



## THE SPECIAL RAPPORTEUR ON THE RIGHTS OF INDIGENOUS PEOPLES: WEST PAPUA INDIGENOUS PEOPLE'S SITUATION UNDER INDONESIAN GOVERNMENT

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### Introduction

1. Solidarity for Indigenous Papuans<sup>1</sup> (SIP) is a network of NGOs and activists within West Papua that aspire to address among other issues human rights and climate change within the indigenous West Papuan communities and advocate through its existing national, regional and international NGO networks for solidarity and support.
2. Valmaine Toki's report (E/C.19/2013/12) of 20<sup>th</sup> February 2013 identified the real problem faced by West Papua indigenous people. According to the report;
  46. The indigenous peoples of West Papua are struggling to acquire their right to self-determination and independence. The urgent need to tackle their issue is heightened by reports of violence, as noted in the report of the Working Group on the Universal Periodic Review in July 2012 (A/HRC/21/7).
  47. According to Akihisa Matsuno, a professor at the Osaka School of International Public Policy who specializes in Indonesia, what is happening in West Papua amounts to genocide, both physical and cultural. He said that, at the very least, it was a crime against humanity in terms of a systematic annihilation of the civilian population that was intentional, widespread and ongoing<sup>2</sup>.
  48. These current injustices provide additional reasons to support claims of independence, claims that have their roots in historical wrongs. The first colonization was in 1828, when the Netherlands took control of the area. In 1944, it was agreed that the West New Guinea Administration (Netherlands New Guinea) would be placed on the list of Non-Self-Governing Territories
3. Indigenous Melanesian people of West Papua made up about one percent of the population of Indonesia considered as one of the minority groups<sup>3</sup> in Indonesia. West Papuans have been fighting for their independence since the 1960s. The conflict in West Papua cannot be stopped without a proper decolonization process for the West Papuans. West Papuans believe that their case is an unfinished business of Decolonization that UN needs to intervene to resolve the issue.

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<sup>1</sup> This report is prepared by Solidarity for Indigenous Papuans (SIP) as a response to the call by the UN Special Rapporteur for Indigenous People.

<sup>2</sup> Foot note number 12 in the original foot note; Marni Cordell, "Does West Papua have a publicity problem?", 3 March 2011. Available from; <http://newmatilda.com/2011/03/03/does-west-papua-have-publicity-problem>.

<sup>3</sup> Indigenous groups in Indonesia; <https://www.iwgia.org/en/indonesia.html>

4. West Papua since its controversial integration<sup>4</sup> into the Indonesian republic in 1963 has experienced a decrease in its Melanesian population, destruction of their cultures, displacement of people as refugees and internally displaced peoples<sup>5</sup> (IDPs), language extinction, environmental destruction, resource exploitation and other human rights abuses under heavy military occupation over the last 60 years. Experts say that there is evidence that slow motion genocide is in progress over the last 60 years of Indonesian occupation of the island.
5. West Papua is currently under heavy military occupation due to armed conflict in four areas within the province. The armed conflict is the continuation of the armed struggle for independence by the indigenous Papuans since the 1960s, more than 50, 000 people are IDPs, at least 243 civilians have died in IDP camps<sup>6</sup> mostly women and children due to food shortages and exposure to extreme cold climate in the jungles.
6. Sentani flood<sup>7</sup> victims are still living in tents finding difficulty in rebuilding their lives currently intensified by the COVID 19 pandemic. The urban poor in West Papua is feeling the effect of Covid 19 related lockdowns and unnecessary curfews imposed by the Indonesian military.
7. The Special Autonomy package that was granted to West Papua and Papua provinces in 2001 by Indonesian government is due to end in 2021. Indonesian government breached its own terms of reference in the Special Autonomy Law by pushing to extend the Special Autonomy status in the two provinces by another 20 years a move that West Papua people are protesting against bitterly. It is discriminatory and undemocratic for the people of West Papua who do not have a voice in the Indonesian legal system. West Papua people in fact have been existing outside the legal and economic systems of Indonesia due to systematic racism and discrimination based on their ethnic origin.
8. West Papuans are in danger of extinction if they continue to exist in Indonesia, United Nations and international community have a sworn duty to take action to save West Papuans from what experts term as a 'slow motion genocide' being done to West Papuans by Indonesia. The case in Rwanda and Srebrenica happened within a short period of time without UN's notice but for West Papua it is systematic and undetected sugar coated with sovereignty, nationalism, development and internal problem. People are being executed and replaced by different stock of people on their land through migration on a daily basis and yet International community are silent about it.
9. Appeal by Pacific Islands Forum leaders for Indonesia to allow UN Human Rights Commissioner to visit West Papua to verify all the human rights violations allegations levelled against Indonesia has not been granted by Indonesian government. There is still impunity in West Papua with all international media and NGOs blocked from going into West Papua especially into the conflict zones.

