develop in Papua in the 1980s and did so especially rapid in coastal areas. More specific data on the organisation of this second category are not available and were not provided by their respondents either. Their opinions on conflict and its resolution are as follow:

There is a lack of opportunity for the Papuans in the economic sector since the New Order era. Therefore Papuans cannot provide for their own livelihood, as more opportunities to develop business are given to those who already own capital. As a result indigenous people become marginalised and are deprived of business opportunities. This in turn results in the increasing social gap. All activities in the economic sphere are regulated by existing laws, but

¹³ *ondoafi* or *ondofolo* is the name of the traditional leader or village chief in e.g. the Numbay area. It is an inherited position handed down in one family from one generation to another.

not all laws can protect the interests of the common people. Therefore to give the indigenous people opportunity and protection, regulations must not burden and obstruct but rather support and encourage Papuans to achieve prosperity by giving them business opportunities and eliminating discrimination among groups in the society.

This unequal access to economic opportunities is one factor that causes violence in various forms. Social jealousy is one of the most common manifestations. To respond to this problem the Law No. 21 2001 about the Special Autonomy for Papua has been designed to give more opportunities to the indigenous people to develop themselves and manage natural resources for their welfare.

2.2. The Roles of Civil Society Organisations in Conflict Resolution

2.1.1. Their existing roles in conflict resolution

There are two important roles played by the civil society organisations in Papua, especially those working together in network and as partners of Forum of Cooperation (FOKER) of Papuan NGOs, press organisations (especially the Papuan branch of the Independent Journalist Alliance - AJI), and religious organisations in particular the Christian churches in Papua, namely:

- Initiating ideas for advocacy in drafting alternative legislation as an initial step towards the ratification of a Special Autonomy Law for the Province of Papua.
- Promoting a public education and anti violence peace campaign using ethnic and religious symbols.

a) Advocacy in Drafting Alternative Legislation

The resurgence and massive movement for the political independence during the Post Soeharto regime-reform era can be seen as a political expression of the lack of confidence towards the repressive and centralised policies of the central (Jakarta)

government. The movement that reflects the intensity and dynamics of the political conflict between the local and central government started with the formation and departure of "Tim 100"¹⁴ to see the then President Habibie in 1999. It was continued with the Convention¹⁵ and the holding of the Papua People's Congress II approved and supported by the next president Abdurrahman Wahid in 2000. However, later on the patterns of conflict shifted from a political-vertical one to a horizontal. There was a sharp increase in social violence within the society caused by strained social relations and the scenario of an "invisible power" pursuing a hidden agenda. One of the issues that often become the trigger for violence is the expulsion of migrants who are easily discernible as physically different by indigenous Papuans. CSOs consider a legislation that gives both wider authority to Papuans and is accepted by all stake holders, and, which at the same time is integrated into the national legal system, as an important way to preempt potential conflicts arising from the increasingly vocal demands within the indigenous population for a free Papua, as well as to deflect the government's attitude to act firmly against any separatist movements. The basis for this argument is the conviction of Papuan CSO activists that the principles of anti-violence and appreciation of human dignity must be the basis of any advocacy to promote the community's empowerment. Therefore, any expression and political process must avoid burdening the people with high social risks. Stake holders should realise that people need adequate social preparation, which can only be achieved through the sharpening of discourse to improve individual empowerment, freedom to express socio-cultural identity, and by increasing participation in decision making as an important part of dignified democratisation.

Using those recommendations as points of departure, a drafting team for a Autonomy

¹⁴ The "Team of 100" represents the most influential parties and groups in Papua.

¹⁵ "Musyawarah Besar" (Mubes).

Law was appointed and tasked to research, inventory, and identify relevant data or information from various elements of the Papuan society, using both written and oral approaches to serve as basis for the draft legislation. The team then formulated a draft, which aimed to provide:

- a means to bridge the deadlock in solving the differences between the Free Papua Movement demanding independence on the one hand and the civilian and military bureaucrats prepared to use any means to maintain the unity (integrity) of Indonesia on the other hand;
- a conceptual contribution for the consideration and deliberation of politicians both in the executive and legislative bodies in resolving conflicts in Papua.

In order to achieve these aims, the legislation should function as: (i) a facilitator of a realistic reconciliation process, which could bridge the interests of the government and the aspirations of a Free Papua; (ii) a strong foundation of law enforcement, democracy and human rights; (iii) a means to provide the indigenous Papuans with adequate opportunities to participate in managing their natural resources; (iv) a means to recognise Papuan cultural identities; (v) a means for democratisation of different ethnic groups in Papua

Regardless of the pros and cons of the demands for a Free Papua, democratisation is regarded as the way to salvage the people and the humanity as the basis of the state and its governance. The present situation was conceived as the right moment to start strengthening the role of the regional government and the individual sovereignty in order to replace the central government's domination over local affairs. Thereby the centre of power remains under sufficient control of the public.

