

NGOs and Human Rights Promotion: Socialisation, Framing, and the Case of West Papua

A thesis submitted in fulfilment of the requirements for the
Degree of Master of Arts in Political Science at the
University of Canterbury

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University of Canterbury
2008

Table of Contents

Acknowledgements	iv
Abstract	v
List of Acronyms and Abbreviations	vi
Map of West Papua.....	viii

Chapter 1 Introduction..... 1

Theoretical Framework.....	2
Rationale	3
The Use of West Papua as a Case Study.....	6
Methodology	6
Thesis Outline	8

Chapter 2 Human Rights and International Relations: Theoretical and Practical Debates 10

The Space for Rights in International Politics	11
Realists' views on Normative Concerns in International Politics	12
Liberals' views on Normative Concerns in International Politics	15
The Moral Capacity of Humanity.....	16
Constructing Space for Norms in International Relations: The Kantian Perspective	18
Realistic Liberalism and the Promotion of Human Rights Principles.....	20
Establishing Realism within the Liberal Tradition: the Place of State Sovereignty.....	21
Defining and Categorising Human Rights.....	25
Identifying Basic Rights	26
The Right to Self-determination.....	28
Relating Self-determination to Basic Human Rights.....	29
An Alternative Categorisation of Rights: Political and Non-Political Rights	31
Conceptualising a Hierarchy of Human Rights Principles	33
Conclusion	34

Chapter 3 Human Rights NGOs in International Politics 36

The Place of Non-Governmental Actors in the International Arena.....	37
What are NGOs and Advocacy Networks?	37
NGOs and Global Civil Society	39
Activating an NGO Campaign on Human Rights.....	41

Networking: An NGO Response to Repression	42
Mechanisms of NGO Influence	44
Establishing Human Rights Norms	46
Monitoring and Enforcing Human Rights Principles	48
The Spiral Model.....	50
The Boomerang Theory	54
Campaign Framing and the Creation of Political Space	56
Conclusion	58
<u>Chapter 4 Case Study: West Papua</u>	60
West Papua: Background	61
The Act of Free Choice	62
Human Rights between 1969 and 1998	64
Control of Natural Resources	64
Tribal Maltreatment and Displacement	67
Transmigration and Papuan Culture	68
The Papuan Resistance	71
Contemporary Challenges in West Papua	72
The Presence of Militia Groups	72
Laskar Jihad.....	73
Other Militia	75
Conclusion	76
<u>Chapter 5 NGOs in West Papua: Their Roles and Perspectives</u>	77
The Presence of Human Rights NGOs in West Papua	77
The Influence of Human Rights NGOs, Pre-1998	78
Domestic NGOs in the Democratic Era	81
Institute for Human Rights Study and Advocacy in Papua (ELSHAM)	81
Forum for Reconciliation in Irian Society (FORERI)	82
Office for Justice and Peace (SKP)	82
Papuan Presidium Council (PDP).....	83
Other Local NGOs	83
International Human Rights NGOs involved in West Papua	84
Tapol.....	84
Other International NGOs	85
Current Policy Debates amongst NGOs: Self-Determination	86
Perspectives on Self-Determination	87
Independence as a means to Self-Determination.....	88
Special Autonomy as a means to Self-Determination	90
Two Strategies for Promoting Human Rights	93
Conclusion	94

<u>Chapter 6 Applying Theoretical Models of Human Rights</u>	
<u>Socialisation in West Papua</u>	96
Application of the Spiral Model	97
Phase 1: Repression and Activation of Network (1962-1998)	97
Phase 2: Denial (1998-1999)	99
Phase 3: Tactical Concessions (1999-2001)	101
The Second Papuan Congress	103
Special Autonomy Law.....	105
Continuing Human Rights Abuses	107
Spiral Regression: Failure to reach Prescriptive Status and Rule Consistent Behaviour	109
Intimidation of NGOs	111
Jakarta’s Policy: Partition, Militarism and Repression.....	112
Explanations for Regression	114
Situational Conditions: East Timorese Independence	115
The Independence Movement and the Reduction of Political Space	116
The Second Papuan Congress and the Indonesian Backlash	119
The Boomerang Effect in West Papua	121
Recent International Campaigning by NGOs	121
Human Rights Campaigns Focusing on Basic Human Rights	122
Campaigns to Review the Act of Free Choice	124
Growth in International Concern.....	125
State Responses to International Campaigning	126
Explanations for the Failure of the Boomerang Effect	130
Self-Determination as a Frame for the “West Papua Campaign”	130
Problematic Implications of the Campaign.....	132
Practical Solutions for West Papua: Recognising Sovereignty in Advocacy	134
Conclusion	136
<u>Chapter 7 Conclusion</u>	138
Summary of Research Undertaken	138
Theoretical Implications	142
Framing in the Spiral Model: The Need for Political Distinctions	142
The Boomerang Model and the Normative Value of Frames	145
Human Rights Advocacy and the Hierarchy of Rights	147
Areas of Future Research	150
Conclusion	151
<u>References</u>	153

Acknowledgements

Many people deserve acknowledgements for supporting me in producing this thesis. To all those in the Political Science Department I offer my thanks, particularly to my supervisor Dr. Jeremy Moses. He has been indispensable in contributing suggestions, offering feedback, as well as providing me direction and support for this work. Dr. Moses first alerted me to the situation in West Papua. I feel very privileged to have studied such an interesting and sad, yet often neglected, area of the world. I would also like to express my gratitude to my secondary supervisor, Dr. Scott Walker, for giving me much needed advice on the study of human rights during the initial stages of my research. Jill Dolby also deserves credit for all the assistance she has provided.

I am very appreciative to those who gave time to be interviewed or who otherwise helped my research, especially Maire Leadbeater of the Indonesian Human Rights Committee, Gillian Southey of Christian World Service and Tim Chiswell of Caritas.

My family have also been hugely important to me in this time. I would like to thank them for their encouragement, support and love. I am indebted to my father who showed great dedication in editing and who made very helpful suggestions on drafts. Thank you to Sara and Rachael for providing editing services.

Several friends I would also like to specifically acknowledge. Cecelia Carshalton has shown unfailing care, understanding and patience during my time of study, for this I am truly thankful. David Wojtas, aside from being an ever-supportive friend, has been happy to give of his time to proofread this thesis. There are also many friends, and fellow students, from the department I would also like to thank: Lorie, Tadashi, Ilona and Vaughan (and Ewok!), as well as Casey, Matt, Tim, Kyle, Luke, Nick, James and Jess. I am grateful for the friendship and the sanity each has given me.

Finally, I offer prayerful thanks to Jesus Christ. His providence and merciful love has sustained me throughout this thesis. His witness to hope remains the source of strength to so many persecuted and tortured in West Papua.

Abstract

Recent developments in international relations have seen dramatic increases in the number and activities of human rights non-governmental organisations (NGOs). This has inspired research that seeks to explain processes of human rights socialisation, particularly in crisis zones. In this context, NGO advocacy is often welcomed as being inherently beneficial for adherence to human rights principles. Such a position, however, fails to account for the critiques offered by theorists who suggest that the wielding of any power to affect change can have negative as well as positive outcomes, and the critiques of realist international relations theorists who assert the dangers of unqualified promotion of normative concerns in the face of power interests. In this context, this thesis offers a critical evaluation of the contributions of NGO advocacy in human rights socialisation.

Two models of human rights socialisation – the spiral and boomerang models – are utilised in examining human rights advocacy in West Papua, a province of Indonesia. The West Papuan case study indicates that detrimental outcomes can result from the failure of human rights advocates to account for political interests and state sovereignty in their strategies of human rights promotion. Human rights campaigns framed in terms of people's rights to physical security and subsistence, instead of more political rights, such as the right to self-determination, are likely to be more positive for human rights adherence. This points to the desirability of a hierarchy of rights principles in human rights advocacy and suggests, for the socialisation models used, a need for clearer distinctions between the human rights principles prescribed for advocacy.

List of Acronyms and Abbreviations

ACFOA	Australian Council for Overseas Aid
ALDP	<i>Aliansi Demokrasi untuk Papua</i> Alliance of Democracy for Papua
Brimob	<i>Brigade Mobil</i> Indonesian Paramilitary Police
ELSHAM	<i>Lembaga Studi Hak Asasi Manusia</i> Institute for Human Rights Study and Advocacy in Papua
ETAN	East Timor and Indonesia Action Network
FORERI	<i>Forum Rekonsiliasi Rakyat Irian Jaya</i> Forum for Reconciliation of the Peoples of Irian Jaya
GKI	<i>Gereja Kristen Injili</i> Evangelical Christian Church (Papua)
GKII	<i>Gereja Kemah Injil Indonesia</i> Evangelical Tabernacle Church of Indonesia (Papua)
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
INFID	International NGO Forum on Indonesian Development
KOMNAS HAM	<i>Komisi Nasional Hak-hak Asasi Manusia</i> National Commission on Human Rights (Indonesia)
Kontras Papua	<i>Komite untuk Orang Hilang dan Korban Tindak Kekerasan</i> Commission for Disappearances and Victims of Violence
Kopassus	<i>Komando Pasukan Khusus</i> Indonesian Army Special Forces Command
KUHP	<i>Kitab Undang-Undang Hukum Pidana</i> Indonesian Criminal Code
LBH Papua	Legal Aid Foundation Papua
LEMASA	<i>Lembaga Musyawarah Adat Suku Amungme</i> Traditional Consultation Council of Amungme

LP3BH	<i>Lembaga Penelitian, Pengkajian dan Pengembangan Bantuan Hukum</i> Institute for Research, Analysis and Development of Legal Aid
MPR	<i>Majelis Permusyawaratan Rakyat</i> People's Consultative Assembly (Indonesia)
MRP	<i>Majelis Rakyat Papua</i> Papuan People's Assembly
NGO	Nongovernmental Organisation
OPM	<i>Organisasi Papua Merdeka</i> Free Papua Organisation
PBHI	<i>Perhimpunan Bantuan Hukum dan Hak Asasi Manusia Indonesia</i> Indonesian Legal Aid and Human Rights Association
PDP	<i>Presidium Dewan Papua</i> Papuan Presidium Council
RFK Memorial	Robert F. Kennedy Memorial Centre for Human Rights
SKP	<i>Sekretariat Keadilan dan Perdamaian</i> Office for Justice and Peace (Catholic Church affiliated)
TAN	Transnational Advocacy Network
Tapol	Indonesian Human Rights Committee (Britain)
UDHR	Universal Declaration of Human Rights
UN	United Nations
UNHCR	United Nations High Commission for Refugees
UNHRC	United Nations Human Rights Commission
WPAT	West Papua Advocacy Team
YPMD	<i>Yayasan Pengembangan Masyarakat Desa</i> Foundation for Rural Development

Chapter 1

Introduction

On July 6th, 1998, at around 5:00am, Indonesian troops encircled a group of about 200 independence protestors on the island of Biak in the Indonesian province of West Papua (Rutherford 1999, p. 39).¹ For a number of days, Indonesian authorities had demanded that the group remove the Papuan peoples' Morning Star flag that they were flying above a 35-metre-tall water tower (Human Rights Watch 2000a). However, failing in their attempts, the authorities promptly directed the troops to open fire on the crowd (Human Rights Watch 2000a). With gunfire coming from four sides, as many as 100 people were killed in the massacre that followed, according to Indonesia's national human rights commission, KOMNAS HAM (see Kivimäki 2006, p. 16).² "Bloody Biak", as the incident came to be known, was a dark day in Papuan history. Yet similar events reoccur with appalling regularity in the region. Such tragedy draws one to ask: How might such events be avoided? Why would the raising of a flag evoke such a violent response? And what can outsiders do to help?

In response to these queries, NGOs as well as other political actors make efforts to prevent governments from disregarding the principles of human rights.³ Such NGOs have undertaken diverse strategies and have enjoyed varying degrees of success. Yet with these activities come potential risks. In often intensely charged political environments, misguided policies may be worse than simply ineffective in upholding

¹ Over the course of its history, West Papua has been known by a number of different names. Recently, these have included Dutch New Guinea, West Irian, Irian Jaya, Papua and West Papua. At the time of writing, its official name is "Papua". However, current literature on the region widely refers to it as "West Papua", distinguishing it from the neighbouring Papua New Guinea. In this light, the remainder of this text will refer to the region as "West Papua", unless directly quoting another source where one of its other names is used.

² Three weeks after the incident, 33 bodies washed ashore on Biak. Although where these bodies came from remains unclear (see Human Rights Watch 2000a), two explanations have been given for their appearance. The Indonesian authorities claimed that they were victims of a tsunami that hit Aitepe, Papua New Guinea on July 16th. Evidence to this effect was produced by the military and the police. However, several local reports claimed that some of the bodies had their hands tied behind their backs, which may indicate a link to the events of July 6th. The bodies were buried without autopsies (Human Rights Watch 2000a).

³ Rather than attempting to address the issue in this introductory chapter, the definition of major terms in this work – such as "human rights" and "NGOs" – will be left to the relevant chapters that follow. Taking this approach will help to preserve the clarity of theoretical arguments.

human rights – they may also undermine the rights they seek to reinforce. Thus, NGOs might inadvertently contribute to an increase in human rights abuses. This potential will be the primary concern of this thesis.

Specifically, the research undertaken will critically evaluate how the activities of NGOs in international politics both contribute to and inhibit the promotion of human rights principles. Additionally, it is hoped that understanding the politics of human rights advocacy may also give valuable insights into the role of human rights in international relations more generally. As prefigured in the example above, the human rights situation in West Papua will provide the basis for an analysis of these serious and difficult issues.

Theoretical Framework

Questions about the effectiveness of human rights advocacy necessarily connect with disputes about the nature of political power in international relations. Without possessing *some* power value, it is difficult to see how the principles of human rights can have any relevance in the modern international system.

Several theorists maintain that human rights principles possess significant power and assert validity of the human rights discourse. One such person is Richard Falk. At the end of the 20th century, he proposed that, due to developments in international law and the victories achieved by several human rights movements, the rise of “human rights could no longer be dismissed by cynics as little more than a collection of empty and unenforceable moralisms” (Falk 2000, p. 4). In his statement, Falk asserts two fundamental qualities of human rights principles: That they are enforceable, thus they have the ability to affect political processes and that they have a positive normative value and are, therefore, not “empty”. Falk’s statement is one example of a perspective that views the human rights paradigm as an authentic bastion of power in modern international relations – otherwise known as “soft power” (Sikkink 2002; Thakur 1997, p. 263).

Critics have challenged this position by pointing to the potential risks associated with an unqualified promotion of human rights principles. Realists in international relations believe that political decision-making is primarily concerned with issues of power and that national interests “trump” other normative concerns (Morgenthau 1967, pp. 5-8). Of these theorists, some view the disregarding of “reality” as creating a dangerous potential for greater human suffering (see Forde 1992, p. 67). But perhaps an even deeper and more pressing criticism is that human rights advocacy has the potential to produce both positive and negative consequences (Fisher 1997, p. 442). The words of Milton Friedman (1962, p. 3) may be apt to this point: “the power to do good is also the power to do harm” (see Fisher 1997, p. 442). Such criticisms suggest that prudence is desirable when promoting adherence to human rights principles.

In the research undertaken here, a critical approach to the human rights paradigm will be taken that accounts for these two warnings against its unqualified promotion. While it can be assumed, as it will be here, that authentic human rights principles bear many positive qualities and that their achievement is desirable to a large extent, a critical approach remains necessary when enquiring into the effects of *promoting* human rights principles.

Rationale

Associated with the rise of the human rights paradigm in international relations has been a parallel increase in the number and activity of human rights NGOs (see Fisher 1997, p. 440; Sikkink & Smith 2002; Jackie Smith, Pagnucco & Lopez 1998; Wiseberg & Scoble 1981). Their enhanced salience on the international scene, some scholars propose, is an example of soft power in international relations and has improved the potential of NGOs to affect international decision-making (see Call 2002; Ishay 2004; Keck & Sikkink 1998; Khagram, Riker & Sikkink 2002a; Risse, Ropp & Sikkink 1999; Thakur 1997; Thomas 2001 ; 2002).

Diverse methods have been identified by which human rights NGOs promote human rights and exert influence in international politics. Some commentators have revealed NGO contributions to the establishment of human rights norms in the United Nations

(UN) and other public forums (Cook 1996; Gaer 1996, p. 52; Ishay 2004, pp. 214-215). NGOs are also seen by some as key contributors to the monitoring of agreements, routinely supplying crucial information and providing testimonies against norm violating governments at the UN Human Rights Committee (UNHRC) and at other international forums (see Donnelly 1986, pp. 609-610; Heyns & Viljoen 2001; Klotz 2002, p. 52; Riker 2002, p. 189; Thakur 1997). Yet another means by which NGOs contribute to the adherence to human rights is through their practical involvement in areas of health care and education. Humanitarian work is often fundamental to the achievement of basic subsistence and cannot be separated from a framework of international human rights promotion (see Gordenker & Weiss 1996, pp. 37-38; van Tuijl 1999, p. 499). Perhaps most critical to the power influences of NGOs are their contributions to the overall *enforcement* of human rights principles (see Gaer 1996, p. 56; Klotz 2002, p. 52). It is this last form of influence that will be of primary concern throughout this thesis.

As a part of the literature exploring enforcement, processes of socialisation are frequently recognised as being a key mediating mechanism (Keck & Sikkink 1998; Khagram, Riker & Sikkink 2002a; Risse, Ropp & Sikkink 1999). Models explaining this influence are proposed by Keck and Sikkink (1998) and Risse, Ropp and Sikkink (1999) (see also Armbruster-Sandoval 2003; Fleay 2006; Khagram, Riker & Sikkink 2002a, p. 19). Keck and Sikkink's "boomerang theory" suggests that when NGOs are unable to influence policy through domestic political structures, they frequently seek support from outside to exert greater pressure (Keck & Sikkink 1998, p. 12-13). Expanding on a proposal by Brysk (1993) that NGOs affect change "from above and from below" – through both domestic and international channels of influence – Risse, Ropp and Sikkink's (1999) "spiral model" takes a more multidimensional approach. It proposes a five-stage model explaining the influence of NGOs at both the domestic and international levels of politics. These two models are useful in exploring the mechanisms of dialogue that NGOs employ when they attempt to create momentum around an issue in order to effect change.

An important strategy for the socialisation of human rights is the way in which NGOs frame issues in order to make campaigns more appealing to international actors and the public (see John L Campbell 1998, pp. 380-381; Joachim 2003; Keck & Sikkink

1998, p. 2; Snow et al. 1986). Human rights campaign “frames”, in other words, are seen as important vehicles of influence. Scholars recognise the need for NGOs to be politically expedient when choosing a frame (Joachim 2003, p. 251; Keck & Sikkink 1998, p. 19), as well as pursuing those frames that are most emotive and easily assignable to responsible parties (Keck & Sikkink 1998, p. 19). However, the models of socialisation discussed here often give insufficient attention to the process of framing. Risse, Ropp and Sikkink’s (1999) spiral model is particularly silent about the issue, while Keck and Sikkink (1998) emphasise only the most beneficial campaign frames in their boomerang model.

Due to the scant attention given to this issue, little research has been undertaken into the relative effects of different campaign frames on the processes of human rights socialisation. In particular, critical assessment of how human rights frames may *negatively* affect processes of socialisation is almost entirely absent in the literature on socialisation and NGOs. Many discussions, therefore, neglect the distinctly negative outcomes that may eventuate from failed campaigns to promote human rights. Where NGO deficiencies are discussed, some only entertain this with regard to their failure to affect particular political processes through misdirected or ill-timed strategies (Baehr 1999, pp. 125-126). Perhaps more forcefully, others question the positive influence of NGOs from a more ideational point of view and explore whether the advent of NGO politics has been a positive democratising factor in international relations (see Chandler 2003; Fisher 1997). A wide-ranging approach to NGO activities is offered by Fisher (1997, p. 443), who recognises that the empowerment of NGOs to enter into and influence political events, particularly within the development discourse, is “not without risks”. Significantly, through his analysis of the NGO discourse, Fisher moves beyond a theoretical study of NGO influence to explore the practical shortcomings that their influence may have.

Greater knowledge in this area could lead to a number of benefits. Endeavouring to identify the potentially negative implications of human rights campaigning, in addition to its positive aspects, may clarify how NGOs could avoid inadvertently contributing to the regression of socialisation models, which potentially bring relapses into greater violence. It may also sharpen both the descriptive and prescriptive elements of the models of human rights socialisation. Finally, critically analysing the

work of NGOs in the human rights field may give a clearer picture of where NGOs could concentrate their resources in working to affect government policy.

The Use of West Papua as a Case Study

West Papua has been chosen as a fitting and interesting case for study due to the challenges posed by persistent and seemingly intractable human rights abuses as well as the presence of a diverse set of NGOs with equally diverse strategies. Widespread human rights abuses have been documented in the region for several decades (see, for example, Australian Council for Overseas Aid 1995; Budiardjo & Liong 1988; Human Rights Watch 2007a). These have occurred due to conflicts between the Indonesian authorities and the local population, but have mainly been attributable to the Indonesian military. From within this environment, the upsurge in NGO presence that accompanied the establishment of Indonesian democracy in 1998 offers an opportunity to study NGO activities from the time that NGOs were at an embryonic stage of development through to their fully developed activism (see Bonay & McGrory 2004). This has corresponded with greater involvement from human rights NGOs on an international level, as can be seen in the constant stream of reports that have been published on West Papua during Indonesia's democratic era by NGOs such as Human Rights Watch (2000a; 2000b; 2001; 2007a; 2007b), the International Crisis Group (2001; 2002; 2006) and the Robert F Kennedy Memorial Centre for Human Rights (RFK Memorial).⁴ These conditions contribute to the value of West Papua as a case for the critical evaluation of human rights promotion.

Methodology

Like much of the literature on NGOs and human rights socialisation (see, for example, Jetschke 1999; Risse, Ropp & Sikkink 1999; Thomas 2002), this research will use a qualitative method to analyse and critique the use of framing and the dominant models of human rights socialisation. Use of the West Papuan case study in this instance

⁴ For a number of years RFK Memorial published monthly reports on human rights conditions in West Papua. A selection of these are referenced in this thesis.

provides insight into the shortcomings of existing socialisation models and in the exploration of the causal mechanisms of human rights promotion (see George & Bennett 2005, pp. 20-22). The deep situational understandings that qualitative case studies offer can lend themselves to a greater appreciation of the nuances of variables that affect human rights promotion (George & Bennett 2005, pp. 19-20). Thus, case studies can “allow for conceptual refinements with a higher level of validity over a smaller number of cases” (George & Bennett 2005, p. 19). Situations often diverge from the predictions given by models. Close consideration of events may highlight the failings of models and allow for an evolution in the understanding of causal mechanisms that explain a phenomenon (George & Bennett 2005, p. 21). This methodological principle will guide this research in its critical analysis of NGO performance within socialisation models.

A major difficulty associated with research into West Papua arises from the multitude of NGOs that have been established in the region since 1998. According to Bonay and McGrory (2004, p. 448), in 2002 there were some 140 NGOs operating just within West Papua itself, not including international NGOs. These included 72 “peacebuilding” NGOs. It would, therefore, be impossible for this study to give a comprehensive overview of all human rights NGOs involved in West Papua, much less the perspectives held by each. For this reason, only a sample of NGOs will be given primary attention. Some attention, although limited, will be given to other NGOs. Attempts are made to minimise any imbalances this might cause by selecting a diverse group of NGOs that are noted for their activity and influence in the overall Papuan human rights discourse.

To build an adequate picture of NGO and government interactions, information will be drawn from a wide range of sources. Primary material, in the form of NGO and media reports, UN submissions and debates as well as interviews of NGO representatives, will provide the foundation for assessing the positions of NGOs, governments and other relevant actors. Existing literature often provides valuable insight into the positions of various actors. That which is worthy of special note is the work done by the East-West Center in Washington D.C. (see Chauvel & Bhakti 2004; Kivimäki 2006; McGibbon 2004). This literature will supplement these sources and will be used to inform a chapter on the historical background of West Papua.

Examination of the positions of NGOs, governments and other prominent actors will follow from the information gathered and will be analysed in the context of the two socialisation models – the boomerang and spiral models – outlined in chapter three of this thesis.

Thesis Outline

This thesis includes seven chapters. Following this introductory chapter, chapter two outlines the theoretical debates surrounding human rights principles in international politics. Discussion in the first part of the chapter examines debates between the realist and liberal traditions of international thought over the efficacy of human rights, before relating the theories to the advocacy of different principles of rights. Extending from this discussion, the second half of the chapter focuses on the substance and categorisation of human rights principles for the purposes of advocacy.

Chapter three discusses the role of NGOs in international relations. The beginning of the chapter addresses the definition and theoretical functions of human rights NGOs as custodians of international civil society. Discussion of both theoretical and practical aspects of NGO work follows. Functions of NGOs are divided between their attempts to help establish human rights norms and their work to promote adherence to those norms. Substantial attention is given to the models of socialisation, which attempt to describe how NGOs are able to influence government policy, and the “framing” processes they undertake.

Chapter four introduces the case study that will be the attention of the second part of the thesis. This introduction consists of a brief description of West Papua’s historical background and covers the period from the 1960s to the present. The chapter serves as the foundation for understanding the situation and grievances of affected parties in West Papua.

Chapter five describes the NGOs that are involved in the West Papuan human rights “cause”. Domestic and international NGOs are both included, with special attention given to NGOs that are more important for the later application of the theoretical

models. An examination of the positions held by NGOs on self-determination rights and their advocacy follows this.

In chapter six, the two theoretical models, namely the spiral and boomerang models, are applied to the case of human rights advocacy in West Papua. This begins with the application of the spiral model, before moving onto an assessment of conditions that are consistent with the boomerang effect. After the application of each model, there will be a short discussion of results. Finally, the chapter concludes with a short exploration of how strategies of human rights advocacy may be improved in the region.

The concluding chapter explores the implications of the findings of the previous chapter. These are examined in relation to two areas: the socialisation models utilised in the previous chapter and the promotion of human rights in international society. Possible areas of future research are also suggested near the end of the chapter, before we reflect on what these findings might entail for other regions of the world.

Chapter 2

Human Rights and International Relations: Theoretical and Practical Debates

The latter half of the twentieth century saw one of the most intriguing and unprecedented developments in the history of international relations, as political change on a global scale greeted demands for human rights. Almost all UN member states accepted, to some degree, the standards of human rights (see Howard & Donnelly 1997, p. 268). Most obviously, the establishment of an array of human rights covenants and mechanisms in international law seemed to signify the rise of human rights as a concept integral to the conduct of the international community. The 1966 signing of the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR) solidified the principles of the Universal Declaration of Human Rights (UDHR) into positive law and seemed to bolster the principles of human rights even further. Those aggrieved by violations of human rights could invoke these, and a vast array of other international instruments,⁵ in appealing for the redress of human rights injustices through the United Nations Human Rights Committee, governments or through other avenues. It is the arrival of such an elaborate human rights regime on the international landscape that draws attention to the core concerns of how effective human rights promotion *is able to be* and how efficacy might be achieved. These concerns will be the focus of this chapter and will form a theoretical basis for further examination of the processes of human rights promotion and socialisation in later chapters.

At the outset of this chapter, realist and liberal perspectives will be presented to show the contrasting views on the space that is available for the effective promotion of *any*

⁵ Eldridge (2002) highlights some agreements that have been critical to the development of human rights. Important agreements include the Elimination of All Forms of Racial Discrimination, the Convention against Torture and other Cruel, Inhumane or Degrading Treatments or Punishments, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child, the Convention relating to the Status of Refugees and the Convention on the Prevention and Punishment of the Crime of Genocide.

rights in the international system. This discussion will be directed towards giving a better understanding of varying influences of power. Disagreements amongst theorists centre on the processes of international decision-making and whether normative ideals can influence policy in the face of traditional inter-governmental power concerns. Following this, a liberal perspective will be presented that incorporates realist concerns into the promotion of normative ideals. The way in which classical liberal theorists have included concerns for state sovereignty will be used to demonstrate that this “realistic liberalism” is an authentic form of liberalism that may be a beneficial theoretical outlook for the effective promotion of human rights principles. Ideas presented in this debate will also be foundational for a definition and categorisation of human rights principles.

