

Round Table Report 14 May 2008

Human Rights and the Environment in West Papua, Indonesia

**Papuan human rights defenders in
dialogue with the European Union**



Papua, Land of Peace is not merely a political effort for a specific group of people. It covers socio-economic development, cultural rights, justice and peoples' security. The challenge is to make the concept of Papua, Land of Peace become the fundamental attitude in the approach to face the problems in Papua (Indonesia); by the people, by the government and by the international community. It should also imbue the attitude of all religious communities and their leaders in Papua, in Indonesia as a whole and elsewhere.

www.faithbasednetworkonwestpapua.org

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Introduction

The European Union is an influential institution when it comes to observing, monitoring and discussing human rights issues. The European Commission has for instance initiated a human rights dialogue with Indonesia. In this light a tour to the heart of the European Institutions was organised to share ideas and personal experiences on the priority issues for human rights defenders from Papua.

What can the EU do to address these priorities?

ICCO & Kerk in Actie and Justice and Peace are proud to have facilitated a four headed delegation of human rights defenders from Papua, with the Catholic and Protestant church in Papua, came to Brussels, not only to raise attention to the hardships they face while doing their work, but also to the plight of the indigenous people of Papua. Papuans see their livelihood, one of the largest rainforests of the world, threatened by illegal logging and palm oil plantations. They face human rights violations, such as torture and ill treatment, by the Indonesian army and police. Political reformations aimed at giving Papuans more voice in local governance have so far mainly benefited migrants from other parts of Indonesia.

Religious leaders of Papua have been united to create a Land of Peace in Papua, Indonesia. Their main objective is to create a peaceful space (by setting the right example) for political dialogue between Papuan representatives and policy-makers in Jakarta on an equal basis without fear or stigmatisation. After the European Union's involvement in resolving the conflict in Aceh, it is hoped that the EU will also actively engage in mediating in the conflict in Papua. Furthermore they urge the European Union to do its uttermost to protect the forest of Papua. In its relations with Indonesia, the EU should discuss human rights violations in Papua and ways to end impunity, in line with its guidelines on human rights, and where possible, offer technical assistance to Indonesia, for example in the establishment of a complaint mechanism for victims of torture.

ICCO & Kerk in Actie and Justice and Peace Netherlands, in cooperation with Cordaid, CMC Mensen met een Missie and other participants of the Faith-based Network on West Papua, work in support of this local initiative. Our efforts are aimed at promoting peace, human rights and justice in Papua, Indonesia.

Jack van Ham
General Director ICCO

Victor Scheffers
Director Justice and
Peace Netherlands

Recommendations to the European Union

We recommend the European Union to increase its efforts towards peace and development of Papua. EU policies and development programmes offer great possibilities and should be more effectively utilised.

The European Council could contribute by:

- Fully implementing the EU guidelines on Human Rights Defenders;
- Organising annual meetings between Member States (or MS-embassies) assessing the situation of torture and impunity in Indonesia and developing joint strategies to address these issues;
- Monitoring the social impact of REDD I once it is implemented to ensure coherence with development policies.

The European Commission could contribute by:

- Instructing the EC delegation to attend court cases (in accordance with EU-guidelines on torture and human rights defenders), visit prisons and to report on the situation of impunity and torture and share these reports with the European Parliament;
- Providing quick training for Papuan students, educating them to work for local governance or companies;
- Establish an EU liaison in Papua connected to the EC delegation in Jakarta, to enhance coordination and implementation of EC-funded projects and to enhance dialogue with local communities.
- Facilitating a consultation between Papua communities and other stakeholders to evaluate seven years of Special Autonomy Law, and to build towards an action plan on what changes are needed for its successful implementation.

¹ Reducing Emission from Deforestation and forest Degradation

The European Parliament could contribute by:

- Expressing its concern and commitment to Papua, by raising this issue regularly within the European Parliament and requesting the European Commission and Council to prioritise this issue;
- Monitoring the implementation of the Country Strategy Paper Indonesia (2007-2013), under the DCI budget, requesting in particular that DCI funds allocated to education be used to improve education for indigenous Papuans;
- Monitoring the implementation of the EU guidelines on human rights defenders and torture, assessing progress made in Indonesia, especially with regard to Papua.

Papuan human rights defenders in dialogue with the European Union



Introduction on the situation in Papua

By Frederika Korain of the Office for Justice and Peace Jayapura

Human rights

Human rights violations cannot be seen in isolation from the context and history of Papua, she stressed, they result from three root causes:

- The political status of the region has continuously been questioned by the Papuan community since the Act of Free Choice in 1969;
- The centralised development policies of the national government do not meet the needs of the Papuan people;
- The security approach by the central government of Indonesia that leads to restrictions on political rights; such as the freedom of expression and the freedom of press.