### **Urbanisation and indigenous peoples**

10. Indonesia is a country full of Indigenous cultures, traditions and languages separated by seas and islands some of which have more population than others. Indonesia is an Asian country most of its indignity is driven from Asiatic cultures that are common in

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<sup>4</sup> Brief history of how West Papua was integrated could be read here;

<https://www.lowyinstitute.org/publications/west-papua-issues-wont-go-away-melanesia>

<sup>5</sup> More info about IDPs could be found here;

<https://www.rnz.co.nz/international/pacificnews/396527/indonesian-govt-neglecting-papuans-displaced-by-conflict-researcher>

<sup>6</sup> More IDPs in Intan Jaya - Residents fled violence in Ndugusiga ([humanrightspapua.org](http://humanrightspapua.org))

<sup>7</sup> More stories about flood could be found here; <https://www.thejakartapost.com/news/2019/03/19/sentani-flashflooding-death-toll-rises-to-89.html>

this part of the world. The Eastern part of the country particularly the Western part of the island of New Guinea stands apart from the rest of Indonesia because of its unique features. The people in this part of the country are Melanesians of the Pacific decent different from the rest of Indonesia. The main focus of this report is based on the population on the island of New Guinea, the experiences of the indigenous people of West Papua and their adaptation to urbanization in major towns and cities in West Papua and Indonesia in general.

11. Indonesia has a total population of more than 273 million as of 2020 making it the 4<sup>th</sup> populous country in the world. Out of those 273 million, Melanesian populations in West Papua has only less than 3 million scattered throughout the Western part of the island of New Guinea. The three million indigenous people of West Papua are overwhelmed by immigrants from other parts of Indonesia through the government's funded resettlement program since the annexation of the island into Indonesia in the 1960s.
12. West Papua has huge land mass with less population making it the ideal location for the government to invest heavily in primary industries like mining, forestry, agriculture, logging, fishing and other sectors. It has also become the centre for transmigration from other parts of Indonesia into West Papua. The migration has been concentrated on coastal areas pushing government to build cities to cater for the growing population to drive the work force of the primary industries. The immigrants field the labour market in West Papua making the indigenous population difficult to find jobs in towns and cities.
13. Indigenous communities from coastal areas are most affected group in West Papua due to their earlier contact with the migrants and their tolerant cultures. They are marginalized in all sectors of social, economic and, cultural lives. Their customary lands were forced to sell out to government, businesses and settlers making themselves landless squatting on fringes of towns and cities. Especially in Jayapura, Merauke and Sorong where most of the urbanization were centred, girls do prostitution to survive while boys and men engage in illegal activities daily to cope with the demands of daily need. Many of the coastal tribes are extinct with their languages and other aspects of tribal identity. Those surviving communities with their cultures are at high risk of extinction if not taken care of by the responsible authorities.

## **Discrimination**

14. West Papuans are a product of a racial construct since the Dutch colonial era. One of the historians, Richard Chauvel stated that, Dutch's dual colonial system contributed to the West Papuan's sense of separateness from Indonesia<sup>8</sup>. The administration created the hierarchical division by putting Indonesians and West Papuans on the second and the third layers of the society respectively, whilst the Dutch colonizers occupy at the top in society. When Indonesians declared their independence in 1945, the division was deepened by the stigmatization they created and attached to the West Papuans as black monkeys from Africa, lazy, stupid, and primitive people.