Assumptions presented in realistic liberalism imply that not all rights are equal; neither in their inherent normative value, nor in the effects that they have on political perceptions. Categorising rights principles in a way that reflects these two dimensions allows for a much clearer exposition of the complexities of human rights promotion. For this reason, the latter part of this chapter presents two categorisations of human rights. The first distinguishes rights on the basis of how normatively basic they are to the promotion of other rights. The second distinguishes the degree to which rights are politically sensitive or challenging. Considering both of these qualities of rights principles will inform a suggested hierarchy of human rights principles, which indicates which human rights principles might best lend themselves to promotion in the international sphere.

The Space for Rights in International Politics

Along with the inscription of human rights into international law, a vast theoretical debate has arisen over the efficacy of human rights. This debate is commonly played out between two theoretical extremes – realism and liberalism (Drost 1965, p. 12).⁶ When it comes to the consideration of human rights principles, these two groups differ in their response to the question of whether human rights principles have a

⁶ These are not the only two perspectives that can be held on the issue; however, they are possibly the most influential in colouring present thinking.

significant influence on decision-making in the political sphere. The realist tradition holds that human rights concerns are spurious in the context of political decision-making, or at least subservient to concerns of power and survival (Donnelly 2000, pp. 9-11), whereas liberalism postulates that human rights principles can and do make significant contributions in the field of politics (see Falk 2000, p. 4).

Contentions between those advocating realism and those advocating liberalism include a number of matters relating to human persons and the way they relate to one another. The theoretical debate encompasses issues of human nature and human morality as well as the nature of political relations and structures at the international level.⁷ Differing perceptions of these issues lead to conflicting prescriptions for promoters of norms who are hopeful of influencing concrete political outcomes. Although these differences are invariably present, both schools of thought retain scope to recognise the legitimate concerns of the other.

Realists' views on Normative Concerns in International Politics

Throughout recent centuries, scepticism toward the effectiveness of norms on political decision-making has been championed by realist theorists. In this mould classical theorists have been placed, such as Niccolò Machiavelli and Thomas Hobbes, as well as modern theorists, such as Hans Morgenthau, Kenneth Waltz and E. H. Carr (Donnelly 2000). While these vary in their portrayal of realism,⁸ at its most basic level realism suggests that “theory does not create practice, but practice [creates] theory” (Carr 1946, p. 63). As a result of this outlook, two major objections are given against the suggestion that normative concerns have a substantive influence on decision-

⁷ The theoretical debate is paralleled by another which is concerned with which view, realist or liberal, is supported by empirical research. Katsumata (2004), Finnemore and Sikkink, (1998), Risse, Ropp and Sikkink (1999), Risse (1999) and Heynes and Viljoen (2001) all find support for the liberal position that human rights treaties and legal mechanisms are an important development in international relations as they are an effective progression towards the universal recognition of human dignity. Meanwhile, a number of writers (for instance see Keith, 1999; Trifunovska, 2002; Harris-Short, 2003) believe that there is sufficient evidence to suggest that the realist interpretation of human rights policy is more representative of reality.

⁸ Donnelly (2000, p. 6) observes that realism is a “distinctive but still diverse style or tradition of analysis”. Nevertheless, one of the most common distinctions made within the realist tradition is between classical realism, that emphasises the limitations of human nature, and neo-realism, which emphasises amongst other things the structural limitations of the international system (Donnelly 1992).

making in the political sphere: The realist tradition suggests that normative concerns, including those that herald human rights principles, are nullified by the egoism inherent in human nature and by the contingencies of the political realm (Donnelly 2000, pp. 9-11).

A negative view of human nature has traditionally informed the realist view of the potential “morality” of political systems. Classically, Machiavelli helped to set this tone when he claimed “all men are wicked and... they always give vent to malignity that is in their minds when opportunity offers” (Machiavelli 1950, pp. 216-217). Some more modern theorists have continued in this vein and painted human nature as “constant, egoistic, and therefore inevitably inclined toward evil” (Donnelly 1992, p. 86). Others have not been so inclined to make such bold and broad statements – Hobbes, for instance, rejected the view that humans are inherently evil (Hobbes 1983, pp. 32-33).⁹ Yet, as a tradition, realism maintains a “primary emphasis” on the “egoistic passions” of human nature (see Donnelly 2000, p. 6). These qualities are of great importance to the practice of politics because the laws that govern political behaviour are derived from human nature, hence there is unfortunately the “tragic presence of evil in all political action” (Morgenthau 1947, p. 173; 1967, p. 4). The effects of this situation on political interaction are often facilitated by structural considerations and characteristics of states that push self-interest to the fore in political decision-making (Donnelly 2000, pp. 47-49; see also Morgenthau 1967, pp. 75-78).

Rather than dwelling only on the characteristics of human nature, neo-realists emphasise the structural aspects of international politics to counter arguments favouring normative concerns in the political realm (Donnelly 1992, p. 88). Political contingencies, the second of the two major objections, place the need for power at the

⁹ While Hobbes believed that “all men in the state of nature have a desire, and will to hurt” (Hobbes 1983, p.46), he also denounced the suggestion that humans were naturally evil when he stated:

The dispositions of men are naturally such, that except they be restrained through fear of some coercive power, every man will distrust and dread each other, and as by natural right he may, so by necessity he will be forced to make use of the strength he hath, toward the preservation of himself.... Some object that this principle being admitted, it would need [to] follow, not only that all men were wicked... but also wicked by nature.... But this, that men are evil by nature, follows not from this principle (Hobbes 1983, pp. 32-33).

top of state priorities in their international dealings (Morgenthau 1967, pp. 75-76). Morgenthau (1967, pp. 75-76) contends that either the desire for prestige or, more commonly, the necessity of a state to avoid annihilation – an ever present threat in the international system – ensure that state power is the most important foreign policy objective. These difficult circumstances are exacerbated by the anarchical nature of international politics (Donnelly 1992, p. 88). Without an overarching authority to check the pursuit of power, the international system is in a perpetual state of war, which cannot be changed (Krasner 1992, p. 50; Roy 1993, p. 452). This lack of changeability reinforces the prioritisation of self-interests over normative policy goals.

In circumstances such as these, realists argue there is simply no room for the implementation of principled policy that is based on an ideal of human rights. Human rights principles, and other normative concerns, are pushed aside by either the lack of enforcement mechanisms to guarantee those ideals or are left subordinate to more pressing foreign policy concerns (Morgenthau 1979, pp. 6-7). This makes a wide-ranging international human rights regime implausible (Donnelly 1992, p. 88).

Despite this outlook, however, it does not follow by any means that all realists believe the international system is devoid of morality or that the realist outlook does not offer ethical policy prescriptions. Many realists challenge charges that realism represents “wicked cynicism” (Drost 1965, p. 12) or that, by its nature, it is “dystopian” (Forde 1992, p. 68). Often, these return to the essential claims that good political theory must be based on political realities and not merely on what people wish them to be (Carr 1946, p. 63). As a result, warnings are raised about the blind pursuit of moral action which, if not checked, can lead to greater evil and more violence than a strictly realist approach (Forde 1992, p. 67).

While the importance of self-interest is unquestionably present and *raison d'état* persists for many (if not most) realists justifying the state as the highest ethical good in its own right (Donnelly 1992, p. 98), for other realists morality persists at a more discrete level. These have responded to claims of dystopianism through recognition of the authentic restrictions that morality places on the realist “ideology”. Carr (1946, p. 93) comes to the conclusion that “any sound political thought must be based on

elements of both utopia and reality”. Morgenthau (1967, p. 224) discusses these restrictions by stating:

[A] discussion of international morality must guard against the two extremes of either overrating the influence of ethics upon international politics or underestimating it by denying that statesmen and diplomats are moved by anything but considerations of material power.

Expressed in another way, morality is seen as a force that, while being subordinate to pragmatic interests, may place bounds on the excesses of *some* policymakers. Nevertheless, it remains a central tenet of realism that it takes on an opposite and complimentary function to “remind us of the limits of rational and moral reform” (Donnelly 1992, p. 106).

Important implications can be drawn from this and applied to human rights in international politics. As the normative justifications for human rights are largely left aside (apart from the possibility that they are a secondary rationale for decision-making and mitigate the harshest limitations of the realist perspective), realism simply suggests that states will, and should, be sceptical of voices advocating the pursuit of normative concerns “for humanity’s sake” (see Forde 1992, p. 67). In the practical reality of politics, these voices are likely to be ignored. When they are seemingly heard, however, it is likely to be for purely instrumental reasons – that is, when it serves the power interests of the state to pursue a human rights policy (Donnelly 1992, p. 96). Finally, realists warn that care should be taken in the advocacy of human rights. As in the case of conventional international politics, if this advice is not heeded, the outcome could be greater or prolonged human suffering (see Forde 1992, p. 67).

Liberals’ views on Normative Concerns in International Politics

Liberalism deviates from realism in that it emphasizes normative concerns over more pragmatic principles (Donaldson 1992, p. 144). In its most basic form, it claims “the way the world ought to be cannot be derived from the way it is” (Mapel & Nardin

1992, p. 309). These premises, insofar as they give rise to the liberal confidence in a more idealistic state of politics, are the converse of those of the realist outlook. For liberals, humanity's ability to act on ethical principles in the political realm rests on a belief that human nature holds a great capacity for moral behaviour and a belief that the practical situations faced in the international setting are not as discouraging or unchangeable as realists assert.

Arguments for these two assertions can be demonstrated by utilizing the theories of 18th century political theorists Jean Jacques Rousseau and Immanuel Kant. Each has contributed to alternative understandings of human nature and the international political system. Rousseau, constructing his own conception of the state of nature,¹⁰ contested many of the dominant realist notions and offered a more positive view of humanity's moral capacity (see Rousseau 1993).¹¹ Perturbed by the apparent state of perpetual war in international relations, Kant wrote his famous essay *Toward Perpetual Peace: A Philosophical Sketch* (hereafter referred to as *Perpetual Peace*) a few decades later outlining how a worldwide perpetual peace might be achieved (Kant 1970, pp. 93-130). This was an expansion of his earlier pronouncement that "moral practical reason pronounces in us its irresistible *veto*: *There is to be no war*" (Kant 1991, p. 160) giving much insight into how space for ethical norms may be fostered in the international system through the prohibition of war. By inference, Kant's arguments on the norms of peace in international politics are relevant to other ethical values such as the principles of human rights.

The Moral Capacity of Humanity

In the face of a negative emphasis on human nature from realists, liberal thinkers seek to establish humanity's capacity to act morally in order to establish human rights norms on a universal scale. One can phrase this simply by asking the question: Does humanity have an intrinsic capacity for benevolence? Although realists may answer negatively, liberals are more inclined to recognise humanity's ability to reach beyond

¹⁰ "State of nature" was a term made famous by Hobbes, which describes a hypothetical anarchy in which human lived before the advent of government or society.

¹¹ Rousseau's political theory includes elements of both liberalism and realism. Here the more liberal aspects of his outlook will be discussed.

self-interest (see Rousseau 1993, p. 71; 75). In *A Discourse on the Origin of Inequality*, Rousseau claimed that, in a state of nature, individual humans do not do ill because of the “peacefulness of their passions, and their ignorance of vice”. They are, in short, “naturally peaceful and shy” (extract from Rousseau cited in Reichberg, Syse & Begby 2006, p. 483). Yet, while there is no moral or immoral behaviour in this state of nature and it appears that humans are incapable of performing either “virtuous or vicious” acts, there still remains a natural preponderance toward both self preservation *and compassion* (Rousseau 1993, p. 71; 75). In this way, compassionate empathy toward fellow humans limits the self-interest realists assert. Empathy itself, according to Rousseau, is natural (Rousseau 1993, pp. 74-75).

Perhaps more importantly, a further feature that distinguishes liberal thinking on human nature from the view of realism is the proposition that human nature is dynamic and evolving (John T. Scott & Zaretsky 2003, p. 607). This was an idea espoused by Rousseau, who termed this dynamic capability “perfectibility” (Rousseau 1993, p. 60). Unlike other species, Rousseau claimed, humans have the faculty of self-improvement. In man it gives rise to “his discoveries and his errors, his vices and his virtues” (Rousseau 1993, p. 60). Beyond the mere instinctual compulsion toward compassion, humans possess the ability to act morally (and immorally) based on the perfectibility of their nature. In this context, moral and immoral conduct is an extension of human nature and gives another reason to answer affirmatively the question of whether humanity has an intrinsic capacity for benevolence. This also suggests a hope that the ability to choose to respect rights might develop as human society develops. Through this discourse, an argument is given for the capacity of humans to follow normative concerns, and a foundation is set for the realisation of human rights principles in domestic and international political spheres.

While Rousseau believed the features of the domestic sphere that elicited the construction of a society could not be attached to states in the international system, his argument remains relevant to international relations.¹² Other liberal theorists, such as Kant, disagreed with Rousseau’s assessment and maintained that positive change is

¹² Despite his apparent optimism for the development of moral political systems in the domestic sphere, Rousseau was not so optimistic in the international system. He harboured great pessimism about the establishment of a meaningful international society (see Mapel 1992, p. 189; Tuck 1999, pp. 204-207).

possible, even inevitable, in the international system (see Huntley 1996, p. 51; Kant 1970, pp. 108-114).¹³ Some argue that Rousseau's descriptions of the domestic setting could easily be used in the international system. Bottici (2003), for instance, claims that the analogy between the domestic sphere and the international sphere can be extended either partially or fully. Such a transposition is possible because, although the constitutions of states may not be directly analogous to individuals, there remain important parallels, both between states and individuals in each sphere and between the relationships that exist between each set of actors (Bottici 2003, p. 395). The use of such an analogy suggests, at the least, that the international system might encompass normative concerns through the establishment of a society of states; that the moral possibilities inherent in human beings could give rise to "morality" among states.

Constructing Space for Norms in International Relations: The Kantian Perspective

For Kant, the establishment of any sort of societal order in the international system, parallel to that of domestic society, must derive from the applications of principles of *a priori* reasoning – from rational reflection (Donaldson 1992 p. 141). Confidence about the eventual realisation of a society of states is thus derived from the rationality of human beings and humanity's recognition that each state has to leave the state of nature and "unite itself with all others" (Kant 1991, p. 124). This, Kant proposed, is an unfailing duty of international actors in order to escape perpetual war (see Kant 1991, p. 151; Laberge 1998, p. 83; Tuck 1999, pp. 207-208). In *Perpetual Peace*, Kant sought to explore the ramifications of this and to reconcile moral principles with the international landscape. Among these principles, one might easily include principles of human rights.

Central to Kant's theoretical construction of perpetual peace is the call on states to institute more positive relationships between governments and people at the levels of "*civil right* of individuals within a nation", "*international right* of states in their

¹³ Although Kant himself rejected the idea that Rousseau's vision of domestic society could be transposed onto states in the international system, the establishment of an international society remained an important aspiration for him.

relationships with one another” and “*cosmopolitan right* in so far as individuals and states, coexisting in an external relationship of mutual influences, may be regarded as citizens of a universal state of mankind” (Kant 1970, p. 98). Each definitive article in *Perpetual Peace* is geared toward the achievement of these levels of right. Although it may seem tautological to speak of “right” as constitutive of the space for human rights in the international system, the “rights” that are spoken of by Kant can be understood as *correctly constituted relationships of government*. Within the formulation of international liberalism that Kant presents, each one of these instances of right are vital for upholding normative ideals. Nevertheless, the most important area where Kant’s theory deviates from the theory of realism is in the potential for order *between* states in the international system. While Kant suggests both civil right and cosmopolitan right are necessary for the maintenance of peace,¹⁴ it is international right that directly contrasts with the necessarily anarchical state system envisaged in realism.

¹⁴ The first step that Kant claims is required for the abandonment of the international anarchy, is summarised by the title of the first definitive article of *Perpetual Peace*: “The Civil Constitution of Every State shall be Republican” (Kant 1970, p. 99). This concerns *civil right* and is the basis from which other articles proceed. It is also a condition that makes the achievement of peace and international law easier. For Kant, the right to republican government accords with civil and political rights in which people are able to give free and equal consent to a common legislative authority (Kant 1970, p. 99). This is done not only as an end in itself, but also to establish the conditions under which international peace might be viable. Kant contends that for people participating in representative government “it is very natural that they will have great hesitation in embarking on so dangerous an enterprise [as declaring war]” (Kant 1970, p. 100). In this way, upholding the *civil right* is argued to be beneficial to the realisation of *international right*. Representative government should be distinguished from democratic government. It can be argued, as Kant (1970, pp. 100-101) does in *Perpetual Peace*, that governments classed as “democratic” can nevertheless fall into unrepresentative or tyrannical ways if they are only ruled by majority concern. Also, a government can be representative or *republican* (in the Kantian usage of term) without being democratic.

The third definitive article of *Perpetual Peace* focuses on the *cosmopolitan right*. The validity of the *cosmopolitan right* is not only derived from its emphasis on the individual as a primary unit of concern, which is the emphasis of Kant’s philosophy as seen in the categorical imperative (Laberge 1998, p. 82), but also because of its necessity for upholding the other instances of right. The recognition of “the original and communal ownership of the earth and its resources by all persons” (Donaldson 1992, p. 145), indicates the collective responsibility for the rights of what Kant (1970, p. 107) calls a “universal community”. The suggestion that if a right is violated in one part of the world it is felt everywhere indicates the impact that ignoring cosmopolitan right might have on civil relations, the relations of states and the attainment of perpetual peace (Kant 1970, pp. 107-108). In Kant’s words:

The idea of a cosmopolitan right is... a necessary complement to the unwritten code of political and international right, transforming it into a universal right of humanity. Only under this condition can we flatter ourselves that we are continually advancing towards a perpetual peace (Kant 1970, p. 108).

Kant's idea of international right rests on the establishment of a "Federation of Free States", which he advocates in the second definitive article of *Perpetual Peace* (Kant 1970, pp. 102-105). Although to Kant states are not under the same obligation to leave the state of nature as are individuals, "for as states, they already have a lawful constitution, and have thus outgrown the coercive right of others" (Kant 1970, p. 104), there still exists an imperative to leave the state of nature – which is a "condition of war" (Kant 1991, p. 151) – in order to create a federation of states. This justification comes from the challenge that war should be completely abandoned (Kant 1991, p. 160). Thus, in order to ensure *international right*, a federation of free-states is proposed by Kant that would gradually expand to encompass all states (Kant 1970, p. 104). The normative achievement of this society of states creates room for other normative considerations, including that of human rights. In Kant's words, "the problem of the establishment of a perfect civil constitution depends upon the problem of a lawful external relationship of the states and cannot be solved without the latter" (cited in Huntley 1996, p. 49).

Liberalism thus presents a vision of the political realm that, in many ways, is opposed to that which is offered by realism. It promotes ways in which normative concerns can be achieved in a world that is characterised by insecurity. To do this, it offers alternative views of the potential of human nature and of political interactions that are distinct from those of realism. These colour a more idealistic approach to politics. This has importance for the human rights discourse because it seeks to demonstrate that the principles of human rights have a true potential to influence real world situations. Yet, when it comes to human rights principles in real world settings, the way that liberalism accounts for realist concerns may exert a great influence on human rights promotion.

Realistic Liberalism and the Promotion of Human Rights Principles

Finding middle ground between the theoretical perspectives of liberalism and realism has importance for the enhancement of strategies of human rights promotion. Suggestions to this end operate at two levels – one practical, the other theoretical. The first level influences directly how human rights advocates might approach advocacy.

The ramifications of this will become more directly relevant in later chapters; however, some attention to this is necessary here. Due to the nature of their work, human rights advocates implicitly recognise the value of the liberal outlook – the act of promoting rights in the first instance is an act of asserting the ability of normative ideals to affect the political climate – yet their work often also brings the advocacy of normative ideals into conflict with traditional power concerns. Correctly understanding the place of realist power concerns within a generally liberal perspective allows for a better identification of the approach that NGOs may take in promoting human rights in a political landscape often characterised by realism. An understanding of how realist principles are acknowledged in the liberal tradition will become important in later chapters when the specific strategies undertaken by NGOs to promote human rights principles are discussed in the chapters that follow.

The second level, which is more relevant to the present discussion, is theoretical. Theoretical implications arise for human rights because the way that realism is accounted for in liberal theory can paint a particular approach to the way that realism is approached in the human rights schema. By crossing the liberal–realist divide through a form of realistic liberalism, insights can be drawn for the categorisation and definition of human rights principles that could later have ramifications for the processes of advocacy. Distinctions that can be made between the politicisation of each human rights principle (discussed below) will correspond to the concerns raised by the realist tradition. Accordingly, it is the latent presence of realism in the liberal tradition that opens up greater opportunities for discerning distinctions between different sets of rights in political advocacy. Therefore, having discussed the elements within realism that acknowledge the value of liberal theory, deeper attention will now be given to the value given to realism within the liberal tradition. Within liberalism, many theorists recognise the shortcomings of having a theoretical outlook narrowly focused on normative concerns.

Establishing Realism within the Liberal Tradition: the Place of State Sovereignty

As has been discussed above, realism contains many assumptions and emphasises many problematic aspects of the international system. Among these, state sovereignty

carries significant weight as a concept that protects the state from violence and illegitimate outside intervention (Vincent 1974, p. 14), as well as assuming legitimate authority (Morris 1998, p. 175). Sovereignty has been defined by F.H. Hinsley (1966, p. 26) as “the idea that there is a final and absolute political authority in the political community... *and no final and absolute authority exists elsewhere*”. Alternatively, a definition of sovereignty may also include reference to a territory over which sovereignty is exercised. In this regard, it can be thought of as “the ultimate source of political authority within a realm” (Morris 1998, p. 172). As with the other assumptions associated with realism discussed earlier, a purely realist perspective on the relationship between human rights and state sovereignty may hold that human rights activism in the face of state sovereignty will create conflict and potential for harsher “imperialism” leading to greater human suffering (Falk 1981, p. 2). In light of this, realists may believe that promoters of human rights “should cease and desist from these misguided efforts to induce governments to promote human rights as a matter of foreign policy” (Falk 1981, p. 2).

Liberal theorists often also affirm the place of state sovereignty and advocate its recognition when pursuing normative principles. Indeed, recognition of the value of realism is not difficult to find within the liberal tradition, with theorists such as Kant (1970, p. 96), Rousseau (see Reichberg, Syse & Begby 2006, p. 482; Tuck 1999, pp. 206-207) and John Stuart Mill (1861) all giving ascendancy to power concerns and state sovereignty over normative ideals at times. In doing so, these theorists appear cautious in approaching issues of self-determination and civil and political liberties because of the conflict that may be encountered with state sovereignty.

Sovereignty was crucial to Kant’s liberal perspective and problems were envisaged if the norm of state sovereignty was ignored (Kant 1970, p. 96). His civil and cosmopolitan rights were both given limits of his formulation of international right. This is seen in the principle of non-interference, discussed in the fifth preliminary article of *Perpetual Peace*, which holds that: “No state shall forcibly interfere in the constitution and government of another state” (Kant 1970, p. 96). While this principle is based partially on respect for the integrity of society within a state and its members, and is thus based on civil right, it also shows a wide respect for the state’s own sovereignty, due to how a state’s integrity affects the security and the rights of other

states. Even where rights are being violated, Kant believes intervention, in most cases, would not be justified:

[A]s long as internal conflict is not yet decided, the interference of external powers would be a violation of the rights of an independent people which is merely struggling with its internal ills. Such interference would be an active offence and would make the autonomy of all other states insecure (Kant 1970, p. 96).

In this way, the individual, as a unit of concern, does not automatically take precedence over the state. Kant (1970, p. 105) reaffirms the principle of sovereignty when he comments later in his essay that “the concept of international right becomes meaningless if interpreted as a right to go to war”. Thus, even when giving an approach to political rights orientated toward the individual, Kant finds it prudent to insert realist, state-centred principles of rights.

Likewise, another liberal theorist, John Stuart Mill, treated the ideas of self-determination and civil and political liberties with what some may view as astonishing pragmatism about the state. While Mill argued that self-determination, in the form of representative government, is the “ideally best” form of government (Mill 1861, p. 45), he also proposed that there are many situations where it is not “practicable or eligible in all states of civilization” (Mill 1861, p. 54). When confronted with the proposition of international intervention as a means of coercing governments into giving political rights to a repressed people, Mill placed, as a general rule, the prerogative on the repressed populous to struggle for their own rights of self-government (Mill 1984, p. 122). Mill believed that if a people attained outside help, they simply might be unable to maintain the political environment in which to enjoy political rights. Those who were previously in power or other powerful actors would, he believed, be able to overthrow the newly self-determined government. Hence,

If a people... does not value [liberty] sufficiently to fight for it, and maintain it against any force which can be mustered *within* the country, even by those who have the command of the public revenue, it is only a question in how few years or months that people will be enslaved (Mill 1984, p. 122).

By consigning a repressed people to their own struggle for self-determination without outside help, Mill takes a strictly realistic, even Darwinian, approach to the problem of self-determination – only those who are strongest in society can achieve their self-determination. Primarily, Mill was speaking of political rights from a realist viewpoint, and affirming the basic idea of territorial sovereignty. His discussion of it in this context illustrates an opposition to implementing impractical ideals.

Self-determination rights, therefore, present a unique set of problems in the face of state sovereignty. As described by Kingsbury, a major problem associated with political rights is that of solving “how the principle of self-determination can be reconciled with the concern of states to maintain their territorial integrity and with the concern of the international community not to risk unlimited fragmentation of existing states” (cited in Keal 2003, p. 129). In other words, there remains a fear that if the principle of self-determination were applied universally, it would lead to the fragmentation of the international system into possibly thousands of tiny states. This is especially true if the right to self-determination is viewed as a synonym of the “right” to independence (Heintze 2003).

Exposing the issue of self-determination to the light of Rousseau’s comments on international relations illuminates the dangers that it presents to the international system in this regard. As Rousseau became dejected at the prospect that states in the international system would be unable to escape the state of war, he came to recognise how having many independent self-determined polities would exacerbate the problem of war (see Tuck 1999, p. 206). Although he did not directly address the issue or its solutions, a series of rhetorical questions posed in *Émile* illustrates his concern over the issue. He asked, “whether, in fine, it would not be better to have no civil society than to have several... Is it not this partial and incomplete association which is the cause of tyranny and war? And are not tyranny and war the two worst scourges of mankind?” (cited in Tuck 1999, p. 206). In these questions lie hints of Rousseau’s own position: having a multitude of societal “associations” would inevitably lead to the most undesirable outcome, a descent into war.

At a theoretical level, it is the incorporation of realist principles in the liberal tradition that points to the need for distinctions between different rights – especially between

those that are more political and those that are less political. In the preceding discussion, the checks placed on the unrestricted promotion of human rights in the liberal tradition originate in the need for prudence in the face of power politics and often directly draw upon the concept of state sovereignty. With these reservations in mind, bringing such ideas into the definition and categorisation of human rights principles may help to enhance the strategies of advocates who promote human rights principles.

Defining and Categorising Human Rights

Conceptualising the principles of human rights in a way that both encompasses the essence of human rights norms and accounts for difficulties the of “the real world” is no easy task. Definitions must include all the principles that are necessary for the dignity of the human person, but must not overstep their mandate. Conceptualisations of principles must, in other words, only include *entitlements*, or “rights one has simply because one is a human being” (Donnelly 1989, p. 9). The importance of an accurate conceptualisation is underlined when the practical difficulties of pursuing the implementation of human rights principles are considered.

Accounting for both realist and liberal concerns in conceptualising a schema of human rights principles requires consideration of the normative and political dimensions of each principle. These are likely to vary in their normative or political values (see Baehr & Castermans-Holleman 2004, pp. 8-9; Shue 1996, pp. 19-20). Consequently, two different categorisations of rights will be considered here: one categorisation that distinguishes between basic and non-basic rights, reflecting their normative dimension, and one categorisation that accounts for the different political costs associated with each rights principle, reflecting their political dimension. Considering these two categorisations will lead to the identification of which rights are best and which are least suited, both normatively and politically, to be promoted on the international stage.

