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The Indonesia Human Rights Campaign

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West Papua: 1969 vote a sham

The 1969 Act of Free Choice, intended to be an act of self-determination for the people of West Papua, was a 'sham' and doomed to failure from the outset, indicates a landmark report commissioned by the Dutch government. The 700-page report by historian Professor Pieter Drooglever was launched by the Institute of Dutch History in the Hague on 15 November. It supports the Papuans' persistent contention that the 1969 vote was a fraud and the root cause of their problems to this day.

Suharto in charge

The Papuans' fate was sealed when Indonesia's autocratic President, Suharto, whose army was in control of the territory, stipulated that no outcome of the Act of Free Choice 'other than a ruling in favour of Indonesia would be acceptable to him' reveals Drooglever.

According to Western observers and Papuans who have spoken out, 'the Act of Free Choice ended up as a sham where a press-ganged electorate acting under a great deal of pressure appeared to have unanimously declared itself in favour of Indonesia.'

This led to decades of harsh military rule and violence during which 'not a day went by...when no one died or no one was seriously mistreated.... Figures running into the tens of thousands have been mentioned' for the number of people who fell victim, notes Drooglever.

West Papua's abundant natural resources have been ruthlessly exploited for the benefit of the military, the Indonesian treasury, and the elite in Jakarta, leaving the Papuan population as 'one of the poorest groups in Indonesia'.

All this has resulted from persistent and disastrous failures of policy by the Netherlands, Indonesia and the international community. Since the 1960s, the Papuans have suffered from the Netherlands' failure to oversee a successful decolonisation process, from Jakarta's reliance on repression to subjugate the Papuan people, and the international community's failure to protect the rights of the indigenous population. Above all, the Papuans have suffered from the failure of those in power to respect their right to determine their own future and control their own affairs free from violence and oppression.

Papuans' wisdom, resilience and dignity provide hope

But, says Drooglever, hope for the future lies in 'the possibilities of Papuan society itself, which has produced

the necessary self-control, wisdom and resilience to ensure its survival' and in the 'dignified and insistent manner' in which leading Papuans in church and society have brought the voice of the Papuans to the world's attention. It also lies in the interest shown by the international community, which

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can be a driving force for change and may have unfulfilled responsibilities under international law.

Professor Drooglever, was set his task by the Dutch government in 2000, following a request from the Dutch parliament, to conduct historical research into the events surrounding the Act of Free Choice. He completed the project despite a lack of co-operation from the Indonesian authorities who refused him access to its archives and permission to enter the country.

In a statement, TAPOL welcomed the Drooglever report. It urged the interested parties, especially the Indonesian government and military, to avoid knee-jerk responses, to reflect carefully on and learn from the report's findings, and to seek peaceful ways, through dialogue and negotiation, to resolve the historical and contemporary injustices suffered by the Papuan people.

Drooglever cites with approval a statement by former Indonesian foreign minister, Adam Malik, that 'the army would first have to be withdrawn before Papuan society would be able to develop'. That remains true to this day, but, as Drooglever points out, since Malik spoke, the pressure exerted by the army and police on the population has only increased. A reversal of this trend – now accelerating with the deployment of large numbers of additional territorial and combat troops – would be a start and a sign of Indonesia's commitment to a political solution to the conflict.

The surrounding events

In 1949, sovereignty over the territories of the former Dutch East Indies apart from West Papua (then known as Dutch New Guinea), was formally transferred to the Republic of Indonesia following a Round Table Conference between the Netherlands and Indonesia. For strategic reasons – and because of 'the entirely different national character and the virtual absence of Indonesian nationalistic sentiment among the population' - the Dutch, despite Indonesian objections, retained West Papua with a view to developing the territory and setting it on course for self-determination.

However, Indonesia persisted with its claim to sovereignty. This led to threats of military action and low-level incursions at the beginning of the 1960s. Under pressure from the US, which was anxious to avoid Indonesia falling under Communist influence in the Cold War, the Dutch entered into the UN-brokered 'New York Agreement' with Indonesia on 15 August 1962. The agreement provided for an initial transfer of power of West Papua to the UN to be followed by a transfer to Indonesia. An Act of Free Choice would then take place within six years, before the end of 1969.

Drooglever notes that the New York Agreement was vaguely worded on a number of essential points, including



Papuan protestors outside the Dutch Embassy in Jakarta, 17 November

the duration of the UN transition period and the guarantees for the implementation of an internationally acceptable referendum.

The Papuans were not a party to the Agreement and were not even consulted despite the fact that by 1961 there existed 'the unmistakable beginning of the formation of a Papuan state' with the adoption of a flag and national anthem and the establishment of a New Guinea Council.

'By the end of 1961 onwards, Jakarta's behaviour, both in word and deed, was outright threatening,' says Drooglever. After the end of Dutch rule in 1962, 'the UN administration [UNTEA – the UN Temporary Executive Authority] lacked the necessary power, the will and the expertise to bring about a truly neutral interim phase,' he says.

By then, 'Indonesian soldiers and officials were pouring into the country in far larger numbers than planned and quickly took control. They exerted heavy pressure on the Papuans to choose their side publicly and to give up the dream of self-determination.

Thousands of victims

Drooglever notes that 'the first signs of the violent action taken by the Indonesian military, which would also characterise the new administration in the coming decades, soon appeared. Rapid impoverishment ensued, together with a substantial decline in legal certainty and a loss of civil rights across the board.... This led to increasingly negative reactions from the Papuans. The number of victims quickly rose into the thousands'.



Protest in Jayapura following publication of Drooglever report

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UN failed to ensure free choice

Michel Pelletier was a member of the UN team which was supposed to assist Indonesia with the implementation of the 1969 Act of Free Choice. Following the release of Professor Pieter Drooglever's definitive report into the controversial process, TAPOL spoke to Pelletier about his experiences. They included being threatened by an Indonesian soldier at gunpoint. It is clear from what he recalls that the UN, under intense military and political pressure from Indonesia, did little to ensure that a genuine act of self-determination took place according to international standards.

Michel Pelletier went to West Papua (then known as West Irian) as a 28 year-old UN observer in the autumn of 1968. It was a time when the world was going through a momentous period of decolonisation and he arrived with an idealistic expectation that he would be involved in "something important". But he was soon disillusioned by the very limited ability he and his colleagues had to fulfill their role. They were forced to operate in an "isolated vacuum", which meant they had no way of finding out much of what was happening outside their small compound near to the West Papuan capital, Jayapura. The presence of the Indonesian military was overwhelming, he recalls, not just in terms of numbers, but also in the sense of "hovering over the whole thing".

One of his earliest memories was the shock he felt at the impoverished state of the territory. In his view, it was deplorable that much of what the Dutch had done to develop West Papua had been destroyed. The people were extremely poor, there were no stores in Jayapura and medical facilities were non-existent.

According to the 1962 New York Agreement between Indonesia and the Netherlands, the UN was supposed to 'advise, assist and participate' in arrangements for the Act of Free Choice, which was to be carried out 'in accordance with international practice'. A number of UN experts were to remain in the territory following the transfer of administrative control to Indonesia in 1963. However, Jakarta made it clear that no UN officials would be allowed to stay. This meant there was no UN presence until the Secretary-General's special representative, Ortiz Sanz, arrived in August 1968. The UN did not therefore fulfill its designated role and Indonesia was free to act as it pleased.

The UN team, headed by Ortiz Sanz, was originally supposed to comprise 50 members – grossly inadequate in itself for a territory the size of California with a population then of around 700,000 - but in the event it was reduced to 25 and then just 16 members at Indonesia's insistence. They included Ortiz Sanz, a number of advisers and administrative staff and five observers.

The observers' task was to monitor every aspect of the implementation of the New York Agreement, including provisions guaranteeing freedom of speech, movement and assembly. Their ability to do this was considerably curtailed by severe restrictions on their own freedom of movement - permission from the Indonesians was required for all their travel around the territory. Another flagrant breach of the Agreement.

Any monitoring, they were able to undertake was inevitably "superficial", says Pelletier, as the small team was normally able to be in only one place at a time. They



Michel Pelletier with Papuan delegates to the Drooglever report launch

had no interpreter for several months and had to rely on what the Indonesians told them. At times, there was so little for them to do that they were given "made-up" jobs, such as investigating the education system.

The observers received a number of reports about the maltreatment of Papuans, of people being killed after crossing the border from neighbouring Papua New Guinea, and of violence against Papuans in places such as Fak Fak and Sorong. The reports were passed on to Ortiz Sanz, but the observers were unable to investigate further. According to Drooglever, the number of victims had quickly risen 'into the thousands' soon after the Indonesian takeover in 1963.

Threatened at gunpoint

The observers were aware of several demonstrations by Papuans, but were prevented by the Indonesians from witnessing them. On the one occasion when Pelletier did attempt to attend a demonstration in Jayapura he was stopped in his car by an Indonesian soldier and told not to proceed. When he failed to turn round fast enough, the agitated soldier stuck a gun in his stomach to reinforce his order. Understandably, Pelletier was extremely frightened and remains angry about what happened. The incident was reported, but there were apparently no repercussions. It is reasonable to assume from this outrageous treatment of a UN official that the Indonesians had similar scant regard for the rights of the Papuans as Drooglever indeed confirms.

Contact with Papuans was extremely limited. They were stopped from coming to see the UN team and from visiting the UN compound. Persons submitting petitions were not allowed to discuss them with the team. The extraordinary lengths to which Indonesia went to prevent contact with local people were illustrated by an incident in which a

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Drooglever report attracts wide attention

The publication of the report by Professor Pieter Drooglever of the Institute of Dutch History on the 1969 Act of Free Choice has attracted responses from many countries which will help to internationalise the issue of Papua.

In an attempt to distance their governments from the event, neither the Indonesian Government nor the Dutch Government sent representatives to the launch. Both governments refrained from making any response, probably afraid that the report might provoke calls for a 'historical rectification' of the 1969 vote and for a referendum to be held.

No fewer than eleven Papuans from all parts of West Papua made the trip to The Netherlands, at their own expense, eager to hear the results of the investigation concerning a matter that has been at the core of their grievances for nearly forty years. Most of the Papuans were representing their local *Dewan Adat* (Tribal Council). They attended both the launch on 15 November and a seminar held later in the week, and took advantage of their presence in The Netherlands to meet the many Papuans living in the country.

They virtually took over the presentation ceremony on 15 November and went on to the podium to sing the Papuan national anthem.

On 18 November, a one-day seminar was held in Amersfoort, followed the next evening by a well-attended public meeting.

The Papuans who addressed the public meeting on 19 November were Thom Beanal, the chair of *Dewan Adat Papua* (Papuan Tribal Council), Thaha Mohamed Alhamid General Secretary of the Papuan Presidium Council (PDP) and Wilhelmina Woy, representing the Fak-Fak Tribal Council.

Thom Beanal spoke about the grave injustice of the Act of Free Choice while Thaha Alhamid gave an account of Papuan efforts to hold dialogue with the authorities in Jakarta. He explained that in the period following the downfall of the authoritarian President Suharto in May 1998, there was for the first time a greater willingness in Jakarta to respond to Papuan concerns. Under President B.J. Habibie, who took power after the fall of Suharto, a team of one hundred Papuans went to Jakarta and had a meeting with the President. Habibie appeared to listen carefully to their representations but did little more than say that he would look into the matter.

From then on, all efforts to seek dialogue during the presidencies of Abdurrachman Wahid, Megawati Sukarnoputri and the current president, Susilo Bambang Yudhoyono, went downhill and failed to get any response.

Jakarta government plays down the event

Several weeks before the Drooglever report, *Een Daad van Vrije Keuze* (An Act of Free Choice) was due to appear, there were attempts in the Indonesian press to discredit the

Dutch historian.

A Jakarta fortnightly, *Intelijen*, carried extensive coverage in September about the forthcoming report. A man described as being one of Indonesia's intelligence experts,

Djanda, was asked who was inciting the Papuans to press for independence. His response was: 'It's people like Drooglever and Langenberger (sic), Dutch intellectuals who feel they have been betrayed by Indonesia. Their sense of betrayal means that they want to humiliate Indonesia. Just wait till 15 November when Drooglever and Langenberger hold a seminar.'

He described Drooglever as not only an intellectual but also an intel, who was probably lobbied by the socialists. 'He has been stirring up Papua. He is in the pay of the OPM and has for many years been raising Papua and Indonesia on the international forum.'

In the words of a spokesman of Indonesia's Foreign Ministry, the Report was 'an academic study which is no different from other studies on Papua'. The spokesman, Yuri Oktavian Thamrin, said: 'The Dutch government recognises Papua as part of Indonesia. That's why the substance of the study has no legal or political relevance to the facts.'