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<sup>8</sup> <https://www.eastwestcenter.org/sites/default/files/private/PS014.pdf>

Marginalization, racism, migrant-bias development practices, human rights violence, economic exploitation and depopulation have contributed to the increased dichotomy of West Papuan and Indonesian identities. West Papuans are oppressed at all levels whose lives were being fully determined by the superior Indonesians who think they know what is best for ignorant West Papuans.

15. The structural racism that was deeply rooted in West Papuans' societies, have led to the normalization of police brutality and targeted violence. The pre-conceived notions of prejudices, and racialization formed the knowledge to support the normality of violence in Black identity in Indonesia. The best example in West Papuan<sup>9</sup> context was when Indonesian government deployed thousands of troops to the region, stopped the internet access and criminalized more and more activists who responded to the widespread anti-racism protests in August 2019<sup>10</sup>. The dominant security measures resulted from the stigmatization of West Papuans as separatists and destructive people. The main problem of systemic racism in West Papua is the tagging and diversion of racism mixed with separatism and nationalism: it is embedded in the policy and main institutions of states that justify the use of coercive power by the superior identity.

### **Identity, recognition and culture**

16. West Papua was annexed by Indonesian Republic in 1963, since then Indonesian government forced West Papuans to conform to the Indonesian standards of identity and cultural recognition within the Indonesian state. West Papuans were forced to abandon their culture, language, customs and all other aspects of traditions that were passed on from generation to generation. It was a cultural genocide that was imposed by Indonesian government on Indigenous Papuans in the name of civilization. The annexation was the start of the 60 years old West Papua conflict that is still being fought today. The armed conflict between West Papua National Liberation Army and Indonesian Military is one of the longest conflicts for independence in this part of the world. Any cultural expression were banned, their musicians killed or imprisoned, languages banned from speaking in public and many other restrictions that were put in place for almost 50 years.
17. In the minds of Papuans, Indonesia was, and is still remains to this day a colonizer in West Papua. What Indonesia has been doing through development and Autonomy package is only a 'ripe banana remedy' to cool off the conflict in West Papua; the temporary band aid solution will never work to settle the dispute as West Papuans knew too well the Indonesian's strategy to keep Papua under Indonesian rule. The Indonesia's own research institute LIPI's four point peaceful resolution to Papua conflict stated clearly that Papua problem will never end unless the Indonesian government address the 'historical, economic, social and human rights violations' done to the West Papuan people by the state over the years.
18. West Papuans do not have hope inside Indonesia, their culture and even their lives are in danger of extinction if they continue to be under Indonesian rule. The death toll

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<sup>9</sup> <https://www.aljazeera.com/news/2019/08/indonesia-deploys-troops-west-papua-region-protests-spread-190820230710563.html>

<sup>10</sup> <https://www.humanrightspapua.org/news/23-2017/247-papuan-student-faces-six-month-imprisonment-sentence>

daily in West Papua is alarming and has been a cause for concern by the upper authorities in West Papua for many years now. United Nations needs to speed up decolonization process in West Papua because the conflict is an unfinished business of that decolonization process in the 1960s as per UNGA resolution 1514 of 14<sup>th</sup> December, 1960.