Identifying Basic Rights

Many argue that while there are many rights inherent to human beings, some rights deserve to be identified as more basic than others and categorised as such (Baehr & Castermans-Holleman 2004, pp. 8-9; Matthews & Pratt 1985, p. 160; Shue 1996, p. 19).¹⁵ Basic rights can be identified as being “essential to the enjoyment of all other rights” (Shue 1996, p. 19). Matthews and Pratt (1985, p. 160) argue that some rights are basic because without these rights “no other rights are meaningful” and because they receive “near-universal acknowledgement”. They identify four rights. These are “the rights to freedom from detention without trial, to freedom from torture, to freedom from extra-judicial execution and to subsistence” (Matthews & Pratt 1985, p. 160). Others have deduced these basic rights as a response to the governmental abuses that have been well-documented throughout the 20th century, such as “the practices of killing, disappearances, physical and psychological torture, arbitrary detention, and exile” (Reiter, Zunzunegui & Quiroga 1986, p. 628). Thus, many have asserted the existence of the basic rights to life, protection against disappearance, protection against torture and protection against arbitrary arrest or detention (see Donnelly 1989, pp. 37-45)

Reflecting on an address made in 1977 by the US Secretary of State, Shue (1996) identified three basic rights: the right to physical security,¹⁶ the right to subsistence, and the right to liberty. This categorisation of rights has received support in recent

¹⁵ Other conceptualisations of rights are clearly possible. Legal positivism suggests that rights should be defined by the legal instruments that establishes rule in a society (Campbell 2006, pp. 14-15). At the international level, this gives greater authority to the covenants and declarations of human rights legislation. Consequently, a categorisation of rights which reflects this outlook is likely to retain distinctions between rights that are civil and political in nature and those that are economic, social and cultural in nature. As the content of rights should be defined purely by the content of international and domestic law, there remains the obvious problem of which is more legitimate when domestic and international law concerning rights contradict one another (Campbell 2006, p. 15). Donnelly (1989, pp. 34-36) offers another conceptualisation. He suggests that many aspects of the UN’s dichotomy could be “transcended” by a re-categorisation of rights into five groups. These groups are:

- (1) *subsistence and personal rights*, which provide minimum protections but alone fall far short of protecting human dignity;
- (2) *legal rights*, which protect the individual in dealings with the state;
- (3) *civil, social and cultural rights*, which ensure active membership in society;
- (4) *economic rights*, which give one power over the nature and circumstances of one’s labor;
- and (5) *political rights*, which empower one to act to influence the fundamental rules and structure of society (Donnelly 1989, p. 36, my emphasis).

¹⁶ Physical security rights are synonymous with Donnelly’s “personal rights” (see Donnelly 1989, p. 36).

years from scholars such as Milner, Poe and Leblang (1999) and will be adopted here. When coming to define each right, Shue offers a much more precise definition than the scholars in the above discussion. This is particularly true of the rights to physical security and subsistence. As a category of rights, he defines the right to physical security as a “right that is basic not to be subjected to murder, torture, mayhem, rape, or assault” (Shue 1996, p. 20). The right to subsistence is similarly exact. This refers to the rights to “unpolluted air, unpolluted water, adequate food, adequate clothing, adequate shelter, and minimal preventive health care” (Shue 1996, p. 23).

The definition of liberties, however, presents a separate problem. While it may be easy to identify instances of grave violations of basic rights when it comes to subsistence and physical security, there are any number of “liberties” that could also be considered rights. Not all of these are necessary for the enjoyment of physical security and subsistence and so not all can be considered basic (Shue 1996, p. 70). Among the liberties that he considers basic, Shue places the right to the liberty of participation in many areas of society including in economic and political life (Shue 1996, p. 71-78) and the freedom of physical movement (Shue 1996, p. 78-82).

Due to the difficulty of encapsulating which of a multitude of possible liberties are basic, Shue does not provide an exhaustive list. In order to narrow the classification of basic liberties, therefore, a definition of civil and political liberties offered by Freedom House, an NGO concerned with such liberties, proves more useful:

Political rights enable people to participate freely in the political process.... Civil liberties allow for the freedoms of expression and belief, associational and organizational rights, rule of law, and personal autonomy without interference from the state (Freedom House 2005).

Combining the three-fold categorisation of basic human rights proposed by Shue with this more limited interpretation of civil and political rights provides an understanding of rights that other categorisations do not. First, Shue’s categorisation of basic rights goes far beyond that of many other human rights theorists (see, for example, Ajami 1978; Matthews & Pratt 1985; Reiter, Zunzunegui & Quiroga 1986). While Matthews and Pratt (1985) do not directly address issues of civil and political rights, and Reiter,

Zunzunegui and Quiroga (1986) neglect issues of subsistence, Shue addresses both of these issues. Shue's three-fold categorisation also offers a parsimonious expression of a wide range of rights that are acknowledged in international law, making these more assessable and easily testable for academic purposes. Meanwhile, narrowing what is included in "liberties" complements this by allowing for a definition of liberty that is more easily identifiable.

The Right to Self-determination

One right that is a notable exclusion from the list given above is the right to self-determination. As a right that is heavily influential in many political disputes and much conflict in the world, and as is also seen in the discussion of realistic liberalism given above, self-determination represents one of the greatest rights dilemmas on the contemporary political landscape (Falk 2000, p. 97). Although the "principle of equal rights and self-determination of peoples" is set out as a rights principle in articles 1 and 55 of the UN Charter, the status and content of self-determination as a right have been much debated (Brown 2002; Falk 2000, pp. 97-125; Hawkes 2001; Heintze 2003; Margalit & Raz 1995; Dan Smith 2000; van den Broek 2003).¹⁷

Just what the right to self-determination entails, or should entail, remains unclear (Keal 2003, pp. 142-144). Even when taking the simplest approach to the right, by examining the phrase "self-determination", two disputes are immediately apparent: What is meant by the term "self"? And, what is meant by the term "determination"? (see Beitz 1979, p. 95). The precise definition of the "self" concerned – the possessor of the right – has generated much conjecture. The "self" could refer to a particular tribal, ethnic, linguistic, religious or geographical group (Margalit & Raz 1995, p. 81), yet competing claims of self-determination are left unresolved as no overarching test is available to distinguish which groups are worthy recipients and which are not. Some believe that because of the arbitrariness of this "self", the right to self-determination should be bestowed sparingly and only given to those who face an "unacceptable risk of high cost to [their] important moral goods" (Dan Smith 2000, p. 499).

¹⁷ The same right is alluded to in the common article 1 of the ICCPR and the ICESCR

“Determination” is no less debatable. As an idea it is directly associated with popular government, but the question remains as to how “popular” governance may be objectively determined (Brown 2002, p. 78). It may be necessary that determination is *democratic* in nature and, therefore, places checks and balances on government to act in accordance with interests a governed people. Even if we accept that self-determination is necessarily democratic (an idea that many would vehemently oppose), the problem returns to the question of what constitutes the “self” that has the right to participate in an election process. Brown, using the dispute over Northern Ireland as an example of this, (2002, pp. 78-79) comments:

Who ought to decide the future of Northern Ireland – the people who live in the province, the population of Ireland as a whole, or of the UK, or of the EU, or wherever? There is no *democratic* answer to this question because democracy can only come into play once it has been answered.

Considering the wide potential for varying interpretations, a valuable framework of possible definitions of self-determination rights is given by Falk (2000, p. 100). He divides the right into three “orders” of self-determination. First-order self-determination is defined as “the struggle of people to overcome alien rule, and to achieve independence within internationally agreed boundaries”. Second-order self-determination refers to a “distinct” people achieving autonomy or independence within a part of a state or federation. Finally, third-order self-determination refers to a portion of a state seeking to secede from an existing state. Falk’s explanation provides a valuable exploration of what “self-determination” might mean to a people. Each of these meanings offers alternative pathways around problems associated with self-determination as a human right.

Relating Self-determination to Basic Human Rights

The definitions of rights given above provide evidence of major distinctions between the right to self-determination and basic human rights. Of the constituent characteristics of basic rights given by Shue and Matthews and Pratt – that basic rights receive “near-universal acknowledgement” (Matthews & Pratt 1985, p. 160)

and are “essential to the enjoyment of all other rights” (Shue 1996, p. 19) – neither are clearly demonstrated in the right to self-determination. Acknowledgement of the right to self-determination falls short of that of other rights as there is no universally recognised set of principles that define the appropriate behaviour of government. As Falk (2000, p. 111) observes, the “character and scope of the right is more unsettled than ever”. Principles that are defined in international law are limited to the declaration that by virtue of the right to self-determination, “peoples” may “freely determine their own political status and freely pursue their economic, social and cultural development” (common Article 1 of the ICCPR and the ICESCR). Beyond this, as discussed above, it is not clear who may be classified as “peoples” or how they may practically and rightfully determine their status or pursue their development. In this way, near universal acknowledgement is lacking.

With the lack of consensus surrounding the right to self-determination, comes an inability to demonstrate that the right is essential to the enjoyment of other rights. Without knowing what groups enjoy the protection of the right to self-determination, nor the scope of the right, its necessity to other rights is almost impossible to demonstrate definitively. A restricted view of the right, for instance, may hold that self-determination rights refer to a reasonable standard of participation of a certain group in the decision-making institutions of an existing state (Hawkes 2001, p. 153). If this is the case, one must wonder whether the rights protected by the right to self-determination might be equally well protected by the right to civil and political liberties.

The importance of maintaining distinctions between basic rights and self-determination rights becomes striking when one considers the ramifications for advocating such rights in the midst of political realities. Recognising a hierarchy of basic rights and non-basic rights allows for the correct identification of which rights should be emphasised in order to achieve the best results in the advocacy of human rights principles more generally. Governments are likely to react differently to the advocacy of basic rights rather than to other, perhaps more contentious, rights (Baehr & Castermans-Holleman 2004, p. 9). Enquiring into the effectiveness of NGOs’ promotion of human rights principles must consider the relationship between the

rights that can be promoted and the potential government reactions to the advocacy of different categories of rights.

An Alternative Categorisation of Rights: Political and Non-Political Rights

Categorising human rights in a way that reflects their normative value is not the only way of representing them. As discussed earlier, realities faced in the promotion of human rights principles may necessitate another categorisation of rights in addition to the basic–non-basic divide. For this categorisation, rights will be defined in terms of their varying degrees of political sensitivity, between *political* and *non-political* rights. Political rights give a dimension to the definition of human rights principles that represents the realist concerns associated with each right. More political rights may be seen as being more difficult to advocate in the traditional political realm because of the threats that their advocacy generate for states. Political rights will refer to the rights to self-determination and civil and political liberties, as opposed to non-political rights which include the rights to subsistence and physical security.

Self-determination is inherently political in nature. This is reflected in the writing of Margalit and Raz (1995, p. 80), who suggest, “the idea of national self-government... speaks of groups determining the character of the social and economic environment, their fortunes, the course of their development, and the fortunes of their members by their own interest”. When the assertion of the claim to self-determination comes into conflict with the will of the governing authorities, it has a great potential to spark grave conflict, with the most extreme forms of conflict occurring when independence is asserted as synonymous with self-determination.

Such an assertion is at times diametrically opposed to the status quo of state sovereignty. Events that have arisen from secessionist claims of the Basques, the Kurds, the Kosovar Albanians and the Chechens, for example, confirm this (Forsythe 2000, p. 226). These conflicts indicate that many states may be reluctant to strictly adhere to or define the right because, at one level, it acts as a counter claim to the norm of state sovereignty and, at another level, many states are directly threatened by secessionist movements. Because claims often find opposition from those who want

to protect the status quo, governmental policy can be used as a means of combating claims to self-determination rights (Eldridge 1995, pp. 28-29).

When it comes to the practical advocacy of the principles of human rights, civil and political liberties, like self-determination, prove particularly challenging to the state. With the continuing danger of conflict between the state and individuals, liberal conceptions of political and civil rights give priority to the individual (Howard & Donnelly 1997, p. 270). Governments, whose citizens enjoy those liberties less, often greet moves to attain greater respect for civil and political liberties with scepticism internationally and with crackdowns on opponents domestically (Baehr 1999, p. 16; Sullivan 1999). These governments are often hostile to the promotion of civil and political rights and, alternatively, may promote a greater recognition and achievement of subsistence rights as a prerequisite for the enjoyment of more controversial liberties (see Mahbubani 1999). This is a view implicated in the words of the UN ambassador of Singapore who remarked at the 1993 World Conference on Human Rights held in Vienna: “Only those who have forgotten the pangs of hunger will think of consoling the hungry by telling them that they should be free before they can eat” (cited Baehr 1999, p. 16).

Effectively, what government apprehension toward both sets of rights suggests is that, in addition to the normative hierarchy that exists between basic rights and non-basic rights, there is a hierarchy with regard to which rights are politically sensitive. Hostility toward civil and political rights corresponds with hostility toward self-determination rights because both reactions are borne out of threats to the political status quo. Recognising that some rights are more politicised in this way allows space for greater care to be taken in advocating such rights or, as may be more appropriate, that these rights may not always be advocated. Claiming civil and political rights as basic human rights therefore creates peculiar dilemmas when it comes to human rights advocacy. The potential for such advocacy to create intense political outrage which could incite political repression is juxtaposed with the normative, and perhaps moral, compulsion to advocate civil and political liberties as rights that are basic for the enjoyment of other rights.

Conceptualising a Hierarchy of Human Rights Principles

The two categorisations outlined, denoting the basic and political dimensions of rights principles, are largely consistent with one another. When both are considered, it is possible to conceptualise an overall hierarchy of rights that may be used in human rights promotion. In such a hierarchy, rights principles that are both basic and non-political may be more effective than other rights principles and therefore take precedence in advocacy. Subsistence and physical security are not only among the most important rights principles that need to be advocated, but also seem the least likely to incur the wrath of governments when advocated. Following these, the advocacy of civil and political liberties are also important, but nevertheless should be treated with great caution. While they can be considered basic rights, these liberties have a greater degree of threat associated with them because their implementation may at times incur heavy political costs to those who hold power. Finally, self-determination rights should be advocated least among these rights as they are not classed as basic and they are considered more politically costly. This is especially true when self-determination is conceptualised as being synonymous with independence. This hierarchy of rights is presented in Table 1 below.

Table 1: Two-Dimensional Hierarchy of Human Rights Principles

		Political Sensitivity	
		Non-Political Rights	Political Rights
Normative Value	Basic Rights	Physical Security Rights Subsistence Rights	Civil and Political Liberties
	Non-Basic Rights		Self-determination Rights

Although this is obviously not an exhaustive list of human rights principles, those principles included represent a useful array for further study into the processes of human rights advocacy. In later chapters, this hierarchy will be tested through observing the methods utilised by NGOs in advocacy. The two dimensions of the hierarchy, and the assumptions of realistic liberalism that inform it, will form an underlying basis for contrasting NGO strategies that emphasise the advocacy of self-determination rights against those that emphasise the rights to subsistence and physical security in the case study used – the advocacy of human rights for the people of West Papua. However, in order to approach the study of this case adequately, it is necessary to understand the processes through which NGOs seek to achieve their goal of affecting changes in human rights conditions. This enquiry will be the subject of chapter three.

Conclusion

Investigating the strengths and weaknesses of the competing perspectives of realism and liberalism may have many important implications for the theory and practice of human rights advocacy. Taking the position of many liberal theorists who marry aspects of the two traditions, it is possible to account more adequately for realist ideas and formulate a form of realistic liberalism. In doing so, it is suggested that using cosmopolitan concepts of citizenship, that negate the importance of states, may be unrealistic and, therefore, counterproductive for the advocacy of human rights. Importantly, once such an outlook is taken for the definition and categorisation of human rights principles, it is possible to conceptualise a hierarchy of human rights principles that includes both political and normative dimensions. This hierarchy could be beneficial for the promotion and socialisation of human rights principles.

Moving beyond the conceptual elements of human rights principles, the next chapter will set the debate over the effectiveness of human rights promotion in the context of the activities of NGOs. Discussions will focus on the processes and methods used by NGOs in human rights promotion and will set a foundation for the later discussion of theoretical models of human rights socialisation. Examining these more tangible

aspects of international politics will indicate more clearly how realism may contribute to the theory and practice of human rights promotion in international politics.

Chapter 3

Human Rights NGOs in International Politics

NGOs committed to the promotion of human rights principles have a large and growing presence in the international system. Their active participation in international affairs, some claim, may be one of the most important shifts in modern global governance (see Jackie Smith, Pagnucco & Lopez 1998). Most fundamentally for liberal theorists, their growth represents a rise of “global civil society” and challenges traditional notions of governance within and between states (Chandler 2003, p. 340). From this perspective, activities of non-governmental actors represent an alternative locality of power – based on values and information (Klotz 2002, p. 52) – which challenges traditional realist notions of decision-making based purely on self interest (Thakur 1997, p. 263). The growing prominence of NGOs, therefore, offers a valuable vehicle through which to evaluate the claims of liberalism as discussed in the previous chapter. This can be done by examining the impact of normative human rights concerns on processes of international decision-making.

Of major concern in this chapter are the mechanisms through which NGOs exert this influence on political decisions. After discussing the broad place of NGOs in the modern international system, focus will turn to the theories of NGO influence. The discussion of these will most importantly highlight the ways in which NGOs help to monitor and enforce norms through processes of socialisation. Specifically, the latter part of this chapter will introduce two theories of human rights socialisation – the spiral and boomerang models (Keck & Sikkink 1998; Risse, Ropp & Sikkink 1999). Following this discussion, the strategies of campaign “framing” will be explored (see Joachim 2003). This is the process by which NGOs frame issues to change government and public perceptions. Research on socialisation suggests that the way that NGOs frame issues while lobbying governments and the public is central to their success (Joachim 2003; Keck & Sikkink 1998, pp. 26-28; Khagram, Riker & Sikkink 2002a; Thomas 2001). These also suggest a link between the practices of advocacy and the establishment of a hierarchy of rights in international human rights promotion.

The Place of Non-Governmental Actors in the International Arena

What are NGOs and Advocacy Networks?

There are a large number of non-governmental actors active in the modern international system. Transnational corporations, aid agencies, religious groups, militia and terrorist organisations, as well as organisations involved in many kinds of advocacy work all represent a significant dimension in the international sphere. All of these can, in some sense, be considered “non-governmental organisations”. Nonetheless, when enquiring about the role of *human rights* NGOs, it is fitting to define these more narrowly. A narrow definition must reflect those organisations that are involved in promoting a specific social cause. Importantly, the definition of NGOs must lend itself to the study of NGOs involved in the promotion of human rights. For this reason, Khagram, Riker and Sikkink’s (2002a, p. 6) definition of NGOs will be adopted, which regards NGOs as “private, voluntary, non-profit groups whose primary aim is to influence publicly some form of social change”.

This definition has a number of benefits. While being narrow in the context of overall actors involved in the international system, it also includes a wide variety of actors, both in terms of worldview, level of power and connections with other actors (Hawthorn 2001, p. 276). As Fisher (1997, p. 447) observes:

[T]hey include, but are not limited to, charitable, religious, research, human rights, and environmental organizations and from loosely organized groups with a few unpaid staff members to organizations with multimillion dollar budgets employing hundreds.

This definition is suited to the research at hand because it includes many actors that are able to contribute to the implementation of human rights principles. Also, with regard to the human rights situation in the West Papua, a wide definition will be more suitable to encompass the actors and issues that are involved (environmental concerns and church based NGOs, for instance, are crucial in the West Papuan case). Other definitions of NGOs are clearly possible, yet are less applicable. They can be defined

as “a private citizens’ organisation, separate from government but active on social issues, not profit making, and with transnational scope” (Gordenker & Weiss 1996, p. 20). However, this excludes organisations that have in some way complex relationships with governments, and limits who (private citizens) may establish an NGO.

A further issue that needs to be noted here is the use of the term “human rights” when speaking about NGOs. In a similar fashion to the term “NGO”, when one considers the diverse range of rights addressed in international law, the term “human rights NGO” can also feasibly be used for any number of nongovernmental actors. It may, for instance, include NGOs whose works centres solely on development. Development NGOs, it can be argued, can be classified as human rights organisations because their work, when effective, helps to alleviate breaches of subsistence rights. However, there are drawbacks to the inclusion of such NGOs. Fisher (1997, p. 442) highlights that the development practice that one person sees as beneficial, another person may see as a violation of rights. This clearly presents a problem when attempting to construct a viable notion of what constitutes a human rights NGO – what is seen as a human rights NGO to one person may not be to another. While recognising this problem, the term ‘human rights NGO’ here will include NGOs that advocate a wide range of human rights and will indicate NGOs that promote¹⁸ non-violently a set of rights that are enshrined in international law.

When operating together to affect a particular issue or set of issues, NGOs regularly cooperate with one another and with other actors, to form transnational advocacy networks (TANs). These networks are characterised by concern for principled ideas and a desire to influence behaviour or policy of international actors (Keck & Sikkink 1998, p. 1). The networks are also voluntary in nature, allowing members to exchange information and services reciprocally (Keck & Sikkink 1998, p. 10). They may include “international and regional organizations, international nongovernmental organizations, domestic nongovernmental organizations, private agencies and foundations, church groups both domestic and international, and agents of state

¹⁸ Promoting is often done through advocacy in the national, regional or international arena. They may also include concrete operations on the part of NGOs to put infrastructure in place to protect human rights on the ground in the places where they are under threat (van Tuijl, 1999).

governments” (Burgerman 1998, p. 908). TANs, as distinct from NGOs, include groups that are more closely, and sometimes directly, affiliated with government and business.

Of the many aspects of international politics, one that characterises the modern era is the substantial growth in the number of NGOs active at the international level (Fisher 1997, p. 440; Sikkink & Smith 2002; Jackie Smith, Pagnucco & Lopez 1998; Wiseberg & Scoble 1981). The diversity and number of NGOs is vast, cutting across traditional boundaries that divide humanity and appealing to different nationalities, cultures, and classes (Shepherd 1981, p. 215). However, human rights NGOs have always enjoyed a large representation amongst the myriad of causes advocated at this level. Between 1953 and 1993, NGOs committed to human rights have increased almost six-fold, consistently accounting for approximately one-quarter of NGOs active in the international system (Keck & Sikkink 1998, p. 11; Sikkink & Smith 2002, p. 30). These NGOs have also been given greater prominence in human rights policy debates (Keck & Sikkink 1998; Khagram, Riker & Sikkink 2002a). At the UN’s 1993 Human Rights Conference in Vienna, 248 NGOs had consultative status, while NGO reports indicate that between 1,400 and 1,500 NGOs attended (Clark, Friedman & Hochstetler 1998, p. 9). Today there are over 3000 NGOs with consultative status at the UN.

NGOs and Global Civil Society

Having considered the definition and place of NGOs in the modern international system, it is helpful to locate these within the schema of global civil society. Consideration needs to turn to whether NGOs are an authentic manifestation of international civil society or legitimate as representative forces. Legitimacy, in terms of representation and democracy, is a significant characteristic of the human rights NGO movement because it directly affects the respect of civil and political rights in the international setting (Chandler 2003, pp. 339-340). Without sufficient authority to act in the way they do, NGOs open themselves to well founded criticism. In such a situation, human rights NGOs are in danger of hypocrisy and may even be in danger

of attempting to impose a privatized vision of international society that is as illegitimate as that of any political despotism (see Fisher 1997, p. 442).

The role of NGOs within global civil society is hotly disputed. Some argue that non-governmental actors play a critical role in the political world and in the democratisation of the international realm (see for instance Clark, Friedman & Hochstetler 1998; Gordenker & Weiss 1996, pp. 43-44; Sikkink 2002). At the very least, non-governmental actors give some an avenue to express their views in either a domestic or an international setting. However, one may go beyond this minimal view and claim that NGOs give meaningful expression to those who may otherwise be disenfranchised. Cosmopolitanism, in its most extreme form, denies the place of the state-based approach to democracy or representation, requiring a transnational approach to the challenge of political representation (Chandler 2003, p. 340). “Because the global citizen cannot directly hold policy-makers to account, the role of civil society interlocutors becomes central to give content to claims of democracy” (Chandler 2003, p. 340). From this perspective – providing individuals access to global political decisions – NGOs offer an avenue for internationalised representation for those disenfranchised by the governance of nation-states. NGOs are, in other words, direct manifestations of democratic global civil society (see Clark, Friedman & Hochstetler 1998) and their flexibility, dynamism and principled approach provides a stark contrast to government institutions (Fisher 1997, p. 444).

In response to these suggestions, others claim a less idealised view of the organisations. Variations in power and the ability to lobby amongst NGOs may be distinctly unrepresentative of society as a whole (Sikkink 2002, p. 307). Rather than being a manifestation of civil society in a democratic sense, as a space where citizens collectively can directly influence the political decisions and processes, NGOs may act as articulations of specific parts of civil society. The rise of international NGOs cannot automatically be seen as representative of the rise of international democracy; NGOs cannot be viewed as pure and authentic bastions of democracy in the international sphere (Chandler 2003, p. 340). More constructively, NGOs can be viewed as beneficial and necessary in providing a plurality of opinions and voices in a “liberal” state system. In this way, their role is to raise awareness, rather than to represent (Chandler 2003, p. 340). They can be channels by which sectors of civil

society are enabled to express their views and help to shape society as a whole. Hence, while they do not represent a democratic process, they can act in ways that enhance democratic processes (Hawthorn 2001, pp. 285-286).

The sense of bounded legitimacy that NGOs attain from the latter view corresponds more easily with the liberal outlook discussed in the previous chapter. In contrast, the extremes of the cosmopolitan outlook fail to include adequately the power processes of the state system, while theoretically failing to support the assertion that civil society actors possess greater legitimacy than state actors. An NGO's entitlement to act in the international setting is limited by the bounds of the state system and its political nuances. Nevertheless, the reality of political regimes which utilise methods of repression to silence segments of societies under their control induces many NGOs to make use of this entitlement in order to articulate the views of peoples whose voices are suppressed.

Activating an NGO Campaign on Human Rights

Advocates of human rights are often required to undertake creative strategies to overcome adverse conditions and obstacles from governments. The nature of the work they undertake often directly challenges government policies and ethos. Authoritarian regimes, particularly, are often characterised by disregard for NGO movements, which are seen to be “undermining the authority [of the state] and/or discrediting the government” (Riker 2002, p. 194).¹⁹ In more severe circumstances of repression, NGOs must consider a wide variety of methods to affect their political environment

¹⁹ The problems authoritarian regimes present to the work of human rights NGOs are numerous and, at times, particularly pointed. Eldridge (1995, p. 29) suggests that many of the tensions between NGOs and authoritarian governments derive from varying visions of government – one pluralist, the other corporatist. Between these conflicting views, “[o]ne is a system of political representation in which the state seeks to include or involve various societal groups in policy-making, while, conversely, the other is characterised by political exclusion” (MacIntyre cited in Eldridge 1995, p. 29). Although authoritarian regimes are by no means the only ones that place restrictions or create challenges for human rights NGOs, they are often among the worst perpetrators in trying to evade human rights criticism by hampering the work of human rights NGOs or persecuting their workers. Examples of states “cracking-down” on NGOs are not difficult to find. Difficulties are regularly faced by NGOs working in Myanmar, Zimbabwe, China and a host of other countries (Amnesty International 2007). In authoritarian countries such as these, civil society, and by association NGOs, are often seen as threatening to the regime in power (Hawthorn 2001, p. 282). Consequently, freedoms will only be allocated “if they [the government] believe that the alternatives will, for them, be worse” (Hawthorn 2001, p.282).

and creating political space for their work. Those that seek solutions to political problems from within the state often do so by working with the state to enhance society, often in areas of welfare concerns or development (see Eldridge 1995, p. 29; Friedlander 1981; Madon 1999, pp. 255-256; Shepherd 1981, p. 214).²⁰ Others, however, seek to challenge the status quo, centred purely around power politics, through the creation of alliances with other actors that aim to exert new forms of pressure on the Government and to create a new political dimension (Thakur 1997, p. 263). This may be especially true in cases of more severe repression, where human rights abuses are widespread

Networking: An NGO Response to Repression

When space for human rights advocacy is denied domestically, local NGOs often seek to join or establish larger campaigns of domestic and international actors in order to utilize TANs of likeminded actors (Keck & Sikkink 1998). Being involved in a TAN brings numerous benefits, but also costs, for NGOs. Yet ultimately a TAN offers a means of strengthening the voice of NGOs to challenge state actors. To do this, the effective exchange of information and the maintenance of good relationships are both essential.