Extreme poverty and structural exclusion

According to the UNDP, Papua is the least developed part of Indonesia. There is a lack of access to basic services, especially at the remote villages. HIV-tests are not available, while the virus continues to spread rapidly. Access to natural resources is not guaranteed, and logging, mining and fishing threaten the environment.

Threats and impunity

According to the former UN expert on Human Rights Defenders, Ms. Hina Jilani, Papuan human rights defenders are threatened and intimidated. Therefore they face great difficulties in doing their important work. Civil and political rights continue to be violated, with extrajudicial killings, arbitrary arrests and discrimination. Human rights violations remain unpunished. Foreign journalists, researchers and human rights groups wanting to inquire these violations face restricted access to the area.

Sessions I: Impact of decentralisation on human rights defenders

By Father Cayetanús Tarong of the Office for Justice and Peace Merauke and Reverend Leonora Docent of the Evangelical Christian Church in Papua



In 2001 the Special Autonomy Law (SAL) for Papua has been approved. This SAL raised expectations of more prosperity and access to justice for Papuans. Seven years later, the bureaucrats have benefited most from the SAL whilst marginalisation of indigenous Papuans has increased.

While the decentralisation policy (pemekaran) of the Indonesian government is implemented with great ambitions, it has adverse effects on the Papuan people. Pemekaran leads to a proliferation of new government institutions and increasing budgetary expenses. The nine former districts of Papua have now turned into 29 districts. New government positions are filled by migrants, amongst others because Papuans lack the capacity to fill these positions. This leads to an unequal representation of the population, causing further marginalisation of the indigenous groups. For example in Merauke only 500 out of the approximately 5500 bureaucrats are indigenous Papuans. Those Papuans, who do fill in the new positions, are often former teachers and health workers, leaving a void in the already weak service system.

Conflicts between local leaders and communities are increasing. While the leaders benefit from pemekaran and the creation of new provinces, strengthening their power and positions, the people remain poor and do not see any improvement.

*Father Cayetan*us thus recommends the EU to:

Facilitate a dialogue between the Papuan people and the local and national government about the Special Autonomy, to rebuild trust and to see where changes need to be made;

Inform the Indonesian government about the negative effects of pemekaran;

Set up a special education fund for the Papuan people, through NGOs and churches, so they attain the capacity to find jobs created by SAL and pemekaran.

Reverend Leonora adds that those people who tackle issues of corruption and participation of the indigenous people in local government, such as human rights defenders, local journalist and church workers, often face threats and harassments.

Discussion



MR. VAN DE VELDE of the European Commission comments that the EU has a considerable budget available for Indonesia, but that there are problems in implementing programmes, in particular as regards education. He is keen to hear new ideas to allocate funds for Indonesia.

FREDERIKA KORAIN explains that the problem with the splitting of the provinces is that it is a Jakarta-led policy which does not answer to the needs of Papuan people. In addition, it benefits the military, which, due to its territorial structure, is able to increase its presence with each new province, district or municipality.

Questions are asked about the plan of Mr. Suebu, the governor of the province Papua, to allocate 100 million Rupiahs to each region. Another question addresses the support human rights defenders receive from the EU and what support they would actually need.

Reverend Leonora responds that up to now few regions benefit from these funds. Father Cayetanus adds that there is a lack of guidance on how to spend the funds; a destitution from which migrants do benefit at the cost of indigenous Papuans.

Frederika Korain answers that the EU should urge the government of Indonesia to allow diplomats, international journalists and organisations to travel to Papua without any restrictions. Their presence will contribute to monitor the situation and improve safety for human rights defenders. Also embassies should monitor the situation more actively by engaging with local human rights defenders. She further comments that the EU's Country Strategy Paper can be improved by a stronger perspective on human rights.

Sessions 2: Focus on Torture

Testimony by Mrs Anselina Temkon victim of Torture 2006



Anselina Temkon

In the aftermath of the Abepura demonstrations against the Freeport Mine², on March 16th 2006, she was taken from her house and tortured for three days. Anselina's son was one of the student leaders of the demonstrations. When the police did not find her son at home, they took Mrs Temkon instead. For three days they threatened to kill her, beat her continuously, trying to push her to reveal her son's hiding place. Since Mrs Temkon did not know where he was, she could not respond. During these days she was injured and traumatised. She was also forced to witness torture of other victims, who received electric shocks. Two years have passed and the perpetrators have not been brought to justice. Mrs Temkon continues to live in fear, suffering discomfort from her physical injuries, which were never properly treated. She worries about the future of her children, especially the one that had to flee and whom she has not seen since.