### **At risk populations**

19. The people of West Papua are facing possible slow motion genocide in the future if current trend is to be continued for the next ten to twenty years. Women, children and elderly people in conflict zones continue to fall victims of the armed conflict over the years. Government of Indonesia has not taken decisive actions to address the 60 year's old armed conflict that killed more than half a million people in its life span. Women and girls in towns and cities continue to be the victims of changes, mostly involved in prostitution for survival while men engage in illegal activities.
20. Climate change is a new phenomenon in West Papua that has adverse effects on the livelihood of the indigenous people who are already marginalised and forced into fringes of major coastal towns and cities throughout the province. It is more destructive in a sense that it affects their traditional fishing grounds, hunting, gardening and secret sites and their normal day to day routine. Climate induced natural disasters like torrential rains, floods, landslides, strong winds<sup>11</sup>, temperature changes and changing weather patterns are affecting the lives of the indigenous people of West Papua.
21. Indigenous West Papuans were traditionally hunters and gatherers as well as gardening and fishing. Climate change impacts on the communities in Biak Island, northern part of mainland New Guinea that was observed by our partners were;
  1. Fishermen can no longer rely on traditional knowledge of astronomy /stars observation to know the shady or choppy sea season due to unpredictable weather patterns, cloud cover and rough seas as a result of rise in sea level;
  2. Farmers can no longer determine when to start planting due to changing positions of certain constellations which influences sudden changes of weather from dry season to wet season makes people confused on when to do gardening and planting.
  3. These constant changes results in the reduction of the production of local foods, both vegetables and domestic animals, affecting the nutritional intake for women and children.
22. In Merauke, southern part of West Papua:
  1. the dry season is longer (7-8 months), causing peatlands to become dry and flammable. Carbon stock (chemical formula C) is very high in Papua. And the release of carbon due to burning peatlands contributes to the worsening climate change situation;
  2. People also burn peatlands to get young shoots and also allow games to eat the shoots to be hunted by indigenous peoples for food which also contributes to carbon dioxide in the air;
  3. The dry season makes food stocks abundant like tilapia fish and other stocks of fish;
  4. Rainy season brings floods due to extreme rain including strong winds;
  5. Sago plants become the main food source, because planting rice, needs a lot of water to be harvested. Planting local

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<sup>11</sup> Wind is really strong these days; <https://www.jeratpapua.org/2019/10/26/fenomena-perubahan-iklim-angindisertai-udara-dingin-landa-kota-merauke/>

foods like palawija (patatas, taro or cassava) need enough water as well and water is difficult to obtain in the dry season.

23. Multi-National Corporations (MNCs) taking over vast areas of land backed by the military and police are a major concern in West Papua along with Government's sponsored transmigration<sup>12</sup> programs over the years to work in palm oil, logging, mining and other natural resources investments. Military backed land grabbing is familiar in most indigenous communities in Indonesia of which West Papua seems to be the hotspot. Indigenous people are being driven off their lands with no legal, political, economic or social protection by the state to support themselves and their families. The negative impact of climate change combined with land grabbing isolates the indigenous people and directly deny their rights to their land, loss of their cultural sites, hunting, fishing and gardening sites, loss of their dignity and prone to rebellion. Taking up arms by indigenous West Papuans<sup>9</sup> is the only option because the laws in Indonesia seem to protect the majority, leaving out the minorities and the indigenous peoples.
24. Cultural knowledge is rapidly being lost due to armed conflict and displacement<sup>13</sup>, loss of land and secret sites through land grabbing by MNCs, migration and influence from outside. Papuan languages are experiencing extinction with decreasing number of tribal communities especially in the coastal regions and urban centres of West Papua. It is frightening because the whole tribes are being wiped out with no traces of their languages and cultural practices remaining or documented. In 2018, 6 major tribal groups in Kerom regency including their languages and cultures were reported extinct by the local government. Their land and cultural sites including tribal names were allowed to be adopted by existing tribes a common trend in West Papuan communities.

### **Indigenous-led initiatives and State responses**

25. The major partners in the SIP network of CSOs like JERAT Papua and YADUPA are some of the frontline CSOs that are addressing the indigenous issues through training, conducting workshops, introducing new methods of adaptation and local food preservation, production and consumption of local food, among other things. Legal environment in Indonesia is still not suitable for the full realization of indigenous rights enshrined in the UNDRIP which makes implementation and realization of some sectors difficult.
26. Traditional food growing and preservation initiatives driven by JERAT Papua and YADUPA among Biak and Merauke people of West Papua have some positive impact within the indigenous communities. With the current COVID 19 crisis local government including CSOs are appealing to the people to go back to the land and grow traditional food for survival which is a positive call due to the existing culture of gardening, preserving and consumption of local food. Cultural school program in Biak currently run by YADUPA to teach cultural practices of food preservation and other aspects could be assisted to further establish in many parts of

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<sup>12</sup> A research conducted by YADUPA on immigration; <https://yadupa.org/2019/02/20/hasil-riset-yadupamenyebutkan-orang-port-numbay-makin-minoritas/>

<sup>13</sup> Example of indigenous West Papuans protesting for their land; <https://www.jeratpapua.org/2018/09/01/pabrik-kelapa-sawit-pt-bia-merauke-dipalang-pemilik-hal-ulatoryat/>

the province to preserve the local cultures before they extinct. YADUPA's trial in Biak in the coast and Yalimo in the highlands are positive trials that are encouraging.