Within networks, important relationships form between actors and organisations both inside and outside the states that are the target of a human rights campaign. The network provides an opportunity for symbiotic relationships to form between organisations who have shared goals, but who have different means and resources at their disposal. Smaller domestic actors, situated where human rights abuses occur, and

²⁰ Government attacks against NGOs may lead many to seek a reacquisition of political space by undertaking activities that directly build up relations with the Government. To establish better relationships with government domestically, NGOs at times involve themselves in community activities that reduce poverty or build up domestic infrastructure (Eldridge 1995, p. 29). Although close state-NGO relations can taint the working of NGOs (Friedlander 1981; Shepherd 1981, p. 214), mutual benefits can also result from this relationship (Madon 1999, pp. 255-256). NGOs and government can benefit from greater freedom and trust in this relationship, through stability and greater potential for mutual support (Hawthorn 2001, p. 282). Nevertheless, the unstable nature of this relationship should be recognised and, for this reason, it cannot be assumed that an NGO-friendly climate will develop within the country or that the space that NGOs enjoy in many liberal-democracies will eventuate (Eldridge 1995, p. 29). Alternatively, the nature of other NGOs, or the brutality of a given situation, may lead them to maintain outspokenness in their human rights demands or to seek alternative means of promoting their message.

larger international actors both benefit greatly from international contacts. With the differences in capacities and power, NGOs and other actors offer diverse skills to others in the network. Domestic actors are given access to material resources, expertise, skills training and greater access to powerful international institutions through their international counterparts, while international actors gain vital information about local conditions, aiding them with lobbying and education (Burgerman 1998, p. 910; Call 2002, p. 124).

The diversity of actors and relationships that exist within TANs necessitate a good exchange of information. Actors may range from those based in institutions such as the UN High Commissioner to “grassroots” activists (Burgerman 1998, p. 908). Actors as distinct as these rely on information flows that are accurate and sufficiently dense to create momentum in campaigns (Burgerman 1998, p. 909). Particularly in the case of human rights networks, it is critical that they can quickly and efficiently gather and exchange information (Keck & Sikkink 1998, p. 10). Effective information processing enhances the ability of networks to find common ways of approaching and articulating issues in forums, whether those are in the public media, in international political forums or elsewhere.

It is important to note that there are also risks associated with being a part of these networks. Associating in networks can mean less control over the sources of funding and a greater danger that funding will be manipulated in a way that adversely affects credibility of an individual organisation (Fisher 1997, p. 454). Connections may also redirect accountability – for example it may make an NGO accountable to agencies of government – and thus compromise the position of the NGO to speak out on controversial issues (Fisher 1997, p. 454). Even if this does not occur in reality, the perception that an NGO’s position is compromised may itself be damaging to the organisation.

However, as is testified by the tremendous increase in human rights NGOs in recent years (Sikkink & Smith 2002; Jackie Smith, Pagnucco & Lopez 1998), the enhanced capacity to affect political decisions appears to outweigh the problems associated with being in such networks. As activist coalitions, TANs offer NGOs an opportunity, through greater resources, to influence the progression of policy discourses against

states accused of human rights violations or against specific cases of human rights abuse. Substantive campaigns raised by NGOs place alternative considerations into the minds of decision-makers through the exercise of normative authority, lobbying and the carrying of ideas (Donnelly 1986, pp. 610, 614; Sikkink 1993, p. 141). These means, in some way, explain the “surprising influence over states” that NGOs may possess (Thomas 2002, p. 72).

The empowerment of NGOs may also effect power relations between international civil society and government. Precisely what nature this power relationship takes is contestable. In these networks, some theorists propose, “international coalition-forming ability becomes more important than power resources”, thus posing “a challenge to the realist paradigm in international relations” (Thakur 1997, p. 263). Contrasting with this outlook on international society, as has been discussed, others maintain that although non-state actors can effect actual policy decisions by promoting normative concerns, the continuing primacy of states as actors in international relations restricts this influence (Thomas 2001, pp. 216-217). Testing the parameters of these restrictions and what these mean for the promotion of normative ideals in international relations can only be done through utilizing a framework of human rights promotion. Therefore, the process that NGOs undertake to elicit policy changes from governments requires a more in-depth discussion.

Mechanisms of NGO Influence

Just how NGOs are able to influence international politics rests on assumptions about the nature of relationships within the international realm. These assumptions build upon a liberal outlook toward normative influences in international relations and assert that the “soft power” of NGOs can have influence over traditional state power (see Thakur 1997, p. 263). In contrast to the adversarial terms of pure realism, liberal thought must be open to a non-zero-sums conception of political relationships. Thus, while realists may paint international relations in terms of “competition” between states in a perpetual state of war, liberal thinkers may be led to assert the social nature of international politics (Huntley 1996, p. 57).

State sociality is essential for the promotion of human rights principles by allowing processes of *socialisation* among states and other international actors to occur. Socialisation “brings members of a group into conformity with its norms” through dual processes of praise for conformist behaviour and ridicule for that which is considered deviant (Waltz 1979, pp. 75-76). Contemporary liberal theorists propose that, in addition to states, non-governmental actors can greatly influence the processes of socialisation through changing government perceptions (Joachim 2003; Keck & Sikkink 1998; Khagram, Riker & Sikkink 2002a; Thomas 2001). There are a number of means by which NGOs contribute to the socialisation of human rights principles and bring about change in specific societies.

NGOs commonly focus on the establishment and strengthening of international norms, as well as the monitoring and reporting of rights violations in order to achieve socialisation (Gaer 1996, p. 56; Klotz 2002, p. 52). A further set of activities to add to these are attempts to meet directly the humanitarian needs of impoverished peoples. Of these, it is through their roles of establishing human rights norms, monitoring conditions and lobbying governments, as distinct from supplying subsistence needs, that NGOs primarily fulfil their “mandate” of expressing the plurality of concerns present in global civil society. By these methods human rights NGOs contribute to the socialisation of human rights and for this reason these roles will be the prime focus of the discussion of human rights here. It is reasonable to assume that activities to meet subsistence needs are no less important than other NGO activities – obviously, the provision of services such as “education, health, clean water or disaster relief” (van Tuijl 1999) are crucial for the achievement of even the most basic human rights standards (see Gordenker & Weiss 1996; van Tuijl 1999).²¹

²¹ This “operational” aspect of NGO work is distinct from that which involves political advocacy or public education; activities directly seek to provide services to those in need (Gordenker & Weiss 1996, pp. 37-38; van Tuijl 1999, p. 499). These services, which vary widely, are often provided by NGOs that are distinct from advocacy or educational NGOs (van Tuijl 1999, p. 499). They “typically provide social services such as education, health, clean water or disaster relief” (van Tuijl 1999, p. 499), while advocacy NGOs work primarily at the centres of power. Despite this, many NGOs do include both advocacy and operational branches and therefore act as both advocates and practitioners (van Tuijl 1999, p. 500). In western countries, NGOs are frequently expected to perform both operational and educational roles for the public (Gordenker & Weiss 1996, p. 38). In countries where government provision of social services is insufficient to provide for the needs of the public, operational NGOs are required to adopt roles that in other countries may be expected of government (van Tuijl 1999, p.508). This can be empowering for those NGOs, but can also endanger the integrity and independence of the organisations (Gordenker & Weiss 1996, p. 37). In some cases governments may effectively use NGOs as contractors, often leading to the criticism that they are becoming the

To explore how NGOs impact the socialisation of human rights norms within the state-centred international system, a number of theories will be utilised. Much attention will be given to the theories of Risse, Ropp and Sikkink (1999), whose spiral model seeks to explain mechanisms of lobbying in the domestic and the international spheres, and Keck and Sikkink (1998). Both are considered complimentary to one another and emphasise the creation of political space through the effective “framing” of ideas and messages used in NGO campaigning (Joachim 2003; Keck & Sikkink 1998; Khagram, Riker & Sikkink 2002a; Risse & Sikkink 1999; Thomas 2001). However, before attending to these processes, it is important to understand the role of NGOs in establishing the norms that later can be utilised in human rights campaigning.

Establishing Human Rights Norms

Of NGO contributions to the socialisation of human rights principles, their input into the establishment of norms, as represented by international law, is the most easily discernable. Finnemore and Sikkink (1998) suggest this has been crucial to the widespread practical acceptance of human rights principles in the international community. They propose a three-stage process of how norms come to be widely recognised in international politics. The first stage of this process explores the initial emergence of norms. In the most minimal sense, standardized international norms are a necessary condition that enables the socialisation process to begin. Socialisation “presupposes an international society with specific collective understandings about specific behavior of its members” (Risse 1999, p. 529). Developing these understandings often involves the input and lobbying of “transnational moral entrepreneurs” – actors who seek the international community’s recognition of strong principled ideas that they hold (Burgerman 1998, p. 907). This step provides the foundation for the socialisation of human rights principles. Later, in Finnemore and Sikkink’s model, a “norm cascade” occurs. This happens when a large number of

extensions of government (Gordenker & Weiss 1996, p.37; van Tuijl 1999, p. 507). The obvious danger of this is the loss of esteem and trust in the perception of the public, which itself inhibits the working of the organisation by evaporating its support base. Nevertheless, in many places operational NGOs do provide indispensable services in the human rights field. These NGOs perhaps illustrate the necessity of non-state actors to focus on both the needs and the entitlements of populations in order for a comprehensive system of rights to become the basis of societies internationally.

states adopt the norms. It is suggested that emulation, praise and ridicule all play important roles in reaching this stage. Finally, internationalisation of a norm occurs when a norm is “taken for granted” and is widely conformed to without challenges.

Evidence that NGOs help to establish human rights norms as “transnational moral entrepreneurs” – the first step of Finnemore and Sikkink’s model – is well documented. The contribution made by NGOs in the establishment of the UN, as well as their role in ensuring human rights principles were included in the UN’s mandate, is recognised by a number of scholars (Alger 2002, p. 93; Burgerman 1998, pp. 906-907; Gaer 1996, pp. 51-53; Gordenker & Weiss 1996, p. 43; Ishay 2004, pp. 214-215). Before the San Francisco conference, disillusionment at the prospect of domination by the major powers brought many NGOs, as well as small and medium sized states, to demand that the UN charter include reference to human rights (Ishay 2004, pp. 214-215). In the US, a few key organisations – including the American Jewish Committee, the Federal Council of Churches of Christ, the American Association for the UN and the Carnegie Endowment – were critical in persuading an initially reluctant administration to advocate a human rights position for the new organisation (Gaer 1996, p. 52). The argument made by these groups was voiced by Joseph Proskauer of the American Jewish Committee:

I said that the voice of America was speaking in this room as it had never spoken before in any international gathering; that that voice was saying to the American delegation: “If you make a fight for these human rights proposals and win, there will be glory for all. If you make a fight for it and lose, we will back you up to the limit. If you fail to make a fight for it, you will have lost the support of American opinion – and justly lost it. In that event, you will never get the Charter ratified” (cited in Gaer 1996, p. 52).

After these arguments were made, the US Secretary of State Edward Stettinius reversed his position and advocated a pro-human rights position on the world stage. With the agreement of the other major powers, the principles of human rights became foundational to the UN, which thus determined “to reaffirm the faith in fundamental

human rights, in the dignity and worth of the human person” (Preamble to the UN Charter).²²

The historical role of NGOs in placing human rights norms on the international agenda and establishing conventions to act as guidelines for the international community has been a crucial first step for placing human rights concerns on the policy agenda of states. Finnemore and Sikkink (1998) claim this can lead to norms becoming entrenched in international relations over time. Establishing norms is also necessary, but not sufficient, for the effectiveness of many of the other strategies undertaken by the NGO organisations in the promotion of human rights – particularly in their efforts to strengthen existing norms or to monitor and report abuses. After the establishment of human rights norms that outline the substance of human rights and behaviour that is “acceptable” in international society, the monitoring and enforcement of norms becomes the next aspect of socialisation (Thakur 1997, pp. 253-254).

Monitoring and Enforcing Human Rights Principles

Processes of monitoring and enforcing human rights conditions are distinct from one another, yet intimately connected in the context of human rights socialisation. Ever increasing linkages between NGOs and powerful states in the international system mean NGOs are often asked to provide consultation services to the international community, particularly through the United Nation’s Human Rights Committee (UNHRC) (Donnelly 1986, p. 610; Riker 2002, p. 189; Thakur 1997). In this role,

²² A number of observers also point to the ongoing involvement of NGOs in the UN as evidence of their successes in influencing the building of international norms. While some go as far as to claim that NGOs are “omnipresent in the policy and administration of the UN organizations” (Gordenker & Weiss 1996, p. 43), much evidence corroborates their influence in the establishment of human rights covenants (Cook 1996, Gaer 1996, p. 51). One notable example of this was Amnesty International’s involvement in the realisation of a convention concerning torture (Cook 1996). In 1972, Amnesty International undertook a campaign calling on the UN to condemn torture. During this campaign there was increased reporting of cases of torture throughout the world and the collecting of a petition of over a million signatures. In 1973, when the General Assembly adopted a resolution condemning torture, several governments made reference to Amnesty International’s efforts (Cook 1996, p. 189). Representatives of the NGO also attended the drafting sessions for the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, leading to the strengthening of many of aspects of the final text (Cook 1996, p. 191).

NGO monitoring and reporting of human rights conditions in specific countries enhances the UNHRC's independence from state ideologies and allows a greater intensity of UNHRC questioning of specific regimes (Donnelly 1986, p. 610). When it comes to the enforcement of norms, however, the UNHRC remains notoriously ineffective, as are other international systems (Donnelly 1986, p. 614; Thakur 1997). With the ever present rationalisation that state sovereignty takes precedence over normative human rights concerns, enforcement via the UNHRC "rarely goes beyond information exchange and voluntarily accepted international assistance for the national implementation of international norms" (Donnelly 1986, p. 614).

In this context, NGOs primarily influence the enforcement of rights principles through their abilities to enhance the normative strength of policy arguments and to affect processes of international socialisation. Two complimentary theories attempt to explain these processes. Taking a broad perspective, the spiral model (Risse, Ropp & Sikkink 1999) seeks to explain the phases of reform states undertake before becoming fully "socialised" into adherence to the principles of human rights. The phases in the spiral model include both domestic and international processes. The boomerang theory, proposed by Keck and Sikkink (1998), explores how NGOs affect the behaviour of norm-violating states by seeking the help of international actors and networks. These two models share essential prescriptions about how groups can bring about change in the international system. Both models emphasise the creation of political space and the "framing" of ideas so that they are accessible to the desired audience. They can both also be regarded as "models of the interaction between domestic opportunity structures and international opportunity structures" (Khagram, Riker & Sikkink 2002a, p. 19).

These require a set of necessary international conditions that make the socialisation processes possible. Burgerman (1998, p. 907) lists "three necessary but not sufficient conditions" for the effectiveness of NGOs in the socialisation process. First, there must be a structural context that is conducive to change in a particular case. This means no major states can be strongly opposed to a particular human rights effort and that there are also "points of leverage" that activists can target in any instance. Second, the ruling elements of a state implicated in abuses must be sensitive to their international reputation. Finally, local activist networks must be present in the country

or countries involved. These must be organised and “capable of forming links to the international networks” (Burgerman 1998, p. 907). Only under these three conditions, it is claimed, will NGOs be able to influence the socialisation of human rights norms.

The Spiral Model

The spiral model was developed by Risse, Ropp and Sikkink (1999) to explain the process of change governments undertake when coming to adhere to human rights norms and the strategies NGOs employ to affect this behaviour. Although it can also be viewed as a means of opening up domestic regimes (Khagram, Riker & Sikkink 2002a, p. 19), the inclusion of domestic as well as international forms of activism means the spiral model has a greater scope than the boomerang theory, discussed below. It also purports to explain the process of socialisation that the governments themselves undergo when pressure is placed on them.

The effectiveness of NGOs, the model proposes, is often dependent on simultaneous pressure being exerted on rights violating governments “from above and below” (Brysk 1993; Risse & Sikkink 1999, p. 5). Forces acting from above represent pressures placed on governments from regional and international political levels, while forces acting from below, utilising community pressure through “grassroots” communications, come from the domestic level (Madon 1999, p. 252; Riker 2002, p. 190). The interactions between these two levels reinforce each other. International alliances enlarge political space for NGOs working domestically by altering the discourse, drawing governments into unwanted arguments (Risse 1999, p. 552). International donor agencies may attempt to increase the costs of violating norms by making aid contingent on adherence to norms. Efforts during the late-1980s and 1990s, particularly by the World Bank, to promote democracy through making credit contingent on a adherence to principles of “good governance” is an example of this (Riker 2002, p. 189).²³ Groups acting “from below” can engage in “social and

²³ The World Bank has received much criticism for promoting this contingency, as the use of the “good governance agenda” is seen to also create a threat to democracy by giving too much influence to the World Bank and associated organisations (Wood, 2005).

economic development activities... to improve the capacities of local communities to solve their own problems” (Riker 2002, p. 184).

As pressure escalates, targeted governments begin to undergo changes in discourse and policy. This five-stage “spiral” describes how states progress from at first being oppressive and averse to international human rights standards, to habitually acting in a human rights “friendly” way. If no factors interfere in the progress of a state up the spiral, the five phases experienced are: 1) Repression and activation of network; 2) Denial; 3) Tactical concessions; 4) Prescriptive Status; 5) Rule-consistent behaviour. This presumes that the socialisation of norms in international politics is an incremental process that can happen over a number of years or decades. As such, one generation of government may adopt norms while later generations internalise them (Risse & Sikkink 1999, p. 10).

Unsurprisingly, the first phase of the spiral is characterised by repression and the initial activation of the advocacy network (Risse & Sikkink 1999, p. 22). Significant human rights abuses may drive international or domestic NGOs to form a TAN. However, this can only happen once there is sufficient information gathered about the repression to place it on the international agenda. The ability for informed local activists to link with allies in other parts of the world is crucial (Burgerman 1998, p. 910). Without this occurring, further pressure cannot be brought on the government. Risse and Sikkink (1999, p. 22) highlight that this placement on the international agenda often results from a particularly brutal human rights violation.

The second phase of the model occurs once a network of NGOs becomes active. With an audience in the international community, activists are able to place further pressure on the regime through discursive activities. These are processes of argumentation, moral persuasion and “shaming” the government (Risse & Sikkink 1999, p. 23) and are likely to lead to the targeted government denying the legitimacy of the claims (Risse & Sikkink 1999, pp. 22-25). Activists frequently lobby Western governments to adopt a “human rights-friendly” position, as these are seen as more influential on the world stage. The denial stage can be particularly dangerous for the domestic opposition; the government whose human rights record is criticised may step up the persecution of, or attempt to buy off, the opposition.

Tactical concessions are indicative of the third phase of the model and, although they are usually superficial changes or one-off gestures, they constitute the first signs that transnational pressure is influencing the policy of the state. These occur when the “norm violating state seeks cosmetic changes to pacify international criticisms” (Risse & Sikkink 1999, p. 25). Successes encourage and strengthen the network and are often accompanied by the targeted states recognition of the validity of international norms (Risse & Sikkink 1999, p. 26). Phase three of the model represents a critical point in the spiral. It is precarious because at this point it is easy for the repressive state to regress back into past behaviour and arguments if opposition groups are blocked or lack leverage. However, if international pressure can be maintained, the government’s recognition of human rights may become increasingly significant and the relationship between NGOs and the government will become more of a dialogue over human rights, not merely arguments (Risse & Sikkink 1999, p. 28).

Phase four, prescriptive status, is reached when the validity of norms is not questioned. Risse and Sikkink (1999, p. 29) insist that a number of steps are undertaken at this stage that show that prescriptive status is reached. Governments ratify relevant human rights protocols and institute them in domestic law and constitution. There is a working mechanism through which citizens can make complaints about human rights violations. Finally, at this stage, governments “acknowledge the validity of human rights norms irrespective of the (domestic or international) audience, no longer denounce criticism as “interference in internal affairs,” and engage in a dialogue with their critics” (Risse & Sikkink 1999, p. 29). Dialogue is a key to this phase, as the arguments presented by the governments, matched by their actions, indicate that phase four has been successfully reached. Violations may still occur during this phase if government is not fully in control of the state.

Rule-consistent behaviour is the final phase of the spiral and is reached when respect for human rights principles becomes habitual and enforced (Risse & Sikkink 1999, pp. 31-35). Thus, “sustainable change in human rights conditions will only be achieved at this stage of the process when national governments are continuously pushed to live up to their claims and when the pressure ‘from below’ and ‘from above’ continues” (Risse & Sikkink 1999, p. 33). Once this is achieved the spiral has

been completed, and the target state has been socialised to respect human rights norms.

The modes of interaction between the repressive state and non-governmental actors change as these phases are worked through (Risse & Sikkink 1999, p. 34). Outlooks consistent with realism prevail in the early stages of the spiral. Instrumental rationality, where actions are undertaken to optimise self-interest, is prevalent amongst both the government and opposition when faced with questions of human rights (Risse 1999, p. 530). Governments respond to human rights only when it is in the national interest to do so. Opposition groups often only join a human rights movement because it provides them leverage on the international stage for other concerns (Risse & Sikkink 1999, p. 26). In the latter stages of the model, when norms are beginning to be widely recognised, forms of “institutionalisation” and “habitualisation” take hold (Risse 1999, p. 530). Institutional mechanisms reinforce the notion that norms are assumed to be relevant through a “logic of appropriateness” (Risse 1999, p. 530).

It is the middle phases of the model that are pivotal to the eventual adherence to human rights principles. Socialisation processes include moral consciousness raising, argumentation, dialogue, and persuasion (Risse 1999, p. 530). Arguments about the truth and legitimacy of human rights claims ensue. Often this leads to a dialogue between actors holding varying perspectives on abuses. Thus, the spiral model prescribes that

The successful implementation of international human rights norms in domestic practices depends on arguing and moral persuasion at various crucial steps of the socialization process, particularly when transnational advocacy networks mobilize the international community against a norm-violating state (Risse 1999, p. 531).

Other contextual factors influence the process of socialisation. Jetschke (1999), for example, observes that nationalism was important in a states progress through the stages of the spiral model. Using the Philippines and Indonesia in a comparative analysis, Jetschke notes distinct differences between the countries. Indonesia’s relative lack of progress in the area of human rights was largely attributed to the

presence of a more paternalistic nationalism, which does not have a strong democratic tradition (Jetschke 1999, pp. 136-137).

The Boomerang Theory

The boomerang theory, developed by Keck and Sikkink (1998), compliments the spiral model. It explains more deeply the internationalisation of NGO campaigns and the interactions that occur at the international level between NGOs and other actors. The core assertion of the theory is that when actors seeking some kind of social change find their means of activism are blocked they will seek international means for affecting change. In this case, Keck and Sikkink (1998, p. 12) assert, “the international arena may be the only means that domestic activists have to gain attention to their issues”. Thus, international networks become vitally important in enhancing the work of domestic NGOs through allowing an avenue for human rights NGOs to bypass non-responsive governments.

Tactics employed by NGOs at the international level are directed toward influencing international procedures, discourse and policy by opening political space (Keck & Sikkink 1998, p. 3). Keck and Sikkink (1998, p. 16) identify four such tactics that affect this end in the public and governmental domains: 1) Information politics; 2) Symbolic politics; 3) Leverage politics and; 4) Accountability politics. The use of *information politics* is the ability to “generate politically usable information and move it to where it will have the most impact” (Keck & Sikkink 1998, p. 16). Reliable information is one aspect of NGO work which enhances their perceived credibility and is used to persuade the public and policy makers to take a sympathetic view on the issues in question (Keck & Sikkink 1998, p. 19). Associated with this is the use of *symbolic politics*. This uses “symbols, actions, or stories that make sense of the situation for an audience that is frequently far away” (Keck & Sikkink 1998, p. 16). *Leverage politics* consists of convincing powerful actors on the international stage – such as governments, international financial institutions or transnational corporations – to take up a normative issue. If NGOs can successfully solicit the help of these

actors they may gain material and moral power²⁴ that far exceeds their own capabilities (Keck & Sikkink 1998, p. 23). Finally, *accountability politics* refers to the ability of NGOs to hold governments to account for their discursive positions: “Once a government has publicly committed itself to a principle... networks can use those positions, and their command of information, to expose the distance between discourse and practice” (Keck & Sikkink 1998, p. 24).

The success of campaigns to create momentum around an issue that eventually changes government policy, according to the boomerang model, is dependent on two further conditions. Some issues are more suited to international campaigns than others as they can be framed in ways that “resonate with policy makers and publics” (Keck & Sikkink 1998, p. 27). Issue characteristics that involve the direct bodily harm of “vulnerable individuals” or involve the legal equality of opportunity, Keck and Sikkink (Keck & Sikkink 1998, p. 27) suggest, are more amenable to international campaigning. This is especially true when responsibility for negative conditions is readily attributable to a particular party through a short chain of causes (Keck & Sikkink 1998, pp. 27-28).

These conditions emphasise the indispensability of normative strength in the effectiveness of the boomerang effect. Like the processes of the spiral model, the boomerang effect rests on “arguing and moral persuasion” (Risse 1999, p. 531) to broaden the influence of normative principles on policy outcomes. Socialising human rights principles may thus authentically contribute to the practical influence of normative ideals in the international system. At the heart of this influence is the way that ideals are promoted and “framed” in order to gain space (Joachim 2003, pp. 250-251; Keck & Sikkink 1998, p. 19). The achievement of effective framing is especially crucial in overcoming the traditionally realist considerations of state interests.

²⁴ Material power here refers to the linking of an issue to money or goods that are desirable to the target country (Keck and Sikkink 1998, p. 23). Moral power “involves what some commentators have called the “mobilization of shame,” where the behaviour of target actors is held up to the light of international scrutiny” (Keck and Sikkink 1998, p. 23)

Campaign Framing and the Creation of Political Space

As a means of influencing human rights socialisation, the two models discussed above each stress the creation of political space through the effective presentation of ideas and discourses (Keck & Sikkink 1998, p. 19; Risse & Sikkink 1999, p. 13). This process, known as “framing”, is defined by Keck and Sikkink as the process that makes issues “comprehensible to target audiences, to attract attention and encourage action, and to ‘fit’ with favorable institutional venues” (Keck & Sikkink 1998, pp. 2-3). Further to this description, frames are also designed to convince targeted actors that “certain policy proposals constitute plausible and acceptable solutions to pressing problems” (John L Campbell 1998, p. 380). Framing is recognised by many scholars as being crucial to influence government and public perceptions (Armbruster-Sandoval 2003; John L Campbell 1998; Clark, Friedman & Hochstetler 1998; Joachim 2003; Keck & Sikkink 1998, pp. 2-3; Khagram, Riker & Sikkink 2002a, pp. 12-13; Thomas 2001).²⁵

Wisely choosing the frames that are used in a human rights campaign may be crucial in determining its success. Which frames are chosen for any campaign rests not only on the internal qualities of the activist network but also on the external circumstances – the “political opportunity structures” – that shape the opportunities they receive (Joachim 2003, pp. 251-252; Khagram, Riker & Sikkink 2002a, pp. 17-19). Joachim (2003, pp. 251-252) lists three features of political opportunity structures: *access* to spaces of political dialogue and policy making,²⁶ *influential allies* which NGOs and

²⁵ A number of international actors, other than NGOs, use framing to change public perceptions of human rights. Often this creates a contest to sway public opinion when governments also frame their own policy ideas or international agreements to their own advantage. After the Helsinki Agreement in 1975, which detailed the primacy of sovereignty between the Eastern and Western blocs, the limitations of force, and human rights expectations for both sides, Soviet officials and dissident groups alike actively attempted to frame the agreement in public forums to emphasise one side of the agreement over the other (Thomas 2001, see chapters 3 and 4, pp. 91-156). The relative successes and failures of each side in this instance illustrate a further point: that the affect of framing may change over time. The Soviet regime gained major successes in swaying public opinion both in the East and the West to believe that the Helsinki Agreement was beneficial to the regime. However, as time passed, lobbying and networking by activist groups within and outside the Soviet Union led to increased pressure on the Soviet regime through the concretising of the place of human rights in the United State’s foreign policy (Thomas 2001, p. 156). Thomas (2001, p. 192) views this build up of political pressure in favour of human rights, and the subsequent opening of political space, as a significant contribution to the eventual collapse of the communist bloc.