Members of the Indonesian Parliament rallied to the side of the government. A member of Parliament's Commission I on Foreign Affairs urged the Indonesian government to 'counter such a finding with solid arguments and to establish lobby groups to stop it from becoming an international issue.'

A seminar on West Papua to be held by LIPI, the Indonesia Institute of Sciences, in Jakarta to coincide with publication of the Drooglever report, had to be called off when the Indonesian government indicated that it was not prepared to fund the event. It was suggested that the issue should be discussed by the University of Indonesia. According to LIPI they have not been informed of the reason for the government's decision.

Dutch government response

Although the request for an investigation was made by a member of the Dutch Parliament and the report was commissioned by a previous Dutch government in 2000, the present government was dismissive of the investigation. The present Dutch Foreign Minister, Ben Bot, was quoted in the Dutch daily, *Trouw*, as calling the investigation 'superfluous', stating that the initiative had come from his predecessor, J. van Aartsen. Neither is the Dutch Parliament



Thom Beanal addresses a public meeting in Amersfoort

planning to do anything with Professor Drooglever's report. According to the Jakarta Post: Certainly no book will by itself change history, Drooglever's publication has started a momentum that could bring Papuan politics into line with history.'

While the Dutch government had signed the so-called New York Agreement with the Indonesian government in 1962, which set the scene for a act of self-determination to take place by the end of 1969, it appears that the Dutch government was not happy to be associated with the investigations, which called the 1969 Act a 'sham', for fear that this might have a detrimental effect on its wide-ranging relations with Indonesia. Clearly economic interests take precedence over any concern for the grievous historic injustice which has been done to the Papuan people.

Sydney Morning Herald

In an editorial following the publication of the report, Australia's leading daily, the Sydney Morning Herald wrote:

"There is always merit in setting the record straight, no matter how much time has passed. For the Indonesian province of Papua, it has been a long and bloody 36-year wait. The Papuans have refused to accept the 'Act of Free Choice' by which they supposedly voted to join Indonesia in 1969. A report commissioned by the Dutch government unequivocally vindicates their stand. The resource rich territory of Papua was not included when the Dutch handed over their colonial territories to a new Indonesian nation after World War II. Instead, the Papuans - who share no religious or cultural ties with majority Muslim Indonesia - were promised a popular ballot on independence. But a mere 1,000 or so Papuans participated in the 'sham' rigged vote orchestrated by Jakarta, the report says. The result has been a protracted, debilitating independence struggle, pitting a vicious Indonesian army against ill-equipped Papuan tribes.'

The views of an Indonesian historian

One of the speakers to address the seminar on 18 November was Muridan Widjojo, a Research Fellow of the Indonesian Institute of Sciences, LIPI. Muridan is a PhD Candidate in History of Maluku and Papua at Rijksuniversiteit in Leiden.

His paper, Bridging the Gap or Pushing Papua out of the Republic? is a carefully structured analysis of the opposing views of Papuans and Indonesians on the status of West Papua, from the perspective of a writer who sympathises with both sides of the argument. After giving an account of the diverse social and religious views of Papuans and the commitment of the PDP and the OPM to a peaceful struggle, he draws attention to what he calls 'the most painful miscommunication between Papuans and policy makers in Jakarta'. From the days of Sukarno up to the present era, sentiments in Indonesia have been deeply nationalistic. Papua is approached as an 'unquestionable issue' and any discussion is seen as a 'threat to the near-sacred "imagined-community" of Indonesia'. Police and TNI officers impli-

cated in such crimes as the murder of Theys Eluay in November 2001 and the Abepura incident in 2000 continue to enjoy impunity and according to some, should be rewarded as 'heroes' for risking their lives to defend the unity of Indonesia.

On the Indonesian side of the dispute, he distinguishes between the hardliners in the military and the civilian bureaucracy and those intellectuals who hold moderate points of view. While they share the same desire to defend the Republic, they differ about the strategies and methods for achieving this.

The hardliners reject dialogue and go into a panic when they hear Papuan calls for the rectification of history. The moderates on the other hand believe that dialogue and 'straightening' the history of Papua's transfer to the Republic are constructive ways to resolving the conflict in Papua.

While the nationalist defence of the unity of the Republic is, he says, understandable, it should be done by winning the hearts of Papuans and not frustrating them even further. He describes the hardliners attitude as 'terribly dangerous', that can only lead to more violence, 'simply push(ing) the Papuans out of the Republic without them being the cause.'

Jakarta 'energises' the Papuans

The Indonesian government should abandon the illusion that the idea of merdeka can be removed by educating the Papuans, punishing them and disrespecting their human dignity. The consequences of such an erroneous approach is that: 'With every wrong move of Jakarta, the Papuan heart that bleeds with pain and cries for more sovereignty will beat harder and harder. Jakarta seems to provide the spirit and energy for Papuans to remain hopeful of an independent state.'

Jakarta may see Special Autonomy as the solution but Muridan argues that it has brought Papuan trust to its lowest level. The reasons are that Papuans have not had the space to determine political and developmental affairs in their own province. The government has systematically ignored respect for human rights, and the destructive power of corruption, and intervenes in political processes without giving a voice to Papuan civil society groups. Moreover, there is little indication that educational facilities, health services and general prosperity will improve.

Above all, says Muridan in conclusion, Jakarta must show a sincere commitment to the dignity of the Papuans as owners of the land.



Drooglever report

Security forces on high alert

Developments in West Papua are in stark contrast to the progress being made in Aceh. Plans to send more troops have again been announced, while a leaked police document reveals plans for action against activists, particularly those involved in flag-raising. Local communities have expressed strong objections to plans to deploy troops in their localities.

The leaked police document, dated 10 November 2005, is proof that the Indonesian authorities are well aware of the depth of dissatisfaction among West Papuans about their plight under Indonesian occupation.

The document is an instruction from the chief of police in Papua, Drs D. Sumantyan, H.S, to police chiefs throughout West Papua, warning of possible 'separatist' actions on certain occasions in November and December. The occasions mentioned as possible triggers for action are the anniversary of the death of Papuan leader, Theys Eluay on 10/11 November, the launch of the Drooglever report on 15 November, West Papua's national day on 1 December and what is described as the anniversary of Melanesian independence on 14 December.

Local police commands are instructed to identify local targets and to increase the number of personnel in remote locations, in anticipation of actions by armed groups. Local communities, it says, should be encouraged to organise sporting or other events in places likely to be the venue for protest gatherings, to involve themselves in 'voluntary' work projects under the supervision of the police and army, and to organise religious activities to distract attention from events planned by separatists. Police patrols should be intensified in the towns and in remote areas, on days of possible separatist activity. Raids should be launched to confiscate firearms and other weapons.

Flag-raisers should face treason charges

The police instruction states further that those involved in flag-raising should be arrested and charged with treason (*makar*). The police are advised not to resort to acts of violence unless this is necessary because of the circumstances, and firearms should only be resorted to on orders from superior officers. This note of caution suggests that the security forces see the need to avoid casualties which could attract international attention.

As already reported [see TAPOL Bulletin, No. 179, July 2005], two West Papuans are currently serving sentences of fifteen and ten years for peacefully hoisting the West Papuan Morning Star flag on 1 December 2004. Both men have been adopted as prisoners of conscience by Amnesty International.

More clashes in Jayapura

On 1 December this year, hundreds of students, workers and government employees gathered in Jayapura and yelled: 'Free Papua!' as they blocked roads in Abepura, where the state university, Cendrawasih, is located. According to reports received by the Robert F. Kennedy Memorial Center for Human Rights, the demonstration was initially peaceful. Demonstrators were intending to raise the West Papuan flag on the Trikora field in Abepura where demonstrations in 2004 resulted in the arrest of Filep Karma and Yusak Pakage (the two men now serving sentences of

15 and 10 years) after being blocked by Brimob forces, the crack troops of the police.

This year, hundreds (according to some sources, thousands) of Papuans sat down on the roadway blocking the traffic on the road connecting Abepura with Jayapura. The sit-down continued for several hours, until a heavy down-pour of rain forced the protesters to seek shelter.

According to a report in The Jakarta Post [2 December], the police were determined to keep the pro-independence action low-key. Hundreds of police had been deployed since early morning to prevent anyone raising the flag. Using logs to block the street in front of Cendrawasih University, the disappointed demonstrators pelted stones at university buildings, shattering some windows.

The hundreds of independence supporters then marched to the campus of a nearby Protestant bible college and unfurled a banner saying: '44th Anniversary of West Papuan Independence!' Under tight security, they held a rally at which speakers spoke of Papua's incorporation into Indonesia. Two people were detained for putting logs on the road, but police later said they were only held for questioning.

Commemorative events also were held in Sentani, near the home of Theys Hiyo Eluay, who was abducted and killed by security forces in November 2001. Prayers were said and an address was delivered condemning the vote held in 1969 which led to Papua's incorporation into Indonesia.

Papuan flag raised in prison

In defiance of his jailers, Filep Karma startled the prison authorities by unfurling the Morning Star flag on the prison roof on 1 December. Filep Karma is serving a 15-year sentence.

According to The Jakarta Post, Filep Karma said: 'Although I am being kept in jail, it does not dampen my spirit to fight for independence.' He refused however to reveal who smuggled the flag into the jail. He also said that he had done this despite the possible consequences.

It was later revealed that his sentence has indeed been extended by decision of the Supreme Court, but at the time of writing, the document announcing the Court's verdict had not been given to him.

Communities reject military presence

Traditional communities in villages located in the north-east of West Papua, in the vicinity of Jayapura, have come together in a Coalition to voice their rejection of the deployment of troops of the Indonesian army, the TNI, in their respective villages. In a document dated 21 November 2005, which is based on reliable local sources, they itemise the placement of units of fifteen soldiers in their kampungs (a kampung is the lowest-level residential unit in Indonesian cities and towns).

The report give details about placements in a number of

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Deployment of water cannons violates Papuan rights

Two British-supplied Tactica armoured personnel carriers fitted with water cannons have been deployed to West Papua to be used against protestors. The very presence of the vehicles is a powerful deterrent to Papuans wishing to participate in public events and a flagrant breach of their rights to freedom of assembly and expression.

The water cannons have arrived in West Papua at a time of heightened tension. Large numbers of additional troops are being sent to the territory and the police have been under instructions to prevent people participating in public actions on a number of important dates in November and December [see separate article, 'Security forces on high alert'].

TAPOL understands that the vehicles were sent to the West Papuan capital, Jayapura, from Aceh at the beginning of August. They were present during a large demonstration against special autonomy on 12 August and at a protest against the establishment of the Papuan People's Assembly (MRP) at the Governor's office on 31 October.

The Foreign Office in London says that the water cannons were also used on an unspecified date to break up a violent demonstration aimed at an office of the Indonesian Electoral Commission. Information about this demonstration is extremely sketchy and has not been confirmed. Serious questions would in any event have to be asked about the cause of the alleged violence given the propensity of the security forces to start or provoke incidents by the use of heavy-handed tactics or other means.

An informed source has told TAPOL that a salt/liquid soap solution has been added to the water in the cannons to produce a tear gas-like effect on those targeted. This is a common practice in Indonesia where water cannons were used on many occasions in the 1990s against the pro-democracy movement opposed to the Suharto dictatorship.

The water cannon vehicles were licensed for export to Indonesia by the Conservative government in the 1990s. A number of them were not delivered until after Tony Blair's



Tactica armoured vehicle(left) with water cannon in Jayapura

Labour government came to power in May 1997. It controversially refused to revoke the export licences despite promising an 'ethical dimension' to its foreign policy. The Tacticas were made by Glover Webb, a company then owned by GKN, which has since been absorbed into the BAE Systems conglomerate.

MPs appalled

UK parliamentarians opposed to arms sales to Indonesia have reacted angrily to the deployment of the water cannons. In a parliamentary motion, 38 MPs said they were 'appalled at the reported deployment of British-supplied equipment by Indonesian forces against civilians in West Papua'. They called for a halt to all arms and equipment supplies and an investigation into the abuses of human rights in West Papua [Early Day Motion 1131, 28 November 2005].

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districts in the vicinity of Jayapura, the Districts of West Sentani, Nimbokrang, Nimboran, Namblong, Kemtuk Gresi, Demta, Depapre and Kaureh.

For example, in the District of Demta, a local inhabitant identified only by the initials DY reported that the district military commander had visited him to inform him that security personnel would be placed in three kampungs. Another informant, LW, described how an army officer had informed him that troops would be deployed from 9 November till the end of December, and would be billeted in the homes of the inhabitants. In both cases, the informants said they rejected the presence of military personnel in their kampungs.