The rationale for this is as follows:

(i) After being part of Indonesia for 37 years, it is evident that Papua's welfare and prosperity has still not been realised, even the welfare level is far below that of

other provinces within Indonesia. Therefore, a law is needed to allow for the establishment of a special authority in Papua to improve the welfare and prosperity of the Papuans.

(ii) The currently used laws to regulate the relationship between the centre and local governments and to transfer some of the authority from central to local control have proven to be incapable to solve present problems and to improve the people's welfare in Papua. This is because these laws generalise and simplify the problems in the regions and still remain centralistic. In reality, the province of Papua has different problems than other regions and each requires specific legal solution.

This advocacy intends to advance recommendations that would lead to a realistic political reconciliation between the central government and the strong pro-independent movements as the basis for legal recognition of democracy and human rights, for opening up opportunities for indigenous Papuans to participate in the management of natural resources and for recognition of Papuan cultural identities.

The advocacy journey for Special Authority for Papua was started with the organisation of a workshop on February 14, 2000. The theme of this workshop "The Paradigm for Developing a New Papua" was intended to explore ideas for formulating the paradigm of development in Papua in the future. This workshop was made possible by the political will of the central government and of the people of Papua at the time. The People's Consultative Assembly's decision (TAP MPR RI) no. IV/MPR-RI/1999 on GBHN (Guide-lines for State's Policies) identifies "the possibility for the formation of Special Authority in Papua" and the then president of Indonesia, Abdurrahman Wahid, also declared the right to freedom of expression in Papua. The workshop, which was attended by NGO participants and Mitra FOKER, recommended the need to formulate clear and fair legal structures, which could function as an instrument to bridge the polarisation between local resistance and repressive central government. Such an

instrument must contain the principle of de-centralisation of power and management and the enhancement of local government and civil society, including the traditional community of Papua.

Ideas that came out during the workshop were then used as material for the team formed by the CSOs to formulate the substance and systematic of a draft Law on the Special Authority of Papua between February 16, to March 1, 2000. On April 15, 2000, another small workshop was held at YPMD¹⁶ to discuss the draft, the results of which were then taken to a bigger workshop, which involved different stake holders such as the government, legislative bodies, universities, regional representatives, military, leaders of traditional institutions, and religious institutions on April 25, 2000.

The results of these workshops were then used as material for dialogue of Foker (NGOs' co-operation forum) with the provincial government of Papua and the regional parliament on May 5, 2000. This was then submitted to the national parliament and the Department of Justice and Legislation on May 15, 2000. The substance of this draft concerned, among others, the governance, the fiscal management, the security maintenance, matters related to civil servants, and public supervision. With regard to the governance, the draft on Special Authority emphasises the presence of senates at provincial and regency/municipality levels outside the existing DPRD (regional and local parliament). This idea actually intends to create a bicameral representation system down to the municipal level. Through this system, it is hoped, there will be representation of all components within the society in each region. With regard to security maintenance, the proposed idea presents a rejection of the role of the Armed Forces and intends to optimise the roles of the local police. For the education sector it was urged that the central government should

delegate its authority to religious or community institutions.

On June 10, 2000, the CSOs sent another letter to the then President Abdurrahman Wahid, Vice President Megawati, the Minister of Law and Legislation, the Chairman of MPR, the Speaker of House, the Commission of Law and Legislation and the fractions in the House of Representatives. This letter made the ideas on Papua's Special Authority public. In response to the letter, the PDI-P¹⁷ fraction of the national parliament invited FOKER to organise a hearing on the concept of Special Authority on July 3, 2000.

Alongside with the lobbying efforts and the various dialogues with different parties mentioned above, the CSOs also incessantly publicised the ideas through *Jurnal Podium* and the *Jubi* tabloid. The target that was successfully achieved was to publicise the polemics of the pros and cons of the argument both in Papua and in Jakarta, as well as to stimulate public debate on the issue in electronic and print media. By and large, politicians, bureaucrats, and all elements of civil society agreed on the substance of the draft. Members of the Presidium of Papuan Council (PDP) also admitted in their private capacity that the substance was appropriate for Papua, but because of their status as the holders of a political mandate for an independent state outside Indonesia could not comment on it in their institutional capacity as they did not have any interest in an Indonesian produced legislation.