²⁶ Many international forums allow TANS to influence procedures and debates. At the UN World Conference on Human Rights in Vienna in 1993, hundreds of NGOs were given accreditation as

others in the advocacy network gain;²⁷ and changes in political alignments and conflicts which create further openings for effective lobbying. Also important to the opportunities NGOs receive are pre-existing norms that are recognised by the international community (Thomas 2001, p. 217). These norms “enable transnational networks to mobilize and achieve influence beyond their command of traditional power resources” (Thomas 2002, p. 72). All of these should be considered in the selection of frames and NGOs should be strategic when considering their presentation, being mindful of which frames will be best received within the opportunity structures that are presented to them (Joachim 2003, p. 252).

As Keck and Sikkink’s (1998, p. 3) definition of frames suggests, the need to fit “favourable institutional venues” may require a more conservative frame for political elites. The contingencies of opportunity structures suggest that, in addition to the characteristics of an issue, frames may benefit a campaign if they are given a conservative interpretation. “Conservative” frames can be thought of as those that are based on or refer to existing international norms and that seek to minimise the most controversial aspects of an issue in order to mitigate the negative consequences of competing political interests that may overwhelm the political access that NGOs are able to open (see Thomas 2001, p. 217).

These two aspects of conservative frames are consistent with the dimensions of human rights principles presented in the hierarchy of rights examined in the previous chapter. Primary international human rights covenants, such as the ICCPR and the ICESCR, give explicit definition to the basic rights to physical security and the right to subsistence, making them more entrenched in international law and more widely recognised as human rights norms. Meanwhile, the second dimension of the hierarchy of rights – the political sensitivity of each right – is essentially a measure of the political controversies associated with rights. The close association between the hierarchy of rights and conservative human rights frames further suggests the possible value of incorporating the hierarchy into the practices of human rights advocacy.

observers and allowed to make presentations to the drafting committee for the final agreement (Clark, Friedman & Hochstetler 1998, pp. 17-18). Although NGOs were excluded from the actual drafting sessions, the presence of NGOs represented a significant procedural input in international debates, either through lobbying governments directly or through networking with other NGOs (Clark, Friedman & Hochstetler 1998, pp. 12-19).

²⁷ These are present in the “leverage politics” of the boomerang theory.

Similarly, it also indicates that the hierarchy may be a viable means of achieving a helpful form of “realistic liberalism” in the pursuit of human rights principles.

Frames are effective because they widen both the political and societal space around the campaign. Space for political and societal dialogue exists in a number of areas or, to give an alternative expression to the idea, may have many dimensions. The principles and ideology of the NGOs, financial resources, organisational capabilities and resources and the ability to participate in policy debates and forums are all constitutions of political space (Riker, from an unpublished paper cited in Eldridge 1995, pp. 27-28). Included in the idea of political spaces are the political opportunity structures that NGOs both act through and seek to exploit. Thus, the relationship between frames and political opportunity structures are multidirectional; frames influence opportunity structures just as opportunity structures influence frames (see Joachim 2003; Khagram, Riker & Sikkink 2002a, p. 17). Even advocacy networks themselves can be seen as spaces where social cultural and political meanings are discussed (Keck & Sikkink 1998, p. 3).

Whatever its dimensions, the primary importance of political space – in the context of human rights campaigning – is its ability to enhance NGO influence on the socialisation of human rights norms. It is only through existing political space that NGOs are given “venues to present their issues, and seek points of leverage at which to apply pressure” (Keck & Sikkink 1998, p. 200). In this way, socialisation is therefore enhanced by the strategic use of frames that enable the opening of political space. As such, framing is critical in promoting liberal normative ideals that may influence policy decisions along with realist considerations.

Conclusion

The above discussion gives an overview of the current theories of NGO influence in international relations, particularly on human rights issues. For many theorists, processes of socialisation are seen as key to NGO success in human rights related actions. The spiral and boomerang models describe how these processes may work. Specific NGO strategies, such as the way that campaigns are framed, are also seen as

important determinant factors for the success of socialisation. However, these strategies create room for both beneficial and detrimental outcomes in the face of Realist political considerations. It is this potential that reinforces the need for a cautious approach to human rights campaigning.

In the following chapters, claims concerning the efficacy of human rights norms will be investigated by applying the spiral model and the boomerang effect to the campaign that surrounds the human rights situation in West Papua, a province of Indonesia. West Papua presents a valuable opportunity for such a test because the strong claims for self-determination rights in the region – usually in the form of independence – are regularly paired with claims for more basic human rights. Discussions will give special attention to the perceptions and frames used by the NGOs involved in the West Papuan campaign and how the presentation of these have shaped events, domestically and internationally.

Chapter 4

Case Study: West Papua

Located at the eastern tip of the Indonesian archipelago, West Papua is a land in which human rights have been under continual threat for a number of decades.²⁸ The complexities of West Papuan politics and history veil any easy answers to questions about whether the rights of its people can be realised in a practical sense. Rather, issues connected with the annexation of the territory by Indonesia in 1962 have proved to be greatly challenging to their attainment. The denial of self-determination, the exploitation of natural resources, the displacement of tribes from traditional lands and an influx of transmigrants from other provinces of Indonesia have all contributed to societal tensions that have often spilt over into human rights crises. One of the greatest hindrances to human rights in the region has been the ongoing conflict between the Indonesian military and West Papua's separatist movement. In the same way as many other areas of the world, this conflict has gravely affected the civilian population, resulting in much death and suffering.

This chapter is intended to give a brief background to the major disputes and issues facing the region. Analysing the historical and contemporary human rights issues in West Papua will first create a picture of the human rights environment that has faced NGOs, human rights advocates and the general population of West Papua over the decades of Indonesian rule. This will lead into a more specific study of NGO involvement in West Papua in the next chapter. Later, the historical background given here will also serve as a context from which to assess the theoretical mechanisms of NGO influences (as discussed in chapter three).

²⁸ A map of West Papua is provided in the preliminary of this thesis.

West Papua: Background

Throughout its modern history, a number of international actors have had interests in West Papua. Frequently, this has bred conflict that has repeatedly endangered the rights of its local people. It is because of these recurrent human rights injustices and the continuing threat of violence that many people have chosen to participate in human rights NGOs. As we have seen in the previous chapter, NGOs attempt to influence these forces by affecting processes of socialisation. For this reason, a brief synopsis of West Papua's history will be valuable in illustrating the human rights context that has bred the modern NGO movement.

After Indonesia was granted independence in 1949, the Netherlands took the decision to retain authority over West Papua, then called Dutch New Guinea. As it was home to a Melanesian Papuan people, the Dutch administration viewed its people as distinct in character from the people of the rest of the Indonesian archipelago and who, like the neighbouring Papua New Guinea, deserved independence (Cozens 2005, p. 488). However, Indonesia was of a different mind. In its view, its sovereignty extended to all of the territory that was held by the Dutch prior to 1949. These two conflicting views came to a head in the early 1960s, when President Sukarno of Indonesia began to press his claim over the territory more strongly.

The Indonesian military entered West Papua at this time and assumed control of the territory. Soon afterward, in 1962, the "New York Agreement" was reached between the Netherlands, Indonesia and the United States. This agreement ensured Indonesia's possession of the territory and also offered the Papuan people an act of self-determination to decide whether they desired to remain an Indonesian province. Having been released from Dutch colonial control, the newly renamed Irian Jaya was eventually fully handed over to the Indonesian authorities in 1969 after an "Act of Free Choice" by the Papuan people, under the auspices of the UN.

The Act of Free Choice

The Act of Free Choice, undertaken in 1969, is often cited as one of the most disruptive events in Papuan history (Bonay & McGrory 2004; Cozens 2005; King 2004; Leadbeater 2005; Tebay 2005; Webster 2001/2002). Many commentators argue that the ramifications of the events surrounding the Act have been great in terms of undermining a wide variety of human rights, not only that of self-determination.

Criticisms of Indonesia's handling of events began with complaints against the procedure that was used for the Act. Unlike in other parts of the world, no general plebiscite was ever held. To the contrary, critics point out that in order to ensure that the interests of Indonesia would be protected in the face of a hostile population²⁹ the occupying Indonesian forces handpicked 1025 Papuans to decide the political fate of the province. Indonesia argued the West Papuans were too "backward" to use the "one man, one vote" system (Elmslie 2003, p. 6), instead preferring the Indonesian *musjawarah* system, which saw representatives vote on behalf of the people. To the great disgust of many onlookers, the head UN observer Ortiz Sanz endorsed this, while claims of clear violations of civil and political rights continued to be made by other observers (see Leadbeater 2005, p. 495; Saltford 2003, p. 161). This led to criticism that the vote lacked transparency, with some going as far to denounce it as farcical (Tapol 1999).

A description of events was given at the time by Hugh Lunn, one of the few outside journalists to witness the events. It appeared in a Sydney Morning Herald editorial:

The Indonesia govt [sic] has assembled its thousand stooges whose farcical 'consultations' will decide the political future of their 800,000 disenfranchised countrymen; they have been told that only one decision – union with Indonesia – will be tolerated and that any other will be regarded as treason, and active dissidents are being harried by troops and planes and imprisoned... or driven into exile (quoted in Leadbeater 2005, p. 495).

²⁹ Communications to the US State Department, dated July 9th 1969, reveal that Frank Galbraith, the US Ambassador to Jakarta, estimated that between 85 and 90 per cent of Papuans were "in sympathy with the Free West Papua cause or at least intensely disliked Indonesians" (Galbraith 1969).

While this group voted for incorporation, evidence now shows that it was done under duress (Bonay & McGrory 2004; Cozens 2005; King 2004, p. 27; Leadbeater 2005; Tebay 2005; Webster 2001/2002). Much of this evidence supports claims that clear threats were made by the military. At least one Indonesian officer has quoted at the time as saying “I will shoot dead anyone who is against us” (Webster 2001/2002, p. 529). Far from being the isolated opinion of an individual officer, the violence was recognised as being condoned by the wider Indonesian regime. Declassified documents illustrate that powerful actors recognised this at the time of the “Act of Free Choice”. One telegram, dated June 9th 1969, from the US Embassy in Jakarta observed:

The Act of Free Choice (AFC) in West Irian is unfolding like a Greek tragedy, the conclusion preordained. The main protagonist, the GOI [Government of Indonesia], cannot and will not permit any resolution other than the continued inclusion of West Irian in Indonesia. Dissident activity is likely to increase but the Indonesian armed forces will be able to contain and, if necessary, suppress it (US Embassy in Jakarta 1969).

As this telegram indicates, there were serious international reservations about the validity of the vote, despite official recognition of the Act of Free Choice. These reservations were made public by many states in the UN General Assembly. Most notably, many African nations were highly critical of the unfolding events (Saltford 2003, pp. 172-175). This was confirmed by comments made by Chakravathy Narasimhan, a retired undersecretary-general of the UN who handled the vote. He claimed the vote “was a whitewash”, and that “[t]he mood in the United Nations was to get rid of the problem as quickly as possible” (Elmslie 2003, p. 8).

International acceptance of these events was also seen as a violation of existing international law. Memories of what many claim was effectively international collusion in the annexation of West Papua has led a number of NGOs to make efforts to have the Act of Free Choice revisited by the UN (see Tapol 1999). Saltford (2003, pp. 179-180), in exploring this issue, argues that the West Papuan’s right to self-determination as an independent territory was comparable to that of other former colonies in the third world that were being granted independence at this time. The

UN's recognition of West Papua as a non-self-governing territory in 1960 and the right to a legitimate act of self-determination stipulated in the New York agreement is given as evidence for this interpretation (Saltford 2003, pp. 179-180). Thus, it is argued that in "turning a blind-eye" to events that contradicted these recognitions, the UN became party to violations against the rights of the Papuan people.

Human Rights between 1969 and 1998

The human rights situation in West Papua further deteriorated in the decades that followed the Act of Free Choice. Violations of physical security rights, subsistence rights and civil and political liberties, conveyed through regular arbitrary killings, torture and disappearances, left an indelible mark. These fuelled a persistent resentment toward Indonesia amongst the Papuan population and, many believe, reinforced calls for Papuan independence (Office for Justice and Peace Jayapura 2000a, p. 3). Providing additional weight to grievances, a number of initiatives instigated by the Indonesian government also severely distressed the Papuan people. Exploitation of West Papua's natural resources, the displacement of tribes and substantial transmigration of peoples from other parts of Indonesia were among the most provocative issues during this time, often triggering bloody conflicts with the local Papuan resistance movement, the *Organisasi Papua Merdeka* (Free Papua Organisation – OPM).

Control of Natural Resources

Historically, disputes over West Papua's vast natural resources have been at the heart of the human rights issues experienced. Natural resources have had the dubious effect of attracting large amounts of interest from international actors. In recent times, the logging industry and companies seeking to extract West Papua's oil and natural gas reserves have come under increased scrutiny (Elmslie 2002, pp. 85-90; 2003, p. 3; Indonesian Human Rights Committee 2006, pp. 6-7; Suter 1997, p. 24; Wing & King 2005, pp. 3-5). However, the gold and copper mining that international mining

company Freeport³⁰ has undertaken for the last four decades is most frequently recognised as being among the most exploitative operations in West Papua (see Cozens 2005, pp. 489-490; Elmslie 2002, pp. 90-93; Leith 2002; Rumbiak 2003a, pp. vii-viii; Suter 1997, p. 23; Tebay 2005, pp. 12-15; Webster 2001/2002, p. 522). These operations have generated great wealth for the company and for the Indonesian government, yet have left the Papuan people largely impoverished, with many being forced to leave their traditional tribal lands.

Large scale extraction of West Papua's natural resources began in 1967, when the Indonesian Government granted approval for Freeport to begin operations at the Ertsberg copper mine, discovered some decades earlier. As a result of the agreement between the Indonesian government and Freeport, very favourable conditions were granted to the mining corporation, with little regard to the inhabitants of the lands affected by the project. For example, Freeport was not required to pay any compensation to traditional landowners and had no environmental restrictions (Cozens 2005, p. 489; Leith 2002, p. 73).

Even greater mining interest was sparked in 1988, when a new mineral reserve was discovered close to the Ertsberg site. What became known as the Grasberg mine was approximately thirty-three times larger than Ertsberg (Elmslie 2003, p. 13). Mineral reserves were so vast at the new site that more than double the ore was recovered from Gratsberg in 1999 alone than was produced from Ertsberg during its entire life (Leith 2002, p. 76). Gold deposits in the mine are the largest in the world (91.4 tonnes) and, when its substantial silver and copper reserves are considered,³¹ the total worth of Grasberg is estimated to be between US\$54 billion and US\$80 billion (Leith 2002, p. 76).

Such wealth has contributed significantly to Indonesia's economy over the last four decades. Freeport is one of the largest private employers in Indonesia and between the time it began its operations and 1999, the company claimed to have contributed US\$

³⁰ Originally, the Freeport Corporation was known as Freeport Sulphur and became known by a number of other names over the course of its history. More recently, these names have included Freeport MacMoRan Incorporated and PT Freeport, as it is currently known. To avoid confusion it will be referred to as "Freeport" for the remainder of this paper.

³¹ Elmslie (2003, pp. 91-93) claims that there are an estimated 15 billion pounds of copper and 37 million ounces of silver in the mine.

10.2 billion to Indonesia (Leith 2002, p. 84). It also helps to make West Papua one of three provinces that make up the majority of Indonesia's export earnings (Webster 2001/2002). More recently, in 2005 it contributed US\$1.2 billion to Indonesia in taxes, royalties, fees and other payments (Freeport McMoRan Copper and Gold Inc. 2005, p. 4). These large payments have been very important for Indonesia and crucial to West Papua's economy. They are responsible for 2.4 per cent of Indonesia's gross domestic product (GDP), 58 per cent of West Papua's GDP and in Mimika, the district that hosts the Freeport mine, 99 per cent of GDP (Freeport McMoRan Copper and Gold Inc. 2005, p. 5).

Despite the large wealth generated from the mine, few economic benefits have materialised for local Papuans in the decades of its use – much less than might be expected considering the scale of operations (Bohane 2003; Leith 2002, p. 84). For West Papua, total revenue from natural resources in 2003 came to just 331.2 billion Rp (approximately US\$39 million using 2003 exchange rates), 7 per cent of the regional budget (World Bank 2005, pp. 25-26). The high rates of poverty that have resulted from this have led former governor Bas Suebu to describe Indonesia as a village where “the people in the house called Irian Jaya feed those in the other houses but are themselves starving” (cited in Webster 2001/2002, p. 524).

Economic hardships experienced by people living in the Mimika district seem even more perverse. A study released by the World Bank in 2005 revealed that despite having a per capita GDP almost twenty times greater³² than that of West Papua's capital district, Jayapura, Mimika experienced a significantly higher rate of poverty. Mimika's poverty rate sat at 30.57 per cent, compared with the 22.85 per cent experienced in Jayapura (World Bank 2005, p. 12). Economic inconsistencies of the period are also reflected in the demographics of those employed by Freeport. Only a fraction of Freeport's workforce in West Papua has been of Papuan descent, to the extent that in 1997 Papuans made up less than five per cent of Freeport's employees in West Papua (Suter 1997, p. 24).

³² Per capita GDP was 7,494,066 Rp in Jayapura district, compared with 147,810,103 Rp in Mimika district (World Bank 2005, p. 12).

Tribal Maltreatment and Displacement

Throughout the period of mining operations in Mimika, consultation with local tribes has been minimal. Yet, at the same time, mining activities have caused significant disruption to their lives, as well as causing “environmental havoc in the region” (Elmslie 2002, p. 94). Those affected by the Freeport mines have received little compensation for the troubles they have encountered (Suter 1997, pp. 23-24). One significant attempt to address this, however, was made in 1974 when Freeport met with elders from the Amungme tribe to come to a settlement over mining operations. As a result, the “January Agreement” was signed between the two parties. In it, Freeport agreed to provide increased educational, residential and medical facilities for the use of the mine. Although the attempt to achieve an agreement seemed affable, the actual benefits of the agreement for the Amungme people have come into question (Elmslie 2002, p. 94).

Perceptions that Freeport failed to give adequate treatment to the Amungme people were also illustrated in 1996 when Tom Beanal, an Amungme tribal leader, filed a civil lawsuit against Freeport in the Eastern District Court of Louisiana for US \$6 billion (*Tom Beanal vs Freeport McMoRan, Inc.* 1996). The case alleged numerous human rights and environmental violations at and around the Grasberg mine. Human rights abuses cited in this case included instances of torture, murder, unlawful surveillance and unlawful detentions. Although the complaint was eventually dismissed by the court, the case itself signified the depth of anger and discontent felt by many Amungme.

The most noticeable complaint of those affected by mining operations has been the forced displacement of tribal peoples by the Indonesian government. Gross violations of subsistence rights endured by the Amungme people in particular indicate the suffering that has resulted from their displacement. When operations at the Grasberg and Ertsberg mines led to the forced displacement of the Amungme and Kamoro tribes, many were moved to the lowlands and, as a result, suffered severely from diseases like malaria (Elmslie 2003, p. 13). Suter (1997, p. 23) estimates that between 1972 and 1997, some 3000 to 5000 of the Amungme people alone were displaced.

Further to this, their lack of exposure to tropical diseases in the highlands made them particularly susceptible after the move; highlanders never developed immunity to malaria and other diseases not found in their traditional lands. As a result, OPM commander Titus Murip claims one-third of the Amungme people died of malaria within two years of being moved to the lowlands (Bohane 2003, p. 100).

Resentment over the presence of the copper and gold mine has bred much conflict within the region between the Papuan people on one side and the Indonesian military and Freeport on the other. The link between Freeport and the Indonesian military is well-documented, with the military being hired to protect mining activities (Australian Council for Overseas Aid 1995; Elmslie 2002, p. 139; Leith 2002, pp. 83-86; Watson 2005, p. 482). Immense economic and bureaucratic leverage enhanced this relationship, which some believe creates potential for the area to become Freeport's "own fiefdom, with Jakarta supplying military to protect it" (Leith 2002, p. 85). Resistance to this situation on the part of the Papuan people has come in many guises, including protests and armed resistance. This resentment continues in the current political environment and is described in the words of one student involved in demonstrations against Freeport at Abepura in March 2006:

Freeport mine is and [has] been the cause of human rights abuse, destruction of the environment and is part of the problem; and [in] the first place, we are the landowners and were not involved in the start of the Agreement [to allow mining operations]. The Indonesians and America signed the Agreement without consulting the landowners (quoted in Chesterfield 2006, p. 9).

Transmigration and Papuan Culture

Jakarta's policy of transmigration – the organised relocation of people from other parts of Indonesia to West Papua – has compounded difficulties faced by tribal displacement. Since the beginnings of the Indonesian state, transmigration has been an important part of Indonesian policy aimed at unifying diverse regions. However, it was in 1977 that West Papua became one of the principle targets for the policy

(Webster 2001/2002, p. 521).³³ The transmigration policy has generated major human rights impacts in the region. These have included the introduction of discrimination against ethnic Papuans in many areas of everyday life – most evidently in the employment opportunities they receive; the exposing of inter-ethnic rivalries (underscoring the need to recognise both the rights ethnic Papuans and other ethnicities); and increasing difficulties associated with the mixing of value systems.

The demographic changes in West Papua, resulting partially from this influx of settlers, have transformed the face of Papuan society. In 1960, West Papua had an estimated population of 736,700, most of whom were ethnic Papuans. Only some 18,600 (2.5 per cent) of these were of Indonesian, Javanese, or Chinese ethnicity (Chauvel 2003, p. 10). By 2000, when the first census was taken under Indonesian rule, the non-Papuan population had grown to 772,684, 35 per cent of the total population - estimated to be 2,233,530 (Chauvel 2003, p. 10). This increase was largely due to the arrival of transmigrants from other parts of Indonesia, mostly from Java. The effect of this on human rights in West Papua has been extensive. As with the mining activities in the region, many Papuans have been removed from traditional tribal lands to make way for transmigration camps (Elmslie 2002, p. 74).

It can also be argued that the destruction of cultural rights has been advanced by transmigration. While contact with Indonesians has in some ways helped to define specific aspects of Papuan culture (Chauvel 2003, p. 14; King 2004, p. 30), varied forms of Papuan cultural identity and expression have come under greater threat. Attempts to assimilate Papuan cultural life into an Indonesian “way” can be seen in Indonesia’s responses to many of Papua’s expressions of culture. In the words of Benny Giay, a Papuan academic, the Indonesian government “have tried as best they could to make Papuans talk, think, look and behave like Javanese (or Sumatrans)” (cited in Chauvel 2003, p. 15).

Those who have attempted to reclaim the cultural heritage of Papuans have found themselves under greater threats from Indonesia. The most well known example of

³³ Although figures show a significant number of transmigrants, some observers, such as Elmslie (2002, p. 76) note that the number of unofficial immigrants to West Papua are likely to be much higher than those that are officially included as transmigrants.

this is the experience of anthropologist Arnold Ap, who was committed to the restoration of the Papuan culture through preserving its music and traditions (Webster 2001/2002, p. 525). As Ap became more prominent, the threat he posed to the Indonesian regime was deemed to be too great. He was arrested in 1983 and was killed the following year while still in custody (see Budiardjo & Liong 1988, pp. 125-136). The flying of the Papuan flag, the ‘Morning Star’, as both a cultural and a nationalist symbol, has also been heavily discouraged, with many clashes between Papuans and the Indonesian military arising over its use (see Elmslie 2003, p. 9; Rutherford 1999, pp. 39-40; Webster 2001/2002, p. 526).³⁴

From an economic perspective, difficulties have manifested in the purported discrimination against Papuans in terms of employment opportunities. Native Papuans have become marginalized with the increased numbers of settlers. Indonesians and expatriates own many businesses, weakening the position of the native population in finding paid work (Elmslie 2002, p. 75; Thompson 2003, p. 46; Wing & King 2005, p. 17). In urban settings, where many transmigrants have settled, settlers dominate market places and commercial enterprises (Bonay & McGrory 2004, p. 442). As Chauvel (2003, p. 11) explains:

The streets of Jayapura’s central market reflect the economic hierarchy. The shops are Indonesian-Chinese and settler owned. Settler traders run the market stalls in front of the shops. In front of the stalls sit Papuan traders, mainly highlanders, selling small quantities of fruit and vegetables.

Difficulties such as these have also been present in higher societal positions. The educated elite have found it difficult to compete with Indonesians, who dominate important government positions and some complain about the “intellectual arrogance of officials in believing that policy can only be made in Jakarta” (Chauvel 2003, p. 10). This colonial structure is the cause of much conflict between Papuans and non-Papuans (Chauvel 2003, p. 11).

³⁴ Indonesian crackdowns on the use of the flag can be illustrated by the experience of Thomas Wanggai. A Papuan activist, he was sentenced to twenty years in jail for holding a ceremony in which the West Papuan flag was raised and the unauthorised anthem *Hai Tanahku Papua* (*O Papua, My Homeland*) was sung (Elmslie 2003, p. 9; Webster 2001/2002, p. 526). Wanggai, like Ap, later died in Indonesian custody.

The Papuan Resistance

Abuses by the Indonesian government such as those discussed above, as well as direct attacks on physical security rights, have led to many forms of resistance on the part of the Papuan people. At times this resistance has been violent and has bred more violence, generating human rights abuses on both sides of the conflict. Reports of some NGOs estimate that up to 100,000 deaths have resulted from the conflict throughout the decades of Indonesian rule, the vast majority at the hands of the Indonesian military (Budiardjo 2005; ELSHAM 2001b; Rumbiak 2003a, p. viii). However, the actual number is impossible to verify.

Responses to the displacement of tribes and lack of self-determination granted to the people of the region have been most extreme from the OPM, the major Papuan pro-independence militia established around 1965. The loose organisational structure of OPM makes it very difficult to discern whom among the Papuan people is OPM and who is not (Bell, Feith & Hatley 1986, pp. 546-547; Elmslie 2002, pp. 180-181). Transmigration and mining operations are often cited as primary reasons for the OPM taking up arms (Webster 2001/2002, p. 522). For this reason, it has been active in disrupting logging, oil and mining activities (Bell, Feith & Hatley 1986, p. 546). A number of instances of kidnapping have also been attributed to the organisation (Budiardjo & Liong 1988, pp. 72-73; Elmslie 2003, p. 17).

Human rights violations on both sides of the conflict are numerous. However, atrocities at the hands of the Indonesian military are particularly widespread. They include instances of mass killings (Amnesty International 1996a, p. 177; Budiardjo & Liong 1988, pp. 78-80; Elmslie 2002, p. 141), rape (Kirsch 2002, pp. 65-66; Tebay 2005, p. 11), torture and arbitrary detention (Budiardjo & Liong 1988, pp. 82-84; Chauvel 2003, p. 12) the shooting of children and other horrific acts of violence (see Budiardjo & Liong 1988, pp. 77-92; Elmslie 2002, p. 138; Tebay 2005, pp. 9-11). In 1977, for example, after OPM attacked and blew up an oil pipeline, a campaign was undertaken in which local villages, churches and other important cultural sites were bombed or otherwise attacked (Webster 2001/2002, p. 522). By some accounts, this response caused the deaths of hundreds of people (Elmslie 2002, p. 141).

Other atrocities have been committed at the hands of the Papuans. Numerous examples of kidnappings and the murder of non-military personal have been linked to the OPM (Budiardjo & Liong 1988, pp. 72-73; Elmslie 2003, p. 17). In one case, in March 1984, OPM captured a Cessna aircraft in Yuruf, killing the two Indonesian passengers on the spot. The Swiss pilot of the aircraft remained with the OPM for twelve days before he was eventually released through international mediation efforts (Budiardjo & Liong 1988, pp. 72-73). In 2000, Dani tribesmen hacked to death Indonesian settlers when rioting broke out after the suppression of a Papuan flag-raising ceremony by the Indonesian military at Wamena (Elmslie 2003, p. 17).