Similar reports of deployment were included in the Coalition's report for all the other districts. In two kampungs in the District of Kaureh, it was stated that twelve military personnel would be located in all the nine barracks of a local company, PT Sinar Mas, which means

that a total of 108 soldiers would be deployed in that location.

A note in the concluding section of the report explains that the authorities claimed that the deployments were necessary because of the alleged disappearance of a helicopter on 12 October but no villagers had seen or heard a helicopter flying in the area. After extensive searches, no helicopter was found and local people concluded that the story was simply a pretext to justify the deployment of additional troops.

The report stated in conclusion that local communities reject the deployment of additional troops 'because there already are Koramil and Polsek (army and police) command stations in these locations. So what need is there for more security personnel since conditions in the area are very peaceful, there is no war in progress and the people are busily engaged in their gardens, out at sea, taking their children to school and a number of other social activities?'

Famine and neglect in a land of plenty

In early December, it was reported that fifty-five Papuans had died because of lack of food in the district of Yahukimo, while more than one hundred were suffering from famine-related ailments. While efforts were being made to send food to the area, a senior government official alleged that the reports were untrue. Several weeks earlier, a report about West Papua by the World Bank said that West Papua has the highest level of poverty in Indonesia.

The district of Yahukimo is some 800 kms from the capital, Jayapura, and is situated in the Baliem Valley. The nearest town is Wamena. While efforts were being made to send emergency food supplies, it was reported that bad weather and the remoteness of the affected region were hampering the relief effort.

Inappropriate intervention in aid distribution by the police and military and local corruption may have made matters worse.

From Jakarta it was reported that, on hearing of these deaths, President Susilo Bambang Yudhoyono instructed a senior member of his cabinet, Aburizal Bakri, to go to the region. While little was said about how long the minister spent in the region and whether he had managed to reach the affected area, he was subsequently reported as saying that the reports about famine and deaths were untrue, and that he had seen plenty of fat people.

Although information about the situation in Yahukimo has been sketchy and difficult to obtain, it seems clear that this area of the Highlands is facing a serious problem with hunger and malnutrition. In this instance, the food shortage appears to have been caused by a failure of the sweet potato crop because of excessive rain in recent years and the lack of an appropriate response from the provincial and local authorities.

Starvation in a land of plenty

Indonesia's leading English-language daily, The Jakarta Post, said that some government officials 'have gone so far as to deny any malnutrition at all in the regency, a common tactic during the New Order regime'.

'The horrible irony of the Yahukimo famine,' wrote the daily, 'is that it occurs in a province that is immensely rich in natural resources. Papua has millions of hectares of virgin tropical forest and huge gas and mineral deposits. Some of this natural wealth has been exploited for decades, but the riches have not trickled down to (ordinary) Papuans.'

A church missionary, Sister Sue Triner, who has been living for years in Papua and recently visited Yahukimo, said the food aid helped save the lives of residents in the famine-affected area. If the food aid had not been dropped into the area, the starvation would have been much more severe and would have cost more lives, she said. [Jakarta Post, 14 December 2005]

Is hunger in Yahukimo deliberate?

A food policy specialist published an analysis of why food shortages have occurred in Papua. Jonathan Lassa who wrote his doctoral thesis on 'Food Politics and Food Aid' said that there had been a policy of switching food

consumption away from traditional foods such as sweet potatoes to rice. 'Yahukimo cannot attain food sufficiency in rice and must therefore rely on supplies from outside.' Inevitably, transportation costs severely affect the cost of food. He said that the policy of switching consumption habits from traditional crops to rice seriously affected people's food sovereignty. He said that local officials had introduced what they described as superior seeds with higher yields. But such crops require elaborate storage which added to costs. This also undermined local sovereignty over food consumption, switching away from crops that are more compatible with the local ecology and culture. He wrote in conclusion: 'Such inappropriate policies often compel me to draw the conclusion that hunger and death in Yahukimo are the result of a deliberate interaction between development disasters and developing disasters.'

World Bank: Highest level of poverty

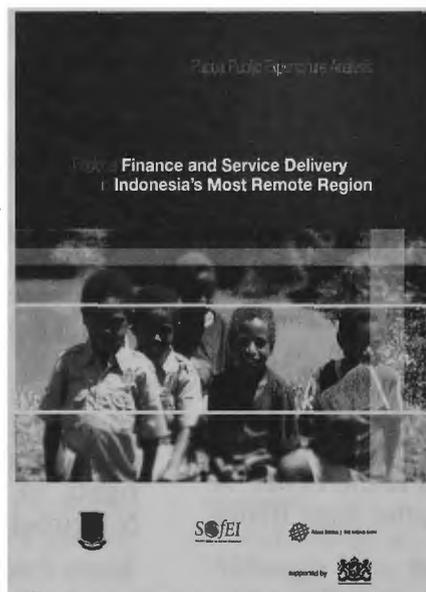
In November 2005, the World Bank released a report, Papua Public Expenditure Analysis which points out that Papua 'has the highest level of poverty in all of Indonesia. In 2003,' it said, '38 per cent of Papua's population were living in poverty, more than double the national average of 17 per cent.' The Bank's report also pointed out that there were significant variations in poverty rates between districts and towns, ranging from 23 per cent in the city of Jayapura to 56 per cent in Bintuni Bay. It is worth noting that Bintuni Bay is the location of what will be Indonesia's largest exploitation of natural gas by BP, a British company.

(The World Bank report did not draw attention to the changing composition of the population, with immigrants accounting for an increasing percentage of the population, especially in urban areas.)

The World Bank report also drew attention to the cost of living in Papua which varies enormously from district to district. In Jayawijaya district, it said, prices for basic essentials were one hundred times (sic) higher than in coastal towns. The difference was due primarily to the cost of transportation.

As for the availability of health services, the World Bank report said: 'Few Papuans have access to good health facilities.... More than 90 per cent of villages in Papua do not have basic health facilities such as health centres, doctors and midwives, and 70 per cent of these villages have difficult access to such facilities in other villages.'

On education, the World Bank report states that Papua's education indicators are consistently lower than the national average. Although it states that Papua has relatively more



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Freeport's role exposed

The US mining giant Freeport-McMoran continues to reap fabulous profits from the gold and copper it has extracted from West Papua since clinching a deal with Suharto in 1967. The company depends heavily for its security on the Indonesian army and has paid huge sums of money to army officers for their services. Britain's Rio Tinto also profits from the extraction of Papua's wealth.

A front-page article in the *New York Times* on 27 December, *The Cost of Gold – The Hidden Payroll: Below a Mountain of Wealth, a River of Waste*, published also in the *International Herald Tribune*, has focused international attention on the operations of the mining company that has become Indonesia's largest tax-payer and controls what is acknowledged to be the world's largest gold reserve and the world's third largest copper deposit.

The *Times* article follows an in-depth report on the relationship between the Freeport Mine and the Indonesian security forces, *Paying for Protection*, published by the non-governmental organisation Global Witness in July 2005.

Unable to visit the site of the mine as the company and the Indonesian government refused permission despite repeated requests, the authors of *The Times* article were compelled to rely on several months of research through email and with the help of more than thirty former and present company employees most of whom withheld their names for fear of retribution. Freeport 'has bored out of its Grasburg mine an almost bottomless store of gold. Satellite images show a spreading soot-coloured bruise of almost a billion tons of mine waste that the New Orleans-based company has dumped directly into a jungle river of what had been one of the world's last untouched landscapes,' says the article

Shielded by the military

Behind a solid shield of military protection, Freeport has 'managed to maintain a nearly impenetrable redoubt in the easternmost Indonesian province as it taps one of the country's richest assets.' According to company records obtained by *The Times*, the company gave military and police generals, colonels, majors and captains, and military units nearly \$20 million, while individual officers received tens of thousands of dollars, in one case up to \$150,000. A former Indonesian attorney general told the paper that it was illegal under Indonesian law for officers to accept direct payments. Current and former employees told of a covert programme - email messages intercepted to spy on the company's environmental opponents.

The company has transformed one of the world's most remote areas into a company town and mine 'on a scale unique even by the standards of modern mega-mining'. According to an official of Indonesia's Department of Energy and Mineral Resources: 'If any operation like this was put forward now, it wouldn't be allowed. But now the operation exists and many people depend on it,' said Witoro Sularno.

As a company with \$2.3 billion in revenues, it has become among the biggest - and in some years the biggest - source of revenue for the Indonesian government. From 1992 to 2004, Freeport provided Indonesia with \$33 billion in direct and indirect benefits, almost 2 per cent of Indonesia's gross domestic product.

Under special autonomy, Papua is supposed to receive 80 per cent. of revenues from Freeport. According a recent World Bank report, Papua Public Expenditure Analysis, such autonomy funds have boosted development spending, but they have partially substituted for regular development funds instead of increasing them and there has been little progress in the key areas of health and education. Levels of poverty remain the highest in Indonesia [see separate article, 'Famine and neglect in a land of plenty']

Although it has been warned frequently by Jakarta's Environment Ministry that it was breaching environmental laws, the regulatory tools were 'so weak' that it was like 'painting on clouds' to persuade it to comply with official requests to reduce environmental damage. By the company's own estimates, it will generate an estimated six billion tons of waste before it is through - more than twice as much earth as was excavated for the Panama Canal.

According to a report commissioned by the company not previously made public but made available to *The Times*, the rivers upstream and the wetlands inundated with waste are now unsuitable for aquatic life.

As for human rights violations, according to anthropologist Chris Ballard who worked for Freeport, and Abigail Abrash, an American human rights campaigner, an estimated 160 people have been killed by the military between 1975 and 1997 in the mine and its surroundings.

Deal with the devil

After a series of riots in March 1996 in which military personnel in mufti took part, the mine was forced to shut down for three days; \$3 million worth of equipment was destroyed. To deal with the crisis, CEO James Moffett rushed to the scene and held a meeting of army officers presided over by Major-General Prabowo Subianto, the son-in-law of the dictator, Suharto who told him they were ready to help. Entering into what has been called a 'deal with the devil', the armed forces drew up a bill of \$35 million for infrastructure for the army - barracks, roads, and scores of heavy vehicles - which would need to be replaced every few years. This resulted in payments of at least \$20 million from 1998 to May 2004 and additional payments of \$10 million. Current and former employees told *The Times* 'it was likely that much of the money went into the officers' pockets'. Records show that the largest recipient was Lt Col Togap F. Gultom, commander of the troops in the Freeport area who received \$100,000 for 'food costs' for six months in 2001 and more than \$150,000 in the following year. The company also gave a total of \$350,000 to ten other commanders also for 'food costs' even though Freeport had allowed the soldiers to eat in their mess and had trucked food to more distant kitchens.

In April 2002, the company gave Major-General Mahidin Simbolon - then senior commander of forces in Papua and formerly responsible for counter-insurgency operations and militia training in East Timor - \$64,000, followed eight

months later by another \$67,000 according to Global Witness. The Times request to interview Simbolon was rejected.

Freeport has resisted any detailed disclosure of its payments to the military, claiming they are legal and even required by Indonesian law. Bur former minister of justice Marsillam Simanjuntak told The Times it was in violation of Indonesian law for soldiers and police officers to accept payments from a company.

Killings unsolved

The questionable relationship between Freeport and the Indonesian military came under scrutiny following the killing of two Americans and an Indonesian near to the mine in the district of Timika in August 2002.

Initial investigations by the Indonesian police provided strong indications that Kopassus special forces or other army units were involved. US officials had similar suspicions. It was thought that the attack was intended to be a warning to Freeport not to cut its support for the military.

A joint investigation by the Indonesian police and the FBI faced persistent obstructions by the military. An alleged member of the Free Papua Movement (OPM) Anthonius Wamang, has been indicted in a US court, but remains at large. The case now appears to have stalled and many questions about who was responsible remain unanswered [See 'Freeport indictment leaves many unanswered questions', TAPOL Bulletin, No. 176, p. 18].