Frederika Korain states that torture is systematic and widespread. This is illustrated by the 242 cases of torture in Papua in 9 years (1998-2007), documented by the GKI and the SKP. The report highlights a pattern of discrimination against the native population.

² Multinational mining company (10% state owned) said to be involved in human rights violations and held responsible for environmental degradation.

Of the cases described, only one made it to court. The perpetrators were acquitted. Since they do not have to fear prosecution, perpetrators feel free to continue their behaviour.

Frederika Korain therefore recommends the EU to:

1. Support the recommendations of UN Special Rapporteur on Torture, Manfred Nowak, especially by offering technical support for a complaint mechanism where incidents of torture can be reported.
2. Request the Government of Indonesia to undertake increased efforts to end impunity and prosecute the perpetrators of torture.
3. Instruct the EC Delegation in Jakarta to attend court hearings, and visit detention centres and prisons, in accordance with the EU Guidelines on Torture.
4. Require the EC Delegation and member states' embassies to report on the torture situation in Indonesia in accordance with the EU Guidelines on Torture, if not public, then at least to the subcommission on human rights of the European Parliament.
5. Provide financial support for rehabilitation centres for victims of torture.

Discussion

A question is raised about colonel Siagan, who was previously stationed in East Timor and has been indicted twice for crimes against humanity. Mrs Korain responds that commanders with bad human rights records in other parts of Indonesia are indeed stationed in Papua, despite of protests by the population. Siagan is now suspected of organizing Papuan militias, comparable to the ones responsible for human rights violations in East Timor.

Mr. Van de Velde of the European Commission adds that the EU and Indonesia have scheduled a human rights dialogue. Unfortunately the dialogue is stalled, because of the EU safety ban on national airline Garuda. He furthermore adds that the EC Delegation in Jakarta organised a workshop on torture for EU member states and Indonesian officials. The EU is concerned with the lack of respect for the rule of law in Indonesia. Van de Velde assures that human rights and Papua will remain on the EU's agenda.

Sessions 3: Participation in environment protection

By reverend Leonora Dorentji



Leonora Dorentji

The documentary '*Defenders of the tribal boundaries*' introduces the subject of palm oil and its environmental and social consequences.

Over 3 million hectares of Papua's forest have been reserved for palm oil plantations. Forests in Manokwari, Arso (26.300 ha), Merauke (8.000 ha) and Keerom will be cleared. Papua is estimated to have around 17.9 million hectares of intact forests, but these are diminishing fast as destructive logging by legal and illegal operations takes its toll.

Past experiences show that while maintained ownership of land, equal division of the proceeds and employment were promised to the local population, the opposite has occurred. Local leaders were often forced by the military to sign over land. Papuans have little recourse to the law to protect their right to land, due to the continuing low status of indigenous rights under Indonesian law.

Military personnel are stationed at the plantations as security guards, causing an increase of human rights violations. In recent protests against palm oil plantations, two community leaders died. Civil society and churches are pressured to support the development of new plantations. Besides increasing poverty and marginalisation these developments have led to the loss of wild life, destruction of rain forests and flooding caused by erosion.

Conclusions and closure

MEI LING LIEM of ICCO summarises the recommendations of the round table. She emphasises that after seven years of Special Autonomy Law the indigenous Papuans have only become poorer. While the SAL brings considerable funds and pemekaran creates new jobs, the Papuan community has not benefited, due to a lack of education.

She stresses that a more active role of the EU is required, both politically and through development cooperation. The EU could contribute to the stability of the province by facilitating a consultation between the Papuan communities and government institutions, evaluating seven years of Special Autonomy Law and by increasing its efforts to combat impunity and torture and to protect human rights defenders.

In its development programmes the EU should do everything in its power to disperse funds allocated under the current EU Country Strategy Paper to the education of the indigenous Papuans.

Finally, the environmental situation demands increased EU attention for the detrimental side-effect of bio fuels: loss of livelihoods, rain forests and wild life. In the REDD mechanism the EU should have a strong focus on the social aspects, ensuring that indigenous people will benefit from this mechanism.

THIJS BERMAN Socialist Group in the European Parliament Member, expresses his appreciation of the round table, which is an essential way of conveying information at the EU institutions. He acknowledges the negative impact of impunity, with perpetrators feeling free to continue their behaviour. Making an analogy with Rwanda, he said that reconciliation is impossible without recognition of history and justice being done.