In its own journey, the working committee of DPR RI issued a discussion paper on Special Autonomy for Papua in October 2000. Since then this document has more strongly influenced the local government. This becomes evident from the DPRD's invitation to NGOs to give their inputs on the issue of Special Autonomy. However, NGOs at that time were still maintaining and socialising their position to achieve the Special Authority status. According to

¹⁶ Yayasan Pengembangan Masyarakat Desa (Village Community Development Foundation).

¹⁷ Partai Demokrasi Indonesia – Perjuangan (Party for Democratic Struggle).

NGOs, the term "authority" philosophically implies the wider control/power for a region to organise themselves.

The provincial government of Papua has incessantly attempted to promote a series of dialogues to discuss this idea of Special Autonomy. Finally they entrusted the University of Cendrawasih to invite FOKER to be involved in these discussions because they were considered the most prepared organisation regarding the concept being offered. Inevitably therefore, principles included in the draft for the establishment of Special Autonomy were very similar to those in that for Special Authority. Moreover, Budi Setyanto was formally appointed by Governor's decree on February 7, 2001 as one of the members of the Steering Committee Formulating the Special Autonomy Bill. With his appointment, NGOs gained better opportunities to introduce the issues of the concept of Special Authority into the Special Autonomy Bill. During March 2001 this steering committee conducted a series of workshops, such a Workshop on the Basic Rights of Papuans at Cendrawasih University, a closed meeting between the steering committee and the People's Representatives Council (DPR) working committee of this bill, the Ministry of Development Acceleration of Eastern Indonesia regions, and experts from Jakarta. Through this quite intensive discussion the draft bill on Special Autonomy for Papua was finally completed in April 2001 and was ratified and enforced as Regulation No. 21/2001.

There are two aspects of fundamental difference between the two pieces of legislation. According to the NGO's version of UU Special Authority, there is to be (i) a bicameral parliament consisting of DPR whose members are elected through a direct, general, free, confidential, honest and fair election, and the Majelis Rakyat Papua (MRP) or Papuan People's Council, which represents the protection of the basic rights of the indigenous Papuans, as well as (ii) a governor, regents and mayors directly elected by the people separately from the DPR election. On the other hand, in the Combined Team's version of Special

Autonomy, which applies now, firstly the MRP is a Cultural representative institution, which represents indigenous people and outside the executive and legislative (that is, outside the government), and secondly, the governor, regents and mayors are to be elected by the local parliament (DPRD). NGOs argue that the indirect election of the governor, regents and mayors by the legislature has proven to produce and will always produce power brokers as an obstacle to a healthier democracy and subject to money politics.

In any event, the NGOs' advocacy made a significant contribution to the birth of the Special Autonomy Regulation No. 21/2001. Approximately 70 percent of the material for UU Special Autonomy was adopted from the draft for Special Authority conceived of by the CSOs in Papua. As an indication of this, the Special Autonomy Regulation No. 21/2001 provided for a new institution called MRP outside the executive and legislative bodies. The function of this institution is to represent the indigenous Papuans and channel their aspirations as well as monitoring both government institutions. The birth of MRP has opened up a space for the representation of women, religious institutions and traditional community.

b) Anti-Violence Public Campaign using ethnic and religious Symbols

The social reality of multi-ethnicity and religious plurality in Papua should serve as a main asset in the democratisation process, which is based on human dignity. Ironically, in reality it is often the cause of many problems. One reason is the fact that the people are fooled by prioritising the religious symbols and ethnic sentiment as practised by some individuals and community groups, rather than implementing the moral values of their religious teachings.

The long period of repressed expression has made them prone to provocation using primordial attributes. This situation must be prevented by forming an alliance of a moral movement as a means of preparation and social empowerment in order to establish

dignified civil society. To achieve this goal a public advocacy was launched in the form of campaigns to make people aware of the importance of implementing religious values and human equality in multi-ethnic Papua through intensive interaction between different parties in the context of peace education. It is hoped that the use of religious symbols and ethnic sentiment as instrument of provocation, which will cause misery to the people can be prevented in this way. The campaign aims at:

- developing public understanding and awareness that democratic and civilised life in Papua can only be made possible with the principles of peace (anti violence), justice and human rights.
- opening up a public discourse on the meaning and the way to implement religious values and human equality to develop democracy and strengthen social relation in a multi-religious and multi-ethnic society.
- fostering collaboration between the elements of the pro-democracy community to fight against all forms of oppression of human equality, which use religious symbols and primordial sentiments.