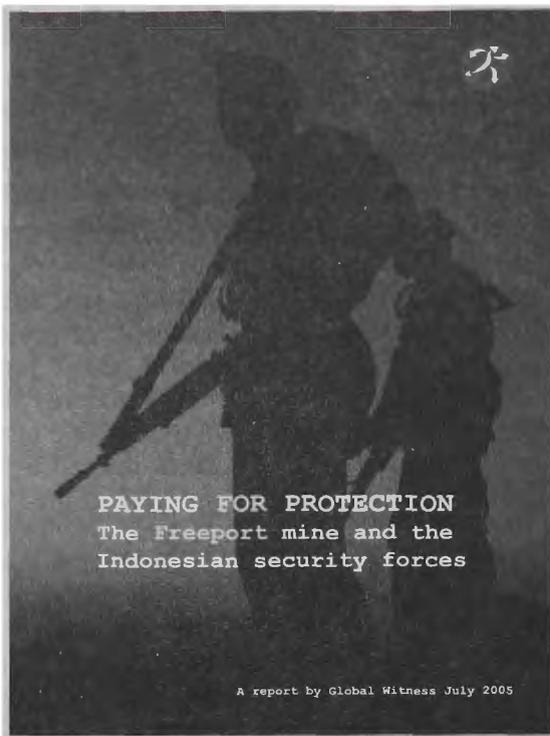
Mine waste clog rivers

While Indonesia's environmental ministry has stood by powerless, the company informed the government that the waste rock in the highlands, 900 feet deep in places, now covers about three square miles. What was once one of the richest freshwater habitats in the world is now buried in mine waste with levels of copper and sediment so high that almost all the fish have disappeared. Yet no government in Jakarta to this day has dared encroach on Freeport's prerogatives. Indonesia's environment minister Sonny Keraf argued that Freeport should be forced to pay compensation for the rivers, forests and fish that its operations had destroyed, but to no avail

To counter growing outrage at the consequences of Freeport mining operations, the company agreed in 1996 to pay 1 per cent of revenues annually for development projects in Papua. However, Thom Beanal, chief of the Amungme tribe, whose lands have been taken over for the mine, says the combined weight of the Indonesian government and Freeport has left his people in bad shape. Yes, he said, they have provided electricity, schools and hospitals but the infrastructure was built mainly for the benefit of Freeport.

Military admit money received

Stunned by the revelations in the New York Times, Indonesian officials have been compelled to respond.



Global Witness report

Following the publication of the article in The Times, the Indonesian military acknowledged for the first time that its commanders in West Papua had received 'support' from the U.S. gold-mining giant - responding to allegations that Freeport-McMoRan Copper & Gold Inc. (FCX), gave the army millions of dollars to protect its facilities in the remote province. Maj. Gen. Kohirin Suganda said the armed forces 'as an institution' had never received donations from the New Orleans-based company. 'But we have heard that Freeport provides support such as vehicles, fuel and meals directly to the units in the field,' Suganda said. 'That's the company's policy. It was not done because we requested it.' But when asked about the payments, the commander in chief of the Indonesian armed forces, General Endriartono Sutarto would only say: 'Please ask Freeport, not me.' [AP, 29

December 2005]

Another response to the NYT's exposure came from Indonesia's Minister of Defence, Juwono Sudarsono. He was quoted as saying that local and international companies should not make direct payments to military officers guarding their operations as the practice is illegal. He added that according to a ministerial policy statement in 2000, payments for security arrangements should be made to related government agencies, that is to say not to officers or the military. [Jakarta Post, 30 December 2005].

Global Witness has called for greater transparency in payments by oil and mining companies to governments and security forces, especially in conflict areas such as West Papua. It has recommended an investigation into the relationship between Freeport and the Indonesian military and police by law enforcement authorities in the US and Indonesia.

It will be interesting to see whether anything changes.

Breaking News

Reports have been received that 12 Papuans suspected of involvement in the Freeport killings, were arrested on 11 January 2006. They were detained in Timika and later transferred to Jayapura for interrogation. Those in custody include Anthonius Wamang and Rev. Isak Ondawame, a well-known local pastor and human rights advocate. This appears to be a joint operation carried out by the Indonesian authorities and the FBI.

Peace process on the right track

After the Aceh peace accord was signed on 15 August 2005, a new international body was created to monitor its implementation. The new body, the Aceh Monitoring Mission (AMM), has so far mediated four rounds of decommissioning, always the most difficult part of any peace process.

A peace process never occurs in a straight line and more often than not encounters major or minor handicaps on the way to a sustainable peace. The UN, which has employed peacekeepers in all parts of the world, reckons that, on average, it normally takes ten years before a peace process can find the right track and start functioning satisfactorily.

In that sense the peace process in Aceh is rather unique. So far, it has run well, beyond the expectations of many Indonesia watchers. The almost thirty-year-long bloody conflict in Aceh plus the terrible violence that occurred in East Timor in 1999 before and after the massive vote in favour of independence led many observers to feel pessimistic about the prospects in Aceh. As it turned out, the successive steps in the peace process went very well: the Helsinki negotiations were concluded in five rounds (from January to August 2005), the four stages of decommissioning up to the end of December 2005 proceeded without incident or activities by militia who function as the proxy of the military, resulting in the peace process in Aceh being a shining example.

The political will to end the conflict from the warring sides, the Government of Indonesia (GoI) and the Free Aceh Movement (GAM) provided the foundation for this successful process. The desire for peace was reinforced by the tsunami which struck Aceh so devastatingly on 26 December 2004.

A vicious military operation lasting from 2003 till 2005 had crippled people's lives in Aceh and had convinced both sides that a negotiated settlement was the only viable option. Many months before the tsunami tragedy hit Aceh, informal talks had been underway between the two sides in venues around the world.

The Memorandum of Understanding (MoU), which sets out the peace accord, is a genuine expression of goodwill from both sides. GAM took a few steps back by withdrawing their demand for independence while GoI offered wide-ranging political and economic reforms. A new law on the governance of Aceh will be promulgated not later than 31 March 2006 and political participation will be guaranteed for all citizens of Aceh. Amnesty has been granted to former GAM combatants, including those who were released from prison. The government has undertaken to provide facilities for the reintegration of former GAM combatants into society.

The tsunami disaster was the final trigger for the peace process and record-breaking reconstruction efforts coming from all parts of the world are creating an opportunity to strengthen the peace process as it paves the way for new possibilities for entire communities to start a new life.

AMM, a success story

The Aceh Monitoring Mission (AMM) was the body assigned to monitor the implementation of various aspects of the peace agreement. The AMM is an expression of the international community's determination to ensure that the

peace process is implemented according to accepted international standards.

AMM started work on 15 September and from the start it was clear that it was grossly understaffed (231 persons) for a region as big as Aceh. AMM is a project of the European Union in partnership with the five ASEAN member states (Brunei, Malaysia, Philippines, Singapore and Thailand). It has set up ten offices in the region whose tasks have been broadly defined as follows:

To monitor compliance with the ceasefire, the withdrawal of paramilitary forces and government troops. To ensure respect for human rights under the terms of the MoU. In addition, to implement assistance programmes to secure the EU's role in restoring security, stability, economic development and social justice to the region.

To monitor the reintegration of active GAM members, monitor the process of legislative changes and rule on disputed amnesty cases. It will also deal with complaints and alleged violations of the MoU and establish and maintain liaison and good cooperation between the parties.

The AMM is a civilian operation within the framework of the European Security and Defence Policy (ESDP). Pieter Feith, a Dutch diplomat with experience in the former Yugoslavia conflict, is head of the mission. He has described the AMM as a very useful model for the future. He said: 'While in the military field (the EU) may not be the most powerful one, in terms of civil crisis management we have a real competitive advantage. These types of civilian missions are more and more on the rise. You don't need soldiers to bring an end to conflicts nowadays.' [Financial Times, 7 December 2005].

The mandate of the AMM initially set to last until 15 March has been extended for three or six months, depending on whether the peace process becomes self-sustaining; the EU is committed to continuing to support the Aceh peace process in the longer term. This is a commitment to support the re-integration of former GAM combatants into civil society and democratic political life, to observe the local elections in May/June 2006 and provide technical assistance and capacity-building in programmes on public safety, local governance, human rights and municipal elections.

The pro-active monitoring role of AMM has so far been impeccable and many Acehnese activists have expressed their hope that it will continue its work, in particular during the local elections and the legislative changes and will continue to play a part in resolving disputed amnesty cases.

The MoU also provided guarantees for the handling of human rights violations and alleged violations of the agreement itself. These are medium-term issues and it is of primary importance that AMM (perhaps under a different name with a different mandate) continue its work in Aceh.

While the capacity of AMM has been more than sufficient in handling decommissioning, the medium-term challenges like assisting the Acehnese during the political tran-

sition period needs people with specific knowledge of transitions towards democracy and also knowledge about the specific conditions in Aceh.

Successful decommissioning

With regard to security arrangements, the MoU provided the necessary steps, including four stages of decommissioning where GAM was obliged to demobilise all its 3,000 troops and hand over all its weapons and ammunition while Jakarta was required to withdraw all its non-organic TNI troops and police. This procedure was implemented by AMM under the watchful eye of both parties.

The first stage of demobilisation started on 15 September and concluded on 31 December 2005. In the first three rounds, GAM delivered 856 weapons to AMM, sixteen more than the number agreed in the MoU. In the last round on 15 December in southeast Aceh, GAM surrendered another 212 weapons. The GoI made a similar positive gesture by withdrawing more than 21,000 military and police from Aceh. The official figure provided for the withdrawal of 25,221 soldiers and 4,700 policemen. The last batch of Indonesian military were due to leave Aceh by 29 December.

Disbanding the TNA

The Helsinki agreement provided for GAM to demobilise all its 3,000 combat troops. So far this has happened in an orderly fashion; the majority returned home and many were greeted by village people with open arms and even with festivities. This first step proceeded smoothly, but the next step, returning the ex-combatants to civilian life, will take more time, effort and thought. The official name of the armed wing of GAM was TNA (Tentara Nasional Aceh, National Army of Aceh). With the signing of the peace agreement, the TNA is to be disbanded by the end of the decommissioning period.

TNA was first and foremost a guerrilla movement and had grown into a large movement by the end of the 1980s. At first, GAM focused much more on its role as a political movement in raising the consciousness of the Acehnese people. From 1986 to 1989, hundreds of Acehnese received military training in Libya. The present leadership of GAM and TNA consist largely of the 'Libya alumni' including Muzakkir Manaf, the present TNA commander-in-chief.

GAM established a body called KPA (Komando Peralihan Aceh, the Aceh Transitional Command) to handle this complex task. The government in Jakarta has set up arrangements for former TNA combatants to enlist in the TNI or POLRI, the Indonesian Police, but it is unlikely that many TNA members will want to enter the ranks of their former enemy.

As a way of ensuring future livelihoods, the Helsinki talks included extensive provisions for the reintegration of the TNA combatants. If they hand over their weapons they are entitled to receive a house and a plot of land. They will also be given an opportunity to obtain job training as a way of improving their chances of returning to civilian life. The majority of TNA combatants are villagers with a low level of education. GAM's strength was always much more at the grass roots with very few hailing from the cities. It is clear that the vast majority of TNA combatants will need to go on upgrading courses to as to be able to function well in a democratic Aceh.

Reintegrating the TNA

While the MoU mentions 3,000 GAM combatants and another 2,000 GAM political prisoners, the reality is very different. If one includes networks in the villages plus the widows and children of TNA combatants who have died, the figure rises to 22,000.

It is not known how the Indonesian government or the IOM (International Organisation of Migration), the agency asked to facilitate the reintegration of GAM, will solve this problem. It is partly a matter of money (providing handouts and other facilities) but also the complex procedure of re-entering civilian life. If this is not handled properly, it could become a major stumbling block in the peace process.

Looking back, the TNA was a formidable fighting force. As a guerrilla movement, its structure was strongly decentralised and Commander-in-Chief Muzakkir Manaf only functioned as commander of the local commanders. The local commanders had their own direct line to GAM's political headquarters in Sweden and also received instructions from the GAM Minister of Defence Zakaria Saman, who was based in Thailand.

Like other guerrilla movements, the TNA recruited from the villages but the majority of the combatants did not function as full-time guerrillas. Most lived at home and stayed with their wives or families. In that sense, most TNA combatants lived as civilians. During earlier negotiations which started in 2000, the armed struggle was seen by GAM as a means of strengthening their bargaining position with Jakarta.

When the previous peace agreement broke down in 2003, a massive military operation was launched by the TNI. The population in the countryside suffered heavily and the TNA sustained heavy losses too. But after two years of military operations, it became clear to many TNI officers that a military victory would never be achieved. Many circles in Jakarta drew the conclusion that only a negotiated settlement could end the conflict.

The acceptance by rank-and-file TNA warriors of a negotiated settlement, including the surrender of their arms was logical. It was the same kind of real-politik that ultimately led to talks with Jakarta as the way to end the conflict.

GAM as a political movement

Arguably, the biggest challenge in present day Aceh is the transformation of GAM from a liberation movement into a political movement and eventually a political party. Hitherto GAM and its followers have always dealt with the Jakarta government in a confrontational way.