Contemporary Challenges in West Papua

Along with the tensions that have persisted between the Papuan population and the Indonesian military, other challenges and complexities have arisen in recent years. The establishment of a number of militia groups in the region is one such challenge. This issue has helped to colour the current political environment for human rights activists and has accentuated the need for the implementation of human rights principles.

The Presence of Militia Groups

Militia groups in West Papua have grown significantly with the democratisation of Indonesia. One that is often cited as being of greatest concern is the presence of the radical Islamic group *Laskar Jihad* (see, for example, International Crisis Group 2002; Schulze 2002; Tebay 2006). Other groups that commentators claim have presented obstacles to the adherence of principles of right have been the *Satgas Papua* (Papuan Task Force), a group that is pro-Papuan independence, the *Front Pembela Merah Putih* (Red and White Defenders' Front) and the *Satgas Merah Putih* (Red and White Task Force) (King 2004, pp. 52-53; Tebay 2006, pp. 20-21). The latter two are both strong advocates of Indonesian nationalism and its territorial integrity. A sizable

body of evidence suggests that many of these have been supported by the Indonesian military.

Documents leaked from a meeting of Indonesian intelligence officials in Jayapura in late 2000 indicate Indonesian military and government authorities at the time were supportive of a tactic to undermine the separatist movement in West Papua by establishing militia groups (Catherine Scott & Tebay 2005, p. 606). Since then, connections have been seen through the direct training of militia groups by the Indonesian military and their support in the establishment of training camps (Barr 2002; Kivimäki 2006, pp. 22-23; Monbiot, Rumbiak & Budiardjo 2003; Catherine Scott & Tebay 2005, p. 606). In 2003, John Rumbiak claimed that four such camps had been established only 40 kilometres from Jayapura (cited in Kivimäki 2006, p. 22). It has also been reported that both military and police personnel have been active in training camps around Sorong (Barr 2002, p. 3).

Laskar Jihad

NGOs and political commentators alike view the increasing presence of militia groups, most notably the radical Islamic militia *Laskar Jihad*, with alarm (Ballard 2002, p. 469; Barr 2002n.d.; International Crisis Group 2002; Kivimäki 2006; Monbiot, Rumbiak & Budiardjo 2003, p. 4; Schulze 2002; Catherine Scott & Tebay 2005, pp. 606-607; Tapol 2002a; Tebay 2006, pp. 19-20; West Papua Association UK 2003; Wing & King 2005, pp. 7-8). The group was originally established as a militia amid a 1999 conflict between Muslims and Christians in Ambon, Indonesia.³⁵ Apparent connections with outside organisations who have advocated the use of terrorism have provided the organisation with an ideological framework that has widened the scope of their activity to other parts of Indonesia (Schulze 2002, pp. 57-58). *Laskar Jihad* has freely stated that their aim is to establish Indonesia as a theocratic Islamic state (Schulze 2002, p. 59). They have been present in West Papua since 2000, when they began arriving on its western side, around Sorong and Fak-fak

³⁵ Commentators highlight the casualties of the Ambon conflict – where approximately 9000 lives were lost and 400,000 people displaced – in which *Laskar Jihad* was a major actor, as a source of concern for other parts of Indonesia (Schulze 2002, p. 57).

(Barr n.d.), and are currently active in Jayapura, Sorong, Fak-fak, Timika, Nabire and Manokwari (Tebay 2006, p. 19).

Evidence suggests that *Laskar Jihad* is prepared to commit violence to achieve their ends. Leaflets and VCDs containing provocative material to incite conflict with Christian groups have been found to have been distributed by the group (Tebay 2006, p. 19). The use of military-grade weaponry in training camps around West Papua seems to confirm this (Kivimäki 2006, p. 22). John Rumbiak, a leading human rights advocate in West Papua, has commented with regard to the *Laskar Jihad*:

Their activities are a real threat to stability and religious tolerance in West Papua. We, the ELSHAM [Institute for Human Rights Study and Advocacy in Papua], confiscated a few items belonging to Laskar Jihad in Sorong including a hand grenade, knives and a pistol. Recently, many Arabs have arrived in West Papua. We do not know for what purpose these unfamiliar people are there. This presence has already alarmed the Papuans (cited in Rees, Ondawame & King 2003, p. 10).

Further fears have been aroused by the groups' portrayal of West Papua and the people who live there. Militia fighters refer to West Papua – where 75 per cent of the population are Christian (Monbiot, Rumbiak & Budiardjo 2003, p. 4; Tebay 2006, p. 2) – as “Pagan” or the “Land with No Religion” (see Flanagan 2003; Tebay 2006, p. 19). They also view Christians in Papua as “separatists” and the churches as “protectors of the separatist movement in West Papua” (International Crisis Group 2002, p. 11; Tebay 2006, p. 19). This is akin to the Indonesian security forces implication that Christian groups are using human rights as a front to hide secessionist aspirations (Tebay 2006, p. 19). Although the majority of the migrants in West Papua are Christians or moderate Muslims and are, therefore, unlikely to accept these views, concerns remain over the intent to destabilise the peaceful relations that currently exist between groups of religious believers in West Papua (Kivimäki 2006, p. 27; Tebay 2006).

Other Militia

In addition to the *Laskar Jihad*, at least three other major militia groups have been established. On the Papuan side, a group called *Satgas Papua* (Papuan Task Force) appeared in 1999. Accounts of *Satgas Papua's* operations vary. Effectively, it is a 'Presidium's militia' and acts as an informal police force (King 2004, p. 52; Kivimäki 2006, p. 13). Tebay (2006, p. 20) suggests that the militia is widely accepted in Papua and act to shield non-violent activities of Papuan leadership. Others, however, are critical of a lack of accountability that has, in the past, encouraged abuses of power and escalating rivalries with conflicting militia groups, most notably the *Satgas Merah Putih* (Red and White Task Force) (King 2004, pp. 52-53). Reports indicate that military training was initially received by the militia.³⁶ However, due to a change in policy direction following this time, military backing was revoked (King 2004, p. 53).

Two nationalist militia groups setup in the years following the establishment of the *Satgas Papua*, were the *Satgas Merah Putih* and *Front Pembela Merah Putih* (Red and White Defenders' Front). Both seek to promote the territorial integrity of Indonesia, including West Papua in that sovereignty, and have received considerable military support (King 2004, pp. 52-53; Kivimäki 2006, pp. 22-23; Catherine Scott & Tebay 2005, pp. 606-607; Tapol 2002a; Tebay 2006, p. 20). Members of *Satgas Merah Putih* are selected, trained and deployed by the Indonesian military to target the Papuan resistance movement (Tebay 2006, p. 20), with the former Indonesian military commander Mahidin Simbolon being, reportedly, substantially involved (West Papua Association UK 2003).

In 2003, the *Front Pembela Merah Putih* (Red and White Defenders' Front) was created under the command of Eurico Guterres, who had been convicted of crimes against humanity by Jakarta's human rights court for his leadership of militia in East Timor (Catherine Scott & Tebay 2005, pp. 606-607).³⁷ Guterres had officially requested permission from the police chief, Budi Utomo, to set up the *Front Pembela*

³⁶ Some question the accuracy of these reports (Kivimäki 2006, p. 23).

³⁷ Guterres was sentenced to ten years in prison but was free in 2003 pending an appeal of the sentence. The crimes committed related to "murder, summary execution, enforced disappearance, destruction of property, abductions and other inhumane acts" (Tapol 2003f).

Merah Putih in Timika. However, opposition from Papuan civil society prevented a public declaration of its foundation. Despite this, the militia's existence is rarely questioned and subsequent military involvement with the militia has led some to comment that their practical role is to carry out "the military's 'dirty work' and act... as *agents provocateurs*" (Catherine Scott & Tebay 2005, p. 607).

In the modern setting these militia provide supplementary tensions to the pre-existing, "traditional" conflict between the Indonesian military and the OPM. While the presence of the *Laskar Jihad* is fundamentally alien to Papuan society, and the ideological basis hinges on a perception of conflict between Islam and Christianity in the modern international system (Kivimäki 2006, p. 42), the presence of nationalist militia more accurately reflects tensions in Papuan-Indonesian relations. Conflicting nationalist militia manifest the competing claims of sovereignty over West Papua and, although they confront issues of political determination in the territory, they simultaneously represent significant threats to other rights.

Conclusion

The historical overview of West Papua given above indicates the nature and depth of some of the major issues that inflame perspectives and debates surrounding human rights abuses in the Indonesian province. Political, historical and cultural grievances from the Suharto era continue to exert influence on the experience of the Papuan people and elevate tensions between Papuans and Indonesians in West Papuan society (Kivimäki 2006, pp. 40-49). Militia groups in the region have further incited fears and have added another complexity to the political claims. Each of these has been important to the overall political climate of West Papua and gives the context in which human rights NGOs in West Papua contend. Having set this context, enquiries will now turn to the major human rights NGOs involved in West Papua and the perspectives they hold on the issue of Papuan self-determination. The next chapter will expand upon the human rights context and relate it to the thinking of NGOs and their human rights activities.

Chapter 5

NGOs in West Papua: Their Roles and Perspectives

In response to the recurrence of human rights abuses, many of NGOs have been established to lobby for better conditions. Both locally and internationally, these groups have become increasingly involved in the West Papuan situation. At the local level, NGOs within Papua have been involved in the investigation and monitoring of human rights abuses, advocacy on behalf of victims, campaigning, education and also setting up conferences and workshops (Tebay 2005, p. 25). At the international level, NGOs work primarily to publicise events and lobby government.

Achieving a system of human rights that is universally respected is a core and unifying goal of all human rights NGOs involved in West Papua. Yet, beneath this goal, policy debates have a significant impact on the way NGOs approach human rights campaigning. Most notably, these involve discussions surrounding self-determination in the context of West Papua. The way that this is applied practically, as well as having critical implications for the situation faced in West Papua, provides a valuable study of the varying degrees to which realism is accounted for in the promotion of human rights and a further means of assessing the effectiveness of human rights NGOs.

The Presence of Human Rights NGOs in West Papua

Human rights NGOs currently involved in West Papua are diverse and operate on both the local and international stages. Each NGO has distinct attributes, which influence their outlook in policy debates, such as those surrounding self-determination. These also influence how they approach active efforts to frame and promote the socialisation of human rights. While attention will be given to the varying NGO perspectives later in the chapter, the following discussion will first give a description of NGO activities prior to Indonesia's democratic era, before outlining some of the more influential NGOs pursuing human rights changes for West Papua.

The Influence of Human Rights NGOs, Pre-1998

In the period between the Act of Free Choice in 1969 and the fall of President Suharto in 1998, NGO activities promoting human rights in West Papua were limited. While a small yet committed circle of NGOs publicised the human rights violations in West Papua on the international stage from early in this period, within West Papua itself the political environment made it much more difficult to set up effective organisational structures. The Indonesian Government was quick, and at times brutal, in shutting down groups that were perceived as “opposition” (see Riker 2002). This meant that it was a long time before human rights groups could be established widely or operate effectively. Consequently, much of the preliminary work on human rights issues was undertaken by church-based organisations which had pre-existing infrastructure in the country.³⁸

Prior to the late 1990s, when there was a discernable expansion of civil society organisations in Papua, a sizable amount of work was undertaken by church-based NGOs, often addressing subsistence needs (Bonay & McGrory 2004, p. 449). Protestant and Catholic organisations formed ecumenical networks, such as the All-Indonesia Christian Health Service and the Indonesian Association of Voluntary Health Groups, for the provision of health services. It is estimated that in some periods during President Suharto’s rule, church based groups provided up to 50 per cent of health care in the region (Eldridge 1995, p. 186). Accordingly, this was a subtle yet crucial part of structures supporting human rights in the region. Church organisations, together with non-religious NGOs, also formed networks to address development in the area. The Irian Jaya Rural Community Development Foundation was another prominent organisation that undertook community-based initiatives to address wider development problems, often receiving the aid of the Indonesian Government (Eldridge 1995, p. 140).

³⁸ The prominence of churches in the local NGO scene prior to 1998 (as well as afterward) is reflective of the place of Christianity in the culture of West Papua. Since the time of Dutch colonists, Christianity has had an important influence on West Papuan civil society and on the culture of the country (see Bohane 2003). This has given them a prime position in undertaking human rights work in the region for many decades.

In addition to these, a number of other organisations continued to work during this time, despite significant harassment from the Indonesian Government (Amnesty International 1996b). Protest actions undertaken by smaller NGOs, such as the Papuan Students Alliance and the Forum for Communication of the Younger Generation of Irian Jaya, often drew negative attention from Jakarta. In March 1996, for instance, four people affiliated with the Forum for Communication of the Younger Generation of Irian Jaya were detained and questioned, allegedly for their participation in peaceful protest actions in Jakarta (Amnesty International 1996b). A more violent protest in Tembagapura in the same month led to charges being laid against 39 people. Most of whom, according to Amnesty International (1996b), were detained purely for their political views. Subsequent statements from officials placed the blame at the feet of unspecified local NGOs who were identified as orchestrating the riots. Connections between local NGOs and the OPM were also claimed. One senior member of the Indonesian military was quoted as warning, “do not be surprised if the ABRI [Indonesian Military] decides to question one of the local NGOs” (Amnesty International 1996b).³⁹ The actions of the Indonesian Government towards such NGOs led many, both inside and outside of West Papua, to tone-down their rhetoric opposing government policy (Eldridge, 1995, 228).

While the Suharto regime was in power, it was international NGOs who had the resources to undertake a great deal of the advocacy work done on West Papua. Powerful NGOs, such as Amnesty International and Human Rights Watch, although not allocating great attention to the West Papuan issue, continued to report on abuses and lobby the Indonesian government about the issue. However, the work done by these NGOs was dwarfed by that undertaken by the Indonesian Human Rights Committee (Tapol) - an England based NGO, whose work also focused on other parts of Indonesia and what is now East Timor.

A major difficulty for West Papuan human rights networks, however, was the inability for local NGOs to network with their international counterparts. Information was difficult to get out of West Papua in the face of hostility from the Indonesian Government. Yet, although difficult, this was not impossible. One very important

³⁹ The person involved later denied he had made this comment.

instance of this occurred in 1995 and illustrates the relationships that can form between activists internationally. One evening, a human rights activist within West Papua was able to fax hurried information detailing the killings and disappearances of 37 Papuans (as well as several instances of torture) to Matthew Jamieson, an environmental activist in Sydney, Australia (Elmslie 2002, pp. 137-138). This information was then transcribed and edited before it was sent onto an Australian NGO, the Australian Council for Overseas Aid (ACFOA). The abuses detailed in the transcription occurred around the area of Freeport operations and was eventually released by ACFOA under the title "Trouble at Freeport" (Australian Council for Overseas Aid 1995).

The release of the ACFOA report had a domino effect, leading to the writing of a succession of related reports and actions on the part of other groups. As detailed by Elmslie (Elmslie 2002, p. 139), the pressure that built in West Papua as a result of this report led the Catholic Bishop of Jayapura, Herman Munninghoff, to release a report of his own (Munringhoff 1995). In response to this, the Indonesian Human Rights Commission and the Australian Government began investigating the claims. In the case of the Australian Government, its ambassador, Alan Taylor, travelled to West Papua and eventually released a report on the allegations consistent with the Munringhoff Report. In detail, the reports of Munringhoff and Taylor substantially agreed with the findings in the ACFOA report. The only exception was that neither had investigated the role of Freeport in the abuses, instead preferring to concentrate on the actions of the Indonesian military.

This series of events is one example of effective work from human rights workers and NGOs in a period when Indonesia exerted much pressure to stop human rights reporting. Between 1969 and 1998, ongoing mining operations as well as other economic activities, transmigration and forced tribal displacement contributed to a climate where human rights abuses were common. These were only barely responded to by stretched human rights NGOs under pressure from the Indonesian government. It was not until the Suharto Government fell in 1998 that any significant hope for more effective responses to human rights abuses was offered to the Papuan people. The post-Suharto era saw substantial improvements in the ability of NGOs to respond to abuses.

Domestic NGOs in the Democratic Era

The number of NGOs in West Papua rose significantly after Indonesia's government reform in 1998 (Bonay & McGrory 2004, p. 449). Increases in the presence of these organisations gave encouragement to those hopeful of improved human rights conditions. Figures taken from 2002 show there were 140 NGOs active in the region (Bonay & McGrory 2004, p. 448). These were involved in an extensive range of activities that indicate an active civil society (see Blair & Phillips 2003). Significantly, these figures do not include ethnic community organisations formed by and for various transmigrant communities. Also left unrepresented are many professional organisations, as well as church-based organisations, frequently involved in work connected with human rights (Blair & Phillips 2003, pp. 104-111; Bonay & McGrory 2004, p. 448). According to Bonay and McGrory (2004, p. 448), of these 140 NGOs, over half (72) are involved in what they describe as "peacebuilding" activities, which is directly linked with human rights promotion.

Of the active NGOs, a few can be identified as being particularly influential to the promotion of human rights in the modern, democratic era. Four of these local NGOs will be given special focus in the research undertaken here. These are the Institute for Human Rights Study and Advocacy (ELSHAM), the Forum for Reconciliation of the People of Irian Jaya (FORERI), the Office for Justice and Peace (SKP) and the Papuan Presidium Council (PDP). A large number of other NGOs also warrant further explanation. However, these four NGOs are given slightly greater, although not exclusive, focus because of both the particular influence they have exerted on the human rights situation in West Papua and the relative accessibility of information available on each of them.

Institute for Human Rights Study and Advocacy in Papua (ELSHAM)

ELSHAM has been arguably the most significant West Papuan human rights NGO in recent years. It was officially established in 1998 and grew out of a working group titled the Irian Working Group for Justice and Peace, of which the Foundation for Rural Development (YPMD), the Traditional Consultation Council of Amungme

(LEMASA) and the SKP were members (Elmslie 2002, p. 143; Front Line and IMPARSIAL n.d., p. 83). ELSHAM have released a number of thorough reports detailing the human rights situation in West Papua and were especially active in the early years of Indonesia's democracy under the supervision of the exiled Papuan human rights advocate John Rumbiak. It has been regarded by some as "critical" for monitoring human rights in the region and has had an important role in building contacts with international human rights organisations (Elmslie 2002, pp. 143-144).

Forum for Reconciliation in Irian Society (FORERI)

Originally established in July 1998, FORERI was created in response to several violent incidents following raisings of the Papuan Morning Star flag around West Papua. Its original focus was to facilitate dialogue between the Indonesian Government and the Papuan people by providing a neutral space and acting as a mediator in a range of disputes, especially on issues of self-determination and independence (Hernawan 2003, p. 3). In February 1999, FORERI's efforts led to a meeting between President B.J. Habibie and the "Team of 100" Papuan civil society representatives in Jakarta (see Kivimäki 2006, pp. 39-40).⁴⁰ These activities also gave a forum for the discussion of human rights grievances. Later, however, a perception that FORERI was becoming increasingly aligned with the independence movement undermined its role as a facilitator of dialogue (King 2004, p. 185).

Office for Justice and Peace (SKP)

SKP, also established in July 1998, was created by the Catholic Diocese of Jayapura to promote better human rights conditions in West Papua through a number of means. Its activities include documenting and reporting abuses; educating the local population about human rights; promoting dialogue between conflicting parties in West Papua; and, finally, participating in the larger human rights network in the territory (Office for Justice and Peace Jayapura 1999). The goal of its work is "to draw attention to underlying structures of repression" with a view to identify solutions

⁴⁰ This event is given further attention in chapter six.

to societal divisions that it sees as having been bred by human rights abuses (Office for Justice and Peace Jayapura 1999). Under the directorship of Theo van den Broek and, more recently, J. Budi Hernawan, SKP have released a number of reports on human rights conditions in West Papua. These have been supplemented by informative annual reports. It works closely with other human rights NGOs in the region such as the Evangelical Christian Church (GKI) Division of Law and Human Rights and ELSHAM and currently has branches in Merauke, Sorong, Timika and Agats, with its head office remaining in Jayapura.

Papuan Presidium Council (PDP)

The PDP is an organisation made up of a collection of tribal and society leaders, who were elected in 2000 at the Second Papuan Congress by a 200 member panel that represented “nearly all civil society constituencies” (Kivimäki 2006, p. 32). It is a pro-independence organisation that, at the time of its establishment in 2000, was widely recognised as being the most legitimate vehicle for representing ethnic Papuans (Blair & Phillips 2003, p. 105; Kivimäki 2006, p. 32). However, more recently the degree of support has been questioned (International Crisis Group, 2006, 7). It also has several corporate interests and has been involved in a range of community development projects (Blair & Phillips 2003, p. 105). The council was chaired by Theys Eluay until his assassination by the Indonesian military in 2001. Tom Beanal, chief of the Amungme tribe, then assumed leadership. Although, due to its function, the PDP fails to meet the definition of “human rights NGO” as outlined in chapter three, it is nevertheless an important party in the West Papuan situation.

Other Local NGOs

The swell of NGOs that occurred around 1998 included a large number of other NGOs. Many of these have been of equal importance to the climate of human rights advocacy in the modern period as those mentioned above. Other NGOs crucial to the field of human rights have been the Commission for Disappearances and Victims of Violence (Kontras Papua), the Alliance of Democracy for Papua (ALDP), the

Evangelical Christian Church (GKI) Division of Law and Human Rights and the Evangelical Tabernacle Church of Indonesia (GKII) (Blair & Phillips 2003, pp. 107-109; Bonay & McGrory 2004, p. 450; Ondawame 2002, p. 21). Like the NGOs mentioned previously, most of these were established during Indonesia's democratic era and have been concerned with activities such as "conflict mapping/surveys, monitoring and investigation, litigation and legal advocacy, campaigning, workshops, and conferences" (Bonay & McGrory 2004, p. 450). In addition to these, the Indonesian Bar Association, the Institute for Research, Analysis and Development of Legal Aid (LP3BH), the Indonesian Legal Aid and Human Rights Association (PBHI) and the Legal Aid Foundation Papua (LBH Papua) exist to provide legal advocacy for people charged with subversion or other "political" offences (Bonay & McGrory 2004, p. 450; Peace Brigades International 2006).

International Human Rights NGOs involved in West Papua

On the international stage, a range of NGOs have been keenly involved in West Papua's human rights situation. Active organisations include West Papua Action, Free West Papua, the Australian West Papua Association and New Zealand's Indonesian Human Rights Committee. One NGO, however, is especially worth noting. The London-based Tapol⁴¹ has been a pivotal actor in the ongoing international human rights activism on West Papua since 1973.

Tapol

Throughout the period of Indonesian rule, Tapol has been responsible for a large proportion of the work undertaken in lobbying and documentation of human rights abuses on the international stage. Today, Tapol is one of the leading international NGOs concerned with many Indonesian and former Indonesian territories, consistently releasing reports, including its *Tapol Bulletin*, to highlight human rights

⁴¹ Formerly known as *Tapol: The Indonesian Human Rights Campaign*, in 2007 the organisation changed its name to *Tapol: Promoting Human Rights, Peace and Democracy in Indonesia*. The word "Tapol" means "political prisoner" in Indonesian. For more information on Tapol refer to their website at <http://tapol.gn.apc.org> (retrieved 5th April, 2007).

issues. These territories include West Papua, Aceh and East Timor. In addition to its own reporting, in recent times it has also provided some translation services for organisations such as ELSHAM and SKP to provide wider exposure for the findings of local organisations. Tapol has also lobbied a range of governmental and international officials. While those most regularly targeted are the British and Indonesian governments, Tapol also actively lobbies the European Union and the UN.

Other International NGOs

Groups specifically focusing on Indonesian human rights have received valuable support and greater exposure for their cause via larger NGOs such as Amnesty International, Human Rights Watch and International Crisis Group. Human Rights Watch and International Crisis Group have been particularly active in documenting human rights abuses for international audiences in recent years. Along with these, the Robert F. Kennedy Memorial Centre for Human Rights (RFK Memorial), the West Papua Advocacy Team (WPAT) and the East Timor and Indonesia Action Network (ETAN) have attempted to maintain up-to-date reporting of the human rights happenings in West Papua since 2004 in monthly reports⁴² and have also been active in lobbying the US government on the issue.

Adding to the number of international NGOs involved in West Papua are organisations affiliated with church and religious groups. Among these, the World Council of Churches and Franciscans International have been most prominent (Bonay & McGrory 2004, pp. 449-450). These organisations have employed a variety of methods to highlight West Papua's situation and have used many international forums in attempting to persuade governments to take actions aimed at alleviating human rights abuses. These have been actively involved in the UN lobbying process, attempting to use their consultative status at the UN to place West Papua on the international agenda (Bonay & McGrory 2004, p. 450).

⁴² Prior to May 2006, the monthly "West Papua Reports" were published by RFK Memorial. WPAT assumed responsibility for these in May 2006 and was the sole publisher until October 2007. From November 2007, WPAT and ETAN began to co-publish the reports. Many of these reports are available from <http://etan.org/issues/wpapua/default.htm> (retrieved 18th December, 2007).

Current Policy Debates amongst NGOs: Self-Determination

Underlying the practical workings of these NGOs are their perspectives and beliefs about the nuances of West Papua's human rights context. Contending opinions have bred important debates concerning how human rights advocacy should be approached. Debates have especially focused on issues of self-determination and whether the human rights abuses in West Papua constitute genocide.⁴³ Of primary interest to this research is the way that various opinions on self-determination correspond to debates about the degree to which liberal international theory incorporates (or should incorporate) realism into its framework. Genocide, although providing an interesting dilemma for NGO advocacy, falls outside the scope of this examination. Essentially, the activism of West Papuan human rights NGOs is congruent with a liberal philosophy – in pursuing human rights norms NGOs reflect the assumption that normative concerns have power in the international political realm. However, the way

⁴³ Claims that genocide has been committed in West Papua were relatively few until in 2004 when significant support began to gather around the viewpoint. This came when Yale Law School released a report exploring the application of the genocide to human rights abuses in West Papua (Brundige et al. 2004). This provided an in-depth discussion on the West Papuan situation and the human rights abuses which have occurred in the province. Its findings were damning of Indonesian activities and finally concluded:

[T]he historical and contemporary evidence... strongly suggests that the Indonesian government has committed proscribed acts with the intent to destroy the West Papuans as such, in violation of the 1948 Convention on the Prevention and Punishment of the Crime of Genocide and the customary international law prohibition this Convention embodies (Brundige et al. 2004, p. 75).

Diverse reactions to the claim of the Yale Report emerged in the years that followed. Three views characterise this debate. The first view holds that genocide, as it understood in international law, is already occurring in West Papua. Socratez Sofyan Yoman, the President of the Fellowship of Baptist Churches of West Papua, has referred to an array of methods used by the Indonesian authorities in West Papua as “systematic genocide” (Yoman 2006, p. 1; 5). Included in these actions is a host of physical rights abuses, seen as the primary example of the genocide alleged (Yoman 2006, p. 1). The Transmigration programme, which he claims sees the “migrants get better protection from the Indonesian military and police” and a family planning programme limiting families to two children, are also cited as being inadequate for maintaining the Papuan population, given the rate of mortality (Yoman 2006, p. 1). The second view claims that, although genocide is not occurring in West Papua, there is a high potential that abuses could escalate into genocide, due to the intent of the authorities – particularly the security personnel (see Barr 2002, pp. 3-4). Among those who have expressed this view, ELSHAM has lamented “[t]he OTSUS [Special Autonomy] Law has shown no concern for the interests of the Papuan people and has sown the seeds of genocide in Papua” (Amemori 2007). The final view holds the perspective that human rights abuses in West Papua, although seen as deeply concerning, cannot be defined as genocide. Human rights abuses are instead seen as “crimes against humanity”. This corresponds with Indonesian domestic law Regulation Number 26/2000 which defines the “widespread and systematic attacks directed against a civilian population” as a crime against humanity (see Ecumenical Council of Churches in Papua 2006, p. 4; van den Broek 2002).

in which NGOs make references to self-determination necessarily has political ramifications and also reflects the degree of realism that is present in their outlooks.