The activities include public campaigns using the themes of anti-violence and social reconciliation to save the generation. These campaigns take the form of public service advertisements in electronic and print media, the preparation of brochures, leaflets and posters to be distributed to individuals, institutions and at public events, producing T-shirts for public meetings in Papua and making banners to be posted in strategic places before various public events. Electronic and print media are also used to encourage public dialogue on the theme of implementation of religious values to establish a civilised multi-ethnic society. Public seminars are also held with the theme of reconciliation and the strengthening of public relation for peace and justice in Papua.

The impacts of all these activities are to be seen in the broad support they received from the community in the form of:

- the involvement of various communities with different political ideologies, such as political parties, bureaucratic institutions, customs leaders, ethnic organisations and communities, religious organisations-/institutions;
- the growth of the co-operation networks among NGOs, student organisations, the press (AJI, PWI, PWIR), academics from both state and private universities;
- the number of organisations involved such as local religious institutions and government, interested in carrying out works, which have been initiated by FOKER, such as interactive dialogues on TV and radio on the theme of anti-violence and anti-racism.

c) Important Impacts of the CSOs' Roles in Conflict Resolution Actions

The participation in the activities of political advocacy and public campaign have at least resulted in:

Improved recognition by the executive and legislative bodies, tertiary institutions both within and outside Papua, as well as foreign political and economic representatives in Indonesia of the capacity and competence of NGOs to initiate progressive and critical concepts of development formulating alternative solutions to various legal, political, economic and social problems in Papua. The improvement of public understanding and awareness, especially among the civilians (elements of civil society) in Papua makes them less susceptible to provocation to use violence based on ethnic and religious prejudice. These phenomena can clearly be seen in the condition of the community in the beginning of the euphoric era of reformation during the period of 1998-2000 and the beginning of 2001. The reality of living in a multi-religious and multi-ethnic society, the relatively low level of education and the economic condition due to a centralised development policy over a long period, are ingredients for making conditions susceptible for provocation from different parties that wish Papua to be full

of conflicts. Moreover, its geographic location close to Maluku, which has been experiencing social violence triggered by religious prejudice, adds to this situation.

Better public appreciation by the society, the government, politicians and humanitarian activists on the use and maintenance of Papua as a peace zone based on the principles of respect for diversity and differences, recognition of indigenous people's identities and basic rights, and human rights equality. Although certain parties are still making efforts to jeopardise it, the discourse of Papua as a peace zone has become a widely accepted public concept, which has been more and more actively followed up by positive efforts from different institutions with different motives and targets.

The improvement in communication and mutual understanding between PDP (the Presidium of Papuan Council) and all pillars and panels of Papua, religious leaders, especially church leaders in Papua, university academics and figures from various traditional community organisations in Papua. This atmosphere is an important aspect of the realisation of an anti-violence coalition based on the respect for plurality and recognition of differences.

The spreading of awareness and critical courage among the people in controlling important policies set by the government and the legislative and efforts to claim their rights over development in the Special Autonomy era. This condition is an important prerequisite for people organisations so that they are more effective in preventing inefficient and non-transparent government practices and the increase in corruption.

2.2.2. CSO's challenges in Conflict Resolution Actions

There are a number of important issues, which may challenge CSOs in improving their role in conflict resolution processes. Those issues include the Papuans' demands for a peaceful dialogue on the political status of their province, comprehensive resolution of human rights violations,

realising the concept of Papua as a peace zone not only legally but also socially and economically. A commonly agreed interpretation and implementation of the substance of Regulation No.21/2001 on Special Autonomy is also still an issue especially with regard to widely held views in the society that the Special Autonomy is in opposition to the struggle for a free Papua. The lack of understanding among the majority of officials both in the executive and legislative cause multi-perception and makes it hard to effectively implement the Special Autonomy law. The position of the Papuan Council Assembly as a supra structure, which has special and strategic authority, will also have an impact on this. The shift of collaboration among the political elites and bureaucrats from the central to the local government can also trigger the increase of corruption, which will have highly negative impacts on the society and causes social segregation.

There is also the problem of the lack of capability and quality of local civilian bureaucrats and politicians that can prompt the military domination to change from official political involvement to social involvement in the decision making in Papua.

Synergetic relations must be developed among CSOs with different capacity and program focuses, both within and outside Papua to form a significant power alliance to promote and accelerate democratisation in Papua.

From the description above, it can be concluded that even though the roles of CSOs have increased quantitatively within the last three years, their position and their role in the process of conflict resolution in Papua is still partial and incomprehensive. Without improving the quality, their roles both in conflict resolution and democratisation in Papua they will remain insignificant and peripheral. Therefore, a comprehensive and exhaustive study of all CSOs that have real impact in Papua to clarify commitment and common agendas for the future is needed. Also, CSO activists' commitment and quality need to be improved using intelligent steps to

establish advocacy networks across institutions and across locations (local, regional, international) to respond to important and actual issues and cases, which keep changing dynamically.