The Helsinki agreement has changed all this. GAM is not an adversary any more and the former warring parties have become involved in implementing the peace process. GAM has set up its headquarters in a modest house in Banda Aceh and is gradually functioning as a normal political movement. GAM leaders like Irwandi Yusuf, Ishak Daud and Bachtiar Abdullah are in daily contact with representatives from Jakarta and are preparing themselves for GAM's future as a political party. A new structure has been set up called Majelis Nasional (National Assembly), which is likely to function as a pre-parliament chaired by Teungku Usman Lampoh Awe, a senior GAM member who was released from prison after the peace accord was signed. This Majelis will act as the highest body to decide on political steps and prepare for the political transformation. It requires

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Hope for a better future after the war and the waves

The first anniversary of the 2004 Boxing Day tsunami tragedy could be the last time the world focuses on Aceh. Despite promises that the world will not forget Aceh, it is likely that this anniversary will mark the beginning of the end of global attention on Aceh. However the key to Aceh's future will lie in events unfolding throughout 2006. It could be the most important year in Aceh's modern history.

The mandate of the international Aceh Monitoring Mission, AMM, comes to an end in 2006, and it is unlikely to be extended beyond then. This means that peace will be in the hands of the Acehnese and the Indonesians. Preparations for security arrangements in Aceh after the end of the AMM's mandate should start now. As locals will not be able to attend AMM offices to register their complaints, a new complaints commission should be established to replace AMM.

Building trust takes time

The Acehnese should be kept well informed about AMM's forthcoming departure so they can make preparations for the change. The building of trust between the Indonesian government and former GAM combatants will take time, and will need to be completed in the absence of ASEAN and European observers.

Before the first ever direct local elections scheduled for May or June, the Indonesian parliament and government in Jakarta will have to consider a new law on the governance of Aceh to be submitted by the Acehnese. This law will be the turning point, the moment when an unhappy past can be replaced by a hopeful future. After more than 30 years of conflict involving thousands of deaths the future will depend on a single piece of legislation.

Unfortunately, so far is not so good. Although the draft law may well be adequate, the process seems to have been monopolised by the Acehnese elite. A bad draft drawn up by means of a proper process is better than a good draft drawn up by a bad process; but it is unlikely that if things proceed well, a bad draft will result.

More consultations needed

The process needs to be strengthened by greater involvement of the public and marginalised Acehnese groups, especially woman. As things are, there have been fewer public consultations than expected. The timeframe is important, but an overly tight deadline for submission of the draft has not been helpful. More time should have been allocated and more support provided for public consultations, especially to create a sense of public ownership of the process, contributing to the building of trust and hope.

After the draft is approved, the elections will be the next item on the agenda for 2006. These elections will hopefully be the freest ever held in Aceh. At this stage the main issue will be whether GAM and Acehnese civil society groups are able to take part in the electoral process; in the establishment of local political parties, and the nomination of their own candidates without interference from Jakarta. While technically this will depend on whether the new legislation makes proper arrangements for democratic engagement, in practice it will depend on the maturity of all the parties in



their involvement in the political process.

Setting a precedent

When push comes to shove, 2006 will show whether the armed conflict can really be transformed into a political, electoral battle with GAM and other Acehnese groups competing alongside national, Jakarta-based parties at the local level. If things proceed satisfactorily, this will set a precedent for building democracy in Aceh and could set a good example for the rest of Indonesia.

And of course, 2006 will also be the year when post-tsunami reconstruction can really be assessed. One year on, it will be possible to judge whether reconstruction is making good progress or is mired in chaos and confusion. The success or failure of the reconstruction work depends on whether the promises to the Acehnese people have been kept.

Since the Aceh conflict seems now to have been finally resolved peacefully, no one can cite the conflict as an excuse for slow progress. As peace has been restored, anything untoward with the reconstruction can be blamed on all those involved. All stakeholders are equally responsible: the international agencies, central and local government and civil society groups.

2006 should be the year when Acehnese can finally enjoy that better future which has been out of reach for so long. The fulfillment of Acehnese hopes will disarm their minds and make peace in their hearts. Even if some weapons are still buried in the mountains, this need not matter anymore. They will rot, unused, as the people of Aceh devote all their energies to building a new and better life, after the war and the waves.

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The Foreign Office has countered by saying that the use by the Indonesian government 'within its own borders of proportionate force to maintain law and order, subject to appropriate controls, is legitimate and does not constitute repression or a human rights abuse'.

This 'law and order' justification deliberately ignores the context of West Papua in which human rights are routinely abused by security forces who cannot be trusted to use 'proportionate force' or exercise 'appropriate controls'. It also entails the disturbing consequence that British equipment is being used to uphold laws – for example the law which makes it illegal to fly the Papuan 'Morning Star' flag – which are themselves flagrant breaches of fundamental rights.

The Foreign Office says that without further evidence that the equipment is being used in what it regards as a repressive manner it cannot do anything. This is a familiar approach adopted over many years to defend accusations that British equipment was being used in East Timor and Aceh. In effect, the British government is saying that it will not do anything unless and until equipment is used to perpetrate human rights abuses. It will not intervene to prevent abuses taking place.

'Assurances' worthless

In the past, the Foreign Office's favourite tactic has been to rely on so-called Indonesian assurances that British equipment will not be used for internal repression or in violation of human rights. However in answer to a parliamentary question on the water cannons, the government has

admitted that such assurances are unenforceable. TAPOL and other campaigners have always maintained that the assurances were worthless, but were persistently ignored. The government cynically used them to disregard the concerns of human rights groups and victims of Indonesian military violence so that British arms companies could continue with business as usual.

While welcoming the official recognition that the assurances have no value, TAPOL is deeply concerned that British government is not now prepared to prevent the use of British equipment in violation of human rights in West Papua or elsewhere.

End-use monitoring failures

This latest development has also exposed the inadequacy of procedures to monitor the end use of British equipment, such as they exist. Despite the fact that the British Embassy's human rights officer visited Jayapura in September, after the deployment of the water cannons, the Foreign Office stated in reply to another parliamentary question in November that it was not aware of any British equipment in West Papua.

The government has admitted that no guidelines have been issued to embassy staff concerning the end-use monitoring of equipment. Instead, in further confirmation that its approach is entirely reactive, it has said that the core standing tasks of embassy staff include investigating after the event reports that equipment has been used to perpetrate human rights abuses.

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a very different mindset for the GAM rank-and-file to function within the Indonesian system.

The local elections which were scheduled for April but have been postponed till May or June, will be the first real test of GAM's strength and popularity among the Acehnese people. GAM representatives will be able to put themselves forward as independent candidates running for governor, mayor or district chiefs. The present administration in Aceh consists of Acehnese representing Indonesian political parties. The elected governor is in prison on corruption charges and technically, Aceh is run directly by the Department of the Interior in Jakarta.

A draft law on the governance of Aceh drafted by Acehnese institutions will be discussed in the national parliament in Jakarta in February and March. The outcome of the discussion and the final version of the draft law will form the base of a new Aceh, along the lines of the Helsinki agreement. Although GAM did not officially take part in the drafting, there was certainly input from individual members. Some important aspects of the special autonomy of Aceh adopted in the post-Suharto period have been scrapped from the draft. There is no mention of Syari'ah law and the name given at the time to Aceh, Nanggroe Aceh Darussalam (NAD), has been shelved.

Reconstruction post-tsunami

While peace building is high on the agenda, the post tsunami reconstruction is also a top priority. The tsunami tragedy on Boxing Day 2004 ranks as one of the worst

tragedies in the world, and Aceh was the hardest hit. According to a Red Cross report in June, 131,029 people were killed in Aceh and Nias and another 37,066 are missing, presumed dead.

On paper around US\$3.5 billion is pledged by the international community for the reconstruction of Aceh, but as with many natural disasters around the world, a large number of technical or bureaucratic delays or problems of corruption have hampered the speedy reconstruction of the tsunami-struck areas.

Reconstruction and peace building are closely connected and the success or failure of reconstruction is tied to the peace building. Initially the official agency responsible for reconstruction, the BRR (Badan untuk Rekonstruksi dan Rekonsiliasi, Agency for the Reconstruction and Rehabilitation) tried to keep a certain distance from the peace building process but very soon they realised that reconstruction in a conflict area like Aceh can only be successful if it is closely linked with the peace building process.

Part of the destruction of the infrastructure of Aceh was manmade, including the destruction of public buildings and houses and will need to be an integral part of reconstruction of Aceh. In particular the reintegration of former GAM combatants needs careful coordination between BRR, AMM and the stakeholders, GAM and the Jakarta government.

Truth and Reconciliation report on hold

This month marks the 30th anniversary of the Indonesian invasion of East Timor on 7 December 1975. But despite years of suffering, the victims of the brutal occupation still await justice. An historic and long-awaited report by East Timor's Commission for Reception, Truth and Reconciliation has been completed, but not yet made public. The report includes important recommendations on justice and the payment of compensation by western governments and arms companies.

The UN-established Commission (known by its Portuguese-language acronym, CAVR) presented its 2,500-page report to the President of East Timor, Xanana Gusmao, on 31 October 2005 after three years of painstaking work.

The report provides the most detailed and comprehensive documentation of the human rights abuses committed by the Indonesian military and police and their militia proxies. It will be a crucial account of the truth about the widespread and systematic crimes committed during the occupation. Nearly 8,000 statements were taken from victims and witnesses and more than 1400 perpetrators gave evidence and participated in 216 community reconciliation events.

It was expected that the CAVR report would be made public when it was handed over by the President to the national parliament on 28 November. However, that did not happen, prompting fears that parts of the report would be suppressed. In his speech to parliament, the President made clear his objections to key recommendations, but the CAVR has since insisted that the full report is now being prepared for release.

TAPOL welcomes the completion of the report and pays tribute to those who participated in the process, especially the many victims still traumatised by their experiences. TAPOL is, however, concerned that the delay in publication is politically motivated and could further undermine the victims' search for justice. It has written to President Gusmao, calling for the immediate and widespread dissemination of the report [see <http://tapol.gn.apc.org/news/files/let051220.htm>].

In addressing parliament, the President - who has been strongly criticised for prioritising good relations with Indonesia over justice for his people - accused the commissioners of 'grandiose idealism'. He suggested that true justice lay in the international community's recognition of East Timor's independence. In response to the CAVR's statement that 'the absence of justice...is a fundamental obstacle in the process of building a democracy', he said: 'My reply to that would be "not necessarily".'

President Gusmao opposed the Commission's recommendation that justice should be pursued through a renewed Serious Crimes Unit (SCU) and Special Panels for Serious Crimes in East Timor and objected to important recommendations concerning reparations for the victims.

Up to 183,000 deaths

A preview of the report in the *Straits Times* newspaper says the CAVR estimates that 18,600 non-combatant East Timorese were killed or disappeared and at least 84,000 more died from hunger and illness during the period covered by the CAVR's mandate (see below). It suggests that the overall death toll from conflict-related causes during the mandate period could be as high as 183,000 [Juggling Pragmatic Politics with Bloody Past, *Straits*

Times, 19 December 2005] [see footnote].

Crimes recorded ranged from 'mass executions to forced resettlements, sexual and other horrific forms of torture as well as abuse against children'. The internal conflict involving the left-wing Revolutionary Front of Independent Timor-Leste (Fretilin) and the rightist Timorese Democratic Union (UDT), which preceded Indonesia's 1975 invasion, also claimed around 3,000 lives of combatants and non-combatants.

An estimated 42,000 Timorese were arbitrarily detained and 232 were convicted and sentenced to lengthy jail terms on subversion charges after sham political trials, according to the *Straits Times*' preview.

The CAVR finds that the violence and devastation visited on East Timor before and after the August 1999 independence vote resulted from 'the execution of a systematic plan that was approved, conducted and controlled by Indonesian military commanders up to the highest level.'

'Members of the civil administration of Timor Leste and national-level government officials, including ministers, knew of the strategy being pursued on the ground, and rather than taking action to halt it, directly supported its implementation,' it says.

However, what happened before 1999 was much worse, says the report:

'Egregious as they were, the crimes committed in 1999 were far outweighed by those committed during the previous 24 years of occupation and cannot be properly understood or addressed without acknowledging the truth of the long conflict.'

As well as recommending the renewal of the SCU mandate, the CAVR says the UN Security Council should establish an international tribunal if 'other measures be deemed to have failed to deliver a sufficient measure of justice and Indonesia persists in the obstruction of justice'. It also calls upon UN member states to deny visas to Indonesian military officers named in the report for either human rights abuses or command responsibility for troops accused of violations.

West must pay for its support

According to *The Times* newspaper in the UK, the CAVR report addresses the question of reparations for victims, by saying:

'The permanent members of the Security Council, particularly the US but also Britain and France, who gave military backing to the Indonesian Government between 1974 and 1999 and who are duty bound to uphold the highest principles of world order and peace and to protect the weak and vulnerable, (should) assist the Government of Timor-Leste in the provision of reparations to victims of human rights violations suffered during the Indonesian occupation' [*West must pay for brutal occupation*, *The Times*, 28 November

2005].