Perspectives on Self-Determination

Self-determination is possibly the most widely disputed, and critical, human rights issue in West Papua. Much of the debate is associated with a more specific disagreement over a law passed in 2001 promising greater political autonomy to West Papua as a province within Indonesia. The Special Autonomy Law has been criticised for not being as favourable to Papuans as it could be and for being implemented improperly (King 2004, pp. 85-92; McGibbon 2006, pp. 45-51; Wing & King 2005, pp. 46-47). Among the concessions granted in the Special Autonomy Law was a substantial reallocation of revenues from natural resources: 80 per cent of national revenues from forestry, fishing and ‘general mining’ would return to West Papua, while 70 per cent of oil and gas revenues would be returned. This would continue for 25 years, at which time the allocation would be reduced. Additionally, the law pledged to establish a Truth and Reconciliation commission for historical grievances and allowed Papua, as a province, to assume greater governmental powers. This included the setting up of a Papuan People’s Assembly (MRP) to give greater representation to ethnic groups, religions and women.

Before exploring the how and why of this support, it is important to recognise its popularity amongst the Papuan population that is aware of the self-determination issue.⁴⁴ A 2006 study revealed that of those surveyed, 60 per cent had no confidence that special autonomy would improve living conditions for those in Papua (Elmslie, King & Lynch 2007, p. 19; see also Indonesian Human Rights Committee 2006, p.1). 76 per cent also said special autonomy had not been well implemented and 62 per cent indicated “the local government structure was either totally [incapable] or hardly capable of implementing the Special Autonomy Law” (Elmslie, King & Lynch 2007, p. 19).

⁴⁴ While the current political awareness of the issue is difficult to ascertain, a survey taken by the International Foundation for Election Systems (2003, pp. 16-17) in 2002 suggested that only 17 per cent of respondent were aware of the Special Autonomy Law. Meanwhile, only 62 per cent were aware that there was an aspiration for independence in Papua.

Meanwhile, when considering the debate over self-determination in relation to independence and special autonomy, Falk's (2000, p. 100) conceptualisation of self-determination rights proves valuable. This is because the views of the NGOs in West Papua are aligned with support for either second order self-determination, which grants autonomy to groups within an existing state, or with third order self-determination, which grants independence to a part of an existing state. Many support the latter view and consider special autonomy as falling short of the ideal of independent self-determination (see Ballard 2002, p. 471; Barber 2004; Elmslie, King & Lynch 2007, p.19; *West Papua Action Update No. 00* 1999). Those who are more open to the previous concept of self-determination, contend that the dichotomy that the push for independence creates between special autonomy and independence can be limiting (see Ballard 2002, p. 471; Office for Justice and Peace Jayapura 2002, p. 9).

Independence as a means to Self-determination

Numerous NGOs and civil society organisations articulate this rejection of special autonomy in favour of independence (see Ballard 2002, p. 471; International Crisis Group 2002, p. 7; 2006, p. 7; *West Papua Action Update No. 00* 1999). Attempts to express this position were most widespread early in the post-Suharto era. The consultation process that was undertaken during the drafting of the Special Autonomy Law saw a host of NGOs, academics and civil society leaders request a new plebiscite on the political status of West Papua (see King 2004, p. 85). Just prior to this, during President Habibie's term in government, a "Team of 100" Papuan civil society representatives met with the Indonesian leadership in Jakarta and directly asked that Papuan sovereignty be recognised by the Government (see Human Rights Watch 2000b).

During this time, spokespersons of both the PDP and the OPM made this position clear. At the Second Papuan Congress, in 2000, these groups rejected the notion of special autonomy in several statements (Ballard 2002, p. 471), instead arguing for a more stringent view of self-determination as, essentially, their rejection of autonomy came from the perceived failure to meet the demands and expectations of nationalism

held by many Papuans. Instead, the idea of *merdeka*, or freedom, was brandished as a means of fulfilling the right to self-determination. According to some representatives of the OPM, *merdeka* could only be achieved if Papuans were left alone. Ambros Aminin, an OPM regional commander explains:

Four centuries ago, we Papuans enjoyed what is called “freedom”. Then came the colonialism era, starting with the colonialism of the British, then the Dutch... and now the Indonesians. These caused us to loose [sic] our freedom. We want to destroy the Indonesian neo-colonialism. To force Indonesia to return to their home country and leave us free from them (quoted in *West Papua Action Update No. 00 1999*, p. 2).

Such a view of *merdeka* strictly limits the interpretation of self-determination rights.⁴⁵ Evidently, this would necessitate independence for West Papua.

In West Papua’s current human rights environment, although not going to the extremities of the OPM’s argument or methods, many actors and organisations remain supportive of independence, seeing it as the only viable means of achieving a positive human rights outcome (see Bonay & McGrory 2004, p. 453). *Merdeka* is thus seen by many in a similar light as it was by the PDP and OPM during the time of the Second Papuan Congress.⁴⁶ For some, such sentiments are also fuelled by a decreased confidence in Indonesia’s will to address the self-determination issue and the perceived inability of the Special Autonomy Law to address Papua’s problems. This has led to “enormous degrees of cynicism and mistrust on the part of the West Papuan people” (Leadbeater, interviewed by the author, 13th April, 2007). A viewpoint favouring independence has also been reinforced by recent attempts by the Indonesian Government to partition the territory into multiple provinces (McGibbon 2004, p. 61), as well as the memory of historical human rights grievances (Office for Justice and Peace Jayapura 2001b).

⁴⁵ For some in the OPM, the idea of independence is taken even further. A number reject even the idea of independence under the form of modern government and thus reject the idea of an independent nation-state of West Papua. Instead, these prefer to emphasise the struggle between traditional tribal existence and the modern technologically driven world (*West Papua Action Update No.00 1999*, p. 2).

⁴⁶ While the PDP itself remains an advocate of independence, at least five members have lent their support to the concept of special autonomy by participating in the MRP (International Crisis Group 2006, p. 7).

Simultaneously, however, crackdowns on political expression after the adoption of the Special Autonomy Law have muted the open advocacy of independence. Often, instead of calling for independence outright, many have portrayed ambivalence and scepticism towards the notion of special autonomy believing it has done little or nothing to progress the cause of self-determination. Instead, they claim that it has caused only more problems for the Papuan people (Beanal in an interview transcribed in Wing & King 2005, pp. 46-47; Yoman 2006). Socratez Yoman, the President of the Fellowship of Baptist Churches of West Papua, for instance, believes “special autonomy has not been a solution – it has been a new problem” (Yoman 2006, p. 4). He claims “the life, dignity, rights, knowledge, cultural values and democracy of the Papuan people are not valued or respected” and has openly called for the UN to review the 1969 Act of Free Choice (Yoman 2006, pp. 4-5). Representatives of other leading NGOs, such as ELSHAM and LP3BH, have articulated similar points of view, submitted requests for a UN review of the Act of Free Choice (Sitokdana 2003; Warinussy 2004). While maintaining some distance from calls to independence, ELSHAM have expressed their sympathy with groups advocating independence, describing the actions of the Indonesian authorities as a suppression of “legitimate independence aspirations” (ELSHAM & Tapol 2001).

Internationally, although some NGOs have shown a reluctance to reject the Special Autonomy Law, others remain sceptical of the law. Tapol, for instance, has chosen to remain relatively silent on the issue of special autonomy (see Tapol 2002a2005d). Maire Leadbeater of the New Zealand-based Indonesian Human Rights Committee is more critical: “[special] autonomy never really granted the West Papuan people very much control over their own political destiny. It certainly did not grant them any control over their resources... that was never in the wording” (interviewed by the author, 13th April, 2007).

Special Autonomy as a means to Self-determination

In opposition to supporters of independence are those who believe special autonomy could be an effective means of attaining not only self-determination, but also an array of other rights. If implemented correctly, this would constitute second order self-

determination. Two perspectives are represented in this position, both of which are often held by advocates of autonomy. The first perspective holds proper implementation of the Special Autonomy Law will benefit the local Papuan people by affecting changes in social and economic conditions in the territory (Office for Justice and Peace Jayapura 2001b; Rumbiak 2003b; Tebay 2006, p. 52; van den Broek 2003). It is claimed that these changes would facilitate greater dialogue, potentially creating space for alternative ideas of *merdeka* and lessening pressures for independence (van den Broek 2000). The second perspective asserts that autonomy is an important step toward independence or could be used as means of attaining recognition of aspirations to independence (van den Broek 2003).

Special autonomy, as a means of bringing about general improvements in human rights conditions and addressing issues of self-determination, finds reasonable support amongst Papuan civil society and international human rights advocates (International Crisis Group 2006, p. 6; Office for Justice and Peace Jayapura 2002, p. 9; Rees, Ondawame & King 2003, p. 12; RFK Memorial 2004a; Rumbiak & Walton 2004; Sumule 2001; Franciscans International, cited in Wing & King 2005, p. 51). Since the fall of President Wahid, those supporting the notion have included John Rumbiak, former director of ELSHAM (RFK Memorial 2004a; Rumbiak & Walton 2004), the National Forum for Human Rights Concerns in Papua (see RFK Memorial 2004a) and various religious bodies (see McGibbon 2004, p. 61; Office for Justice and Peace Jayapura 2002, p. 9; Tebay 2006, pp. 52-53; Franciscans International cited in Wing & King 2005, p. 51). Although these have lent their support to the concept of special autonomy, they have also been among the most vocal critics of the Indonesian Government's inability, or perhaps unwillingness, to properly implement the programme (see McGibbon 2004, p. 61).

Actors that are hopeful special autonomy will bring about significant benefits in living standards and more political influence for Papuans also suggest that this could influence how self-determination is conceptualised. Rees, Ondawame and King (2003, p. 12) explain,

“Special autonomy” is viewed with suspicion by many Papuans. However, the policy does potentially open new possibilities to encourage all aspects of development,

including capacity building within Papuan civil society. Jakarta sees the political problem in West Papua as a social issue that should be addressed in a social-economic context and so does not necessarily disagree with this view.

According to this view, concentrating on issues of development and building up civil society may help to broaden the idea of self-determination (Giay, cited in Noonan, King & Wing 2004, p. 11). If the Papuan people received greater respect, through the better provision of subsistence needs and greater political empowerment, less weight would be placed on the desire for independence (King, cited in Noonan, King & Wing 2004, pp. 11-12). This could be beneficial for all parties involved in conflict in the region.

Further analysis of this position is provided by the SKP, which suggests calls for independence can be broken-down into three aspirations: 1) a political component; 2) a social-cultural component; and 3) a development component (Office for Justice and Peace Jayapura 2001b). The political component refers to issues relating to the 1969 Act of Free Choice and the desire for national independence. The social-cultural component refers to the “collective experiences of the Papuan people” in enduring human rights violations throughout the period of Indonesia’s rule. Finally, the development component refers to the amount of poverty experienced by many in Papua. The SKP suggests that although special autonomy does little to address the first dimension of the aspiration for independence, by addressing the other two dimensions it could contribute to a “real improvement” in the situation (Office for Justice and Peace Jayapura 2001b).

Viewing special autonomy in this light effectively provides the basis for an alternative conceptualisation of the idea of *merdeka*. Unlike those who argue *merdeka* represents freedom from Indonesian rule, van den Broek (2000) argues that it should more fundamentally be understood as being “free from all forms of suppression and oppression”. In adopting this stance, he recognises this freedom as being inherently linked to the primary dignity of each human person as articulated in the First Article of the Universal Declaration of Human Rights: “All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood”. Van den Broek also suggests that

it is only through the realisation of this dignity that other forms of freedom might be expressed through the reformation of national political structures. Inevitably, self-determination will be included in these rights, but its form will only be recognisable through a process of dialogue and in the societal circumstances under which it is achieved (van den Broek 2000).

The second perspective offered in support of special autonomy is that, instead of being a front for further Indonesian domination, the Special Autonomy Law could be a possible means to achieving the later goal of independence; autonomy is essentially not opposed to independence (Office for Justice and Peace Jayapura 2002, p. 9). One reason for taking this position is to challenge ideas that dichotomise political positions into opposing camps of autonomy versus independence. This is seen as a potential source of conflict amongst the Papuan people (Bonay & McGroary 2004, p. 453; Office for Justice and Peace Jayapura 2001b). Others commentating on this position have pointed out that the implementation of the Special Autonomy Law, and specifically the establishment of the Papuan People's Assembly (MRP), could bring about a political institution in Papua that could be strengthened gradually to press for demands of independence from Jakarta (McGibbon 2004, p. 56). Comments from the former Indonesian Home Affairs Minister, Hari Sabarno, reflect Indonesian concern over this possibility. A belief that the MRP could "spark national disintegration" (quoted in McGibbon 2004, p. 56) seems to indicate that this was one of the reasons behind Jakarta's reluctance to institute the MRP.

Two Strategies for Promoting Human Rights

These contending views of special autonomy and independence essentially have two primary effects. They firstly illustrate two alternative visions of self-determination rights. Perhaps more importantly, they represent two alternative directions for human rights promotion. Those who advocate independence as being the primary means of self-determination, conceptually elevate a more radical view of self-determination to a level that makes it necessary for the achievement of other human rights. In this sense, they express third order self-determination as being a pseudo-basic right, or even a basic right, at least within the context of West Papua. Importantly, this position seems

to be heavily influenced by experiences of the human rights reality of the situation and for this reason gains much support. Yet, while this is the case, the alternative view must be considered to be classically realistic in the theoretical sense.

On the other side of the debate, those who believe self-determination can be achieved via special autonomy attempt to reframe the right to self-determination to increase its political viability. These groups also hold self-determination as an important human right. However, because of the political nature of the issue, they also see it as a potential point of conflict in the promotion of rights. In doing so, the practical advocacy of self-determination as a highly political right, while being connected with other rights, is set aside from the advocacy of other *basic rights* – the rights to physical security, subsistence and civil and political liberties. By advocating second order self-determination, a greater degree of realism is assumed, reflecting the concerns of liberal theorists who acknowledge the importance of retaining some realist prudence. As the supporters of this view argue, this does not necessarily negate independence as a potential remedy for the human rights situation in West Papua, nor lessen the concept of self-determination (Office for Justice and Peace Jayapura 2001b). Instead, the changing political context takes on a more significant role in setting the parameters of self-determination rights. Presently, they believe, the concept of self-determination must include the idea of special autonomy. However, ongoing developments in West Papua's political environment may allow for an evolution of this concept in the future.

Conclusion

Recent years have seen human rights NGOs become increasingly involved in West Papua. As much as any other set of actors, these have been required to evaluate the human rights situation in its practical and theoretical context. Whilst NGOs endeavour to work together in order to exert their influence on the situation, contradictory assessments of the human rights environment and the relationships between rights, have often lead NGOs to employ strategies that diverge from one another. The argument over self-determination is a poignant example of this. On the one hand, many influenced by the appalling experience of atrocities against West Papuans argue

for a pursuit of the normative ideals associated with liberalism through the right to self-determination, while showing little regard for the conditional factors of political life. These advocate independence as the only means of attaining the right to self-determination. Others adopt a more cautious approach, arguing that there are alternative forms of self-determination, thereby incorporating a greater consideration of realist principles in their pursuit of normative goals.

This chapter has surveyed the diversity of NGOs and NGO approaches to the advocacy of human rights in West Papua. Differences in NGO opinions illustrate the difficulties in maintaining a unity in advocacy in such an NGO climate and highlight the diversity of opinions that are present in West Papuan advocacy circles, especially over the issue of self-determination. These discussions have set the stage for a more in-depth analysis of the processes of human rights advocacy and socialisation in West Papua. Strategies utilised by NGOs to promote human rights principles and the effectiveness of their approaches will be examined in chapter six, where much attention will be given to the application of the spiral and boomerang models of human rights socialisation.

Chapter 6

Applying Theoretical Models of Human Rights Socialisation in West Papua

Democratic rule in Indonesia has brought many changes to the human rights situation in West Papua. Each of the four Indonesian Presidents who have assumed power since the fall of Suharto – Habibie, Wahid, Sukarnoputri and Yudhoyono – has brought new policy initiatives and directions. These political currents, both positive and negative, have had a profound effect on how principles of human rights are interpreted and respected in West Papua. To analyse the effects of the political currents on human rights in West Papua, we can apply the two socialisation models discussed earlier: Risse, Ropp and Sikkink's (1999) spiral model and Keck and Sikkink's (1998) boomerang theory.

Applying Risse, Ropp and Sikkink's (1999) spiral model to this changing political situation gives considerable insight into the status of human rights in Indonesia's democratic era and the role of NGOs in promoting them. The first part of this chapter will track how, in the early years of democratic rule, West Papua progressed through the opening phases of the spiral model. Then attention will turn to the increasing repression in West Papua since 2001. Explanations for this increased repression will be sought by assessing the role of NGOs in West Papua.

With NGO campaigning increasingly turning to the international arena, West Papua also offers a valuable case for applying Keck and Sikkink's (1998) boomerang effect, which will be examined in the second part of the chapter. Domestic repression of NGO groups and other civil society representatives has given new impetus for international action concerning West Papua. Despite this, government and international officials (who ultimately hold the keys to positive outcomes in the boomerang effect) have largely remained ambivalent towards the Papuan human rights cause.

Application of the Spiral Model

Applying the spiral model to human rights advocacy in West Papua reveals many insights about the changing political environment and how developments in the relationships between government and civil society have effected the human rights situation in Indonesia's new democratic era. By viewing the situation in this way, the events witnessed in the region between the time of President Suharto's rule and the election of President Megawati Sukarnoputri in 2001 appear to correspond with the first three phases of the model: "repression and activation of network", "denial" and "tactical concessions" (Risse, Ropp & Sikkink 1999, pp. 22-28). The years of repression from President Suharto's authoritarian regime that represent Phase 1 of the model ("repression and activation of network") came to an end abruptly in 1998, when Suharto was deposed from power. In the period that followed, human rights socialisation progressed quickly. The rapidity of this change was such that it is difficult to ascertain precisely when a period of "denial" (Phase 2) took place according to the model's criteria. However, by the end of 1999, it had become clear that an increasingly vocal NGO network was taking shape and that Jakarta was beginning to make a number of tactical concessions (Phase 3). Unfortunately for the Papuans who experienced these developments, these concessions were unexpectedly brief. With the new government of 2001 came a raft of new policy initiatives, many at the expense of the human rights achievements of previous years.

Phase 1: Repression and Activation of Network (1962-1998)

Throughout the decades of dictatorial rule under President Suharto, and Sukarno before him, human rights abuses were prevalent. As has been discussed in the previous chapter, exploitation of natural resources, transmigration policies, tribal displacement and societal conflict were all factors that contributed to a climate where the principles of human rights appeared to be held in contempt. These, and the repression of reporting, indicate that this period represents the first phase in the spiral model.

Although on a national level a number of pro-human rights initiatives occurred during the late-1980s and early-1990s, movements largely failed to have an impact on the politics of West Papua until the mid-1990s. Some sporadic accounts of events in West Papua did surface during the 1980s. The two most in-depth publications were Budiardjo and Liong's *West Papua: The Obliteration of a People* (1988), which portrayed a variety of human rights abuses within West Papua, and *Indonesia's Secret War: The Guerrilla Struggle in Irian Jaya* by Robin Osbourne (1985). By 1993, at a national level, increasing pressure from activists arguing against the "Asian Values" rhetoric of the government and specific cases of abuse saw the establishment of a National Commission on Human Rights (Jetschke 1999, pp. 145, 157). However, this failed to create substantial momentum in West Papua where activists remained isolated.

Severe laws restricting freedom of expression were also very effective in preventing reliable human rights reporting (see Amnesty International & RFK Memorial 1999; Budiardjo 2001; Human Rights Watch 2007b, pp. 14-15). During the rule of President Suharto, the Indonesian Criminal Code (*Kitab Undang-Undang Hukum Pidana - KUHP*) that was directly inherited from the Dutch, largely failed to account for many modern human rights norms. While freedom of expression was (and remains) protected under the 1945 Indonesian Constitution (Article 28), articles in the KUHP allowed people to be imprisoned for "'spread[ing] hatred' or showing contempt for the government" (Budiardjo 2001).⁴⁷

Such harsh laws inhibited the gathering of information on human rights abuses at the local level and created difficulties for initiating a larger international campaign. Thus, the theoretical observation of Risse and Sikkink's (1999, p. 22) seems apt to describe the situation in West Papua:

[v]ery oppressive governments sometimes do not become subject of international campaigns by the advocacy networks, because information gathering requires at least some minimal links between the domestic opposition and the transnational networks if the latter is to gain access to the norm-violating state.

⁴⁷ Much of the KUHP was re-written in 2005. However, "hate sowing" and "rebellion" continue to be punishable by sizable penalties – seven years and 20 years in prison respectively (Human Rights Watch 2007b, pp. 14-15).

On the international scene, the advocacy work that was done around West Papua at this time largely fell on deaf ears. Delicate Cold War and regional power balances exerted added pressure on governments to retain this outlook and contributed to an unwillingness of state-actors to upset Indonesia. This state of limbo was only lifted a number of years after the Cold War, when the fall of the Suharto regime ushered in a new democratic era in Indonesia. The end of the Cold War not only represented an important shift in the international geo-political situation, but promoted processes of democratisation and human rights in many parts of the world, including Southeast Asia (Eldridge 2002, p. 32; Risse & Sikkink 1999, p. 31).

Phase 2: Denial (1998-1999)

The lack of political movement concerning human rights changed dramatically shortly after the fall of President Suharto. In the newly democratised Indonesia, more space was given to civil society to form associations, as was seen in the large increase in NGOs present in West Papua during the terms of Presidents Habibie and Wahid (Bonay & McGrory 2004, p. 449). Where once human rights monitors had been repressed to a great extent, for the first time this new era permitted a relatively open, stable and reliable reporting of human rights abuses. The strengthening of domestic opposition to human rights abuses created vital momentum for further change.

Initially, this era was anything but peaceful or conducive to respect for the principles of human rights. A number of violent incidents occurred in and around areas where raisings of the Morning Star flag were attempted or independence rallies held (Tebay 2006, p. 9). Several took place during July 1998. As discussed in the introduction, on the island of Biak security personnel shot at a crowd of around 200 people at a flag raising, wounding many fatally (Human Rights Watch 2000a; Kivimäki 2006, p. 16; Rutherford 1999, pp. 39-40; Tebay 2006, p. 9). Two pro-independence demonstrators and one Indonesian intelligence officer were killed in pro-independence demonstrations in Jayapura, and 41 more were arrested (Amnesty International 1998). At another rally in Sorong, five people suffered severe gunshot wounds and another was shot dead (Amnesty International 1998). Manokwari also experienced rioting.

The mounting of such protests had been encouraged by the hope that democratisation in Indonesia would lead to new freedom of expression in West Papua.

Despite these setbacks, the conflict masked a deeper shift in the human rights field at the time. Political changes were energizing efforts to establish NGOs and facilitated a move toward “the production and dissemination of information about human rights practices” (Risse & Sikkink 1999, p. 22). Such changes are characteristic of the denial phase, which Risse and Sikkink (1999, pp. 22-23) predict precedes enhanced efforts in lobbying, especially internationally. This renewed impetus led to the formation of NGOs such as ELSHAM, SKP and FORERI, as well as the awakening of other local civil society groups. Student groups, predominantly campaigning for independence, became more organised, modelling themselves on student activists in Jakarta and other cities (Human Rights Watch 2000a). This had the effect of enhancing the reliability of human rights monitoring and reporting at the local level (Bonay & McGrory 2004).

The 1999 meeting between the “Team of 100” civil society leaders and President Habibie, was the culmination of initial efforts by NGOs to lobby Jakarta.⁴⁸ It demonstrated both the successes and the limitations of the NGO movement in its interactions with Jakarta. While the meeting itself marked an important precedent for dialogue between NGOs and the Indonesian Government, the outcomes of this first dialogue were less inspiring. For many among the Papuan delegation experiences of bloodshed at peaceful protests in the preceding months radicalised their perspective on independence (Office for Justice and Peace Jayapura 2000b). Consequently, when the Team of 100 arrived in Jakarta their statement, voiced directly to Habibie and 21 of his cabinet ministers, was uncompromising. Amongst other points, they stated:

First, we the people of West Papua wish to remove ourselves from the unified state of the Republic of Indonesia to realize independence and full sovereignty among the other nations in the world.

⁴⁸ This was largely achieved through the efforts of FORERI (Chauvel and Bhakti 2004, p. 26).

Second, to immediately form a transitional government in West Papua under the supervision of the United Nations (UN) democratically, peacefully and responsibly in March 1999 at the latest (cited in Human Rights Watch 2000b).

Habibie's response was dignified yet adamant:

The aspirations you have expressed are important, but founding a country isn't easy; let's contemplate those aspirations again... Go home, and take my greetings to the Papuan people (Human Rights Watch 2000b).

While this meeting ultimately ended in failure, the Indonesian President's agreement to meet with Papuan civil society leaders was an important step in dialogue that gave an early indication that West Papua was on the brink of moving on to the next phase of the spiral model: tactical concessions.⁴⁹

Phase 3: Tactical Concessions (1999-2001)

Jakarta's brief phase of denial came to an end with the arrival of President Abdurrahman Wahid in late 1999. The change in policy direction by the Indonesian Government signified the arrival of the third phase in the socialisation process – tactical concessions. Strengthened domestic NGOs that became increasingly active in lobbying helped to produce a number of concessions on the part of the Indonesian Government. These included changes in the argumentative discourses used, where the validity of human rights criticisms were recognised. Significant instrumental adaptation was undertaken with this, motivating substantial changes in government

⁴⁹ The period that the Indonesian Government spent "in denial" was extremely short. By the time President Wahid came to Power in 1999, Jakarta had already begun to undertake significant movements to address human rights issues in West Papua. The speed at which socialisation took place in this period was surprising but can be explained as a "norm cascading" effect, where "enough states and enough critical states endorse the new norm to redefine appropriate behaviour" (Finnemore & Sikkink 1998, p. 902). In this event, states are motivated to avoid directly arguing against the norms that are broadly regarded as legitimate in international relations. Risse and Sikkink (1999, p. 24) explain this phenomenon further in relation to the spiral model:

because of changes in "world time" it is possible that denial and backlash is a normative phase particular to a period in which new international norms have emerged... If this is the case, we would expect the denial stage to disappear in cases of more fully institutionalised norms.

policy (see Risse & Sikkink 1999, pp. 12-13). During this time, successes in opening dialogue with the Indonesian Government, most notably in the Second Papuan Congress, were paralleled by successes in the international sphere, effectively building momentum for a multi-layered campaign which applied pressure both locally and internationally, from “above” and “below” (Brysk 1993).

The space that was opened up in the early stages of the democratic era led to increasing recognition of the human rights problems in West Papua (Ballard 2002, pp. 473-474; Hernawan 2002, p. 5; Human Rights Watch 2000a; Sumule 2001). Reporting by ELSHAM, SKP, LBH Papua, Kontras Papua and others gradually gained more respect and provided more reliable examples of abuses occurring on the ground (Blair & Phillips 2003, pp. 108-109; Office for Justice and Peace Jayapura 2001a). This was complimented by the work of FORERI, YPMD and church organisations to address issues of reconciliation and development (Blair & Phillips 2003, pp. 108-109; Ondawame 2002, p. 21). In this new setting, human rights abuses became increasingly difficult to ignore.

Argumentative discourses employed during this time were not dissimilar to those used under the previous administration, though the authenticity of Wahid’s rhetoric was enhanced greatly by the policy initiatives he offered in support of it. President B.J. Habibie was the first official to recognise the human rights abuses suffered by the Papuan people. In 1998, he also apologised for the human rights violations that occurred during the Suharto era (see Human Rights Watch 2000a; Kivimäki 2006, p. 8). However, few actions corroborated this apology and the reality of events in West Papua seemed to contrast the spirit of his words. In the months following the meeting with Team of 100, laws were adopted restricting the expression of views that favoured Papuan independence and instances of harassment of civil society leaders were also reported (Hernawan 2002, p. 4).⁵⁰ A UN Working Group on Arbitrary Detention was also denied access to West Papua when it conducted a mission to Indonesia between January 31st and February 12th, 1999 (International Commission of Jurists 2000).