Berman said Europe has to act, reiterating the Council Conclusions of 18 April 2008, on the EU Guidelines on Torture. The EU has an important role to play in transmitting knowledge, such as supporting the rehabilitation of victims of torture. Ecology means respect for people and resources. This is the future for Papua. According to Berman, palm oil is a disaster to get rid of as soon as possible.

FREDERIKA KORAIN closed the meeting by expressing her appreciation. She stressed the importance of international support to efforts of the Papuan people to establish a Land of Peace.

Participants

FREDERIKA KORAIN

Office for Justice and Peace Jayapura (SKP Jayapura)

Operational manager, head of advocacy division and assists the publication and documentation division of SKP Jayapura. SKP stands for Sekretariat Keadilan dan Perdamaian or the Office for Justice and Peace, an integral part of the Catholic Diocese of Jayapura. This office focuses on human rights advocacy, research and documentation, inter-faith dialogue, peace and reconciliation and ecological justice.

www.hampapua.org

REVEREND LEONORA DORENTJI BALUBUN

Evangeliical Christian Church of Papua (GKI di Tanah Papua)

Reverend Dora Balubun is the head of the Justice, Peace and Integrity of Creation Desk (JPIC) of the GKI. JPIC is the human rights office of the Protestant Church, focusing on monitoring and investigation, human rights and environmental awareness education and advocacy work.

FATHER CAJETANUS TARONG MSC

Board member of the Office for Justice and Peace Merauke (SKP Merauke)

When after the reformasi the political aspirations of the Papuans rose and many spoke out about human rights violations, Father Cajetan was one of those involved in strengthening the Papuan population in Merauke to face intimidation by the security forces. From this, the Secretariat for Justice and Peace of the archdiocese of Merauke emerged.

ANSELINA TEMKON

A nurse from origin, Lina is one of the view victims of human rights violations in Papua who has the courage to speak out. She testified on the torture and ill-treatment she has experienced before the UN Committee against Torture.

Organised by

ICCO & KERK IN ACTIE

ICCO (Interchurch Organisation for Development Cooperation) is one of the five largest Dutch cofinancing agencies, working in 50 countries. Kerk in Actie is the missionary and diaconal organisation in the Netherlands and the world of the Protestant Church in the Netherlands.

Since January 2007 the international departments of ICCO & Kerk in Actie merged into one working organisation, sharing partners and programs. ICCO & Kerk in Actie give financial support and advice to local organisations and networks across the globe that are committed to providing access to basic social services, bringing about sustainable equitable economic development and promoting peace and democracy. ICCO & Kerk in Actie help people in Latin America, Asia, Africa and Eastern Europe to achieve a dignified existence and economic independence.

ICCO & Kerk in Actie have an annual budget of € 160 million and employ 300 people.

www.icco.nl

www.kerkinactie.nl

JUSTICE AND PEACE NETHERLANDS

In 1968 the Dutch Bishops conference established the Justice and Peace Commission and gave it as task to raise awareness about the responsibility and ability of all people to play a part in bringing about justice and peace, both in their own country and worldwide. Justice and Peace Netherlands cooperates with Justice and Peace commissions worldwide to address human rights violations.

www.justitiaetpax.nl

FAITH-BASED NETWORK ON WEST PAPUA

Both ICCO & Kerk in Actie and Justice and Peace Netherlands are participant of the Faith-based Network on West Papua. This Network, with participants from Germany, Switzerland, Australia and the Netherlands, works in support of 'Papua, Land of Peace'. This initiative of leaders of the Catholic, Christian, Muslim, Hindu and Buddhist communities in Papua, aims to establish a culture of peace and build ties between the different peoples and religions within Papua and between Papuans and the Indonesian Government. Participants of the network combined their efforts to facilitate the SKP and JPIC to advocate on human rights in Papua at the UN level, in Germany, Brussels, New York and Washington.

www.faithbasednetworkonwestpapua.org

Thanks to:

GII GYA

Ms Giji Gya, acting director of ISIS Europe, facilitated the round table. For more information on Isis Europe see: www.isis-europe.org

MNUKWAR PRODUCTIONS

Responsible for the documentary “Defenders of the Tribal Boundaries” which can be viewed at www.green.tv

WITNESS

In cooperation with SKP Jayapura, Witness made an eye-witness documentary on torture in Papua. The campaign site ‘Listen to Our Voice: making the Case Against Torture in Papua’ can be visited at www.hub.witness.org

Colophon

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