'Business corporations that profited from the sale of weapons to Indonesia during the occupation of Timor-Leste (should) contribute to the reparations programme'.

While the US was the leading supporter of Indonesia's annexation and occupation of East Timor, the UK provided critical diplomatic, political, and military support as recently declassified documents have revealed [see separate item: '25 years of betrayal'].

The British company that derived the most profit from the sale of weapons to Indonesia was British Aerospace (now BAE Systems). Eight of the company's Hawk fighter jets were first sold to Indonesia in 1978. More orders for a total of 40 aircraft followed in the 1990s [see box]. Scorpion and Stormer armoured vehicles made by Alvis, and Tactica water cannon vehicles made by GKN-subsi-dary Glover Webb, were also sold. Both Alvis and GKN have since been absorbed into the BAE Systems conglomerate.

CAVR mandate

The CAVR was set up as an independent body by the UN Transitional Administration in East Timor (UNTAET) in 2001 and began work in 2002. Its purpose was to inquire into human rights violations committed on all sides between 25 April 1974 (when the overthrow of the fascist Caetano regime in Portugal set in train the events which led to Indonesia's invasion and occupation of East Timor) and 25 October 1999 (when UNTAET was established to administer the territory) and promote reconciliation between victims and perpetrators.

The CAVR's mandate provided it with three main functions: to seek the truth regarding human rights violations and establish a truth-telling mechanism for victims and perpetrators to describe, acknowledge and record past abuses; to facilitate community reconciliation in relation to lesser crimes and mediate between victims and perpetrators; and to make recommendations for further action on reconciliation and the promotion of human rights.

Justice denied

So far the Timorese have been largely denied any form of meaningful justice. After much delay, an *ad hoc* human rights court was set up in Jakarta to try 18 defendants on crimes against humanity charges. The ensuing proceedings, which began in March 2002, were widely regarded as a travesty. Only one conviction still stands.

In East Timor itself, a UN-backed process was established comprising a Serious Crimes Unit and Special Panel for Serious Crimes. Both have now ceased work. The SCU filed 95 indictments against 391 individuals, many including crimes against humanity charges. The indictments resulted in 75 convictions – mainly of lower-level East Timorese militia members – and three acquittals. Charges remain pending against 339 accused who remain at large outside the jurisdiction, mostly in Indonesia. Hundreds of cases have not been investigated or proceeded to indictment.

Earlier this year, a UN Commission of Experts recommended that Indonesia be given the final opportunity to comply with its obligations to secure accountability for serious crimes committed in East Timor. Failing that it recommended the establishment of an international tribunal. The Commission expressed grave reservation about a

Major UK arms deals, 1975-1999

April 1978

British Aerospace signs a contract to supply Indonesia with eight Hawk Mk 53 ground attack/trainer aircraft valued at £25 million. Orders for a further twelve Hawk Mk 53s were placed between 1981 and 1983.

June 1993

Indonesia orders for eight 100 series advanced trainer/light attack Hawk aircraft and sixteen 200 series fighter aircraft worth £500 million.

October 1994

Jane's Defence Weekly reports that Indonesia is to purchase between 120 and 140 newly-built Alvis vehicles, including Scorpion 90 vehicles and Stormer armoured personnel carriers. A licence is issued to Alvis in March 1995.

February 1996

Indonesia signs a contract for a further sixteen 200 series Hawks worth up to £300 million. The aircraft were delivered after Tony Blair's Labour government came to power in May 1997. It controversially refused to revoke the export licence despite promising an 'ethical dimension' to its foreign policy.

December 1996

An export licence is issued to Alvis for the export of 50 Scorpion armoured vehicles worth £80 million and 'associated equipment'.

December 1996

A further licence is issued to Procurement Services Ltd for seven Tactica water cannon vehicles made by the GKN-owned company, Glover Webb. Licences had earlier been issued for three and six water cannons in 1994 and 1995.

Commission of Truth and Friendship set up by the governments of Indonesia and East Timor, which does not enjoy public support in East Timor and includes terms of reference which contradict international standards on the denial of impunity [see *TAPOL Bulletin*, No 179, p.11].

The UN Security Council has asked the Secretary-General to prepare a report on justice and reconciliation for East Timor based on the recommendations of the Commission of Experts. It is to be hoped that this also takes into account the findings of the CAVR and that it is completed and acted upon with due urgency.

Note: On 4 January 2006 the CAVR issued a statement correcting media 'misrepresentations' of its report. Where possible, the above article has been amended to reflect this statement. In relation to the death-toll estimate, the CAVR says: 'CAVR's estimate of the minimum total number of conflict-related deaths is 102,800 (+/- 12,000). This figure includes both killings and deaths due to privation. The figure of 183,000 is CAVR's upper-bound estimate of total conflict-related mortality. Conflict-related mortality includes (a) killings and disappearances and (b) deaths due to hunger and illness ("deprivation") which exceed the total that would be expected if the death rate due to hunger and illness had continued as it was in the pre-invasion peace-time period.'

25 years of betrayal

Political events on the half island of East Timor were front-page news in 1999 when the population overwhelmingly voted for independence in a UN-sponsored vote. But as usual, nothing was said about the way in which the west - especially the US, Europe and Australia - betrayed East Timor by its support for the invasion and occupation by the Indonesian military in December 1975. Recently declassified documents in the public archives of Washington and London reveal that the invasion took place with the knowledge and approval of Washington, Canberra and London.

Next to the anti-Apartheid issue, the campaign for justice and the right to self-determination in East Timor was arguably the biggest campaign on the international agenda in the nineties. As with the anti-Apartheid movement, East Timor solidarity erupted in all parts of the world, increasing the pressure on the dictatorial Suharto regime in Jakarta. The history of East Timor since 1975 is a unique example in international politics where direct action, campaigning, lobbying and pressure on governments made it possible to create the opportunity for a UN-sponsored referendum.

The Indonesian invasion was the beginning of a long and bloody occupation that cost up to 183,000 East Timorese lives [see separate article 'Truth and Reconciliation report on hold']. The invasion took place only months after the defeat of the Americans in Indochina and the spectre of communism provided the guideline for policy makers in Washington, London and Canberra. In Cold War terms, Indonesia was politically a safe haven, with Suharto, a staunch anti-communist, in charge in Jakarta. Economically, Indonesia was at that time a primary source for minerals, the largest oil producer in Asia and the largest gas exporter in the world.

Declassified documents

As a result of the efforts of the National Security Archive in Washington, using the Freedom of Information Act, previously classified documents were released. More than 1,000 documents were ultimately obtained, a total of nearly 4,500 pages. Staff and researchers of the National Security Archive also acquired other important material on East Timor from the Nixon, Ford and Carter presidential libraries.

A similar effort was made in the UK by independent researcher Hugh Dowson using the UK's Freedom of Information Act which came into force in 2005. Despite requests from Dowson to open all the files for the period from 1975, documents for the period 1998 to 1999 have been refused under national security exemptions. More than 31 documents were released on 28 November, the day East Timorese President Xanana Gusmao transmitted the final report of the Commission for Reception, Truth and Reconciliation to the East Timor parliament [see separate article].

The US documents

The NSA postings reveal a consistent pattern by successive US administrations of undermining East Timor's right to self determination, despite ten resolutions at the UN General Assembly and Security Council. It also reveals that Washington was aware of Indonesia's intention to take East

Timor by force far earlier than previously recognised and was fully aware of credible reports of ongoing Indonesian atrocities in East Timor from 1975 until 1983 and turned a blind eye to the extensive use of US weapons in East Timor. Two reports were posted by the NSA on meetings between President Gerald Ford (accompanied by Secretary of State Henry Kissinger) and President Suharto. The first meeting took place on 5 July 1975 in Camp David during Suharto's visit to the US. While both Ford and Kissinger were still traumatised by the events in Vietnam, Suharto argued that those who were seeking independence in East Timor were 'communist-influenced'. The dictator argued that independence for East Timor was not a viable option while integration with Portugal would be too heavy a burden for that country. Suharto cautiously raised the issue of Indonesia using violence: 'I want to assert that Indonesia doesn't want to insert itself into Timor self-determination, but the problem is how to manage the self-determination process with a majority wanting unity with Indonesia'.

At their next meeting in Jakarta on 6 December 1975, the day before the Indonesian invasion, Suharto again raised the dilemma of East Timor and asked the US President for his understanding for an imminent invasion. The conversation was as follows:

Suharto: 'It is now important to determine what we can do to establish peace and order for the present and future in the interest of the security of the area and Indonesia. These are some of the considerations we are now contemplating. We want your understanding if we deem it necessary to take rapid or drastic action'.

Gerald Ford: 'We will understand and will not press you on the issue. We understand the problem you have and the intentions you have.'

Henry Kissinger: 'was concerned'.... that whatever you do succeeds quickly. We would be able to influence the reaction in America if whatever happens after we return. This way there would be less chance of people talking in an unauthorised way. The President will be back on Monday at 2:00 pm Jakarta time. We understand your problem and the need to move quickly but I am only saying that it would be better if it were done after we returned'.

The Ford administration knew from the start that Indonesia launched its invasion almost entirely with US weapons and that the use of this equipment was illegal. A week after the invasion, a detailed report of the invasion was prepared by the National Security Council. A US-supplied destroyer shelled East Timor during the attack, Indonesian marines disembarked using US landing craft. C-47 and C-130 aircraft dropped Indonesian paratroops and strafed the capital Dili with .50 calibre machine guns. It is

also evident that most of the training of Indonesian combat troops was undertaken by US trainers.

Long, bloody war with US weapons

Soon after the invasion, which was supposed to be speedy and smooth, it became clear that the Indonesian troops were facing strong resistance. Four months after the invasion, Chief of Staff of the US Pacific Fleet, Lt. General Moore, met Indonesian Defence Ministry Assistant for Planning Major General Yoga Supardi who warned that Indonesian troops were encountering 'a serious drain on resources, with shortages of ammunition for small arms, artillery, tank and naval guns. Indonesia stressed the urgent need for helicopters, communications equipment and ammunition of all types.

On 14 June 1977 National Security Advisor Zbigniew Brzezinski wrote a memo to President Carter urging him to approve an increase in economic assistance to the Suharto regime, to ease conditions for Foreign Military Sales (FMS) of US weapons and 'ease up on the human rights pressures directed at Indonesia'.

On 9 May 1978, shortly before the visit of Vice President Walter Mondale to Jakarta, a request was made for the accelerated approval for the sale of sixteen A-4 fighter jets to Jakarta. On the arrival of Mondale in Jakarta on 9 May, President Carter issued a special Presidential Guidance approving the sale.

On 14 September 1978, US ambassador Ed Masters travelled to East Timor and filed a report to the State Department. He warmly praised Indonesian efforts in Timor, claiming the military presence had been much reduced, movement was free, refugees were being taken care of, and Indonesia was devoting itself to the economic development of the region.

It should be noted that this stage-managed visit came at the tail end of a vicious military campaign called 'annihilation and encirclement', forcing relocation of the majority of the countryside population to resettlement camps.

Most of the posted NSA documents reveal a similar thrust: the US embassy in Jakarta was fully aware of the continuing military operations in the late seventies and the major Operasi Keamanan in May 1981 which involved the forced recruitment of thousands of Timorese who were made to walk across large parts of the territory in the hope of flushing out Falintil guerrillas.

Only after the fall of the Berlin Wall in 1989 or more specifically after the Clinton administration took office, was there a gradual shift towards pressure on the Indonesian government on human rights conditions in East Timor

UK lied about East Timor invasion

The newly released UK documents reveal that the British government knowingly lied about Indonesian atrocities, including the killing of British journalists in 1975. Most of the documents are telegrams between the British embassy in Jakarta and the FCO (Foreign and Commonwealth Office).

A series of telegrams in October 1975, two months prior to the invasion, reveal the detailed knowledge British and Australian embassies in Jakarta already had on the imminent invasion. In early October Indonesian troops began launching cross-border raids into East Timor from West

Timor hoping to provoke a response that could justify a full scale invasion.

On 16 October the FCO informed key British embassy officials in Jakarta that the Cabinet Office Assessments Staff had learned in 'confidence' from Britain's Joint Intelligence Committee representative in Canberra, that 'Indonesia intends soon to intervene covertly in strength' in East Timor. Three days earlier, Harry Tjan Silalahi from the influential Jakarta-based think-tank CSIS with close links to Indonesian intelligence, told Australian embassy officials that 'the main thrust' of the covert operation would begin on 15 October. On 16 October, one day after the date mentioned, two British journalists and three other newsmen were killed in Balibo, inside East Timor, during the covert operation.