III. END RESULT

1. CONCLUSIONS

The conflict in Papua can be categorised into a political conflict and a violent social conflict. The political conflict is latent and started when Papua was still under the Dutch rule and the Papuans disputed with the Dutch Colonial government. It then continued as a conflict between the Papuans and the Indonesian Government. The cause of this conflict were the differing views of the Republic of Indonesia and the autochthonous population of Papua concerning the integration of Papua into the Republic of Indonesia. Moreover there was the perception in the traditional societies of Papua not to be part of the Indonesian culture.

The violent social conflict caused the intensification of the political conflict in Papua. The violence was a result of the exploitation of natural resources, the migrant population's domination over the Papuans' access to economy, the policy of cultural identity and regional administration unification and standardisation, and the military's repressive conducts.

In the most recent time, the causes of the social violence conflict tend to become more varied, such as: ethnic or group fanaticism, inequality in access to natural resources and the migrants' domination of market access, manipulation of the fundamental rights of the traditional societies, arrogance of the authority apparatus, abuse of authority, biased media reporting, discrimination in services and law enforcement favouring certain groups of the economy, confusing and biased state policies, a power struggle among competing groups in the name of religion and using their symbols, and an intransparent state bureaucracy characterised by nepotism.

The social violence conflicts that have occurred are generally classified into five

groups: violations of human rights, destruction of social structure, domination of economic resources and access to them, and erroneous implementation of policies, and international politics. The Indonesian government applied the military or security approach to resolve the conflict in Papua as well as non-violent policies by promoting Papuans to important government positions. However, this policy was ineffective since it was implemented only partially and reactively. In general governance was very centralistic or Jakarta-biased.

Papua has a pluralistic society with small population that is inhabiting a very large area. A strong ideological antagonism exists between the Papuans, striving for independence, and the Indonesian Government. Moreover there is military élite pursuing the hidden agenda to maintain the conflict in Papua. All these conditions present significant obstacles to the conflict resolution process in the region. However, the emergence of middle-class intellectual groups convinced that individual and social "freedom" is more important than the issue of being separated or integrated with Indonesia and the development of the local press that promotes openness and constructive dialogues in support of the process of communication and political education for the civil society are among the those positive developments that promote the changes for conflict resolution in Papua. More over the central government implements a policy of decentralisation and the acknowledgement of identity and local administrations.

The important requirement for the democratisation process in Papua as a means to foster the conflict resolution process is the improvement of professionalism of the civil and military bureaucracy, and the empowerment of the civil society. On the other hand the crucial requirement for resolving the conflict is the guaranteed acknowledgement of cultural identity and local administration, the end of the state-sponsored violence acts, and the freedom of expression.

The civil society organisations (CSO) existing in Papua consist of non-govern-

mental organisations (NGOs), religious groups, professional associations, ethnic groups, the media, intellectuals, businesses and economic players, and the *adat*-society. However, the many CSO have yet to play meaningful roles in resolving the conflicts in Papua. After the collapse of the New Order regime in 1998, the NGOs, which are organised the network of co-operation and partnership FOKER LSM Papua¹⁸ – such as media organisations, especially the Alliance of Independent Journalists (AJI); religious groups, especially churches – pushed for another concept of conflict resolution that included two elements: firstly, alternative legal instruments as an initial step towards the endorsement of the Law on Special Autonomy for the Province of Papua; secondly public education and peace campaigns using religious and ethnic symbols.

The important impacts from the work of the CSO are: (i) the increase of acknowledgement of the CSO's capacity to propose constructive and critical development concepts providing alternative solutions to the host of legal, political, social problems of Papua by the executive and legislative bodies as well as the public in Papua and outside Papua; (ii) the increase of mutual understanding and public awareness to avoid the provocation of social violence and the pitching parts of the society against each other on the basis of religious or ethnic resentments; (iii) the increase of the public appreciation of – among others – the government, politicians, humanitarian activists and other elements of the society for the use and maintenance of Papua as a peaceful zone on the basis of acknowledging the plurality and the equality. Nevertheless, the CSO organisations still play only a peripheral and insignificant role.

2. RECOMMENDATIONS

To strengthen the role and position of the CSO in the conflict resolution process in Papua, a comprehensive study on all CSO

must be conducted to find out the commitment and agenda of all organisations. There is also the urgent need for empowering CSO staff and management, by bringing about local, regional, national and international networking to be able to taking on important and actual cases in an changing environment.