27. Indonesian government's initiatives that focus on urban Papuans like 'Pasar mama Papua' or markets built for Papuan mothers to sell their garden produce, Trans Papua road projects and other infrastructures are being developed throughout Papua by the Indonesian government to for indigenous Papuans good initiatives by the government. These infrastructures are improving the lives of indigenous Papuans who live in the cities but not many Papuans are benefiting from the projects. Immigrants are enjoying the benefits of development in cities while Papuans still suffer injustice and discriminated against. These high impact projects are taking place where the immigrants are mostly located and are not targeted for West Papuans.
28. The Law number 21 of 2001 Special Autonomy<sup>14</sup> was the answer that Indonesian government took to address all the problems in West Papua after the 'reformation era'. Development approach that Indonesian government took since 2001 focused on providing services in West Papua but the development was focused on where migrants were located mostly in the coastal towns of the island and left Indigenous population without standard basic services. The government sent in military and police instead to where the local Papuans were mostly located especially in the highlands areas where they are intimidated, hunted and killed as traitors. The exclusion and distinctions made by government to exclude indigenous Papuans from accessing government services is one of the reasons why West Papua is still way behind in development.
29. West Papuans do not own businesses even to own simple taxi services or a trade store business. The immigrants own stores and all the business activities in all towns and cities in West Papua and outnumbered West Papuans owned businesses. Banks do not allow local people to even get loan to start business, closing financial opportunities to the indigenous communities. In politics immigrants' filled majority of the local parliamentary seats giving less voice for the local Papuan population. Military and Police chiefs have the upper hand in all the decision making in the province, the local government is only used as a rubber stamp.
30. The urban indigenous peoples' access to adequate healthcare; employment opportunities; culturally appropriate education and language instruction; housing, drinking water, sanitation and other critical infrastructure in West Papua is not addressed to the maximum. Many Papuans are jobless, homeless and have a sense of lost identity because their cultural heritage were destroyed or neutralized by the Indonesian government. Urbanization is good for West Papuans but if they could be allowed to have their own country, they would govern better. West Papuans cannot prosper under Indonesia and that has been proven over the last 60 years Indonesian rule.
31. Most urban Papuans are afraid of going to hospitals because every time a Papuan visit to a hospital they return home in a coffin. This climate of fear has been covering the indigenous Papuans for a long time now which often result in Papuans resorting to other means of medication. The Papuans in general do not have trust in the health services being provided by the government result in many indigenous Papuans death due to lack of access to better health services being provided in the cities.

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<sup>14</sup> More about Autonomy could be read here;

<https://scholarship.law.cornell.edu/cgi/viewcontent.cgi?article=1496&context=cilj>

32. Reiterating Toki's report the UNGA should reconsider that;

50. There are clear grounds for the General Assembly to support reinstatement on the list of Non-Self-Governing Territories. First, West Papua had satisfied the criteria set down in resolution 1541 (XV). Second, it had featured initially on the list. Third, the right of self-determination is articulated in article 3 of the United Nations Declaration on the Rights of Indigenous Peoples.

51. In view of the human rights violations, urgency is recommended. The significance of severe human rights violations such as death and perpetual discrimination requires action. The indigenous peoples of West Papua cannot even raise their flag or meet in large assemblies without reprisals that violate many human rights enshrined in the Declaration. The Declaration may offer a path towards reconciliation in many of the examples reviewed herein.

33. The Solidary for Indigenous Papuans in view of the current humanitarian crisis occurring in West Papua is calling on the United Nations to intervene. The international community's presence is urgently needed in West Papua because Indonesian government has not complied with any of the recommendations made by the PIF for the UN High Commissioner's visit to West Papua. Indonesia instead continues to violate the basic human rights of indigenous Papuans over the years without even a single case resolved using Indonesian laws.