John Ford, Britain's ambassador in Jakarta since June 1975, had already concluded that the invasion was inevitable and launched a cover-up operation. On 24 October he wrote a top secret telegram saying: 'The American ambassador said... Timor was high on Kissinger's list of places where the US do not want to comment or get involved. I am sure we should continue to follow the American model.' The ambassador continued to lie and on 24 December 1975, three weeks after the invasion, he wrote in a secret telegram to London saying that the invading forces had gone 'on a rampage of looting and killing' but added: 'If asked to comment on any stories of atrocities, I suggest we say that we have no information.'

The ambassador was determined to 'bury' the issue of the killing of the five journalists, nowadays better known as the Balibo Five and blame them for being 'in the war zone of their own choice'. In a telegram dated 24 October Ford said: 'We have suggested to the Australians that, since we know what happened to the newsmen, it is pointless to go on demanding information from the Indonesians which they cannot, or are unwilling to provide.'

The cover-up operation on the brutalities of the Indonesian invasion continued relentlessly in the international arena at a time when Britain was president of the United Nations Security Council. The British managed to 'keep the heat out of the Timor business' at the UN highest level to the extent that the statement of condemnation in the UN was relatively mild. In February 1976 Murray Simons, head of the South-east Asia Department at the FCO wrote that 'the Indonesians were evidently much gratified at the way in which the British delegation took account of their interests and considered that the language was one they could well live with'.

It is often argued that in the end, East Timor won its independence thanks to intervention by the international community. This is only part of the story. The many lies, the double standards and unstinting support for a brutal military dictatorship are evidence of the blatant complicity of western governments in the tragedy of Indonesia's invasion and occupation of East Timor.

Munir murder trial fails to expose masterminds

The trial and conviction of a man involved in the conspiracy to murder human rights activist Munir has failed to identify the individual and agencies who plotted the murder. Meanwhile, pressure is growing for the President to make public the report of the Fact-Finding Team (TPF) which investigated the murder. Sixty-eight members of the US Congress have called for its publication and Munir's widow, Suciwati, has renewed her demand for publication. A court in Jakarta sentenced a Garuda pilot to fourteen years for the murder.

There is every reason to believe that the President is reluctant to reveal the contents of the report because it would bring to light the role of high-ranking officials in the murder of Munir. Speaking at a meeting in Hong Kong recently on one of her many tours abroad to generate support for more openness in Indonesia regarding the murder, Suciwati said the role of high-ranking officials would become clear from the contents of the report. She also called for a performance review of police investigations and the creation of a new investigation team composed of representatives of Indonesian NGOs and officials from the Indonesian foreign ministry.

It is widely believed that the charging of an off-duty Garuda pilot, Polycarpus Budihari Priyanto, with premeditated murder, will foreclose further investigations and leave the matter to rest. Few doubt that Polycarpus was part of the conspiracy that led to the activist's death because of his repeated phone calls to the Munir household shortly before Munir started on his fateful journey to The Netherlands aboard Garuda flight 974 on 7 September 2004. However Polycarpus' links with the Indonesian state intelligence agency, BIN, hardly figured in the trial, nor did the trial reveal the true reason for the carefully-laid plot to kill Munir.

Alleged motive unconvincing

Soon after it was announced that Polycarpus would be tried for the murder, Suciwati, along with Herawati, the wife of Polycarpus, publicly urged him to expose the true motive of the murder and reveal the identity of those involved, but he failed to do so, possibly fearing for his life. The indictment which alleged that 'as a staunch nationalist', the defendant regarded Munir as an obstacle to the implementation of government programmes, 'and wanted him eliminated',



Demonstration about the murder of Munir



cannot be taken seriously. As Suciwati has said on many occasions, why should a pilot decide on his own to kill Munir for such a flimsy reason.

Munir died of a lethal dose of arsenic added to the drink served to him at the commencement of his journey to The Netherlands. Within hours, he was vomiting violently on the aircraft and died two hours before the plane reached its destination. It was Polycarpus who persuaded Munir to move from economy class to a seat in business class which is where he was served the fatal drink.

After the verdict was announced, Suciwati and several human rights groups said they would continue their efforts to expose the people who had given orders for Munir to be killed. Suciwati said the verdict had failed to provide answers.

'Who was the real puppet-master?' she asked. 'This is what the police should be looking at now.'

A member of the Indonesian Parliament's Commission III said after the verdict that Indonesia's chief of police, Police General Sutanto, had told the Commission that the intelligence agency, BIN had not been co-operative with the

police over this case. He said that since the presiding judge said that Pollycarpus had acted with others, it meant that there was a conspiracy. The MP, Benny K. Harman, said that the police should investigate not only the role of BIN but also that of Garuda and another aviation company, PT Angkasa Pura.

Speaking on behalf of the human rights organisation PBHI, Hendaridi, who was a member of the TPF before its dissolution last June, again insisted that the President should make public the report drawn up by the Fact-Finding Team, and should also set up a Presidential Team with more powers than the TPF. 'This team should work alongside the police to bring to light the perpetrators who are hiding behind powerful political forces or others such as BIN.' [Suara Pembaruan, 27 December 2005]

Explaining the verdict, presiding judge, Cicut Sutiarmo, said the only conspiracy the panel of judges could identify was that between the defendant acting in concert with crew members who served the drink.

The judges drew attention to the fact that before and after the flight, Pollycarpus communicated frequently with a senior BIN official. BIN has denied any involvement in the crime and no action has been taken against anyone in the agency.

After the verdict, Pollycarpus said he would appeal the verdict and once again rejected all the charges.

A conspiracy

The central argument of the Fact-Finding Team's unpublished report is known to have been that Munir's murder was the result of a conspiracy. The Team was set up by President Susilo Bambang Yudhoyono shortly before the end of 2004 in response to the nationwide outcry and demands for the murder to be thoroughly investigated. The Team was given a six-month mandate and presidential instructions were given at the time for all public officials and institutions to co-operate with the Team. This makes it all the more surprising that SBY, as the President is known, has not yet made the report public. One can only conclude that the Fact-Finding Team's conclusions were far more revealing of the truth than the President had thought possible.

Usman Hamid, the secretary of the Team, has gone on record repeatedly to insist that the police investigations should not end with Pollycarpus. He is reported by The Jakarta Post [2 December 2005] as urging that the police follow through the Team's conclusion that the murder of the activist was the result of a criminal conspiracy.

Speaking after attending a hearing of the Pollycarpus trial in Jakarta on 1 December, Usman said: 'It involved certain people from Garuda and BIN (the National Intelligence Agency).' Usman who now heads Kontras, the Commission for the Disappeared and the Victims of Violence, one of several human rights organisations set up by Munir, urged SBY and the national police to pursue the case until it is completely solved. 'If the related parties are not prosecuted, it will later become our demand. We are truly asking the national police and the prosecution to take steps to follow (our Report) up,' he said.

Strike at British security company

The well-known British security company Group 4 Securicor (G4S) is being targeted by an international trade-union campaign partly because of its behaviour towards its Indonesian workforce. In April 2005, over 500 out of 800 Securicor guards in Jakarta went on strike when the company refused to pay a compensation package relating to the corporate merger with Group 4. As of early December, 238 remained on strike.

The company has sacked 203 guards, claiming the strike to be illegal. The strikers and their families report Police harassment, with an attempt to charge them with 'insulting behaviour' under Article 310 of the Criminal Code. Yet the National Tripartite Dispute Resolution Committee (P4P) – in a welcome ruling on the side of workers - declared the strike legal and all strikers terminated by G4S should be rehired. P4P said the company had failed to provide a legal plan and explanation, as required prior to mass redundancies. The P4P decision has been upheld by the Indonesian High Court.

Among other grievances, G4S guards report shifts of 12 hours, entailing forced overtime of four hours per day, in violation of Indonesian law. The law also requires employers to provide a meal during the night shift but the guards only get a chocolate bar.

A representative of the ASPEK trade union from Indonesia was among those in London in June 2005 to put pressure on the G4S Annual General Meeting. For more on the international campaign, see www.focugroup4securicor.org

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teachers than elsewhere in Indonesia, conditions from district to district vary greatly. The unequal distribution of these resources limits access to education in certain parts of the province.

While these indicators suggest that things are not too bad, the report goes on to quote a university lecturer in Jayapura (obviously an Indonesian, not a Papuan) who explains why so few Papuans complete their university education:

'Actually, universities in Papua are providing a lot of opportunities for native Papuan students. We provide scholarships and other types of funding assistance. We even lowered our standard just to be able to accept more ethnic Papuans. But it is difficult to keep them in the classroom. Some of them cannot follow the lecture since they are way behind the others. No matter how hard we try to help them, still they cannot catch up. It is not entirely their fault. Once I asked them why they could not do simple multiplication and division. Didn't they learn it in secondary schools? Their answers were, how could we learn proper math if the teachers were never around to teach us? That's why most of them drop out of the university because they cannot follow the course.'

US restores military ties with Indonesia

On 22 November, the Bush Administration swept aside a bipartisan Congressional consensus and exploited a 'national security waiver' to restore full ties with the Indonesian military, TNI. Congress had voted to make foreign military financing (with an exception for the navy) and sales of lethal weapons conditional on improvements in the TNI's grim record of reform, human rights and justice. Restrictions under various forms had been US policy since the first Bush Administration, following the world-wide outcry over the massacre of peaceful demonstrators at Santa Cruz cemetery in East Timor in 1991.

By issuing a waiver less than two days after the restrictions became law and with no known change in the security environment of either the US or Indonesia, the Bush administration undermined Congress's vital call for reform of a repressive military and debased the value of such waivers. This abuse of the national security waiver will not enhance US security. Rather it surrenders essential US leverage and empowers the TNI to continue to violate human rights with impunity and ultimately threatens democracy in a key US ally.

Earlier this year, Secretary of State Condoleezza Rice authorised the resumption of International Military and Educational Training (IMET), a small but symbolically important part of the military relationship between the two countries [see *TAPOL Bulletin* No. 178, p. 14].

Ironically, the resumption of full-scale assistance coincides with the release of extensive documentation of an earlier U.S. decision to set aside human rights concerns. The National Security Archive recently made public declassified government documents which reveal the collusion of previous US administrations with the Suharto dictatorship to support the Indonesian military in its 1975 invasion and occupation of East Timor [see separate article, '25 years of betrayal']. Those documents also make clear that the US has sought to keep the tragic consequences of that dark period from Congress and the public at large.

TNI a rogue institution

Indonesia's democratic progress since the 1998 fall of Suharto does not negate the fact that the TNI remains a rogue institution. Indeed, such progress has occurred despite the military. Relying on off-budget cash flows for up to 70 percent of its funding, the TNI is only occasionally responsible to the civilian authorities. That cash flow includes many illegal ventures such as drug running, people trafficking, illegal logging, and extortion of domestic and foreign businesses.

The military continues to be blatantly unaccountable for decades of human rights violations. In 1965-67, it conspired with Islamic militias to slaughter at least 500,000 civilians. Indonesia's invasion and quarter-century occupation of East Timor killed up to 183,000 Timorese. Military operations in West Papua, which Indonesia annexed through a 1969 referendum widely viewed as fraudulent, have cost the lives of tens of thousands. Military operations in Aceh for nearly three decades killed over 10,000.

Throughout this period, the US maintained a close relationship with the TNI that undeniably failed to lead to any democratic reform. The US steadfastly provided weapons systems to a force that used them against civilians and never faced a foreign foe. The US also maintained extensive training programs for what Washington deemed a reliable cold war ally. Even with the collapse of the Soviet Union, generous support for Suharto's military continued. The US Congress finally objected to the executive's unwavering backing when confronted with indisputable media coverage in 1991 after Indonesian troops shot over 270 East Timorese at Santa Cruz cemetery.

Restrictions on assistance tightened further in 1999 after the Indonesian military and its militias ravaged East Timor in response to a UN-administered pro-independence vote. More than 1,400 civilians were murdered and three-quarters of the country's infrastructure destroyed. Six years on, not one Indonesian officer has been held accountable for these crimes against humanity.

In waiving Congressional restrictions, the Administration argued that unfettered assistance to the TNI was needed to secure Indonesia's partnership in the war on terror. However, extensive anti-terror assistance programmes were already in place. Furthermore, this approach ignores the military's extensive cooperation with militias which have terrorised local populations. These include Islamic fundamentalist thug groups such as Laskar Jihad which, in 1999-2001 with military backing, killed several thousands in the Maluku islands. The Administration has also failed to understand that terrorism in Indonesia manifests itself as a police problem, with small cells rather than large roving armed bands.

The Administration should seriously consider retracting the national security waiver and instead maintain prudent restrictions on the Indonesian military. In the meantime, Congress should exercise its oversight of the executive and call Secretary of State Rice to Capitol Hill to testify about this apparent breach of faith and obvious bad policy.