The above mentioned steps are needed to strengthen the CSO' their in the process of conflict resolution and to role to empower them to constructively respond to some important challenges of this process:

The demand of the people of Papua to enter into a peaceful political dialogue about the status of the province; the efforts to consistently follow up on cases of gross human rights abuses, and to create Papua as politically, socially and economically peaceful zone.

The interpretation of the rules and the implementation of Regulation No. 21/2001 on Special Autonomy. There is still a perception that the implementation of the Special Autonomy law is opposed to the strive for independence. There is still a lack of understanding of this law on the side of the legislative and executive bodies resulting in misperception and obstacles to effective implementation of the regulations. This relates in particular to the creation of the People's Representative Council (MPR) that is assigned to play an important and authoritative role in the process.

The shift of inter élite collaboration from the centre to the regions with a potential to increase corruption. Such condition could bring a tremendous negative implication for the society and could create social segregation within the society.

¹⁸ FOKER LSM Papua – Forum Kerjasama Lembaga Swadaya Masyarakat Papua (Forum of Co-operation of NGO's in Papua).

IV. Ringkasan Dalam Bahasa Indonesia - Executive Summary in Bahasa Indonesia

Studi ini bertujuan untuk: 1) melakukan deskripsi dan analisis tentang penyebab, pemicu, serta kecenderungan dampak konflik di Papua, dan 2) melakukan deskripsi dan analisis tentang posisi dan peran Organisasi Masyarakat Sipil (OMS) dalam Resolusi Konflik di Papua. Studi dilakukan dalam kurun waktu 6 bulan, yaitu selama bulan September s/d Nopember 2001 dan dilanjutkan dengan kegiatan bulan Mei s/d Juni 2002, melalui gabungan dari kegiatan: 1) wawancara mendalam, 2) hasil diskusi kelompok terfokus, serta 3) identifikasi dokumen yang terdiri dari hasil studi terdahulu serta berbagai kajian ilmiah yang relevan.

Hasil studi menunjukkan bahwa konflik di Papua sudah berlangsung ketika Papua masih menjadi koloni Belanda dan belum menjadi bagian dari wilayah kedaulatan hukum Indonesia. Konflik yang terjadi secara sederhana dapat dikategorikan ke dalam jenis politik dan konflik kekerasan sosial. Namun dalam realitasnya akar dan interaksi konflik di Papua sangat kompleks dan sulit untuk digambarkan dalam peta yang statis, karena selalu bergerak dinamis. Konflik kekerasan sosial pada umumnya merupakan konflik yang berada pada posisi akibat, dan peristiwa terjadinya disebabkan oleh: 1) konflik politik yang tidak pernah mendapatkan format penyelesaian yang memadai, serta 2) terjadinya ketidakmampuan cultural dan sosial dari sebagian besar penduduk local atau masyarakat asli Papua dalam memperebutkan akses sumber daya sosial, ekonomi dan politik di kawasan public.

Konflik politik yang terjadi di Papua dimasa pemerintahan Indonesia dalam 30 tahun terakhir disebabkan adanya perbedaan pandangan yang tajam tentang proses integrasi wilayah Papua ke dalam wilayah Republik Indonesia, antara pemerintah Indonesia dengan sebagian masyarakat asli Papua yang berkeinginan untuk mendirikan Negara Papua Barat.

Konflik politik tersebut semakin berkembang dalam bentuk konflik kekerasan sosial, yang terjadi antara sebagian besar masyarakat asli pendukung Organisasi Papua Merdeka (OPM) dengan militer, serta antara masyarakat asli dengan masyarakat migran, karena dipicu oleh adanya: 1) eksploitasi sumber daya alam, 2) dominasi masyarakat migrant dalam berbagai akses public, 3) kebijakan penyeragaman system pemerintahan local dan tindakan represi militer.

Situasi yang berkembang memperlihatkan bahwa konflik yang terjadi di Papua cenderung bergerak semakin massif dan kompleks, seiring dengan meningkatnya pola interaksi dan mobilitas penduduk dari dan ke Papua. Demikian pula, penyebab terjadinya konflik kekerasan sosial juga cenderung semakin beragam, seperti munculnya fanatisme etnis atau kelompok masyarakat, ketimpangan penguasaan sumber dan akses ekonomi masyarakat migran terhadap masyarakat asli Papua, manipulasi hak-hak dasar masyarakat adat, arogansi aparat keamanan dalam bentuk menjalankan tugas melebihi wewenang yang dimiliki, pemberitaan media masa tidak memihak pada kekuatan politik tertentu, diskriminasi pelayanan dan penegakan hukum pada kelompok ekonomi tertentu, kebijakan pemerintah bidang politik yang membingungkan, tidak jelas dan memihak pada kelompok sosial masyarakat tertentu, fenomena munculnya klaim kekuatan dominan antar kelompok warga masyarakat dengan memanfaatkan isu dan kekuatan simbol agama, serta perilaku birokrasi pemerintahan yang tertutup dan nepotism.

Saat ini sulit sekali membedakan antara penyebab, pemicu dan akibat konflik di Papua, juga menjadi sulit untuk membedakan antara wilayah konflik politik dengan konflik kekerasan sosial. Hal tersebut disebabkan keragaman para actor yang terlibat dan juga sulitnya mengidentifikasi atau menngeni subyek dan tempat tinggal actor tersembunyi atau intelektual actor dalam berbagai konflik yang terjadi. Namun demikian, secara logika konflik

yang terjadi di Papua saat ini dapat dikelompokkan ke dalam 5 klasifikasi, yang terdiri dari: pelanggaran HAM, perusakan struktur sosial, dominasi sumber dan akses ekonomi, kekeliruan implementasi kebijakan dan politik internasional.

Kebijakan penyelesaian konflik yang pernah dilakukan pemerintah Indonesia, dapat diklasifikasikan ke dalam 2 cara, yaitu: 1) pendekatan kekerasan atau pendekatan keamanan dengan menggunakan kekuatan militer bersenjata, serta 2) kebijakan non-kekerasan melalui penempatan orang asli Papua sebagai pimpinan dalam berbagai jajaran pemerintahan akan tetapi dengan hasil yang sangat tidak efektif. Hal tersebut, disebabkan karena pendekatannya dilakukan secara parsial dan reaktif. Kondisi tersebut, masih diperparah dengan model penyelenggaraan pemerintahan yang sangat sentralistis atau Jakarta sentris, sehingga tidak mendapat kesempatan untuk melakukan inisiatif dan sikap kreatif dalam mencari alternatif.

Secara demografis, kondisi masyarakat Papua sebagai masyarakat transisi yang bercorak majemuk, memiliki jumlah penduduk kecil dibandingkan dengan wilayah yang sangat luas, merupakan kesulitan obyektif dalam upaya mencari format penyelesaian konflik yang efektif. Secara ideologis, adanya pandangan yang tajam dan telah berlangsung lama dari pemerintah Indonesia yang masyarakat asli Papua yang berjuang untuk merdeka sebagai kelompok separatis yang harus ditumpas, merupakan hambatan politik yang bagi upaya mencari formatsolusi. Demikian pula, adanya elite militer memiliki agenda tersembunyi untuk memelihara atau menjadikan Papua sebagai kawasan yang berkonflik, juga merupakan hambatan yang cukup signifikan dalam proses penyelesaian konflik.

Namun demikian, beberapa aspek yang berkembang sekarang ini, seperti: 1) tumbuh berkembangnya kelompok intelektual dalam kelas menengah yang berpandangan bahwa "merdeka" secara individual dan sosial jauh lebih penting, dibandingkan

pandangan merdeka sebagai satu Negara, 2) berkembangnya Pers lokal dalam mendorong keterbukaan yang positif untuk mendorong proses komunikasi dan pendidikan politik masyarakat, serta 3) kebijakan desentralisasi dan pengakuan identitas pemerintahan local, melalui kebijakan otonomi khusus, merupakan peluang yang penting dan berharga dalam membangun insiatif bagi proses penyelesaian konflik di Papua.

Hasil studi juga memperlihatkan, bahwa penguatan masyarakat sipil dan upaya membangun demokrasi secara sehat dan bermartabat di Papua, merupakan prasyarat penting bagi upaya penyelesaian konflik secara tepat. Beberapa ciri yang dibutuhkan dalam membangun demokrasi dan menguatkan masyarakat sipil, adalah terwujudnya profesionalisasi birokrasi sipil dan militer, pengakuan identitas budaya dan keberadaan pemerintahan local, menegakan hukum untuk menghentikan pemaksaan kehendak dengan cara kekerasan yang dilakukan oleh organisasi sipil bersenjata, serta memberikan jaminan hukum dan fisik bagi terwujudnya kebebasan berekspresi bagi semua warga Negara, tanpa kecuali.