This article was written by Ed McWilliams, a retired US Senior Foreign Service Officer who served as Political Counsellor at the US Embassy in Jakarta in the late 1990s.

Media regulations undermine freedom of information

New regulations restricting public access to information have been introduced to a wave of criticism from the media and civil society. The government is focusing on foreign broadcasting which is very popular throughout the country. Commentators have described this as turning back the clock to the days of Sukarno who called on Indonesians not to listen to western broadcasts.

In a surprise move, the government of Susilo Bambang Yudhoyono, which took office in October 2004 after an election hailed as the most democratic election in the country since 1955, issued regulations prohibiting private broadcast stations from relaying news transmitted by foreign media. This means that Indonesians will no longer be able to listen to the Voice of America's Indonesian language service, which is at present being relayed by an estimated 160 private radio stations. BBC broadcasts currently relayed by 86 stations will also be out of bounds, as will Radio Australia, Deutsche Wereld, and Radio Hilversum. The restrictions are likely to apply also to Kabelvision and Indovision which broadcast many foreign television stations, including the ABC, BBC, CNN, Fox News and CNBC among others.

Article 17 (5a) of the Government Regulation on Private Broadcasting, signed into law by the President on November 16, states: 'Private Broadcasting Institutions are forbidden to relay regular broadcast programmes originating from foreign broadcasting institutions which include...news, music programmes with improper performances and sports broadcasts which show sadistic acts.' The regulation also places a ban on night time listening, apparently in order to save energy. The regulation means that no one in Indonesia will be allowed to listen to news from abroad, and will be forced to listen only to locally broadcast news.

How repressive can they get?

Indonesia's leading English daily, *The Jakarta Post*, writes: 'The new regulation does not limit news programmes regularly relayed by local radio stations. It bans them entirely. One then may ask, how repressive can this government get?' [Jakarta Post, 5 December 2005]

In a biting comment, the newspaper laments the fact that the new powers of the Department of Communications and Information is a reincarnation of the repressive Department of Information during the days of the dictator, Suharto.

By boosting the powers of the Communications and Information Department, the new government regulation has usurped the powers of the Independent Broadcasting Commission (KPI) established under the Broadcasting Law of 2002 which defined it as an independent regulatory body similar to regulatory bodies that exist in many western countries.

Local community stations furious

The new regulation infuriated local community radios which are a popular source of local news in many parts of the country. Community radio operators in West Sumatra called for the revision of many aspects of the new regulation, in particular a rule on the use of Indonesian as the main language of broadcast. They also objected to the licensing powers now being in the hands of the Minister instead of the KPI. One stipulation requires broadcasting stations to limit

their radius to 2.5 kilometres. Speaking for the West Sumatra Community Radio Network, Nurhayati Kahar said: 'In remote areas where people are dispersed over a wide area such as in Papua or West Sumatra, the radius is clearly unworkable and will complicate licensing procedures.' She also said that a distinctive feature of traditional community radio was the use of the local vernacular. The new regulation would undoubtedly prevent community stations from attracting local audiences. [*The Jakarta Post*, 20 December]

In another comment three days earlier, *The Jakarta Post* described the present government as 'the most aggressive against "this messenger" among the four governments after Suharto'. Apart from the four presidential regulations on foreign, private and community broadcasting, it has also introduced two ministerial decrees cutting electronic media airtime and the need for prepaid card users to register themselves with cellular operators. Another regulation believed to be in the pipeline will probably regulate the use of the Internet.

Parliamentary discontent

The new broadcasting rules have not gone down at all well with the Indonesian Parliament. An announcement in Parliament by the government made early in December that implementation of the regulation would be postponed was greeted with cheers and jeers in the gallery. The postponement was apparently intended to amend some ambiguities in the regulation. The House urged the government to lift the ban on night-time listening, which applies to all local broadcasters.

This major assault on broadcasting is widely seen as a major threat to freedom of information which is recognised as one of the most important freedoms in any democracy.

Maluku radio station forced to close

In a separate development, the district head of Southeast Maluku Regency revoked the broadcasting licence of Gelora Tavlul Radio on 14 December. The station is the largest private radio station in Southeast Maluku, apart from Radio Republik Indonesia and is popular for its critical reporting, particularly of local government. Around 20,000 people rely on the station for their news and information.

The International Federation of Journalists (IFJ) and its Indonesian affiliate, Aliansi Jurnalis Independent (AJI) are calling for the licence to be reinstated and for a legal guarantee to protect the broadcasting activities of the station. "The Southeast Maluku Regent is attempting to silence dissenting voices across the regency" said the IFJ.

It pointed out that this intervention in the public's right to know contravenes article 28 of the Indonesian Constitution and Press Law no. 40/1999.

"Without a well informed and engaged public, true democracy is unable to flourish and survive," it said [IFJ statement 19 December 2005].

Beheadings in Poso threaten communal relations

At the end of October 2005, a particularly gruesome atrocity occurred in Poso, Central Sulawesi, with the beheading of three Christian schoolgirls on their way to school. The district with a fairly evenly divided community between Christians and Muslims has been the locus of terrorist actions for several years. Although the intention was almost certainly to re-ignite a conflict dating back to 2000, local leaders managed to prevent retaliatory strikes.

On the morning of 29 October, as four schoolgirls were making their way to school along a path in the forest, they were stopped and attacked by a group of five or six hooded men on motorbikes. The men viciously attacked the four girls, beheading three of them and seriously wounding the fourth who managed to flee the scene of the crime with blood streaming from her head.

Unlike most other parts of Indonesia where Muslims are in the majority, the population of Poso in Central Sulawesi is fairly evenly divided between Christians and Muslims, as is most of the island of Sulawesi. To the east lies Maluku, where Christians predominate and where inter-communal strife occurred for several years after the fall of the dictator, Suharto, until a peace agreement was brokered by Jusuf Kalla, now Indonesia's vice-president.

After two years of inter-communal strife in Poso district as well as in nearby Palu, the capital of Central Sulawesi, a peace accord was signed in December 2001. By then, it was estimated that more than one thousand people had lost their lives.

Although there have been many atrocities perpetrated during the conflict, in market places, in the vicinity of churches, at Muslim educational centres and in other public places, the gruesomeness of this attack was clearly designed to attract national and international attention and to inflame passions in the locality. Certain forces appear intent upon stirring up a conflict, perhaps with the objective of destabilising Indonesia's democratically elected government.

The victims were identified as Yarni Sambue (15) Interestia Morangke (16) and Alfita Paulina (19). The survivor's name is Noviana Malewa who was treated in intensive care at a nearby hospital.

The bodies of the three girls were left at the site of the attack near a cocoa plantation. The heads were found at separate locations two hours later by residents. One of the heads was found near a church.

Other atrocities

Although the peace agreement signed in December 2001 resulted in several years of relative calm, there have been a number of killings since May 2005. In May, two bombs exploded in a crowded market in Tentena, some 60 kilometres south of Poso, killing at least 22 people and wounding around forty.

Then in August, a few days before the 60th anniversary of Indonesia's national day on 17th August, two men were shot dead. Another deadly attack occurred in Palu on New

Year's Eve which killed seven people and injured many more. The incident occurred at a market where people were busy shopping in preparation for celebrations to welcome the New Year.

Special military command set up

In the wake of that incident, the government in Jakarta announced that it would set up a Security Operations Command (Koopskam) to deal with the crisis, but local NGOs opposed the move, saying this could pave the way for military-style operations. They stressed the need for the police to handle the situation and called for a fact-finding team to be established to investigate the series of atrocities in Poso and Palu.

Usman Hamid, coordinator of Kontras, the Commission for Missing Persons and Victims of Violence, said it was time for the President to shake up the National Intelligence Agency (BIN). 'The latest bombing in Palu is more strong evidence of BIN's failure to perform its duty. It would be wrong if the President just ordered the institution to search for those responsible for the bombing. He has to replace the BIN officials with some capable people,' Usman said, the day after the latest atrocity in Central Sulawesi.

He said that the market explosion in Palu was connected to a bombing in May at a market in Tentena. 'There have been reports that a group called Tim Bunga (Flower Team) is linked to the two attacks. The government must encourage the police to get to the bottom of this,' he said. Human rights groups do not believe that the bombings in Poso and Palu and in other parts of Central Sulawesi have anything to do with religion. 'The violence has been orchestrated by a certain group to deter the police,' said Usman.

Local issues to blame

Commenting to the BBC's correspondent, Rachel Harvey, Sidney Jones who is regarded as the leading specialist on terrorism in Indonesia discounted the idea that these incidents were inspired by events in Iraq or Afghanistan. 'People join terrorist movements because of local issues,' she said, 'not because of Iraq and Afghanistan. The best way to prevent further terrorist activity in Indonesia is to make sure that communal tensions between Christians and Muslims are well handled.'

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number of armed Indonesian soldiers attempted to forcibly remove one of the UN team, Marshall Williams, from the compound because he was black and resembled a Papuan.

Pelletier's memories of the act of free choice itself – which, against the advice of Ortiz Sanz, was in the form of a traditional Indonesian *musyawarah* consultation, involving 1,022 selected representatives out of a population of around 700,000 – was of a series of meetings in the presence of non-uniformed military personnel in which the participants were told to raise their hands and all duly obliged. Normal election procedures were not followed. The 'vote' took place in an incongruous carnival atmosphere, with Indonesian flags everywhere. Papuans, who were normally naked, were bizarrely dressed in smart shorts and shirts, recalls Pelletier, who witnessed the event in the highland town of Wamena. Most election experts would agree that the implausible 100 per cent vote for inclusion in Indonesia is in itself evidence that the process was a fraud.

The UN team was made to leave West Papua and Indonesia as soon as the vote was over. Pelletier had wanted to take a short break in Bali, but was not allowed to stay on.

He remains deeply unhappy about the way the process was conducted. His memory of similar processes in other countries was of long lines of people queuing to vote, being intent on expressing their views and being allowed to do so. Recently retired, Pelletier worked for the UN for over 30 years and served in Africa, Asia, and South America, but says he never experienced anything like the Act of Free Choice, before or since.

Undoubtedly, the UN's conduct in relation to the Act of Free Choice was in stark contrast to its involvement in East Timor, where despite the appalling violence and intimidation, it was scrupulous in ensuring that the administration of the August 1999 'popular consultation' was free and fair.

Pelletier agrees with the general conclusion of those who have said the act of free choice was a 'sham' and a 'white-wash' and is in no doubt that a similar process would not be tolerated to the international community today.

US Congressmen call for review

In a separate development, two members of the US Congress, Eni Faleomavaega (D – American Samoa) and Donald Payne (D – New Jersey) have urged African nations to request a review of the UN's actions in Papua. A number of African countries expressed strong criticism of the Act of Free Choice when the matter was considered by the UN general assembly in 1969.

The Congressmen were responding to a letter they received from the UN secretary-General, Kofin Annan, in which he said he would consider a review of the UN's involvement if the general assembly requested it.

It is salutary that the Congressmen are using every opportunity to keep the issue of West Papua alive in Washington.

[For more information on the UN involvement in the Act of Free Choice, see Dr John Saltford, *The United Nations and the Indonesian Takeover of West Papua, 1962-1969: The Anatomy of a Betrayal*, Routledge Curzon 2003 (hardback book) and Saltford, *United Nations Involvement with the act of self-determination in West Irian (Indonesian West New Guinea) 1968 to 1969* (22-page article), Indonesia 69, Cornell University, April 2000, available from TAPOL].

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The process leading to the Act of Free Choice itself got underway in the summer of 1968 with the arrival of the UN Secretary General's special representative, Ortiz Sanz. Indonesian pressure meant that his team was kept very small, 16 members in total.

Drooglever describes how Sanz was overrun with petitions from Papuans complaining about Indonesian mismanagement in all kinds of areas. His referral of the complaints to his Indonesian counterpart was regarded as inappropriate interference.

Sanz' advice on the form of the referendum was disregarded and a traditional Indonesian system under which only collective decisions and perfect consensus was possible, was chosen. Sanz' team was not allowed to play any part in putting together the electorate and was given the smallest possible role in the implementation of the referendum itself. In the event, only 1,022 Papuans out of a population of around 700,000 took part [see separate item, 'UN failed to ensure free choice'].

When the matter was considered by the UN in November 1969, the Secretary General, U Thant, was able to conclude only that an Act of Free Choice had been held. Drooglever says 'he was unable to use the definite article *because the representative value of the operation had been far below the standards laid down in the Agreement of New York*' [italics added].

The UN General Assembly failed to endorse the Secretary General's report, but simply 'took cognisance' of it. Regrettably, that was then considered sufficient to remove West Papua from the UN agenda.

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