Berbagai Organisasi Masyarakat Sipil (OMS) yang terdapat di Papua, yang terdiri dari unsur Lembaga Swadaya Masyarakat (LSM), organisasi Keagamaan, organisasi Profesi, organisasi etnik, organisasi pers, kelompok intelektual, pelaku bisnis atau pelaku ekonomi, serta organisasi masyarakat adapt, dalam faktanya belum banyak memberikan peran yang berarti dalam proses penyelesaian konflik di Papua. Hasil studi memperlihatkan bahwa paska tumbangnya rezim orde baru pada tahun 1997, LSM yang tergabung dalam jaringan kerja dan mitra Forum Kerjasama (FOKER) LSM Papua, Organisasi Pers, terutama Aliansi Jurnalis Independen (AJI) Papua serta Organisasi Keagamaan, terutama kalangan Gereja di Papua, telah berperan aktif sebagai penggagas format penyelesaian konflik, yaitu: 1) penyusunan instrumen hukum alternatif sebagai langkah awal yang bermuara pada pengesahan Undang-undang Otonomi

Khusus bagi Provinsi Papua, serta, 2) pendidikan publik dan kampanye perdamaian bersama dengan tema anti kekerasan dengan penggunaan simbol etnik dan agama.

Beberapa dampak penting dari peran OMS dalam aksi resolusi konflik tersebut, adalah: 1) meningkatnya pengakuan dari lembaga eksekutif, lembaga legislative, serta public di Papua dan luar Papua terhadap kapasitas dan kualitas OMS dalam melahirkan berbagai konsep pembangunan yang progresif dan kritis dalam memberikan alternatif solusi berbagai masalah masalah hukum, politik, ekonomi dan sosial di Papua, 2) meningkatnya pemahaman dan kesadaran publik, untuk tidak mudah diadu domba dan diprovokasi melakukan kekerasan sosial atas dasar kebencian suku dan agama, serta 3) meningkatnya apresiasi publik, yang meliputi unsur masyarakat, pemerintah, politikus, serta aktivis kemanusiaan tentang perlunya penerapan konsep pemanfaatan dan pemeliharaan tanah Papua sebagai zona damai, berdasarkan prinsip penghargaan pada keragaman atau kesetaraan. Namun demikian, secara umum peran dan posisi OMS dalam proses resolusi konflik masih berada pada posisi pinggiran, belum optimal dan belum dapat memberikan hasil yang signifikan.

Untuk itu, masih dibutuhkan berbagai tindakan bagi penguatan peran dan posisi OMS dalam proses penyelesaian konflik di Papua. Terdapat 2 hal penting yang perlu dilakukan untuk meningkatkan peran dan posisi OMS agar lebih optimal dalam memberikan kontribusi peran penyelesaian konflik di Papua, yaitu: 1) dilakukannya suatu kajian secara komprehensif dan tuntas bagi seluruh OMS yang memiliki aksi nyata di Papua untuk menetapkan komitmen dan agenda bersama ke depan. Serta, 2) misi dan program yang konkret dan sistematis bagi peningkatan kualitas sumber daya dan manajemen OMS dengan cara membangun jaringan advokasi lintas lembaga dan lintas lokasi (*lokal, regional, nasional dan internasional*) kearah bentuk peran yang lebih mandiri, efisien dan memiliki komitmen ideologis yang jelas.

Kekuatan tersebut perlu dibangun, terutama untuk mensikapi isu-isu dan kasus-kasus penting dan actual yang selalu bergerak secara dinamis, seperti: 1) tuntutan masyarakat Papua untuk mendialogkan secara status politik provinsi Papua dengan cara damai, 2) upaya penyelesaian secara tuntas kasus-kasus pelanggaran HAM, mewujudkan konsep Papua sebagai zona damai secara hukum, sosial dan ekonomi, 3) interpretasi norma dan implementasi substansi Undang-Undang No. 21 Tahun 2001, tentang Otonomi Khusus. Terutama dalam kaitannya dengan: masih berkembangnya pandangan masyarakat bahwa Otonomi Khusus bertentangan dengan perjuangan Papua merdeka, lemahnya pemahaman sebagian besar aparat eksekutif dan anggota legislative yang mengakibatkan banyaknya persepsi dan sulit dijalkannya pasal-pasal UU Otsus secara efektif, serta lembaga MRP sebagai lembaga supra struktur politik yang memiliki wewenang istimewa dan strategis menjadikan lembaga tersebut akan dapat berdampak. Serta, 4) munculnya kecenderungan pergeseran kolaborasi antar elit politik dan birokrasi dari Pusat ke Daerah. Kondisi tersebut dapat memicu berkembangnya perilaku korupsi yang menghasilkan dampak sosial negatif yang tinggi terhadap kehidupan masyarakat, serta memicu munculnya segregasi sosial dalam masyarakat. Keempat hal tersebut, merupakan isu-isu yang nyata, akan tetapi sering tidak nampak dipermukaan dan sangat bersentuhan dengan tumbuh dan berkembangnya konflik kekerasan di Papua.

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