⁵⁰ Law no.MK/01/IV/1999, was announced on the 17th of April 1999 by the Chief of Police in West Papua, Brigjend. Pol Hotman Siagian. It banned the setting up of *posko* Command Posts, which showed support of independence. There were also reports that claimed that following the meeting with Habibie, “unidentified persons terrorized members of 100 Team [sic] who lived in Jayapura” (Hernawan 2002, p. 4).

Unlike Habibie, Wahid's administration accompanied this apologetic rhetoric with concrete concessions, indicating some acceptance of the claims of human rights critics. Although these concessions may have been purely instrumental, it is important to note that the administration no longer denied the validity of human rights claims. Clues of this change were given at the time of the presidential election, when the Peoples Assembly promised the legal resolution of human rights violations in West Papua (see Sumule 2001). These expressions were soon followed by actions on the part of government that were both symbolic and significant.

This new approach began with the restoration of the name "Papua" to the province on New Years Day, 2000 (Hernawan 2002, p. 5). Wahid also officially recognised the Morning Star flag for the first time (von Strokirch 2001, p. 520). Other tactical concessions given to the Papuan people later confirmed the new direction. This relaxed approach carried into other approaches to politics in West Papua. It gave Papuan leaders the ability to meet politically and on a large scale for the establishment of the PDP in early 2000 (Hernawan 2002, p. 5). Members of the PDP were able to attend the Pacific Island Forum in late 2000, as members of the Nauru delegation (International Crisis Group 2001, p. 16).⁵¹ Two historic concessions came soon afterwards with the convening of the Second Papuan Congress in Jayapura between May 29th and June 4th 2000 and, later, the first offer of Special Autonomy to the Papuan people (Catherine Scott & Tebay 2005, p. 605).

The Second Papuan Congress

The Second Papuan Congress was organised by the PDP and was a historic gathering of West Papua's political and civil society figures. With an estimated 3000 people in attendance (ELSHAM 2001b),⁵² it represented a wide range of figures and a diversity of political opinions. Attendees included OPM commanders, Papuan leaders from the Suharto era who had been living in exile, Government representatives and Melanesians from all over Papua (von Strokirch 2001, p. 520). This diversity gave

⁵¹ This privilege was previously unheard of and has not been given since.

⁵² Some estimates are much higher than this figure. According to its own final resolution, the Second Papuan People's Congress (2000) claimed that there were as many as 21,000 attendees.

greater authority to symbolic acts made during the Congress and was viewed as a definitive gathering of the Papuan leadership.

Jakarta's support for the congress went much further than previous concessions. Instead of merely ensuring the congress would not be disrupted, President Wahid agreed to open the congress as well as to provide finance (King 2004, p. 39). Although the offer to open the congress personally was later withdrawn, funding was granted to the tune of one billion rupiah (US\$120,000) (Hernawan 2002, p. 5; King 2004, p. 39). This gesture, while having many critics in Jakarta, essentially gave the Papuan resistance movement – and the PDP – a semi-legitimate outlet to articulate their views and aspirations.

Supporters of the congress argued it provided “the highest democratic vehicle of the Papuan people” (*Resolution of the Second Papuan People's Congress 2000*) and acted as a means by which aspirations could be expressed. It installed four commissions to address key areas of Papuan concern. These were: the rectification of history, formulating a political agenda, the consolidation of Papua organizations and the basic rights of the Papuan people. From the commissions and the meetings held, the Congress passed a number of resolutions. Some of these addressed issues of human rights, but as a whole the commissions tended to focus more on independence as a political aspiration of the Papuan people. The final resolution of the congress denounced “the crimes against humanity that have been perpetrated in West Papua” and called for a thorough investigation of all parties involved, both nationally and internationally (*Resolution of the Second Papuan People's Congress 2000*). Nevertheless, this was somewhat eclipsed by many resolutions affirming the independence of Papua and the right of its people to self-determination.⁵³

⁵³ The resolutions adopted by the Second Papuan Congress were as follows:

The Papuan people and nation hereby state, through the intermediary of the Second Papuan Congress of 2000:

- The Papuan Nation has been sovereign as a people and state since 1 December 1961,
- Through the intermediary of the Second Congress, the Papuan Nation rejects the 1962 New York Agreement which was legally and morally flawed because no representatives of the Papuan Nation were involved,
- Through the intermediary of the Second Congress, the Papuan Nation reject the results of Pepera (the ‘Act of Free Choice’} [sic] because it was conducted to the accompaniment

Special Autonomy Law

Among the achievements of this era, one can include (albeit contentiously) the adoption in late 2001 of the Special Autonomy Bill. Special autonomy pledged respect for “equality and diversity in the societal and cultural life of Irian Jaya people” (King 2004, p. 81). Although it was adopted while President Sukarnoputri was in office, the majority of the consultative work was completed during President Wahid’s term. This consultation was comprehensive and included contributions from leading academics, activists, NGOs and church representatives.⁵⁴ As a result of this work, a draft bill on special autonomy was prepared for submission to Jakarta.

Unsurprisingly, the draft that was sent to Jakarta was much more radical than the text that was eventually passed into law (King 2004, pp. 84-85). Among the differences, the Papuan draft advocated that the provincial government be able to “undertake guidance, supervision, and control of population growth in Papua Province” (Article 55, cited in King 2004, p. 84). Thus, the Papuan people would be able to control transmigration and immigration. It also proposed that the provincial government would have control over the placement of Indonesian military units in West Papua (King 2004, p. 84). Both of these were removed from the law adopted in Jakarta.⁵⁵ Finally, Article 75, which set out the conditions under which West Papua might be given a second act of self-determination, predictably was rejected. It read:

of threats, intimidation, sadistic killings, military violence and amoral [sic] deeds that gravely violated humanitarian principles.

The Papuan Nation therefore calls on the United Nations to revoke UN Resolution 2504 adopted on 19 November 1969 (Resolution of the Second Papuan People’s Congress 2000).

⁵⁴ *Forum Kerjasama Lembaga Swadaya* (Cooperative Forum of Papuan Non-Governmental Organisations), an umbrella NGO set up for the consultation, was especially important in expressing the views of many NGOs (King, 2004, 82).

⁵⁵ Those affected by it in the province – both radicals and conservative Papuans alike – were outraged by the wide disparity between the position of the Papuan bill and that which was eventually adopted by Jakarta. While promising in many respects, ‘Special Autonomy’ fell far short of Papuan demands. Tom Beanel, the chair of the PDP articulated this disgust and scepticism. In a sharp criticism of the Special Autonomy Law he commented:

I think Special Autonomy is not good. So it would be good if they just gave us back the original design [of the Papuan draft bill], as we wanted it. I myself already refused Special Autonomy from the beginning, but the resolution passed today gave six months from today. It’s a chance for the Indonesian government. We will see if they are honest or just playing with us. If after nine months we know they are just playing with us we will sit together in a national and international dialogue. That’s what we want (interviewed in Wing & King 2005, pp. 46-47).

After 5 years of enactment of this Law if it is apparent that it cannot be executed effectively, the Papuan people through the Papuan Parliament shall ask the MPR [People's Consultative Assembly] of RI [the Republic of Indonesia] to sit in session to make a referendum for determining the political attitude of the Papuan people (cited in King 2004, p. 85).

Although there is an ongoing debate over the effects of the Special Autonomy Law (as is discussed in the previous chapter), and much criticism of how it has been handled (see Ballard 2002, p. 471), the degree to which Papuan civil society was consulted during the drafting process illustrated Jakarta's recognition of the need for inclusive dialogue with the Papuan people. This was the first time since 1963 that Papuans had been consulted in the formulation of policy in this way (Chauvel & Bhakti 2004, p. 43). The repeated use of the Special Autonomy Law in subsequent human rights debates also shows its rhetorical significance for a number of human rights advocates (see, for example, RFK Memorial 2004a; Rumbiak & Walton 2004; Sumule 2001). Moreover, although the content of the bill fell far short of the aspirations of a vast number of Papuans (International Crisis Group 2002, p. 7), on face value, the legal content provided concessions substantially better than those bestowed previously.

Considerable work promoting human rights in West Papua in the international sphere sought to build on the gains mentioned above. Proponents of human rights received encouragements internationally when government concerns over abuses increased amidst accumulating tension and threats of violence. Former New Zealand Foreign Minister, Phil Goff, offered to act as a mediator between Indonesia and the Papuan leadership after he met with Franzalbert Joku, the PDP international representative, in late 2000. This was offered as a means resolving issues of self-determination as well as broader human rights issues (International Crisis Group 2001, p. 16), but was subsequently rejected by Jakarta. A similar offer was made by Vanuatu in 2004. Like the previous offer, this did not lead to any breakthroughs, with some commentators questioning Vanuatu's ability to act with impartiality given their previous statements regarding West Papuan self-determination (Watson 2005, p. 485).

Continuing Human Rights Abuses

Despite the advances in socialisation made during this period, human rights conditions remained far from idyllic. Authorities continued to view the act of raising the Morning Star flag as a declaration of the aspiration for independence, even though the Government had officially recognised the flag in January 2000. This provoked many violent confrontations. A series of confrontations over the raising of the Morning Star flag in Nabire, between February 28th and March 2nd 2000, left three people dead and eighteen injured (Amnesty International 2000, p. 7). Similar instances between December 1999 and August 2000 in Timika, Sorong and Merauke, left at least five people dead and hundreds injured (Amnesty International 2000).

After resolutions by the Second Papuan Congress declared Papuan independence, relations between the Government and Papuan civil society leaders took a turn for the worse. On 8th June 2000, Indonesian officials held an intelligence meeting in downtown Jayapura that proposed possible Indonesian responses to the Papuan demands for independence. The minutes of the meeting, which were subsequently leaked to human rights NGOs, detailed a number of initiatives to help remedy Indonesia's problem. Among these a diagram entitled "Papuan Political Conspiracy" noted 38 highly influential Papuans and recommended actions to be taken against them (Ballard 2002, pp. 468-469). Those identified included OPM commanders, NGO and church leaders as well as some people in local government positions. Individuals on the list would be dealt-with, it was proposed, by "the generation of a legal framework to cover repressive action, and the prosecution of strong sanctions against the leaders of the "Papuan Conspiracy"" (Ballard 2002, p. 469). Following the intelligence meeting, several members of the PDP were arrested on charges of treason (Ballard 2002, p. 469) and, in November the following year, Theys Eluay, the chair of the PDP, was assassinated by Indonesian security personnel (ELSHAM 2001b).⁵⁶

⁵⁶ Investigations into the incident by human rights groups found significant evidence incriminating the Indonesian military (ELSHAM 2001b). Suspicions of higher level involvement were heightened even more when those found guilty of the murder received lenient sentences and were 'lauded as national heroes by a senior Indonesian army officer' (Tebay 2005, p. 18). The death was accompanied by riots and protests by many Papuans and marked a low point in Papua's history where not only calls for independence were rejected, but also where the hopes for greater freedom and respect for human rights took a significant blow.

A spate of human rights violations followed the Second Papuan Congress. Clashes in Fak-fak, Sorong and Manokwari in the latter part of 2000 resulted in several deaths and arrests (Ballard 2002, p. 469), while two infamous cases of human rights abuse that occurred around this time also confirmed the fragility of the situation. The first of these cases occurred in Wamena on October 6th, where thirteen people were killed during police raids on a community centre that flew the Morning Star Flag (ELSHAM & Tapol 2001; Tapol 2002a). Rioting and looting of the largely migrant owned shops followed and, in this retaliatory violence, thirty-one more people were left dead, most of whom were migrants (Brundige et al. 2004, p. 45; Human Rights Watch 2001).⁵⁷ On December 1st, the Morning Star Flag was once again officially banned. A week later, in Abepura, an upsurge in violence was prompted when around 300 people attacked a police station, killing two police officers and a security guard (Amnesty International 2004; Chauvel 2003, p. 12; Human Rights Watch 2001). In retaliation, the police raided several student dormitories. One person was shot dead in the initial raid and approximately one hundred were “arbitrarily detained” (Amnesty International 2004). The torture that followed this is well documented (see Amnesty International 2004; Chauvel 2003, p. 12; Human Rights Watch 2001). As a result, dozens suffered serious injuries, with two people being tortured to death (Amnesty International 2004; Human Rights Watch 2001).

By the time President Wahid left office in July 2001, it had become clear that West Papua had failed to progress to the next phase of the spiral model, prescriptive status, or beyond that to rule-consistent behaviour. While President Wahid’s term saw many advances in human rights, even when at times the situation threatened to grow beyond the control of Jakarta, complete “self-entrapment” in the rhetoric used in human rights debates never eventuated (see Risse & Sikkink 1999, p. 28). The empowerment of local civil society failed to reach critical mass and, although NGOs were much more powerful than they had been previously, their ability to lobby and to socialise rights

⁵⁷ Wamena was also the place of severe human rights violations in April 2003 when the Indonesian military commenced an “all-out sweeping” operation to catch the perpetrators of a raid of a weapons store in the town (Office for Justice and Peace Jayapura 2004, pp. 4-5). Several atrocities followed and the local Papuan people suffering grievously (see Amnesty International 2004; Office for Justice and Peace Jayapura 2004; Tapol 2005c). According to Indonesia’s National Commission for Human Rights, KOMNAS HAM, the military tortured 38 people and killed nine people in military raids (see Amnesty International 2004; Tapol 2005c). The terror of these operations, prompted as many as 7000 people to flee into the bush, 42 of whom died of hunger and exhaustion (Amnesty International 2004).

did not affect a progression of the spiral. Meanwhile, the advocacy of independence by the Second Papuan Congress marked the beginning of a decline in relations between Papuan civil society and the Indonesian Government.

Spiral Regression: Failure to reach Prescriptive Status and Rule Consistent Behaviour

After President Sukarnoputri gained power in July 2001, many reforms were enacted that proved damaging to the human rights situation in West Papua. This quickly regressed to the earlier stages of the spiral. Ambiguous rhetoric from Jakarta gave way to greater crackdowns against political dissenters and harassment of NGOs in the region. The more hawkish approach of Sukarnoputri was affirmed by concrete government policies. These moves disempowered critics of Indonesian policies toward basic human rights in West Papua as well as advocates of independence. In the mind of many Indonesian authorities, the two groups had essentially been reduced to one. As a result, being severely limited by government restrictions, local NGOs found themselves increasingly isolated from the outside world.

Both during and after the rule of Sukarnoputri, the human rights situation in West Papua drew a mixed response from Jakarta. In contrast to the previous government – where President Wahid’s insistence of undertaking human rights reforms, even in the face of major opposition in Jakarta, seemed to indicate a “true belief” in the value of a pro-human rights approach, at least on the part of Wahid himself – Sukarnoputri’s rhetoric portrayed a more confusing position. This broke down the consistency of argumentative behaviour which preceded her, the continuation of which, according to Risse and Sikknik (1999, p. 31), would have been necessary for the realisation of prescriptive status.

Statements made at the beginning of Sukarnoputri’s term reflected the ambiguity of her position. Shortly after arriving in office she condemned the “inappropriate national policies” of the past, reiterating the apologies made by Habibie and Wahid (Sukarnoputri cited in Ballard 2002, p. 473). However, statements soon followed backing the activities of the military, which have since been implicated in several

human rights violations (see Human Rights Watch 2007a). In a speech on December 29th 2001, she declared to Indonesian military personnel leaving for West Papua:

We are suddenly aware... of the need for force to protect our beloved nation and motherland from breaking up... But with the laws of Indonesia as your guide, you can do your duty without worrying about being involved in human rights abuses.... Do everything without doubts (cited in Ballard 2002, p. 475).

The troubles experienced in West Papua after the Second Papuan Congress also increased at this time. The assassination of Theys Eluay, the charismatic leader of the PDP, in late 2001 was the beginning of a new round of crackdowns against protestors and perceived political dissenters. Several instances of violence at political demonstrations occurred in the years following this. Conflicts with protestors in Timika and elsewhere killed at least five people in August 2003 (Office for Justice and Peace Jayapura 2004, p. 6; Tapol 2003c). There were also high profile arrests of Filep Karma and Yusak Pakage for flying the Morning Star Flag in December 2004 (see Human Rights Watch 2007b; RFK Memorial 2004b).⁵⁸ On the island of Biak, in February 2005, Indonesian military personnel opened fire on a peaceful religious gathering that was commemorating the death of Melkianus Awom, an OPM commander (RFK Memorial 2005a). In March 2006, violence between security personnel and protestors in Timika, Abepura and elsewhere killed several people and caused hundreds to flee into the bush (see Chesterfield 2006; Tapol 2006b). Also notable during this time was a large military offensive that took place in the Puncak Jaya district in October 2004. This displaced over 6000 people, between 35 and 60 of whom later died in the bush (Human Rights Watch 2007a; Tapol 2005b; Tebay 2006, p. 6).⁵⁹ At least eight others were shot dead in disputes in the area (Office for Justice and Peace Jayapura 2005, p. 7; Tapol 2005a). The violence that occurred in West Papua was so intense that Tapol (2004b) claimed over 2000 people were killed in conflicts between the military and civilian population between May 2003 and November 2004 alone.⁶⁰

⁵⁸ The two were sentenced to 15 (Filep Karma) and 10 year (Yusak Pakage) terms in prison (Human Rights Watch 2007b, p. 3).

⁵⁹ Operations in Puncak Jaya are ongoing, but due to restrictions on NGO work in West Papua, reliable figures on those killed and displaced are unavailable (see Human Rights Watch 2007a, p. 32).

⁶⁰ For a detailed summary of major known human rights abuses between 1998 and 2007, see Franciscans International, *Justitia et Pax* Netherlands, Office for Justice and Peace Jayapura and the

Intimidation of NGOs

An apparent increase in human rights abuses during this time (Amemori 2007; van den Broek 2002) was paralleled by significant intimidation and harassment of human rights NGOs, seriously impeding their work. In early 2004, it was revealed that the Indonesian Government had created a national “watch-list” of 20 NGOs (Tapol 2004a). ELSHAM was one of the NGOs included on the list and had been placed there “for issuing statements detrimental to national interests” (Tapol 2004a). More tacit intimidation was committed against ELSHAM, Legal Aid, KontraS, SKP and other NGOs (Human Rights Watch 2007a). Methods of harassment included death threats (against the human rights monitors themselves and their families) and “suspicious car accidents”. Other members of NGOs were placed under obvious surveillance or threatened by men wielding rifles (Amnesty International 2002a; Barr 2006, p. 6; Front Line and IMPARSIAL n.d., p. 91; RFK Memorial 2004a). Some reported cases where journalists were followed and physically chased out of towns or informed that if they report on certain events they would be considered OPM sympathisers (RFK Memorial 2004a).

ELSHAM and the PDP are among the organisations most frequently targeted. For ELSHAM, this harassment was stepped-up after it investigated a 2002 incident in which an unidentified group shot one Indonesian and two US citizens dead outside Timika. ELSHAM’s findings, which LBH Papua and KontraS echoed, cast suspicion on the army’s Special Forces Command, Kopassus. Along with the defamation proceedings that were filed against ELSHAM for their accusations against the military (International NGO Coalition for Human Rights International Advocacy 2004a, pp. 7-8), on December 28th 2002, ELSHAM’s Jakarta office received an anonymous telephone call telling staff to “be careful”(Amnesty International 2002a). Other similar threats have been made against John Rumbiak and many others for their work with ELSHAM (Front Line and IMPARSIAL n.d.). Three people connected with ELSHAM were also fired upon while they travelled in a car near the Papua New Guinea border (Tapol 2002b). Meanwhile, the leadership of the PDP have also been the target of harassment, particularly following the murder of Theys Eluay. In mid-

Evangelical Christian Church of Papua (2008). According to this report, approximately 242 cases of torture were recorded in West Papua during the nine years since the democratisation of Indonesia.

November, 2001, Herman Awom, the moderator of the PDP, received a phone call threatening, “Be careful. Get ready to join Theys” (Front Line and IMPARSIAL n.d., p. 97).

Efforts to nullify NGOs have gone beyond harassment. There are indications that some Indonesian authorities have attempted to undermine the structures of funding in some NGOs. Gillian Southey, of the Christian World Service, believes that “the Indonesians buy off people and do undermine organisations... that is the reality of these situations” (interviewed by the author, 12th April 2007). Uncertainties created by these reports are compounded by increasing restrictions on foreign access to West Papua, which mean no one is able to investigate the conditions of NGOs in West Papua in order to verify which are acting corruptly and which are trustworthy (Southey, interviewed by the author, 12th April 2007). As a result, some NGOs have incurred substantial cuts in funding. Barr (2006, p. 4) suggests ELSHAM is one of these and is substantially hindered from carrying out its previous role of human rights monitoring.

Jakarta's Policy: Partition, Militarism and Repression

Substantive changes in policy direction from Jakarta underlie the negative trends in West Papua's human rights situation. Three major political developments have contributed to this decline. A presidential decree bringing about the division of West Papua into multiple provinces has had the greatest influence on the domestic political landscape. Connected with this, but perhaps more direct in its impact on human rights conditions, has been a decision to increase dramatically the number of military personnel in the province. A report released by Human Rights Watch in 2007(a) has implicated these changes in several cases of rape and murder. Finally, a new policy of repression of human rights monitors, beginning in 2004, has greatly inhibited the working of human rights networks. Collectively, these have rebuffed hopes of a speedy progression in human rights socialisation by creating a large barrier to the use of “soft power” by NGOs and a reassertion of the dominance of state-centric power in West Papua's political sphere.

In January 2003, a Presidential decree announced the acceleration of a law, originally made in 1999 (Law 45/1999), to divide West Papua into three provinces. In an apparent reversal of intentions to revise and repeal law 45/1999 after the adoption of the Special Autonomy Law (International Crisis Group 2006, p. 2), the decree signalled the immediate division of the territory into the provinces “West Irian Jaya” and “Irian Jaya”.⁶¹ These would later be divided again to create the “Central Irian Jaya” province. Many in Papua were left in shock and were “genuinely ignorant of the governments plans” to enact the law (McGibbon 2004, p. 55; Office for Justice and Peace Jayapura 2004, p. 5). Still others were left with further concerns that the decree was a “divisive move to undermine... support for self-determination” (Tapol 2003c). The undemocratic nature of the division was highlighted by NGOs throughout Indonesia (RFK Memorial 2006a).⁶² Ultimately, critics pointed to the decrees’ incompatibility with Article 76 of the Special Autonomy Law that requires any such division to be approved by MRP, which was yet to be established (McGibbon 2004, p. 55).⁶³

Expansions in military personnel have been more directly threatening to the physical security of the Papuan people (RFK Memorial 2005b; Tapol 2003d2005b). Following protests surrounding the division of West Papua into separate provinces, the Government announced the deployment of an extra 2,000 troops to cope with tensions.⁶⁴ This policy was later followed by a decision to establish new battalions of troops and a new division of the Army Strategic Reserve Command in Sorong close to a base where British Petroleum extracts natural gas (Tebay 2006, p. 11) and an announcement that 15,000 extra troops would be sent to West Papua by 2010 (RFK Memorial 2005b; Tapol 2005b). The enlargement of forces would see the number of troops in West Papua grow to approximately 50,000 (Tapol 2005b; Tebay 2006, p. 11). Atrocities committed by the military are well known amongst NGOs involved in

⁶¹ Although the western province was initially name West Irian Jaya, it was later again renamed “West Papua” by a government regulation on April 18th, 2007 (Sijabat 2007).

⁶² Groups opposed to the division included Indonesian Christian Students Movement, the Association of Catholic Students, the Indonesian Christian Women’s Association and the Cooperation Forum of Non-Governmental Organisations (RFK Memorial 2006a).

⁶³ Indonesia’s Constitutional Court later upheld this position and declared the decree to be illegal. However, the court stopped short of striking down the establishment of the new province, so the division of West Papua remained in place (International Crisis Group 2006, pp. 3-4).

⁶⁴ RFK Memorial (2005b) challenged the justification for the deployment, which Indonesia claimed was to counter separatists, by highlighting the military’s “own data... [which] claims there are only 620 separatist fighters in West Papua, 150 of whom are armed”.

West Papua. These hold grave fears that this increase will create even greater suffering for the Papuan population (see, for example, Amemori 2007; Ecumenical Council of Papuan Churches 2007; Human Rights Watch 2007a; RFK Memorial 2005a).

Along with this, policies denying access to outside monitors have been enacted by Jakarta. In September 2004, a committee of government institutions, including the intelligence agencies, police, immigration ministry, security ministry and the department of foreign affairs, enacted a ban on all journalists in West Papua and Aceh (Tapol 2004b; Tapol et al. 2004).⁶⁵ Staff from the International Crisis Group were expelled from West Papua and delegations from Amnesty International and the UN High Commission for Refugees were denied subsequent access (Free West Papua Campaign 2006, p. 30). Such actions have successfully prevented the collection of reliable information and figures on human rights abuses in West Papua in recent years (Human Rights Watch 2007a, p. 32). They also put beyond doubt the regression of human rights conditions in West Papua.

Explanations for Regression

A number of explanations can account for the dramatic decline in the human rights situation in West Papua. Major factors contributing to the regression of the socialisation spiral can be broken down into three groups:⁶⁶ 1) situational factors pertaining to the political climate that informed the decisions of both sides at the time

⁶⁵ The threats that these developments have posed to the human rights situation, prompted responses from many international NGOs, who feared the West Papuan situation could relapse into violence in an increasingly repressive political environment. This point of view was summarised by a coalition of British based NGOs – Tapol, Catholic Institute for Overseas Development, Catholic Institute for International Relations and the Oxford Papuan Rights Campaign (2004) – who sent an open letter to Douglas Alexander, the British Minister of State, after the announcement commenting,

[R]estrictions on international agencies and NGOs have resulted in economic hardship, the inability of foreigners to act as witnesses and deterrents to violence against civilians, and the loss of moral, physical and financial assistance to local organisations.

The government was further urged to lobby Indonesia to lift the bans and allow foreign monitors into West Papua.

⁶⁶ These provide a valuable analysis for the situation through the use of the spiral model. Other factors and conditions clearly contribute to the environment that allowed for the regression of the spiral. These include, for instance, the broad international conditions and the economic situation encountered at the time.

of its regression; 2) factors produced by the Indonesian authorities; and 3) factors produced by Papuans and their advocates. Although Indonesia's role in the degradation of the human rights situation must neither be forgotten nor downplayed, the discussion here will explore the first and third factors. The most prominent situational factor influencing the perceptions of both the Indonesian authorities and the Papuan people immediately before the spiral's decline was the granting of independence to East Timor in 1999. On the side of the Papuans and their advocates, the nationalist movement in West Papua that gained strength around this time directly influenced how human rights could be socialised in West Papua and how government and military authorities in Indonesia viewed it.

Situational Conditions: East Timorese Independence

Regression of human rights conditions in West Papua cannot be properly understood without first making reference to the international conditions in which they occurred. One such condition that made an unmistakable impact in West Papua was the granting of independence to East Timor in 1999. The East Timorese situation had many similarities to West Papua. Indonesia had invaded East Timor six years after West Papua's Act of Free Choice and had agreed to holding a referendum on independence after the fall of President Suharto in 1998 under heavy international pressure. Independence for East Timor aggravated the situation considerably by its timing and impact on political perceptions (McGibbon 2006, pp. viii, 33).

The timing of East Timorese independence coincided with a particularly unstable phase of the spiral model in West Papua. In the period between 1999 and 2000, human rights socialisation was progressing steadily in West Papua and stepping into a phase of tactical concessions from the Indonesian Government. Despite the sense of large gains in socialisation, the spiral model indicates that this is "the most precarious phase of the spiral model" (Risse & Sikkink 1999, p. 25). Phase three can either lead to a sustained change in human rights conditions or, Risse and Sikkink (1999, p. 25) warn, "[it] can also result in a backlash. If the government responds with unrelenting repression of activists, it can temporarily break the upward spiral process".

With the grant of independence for East Timor, political opinions on both sides of the Indonesian–West Papuan nationalist divide were galvanised. The precarious third phase was made even more unstable as Indonesian officials and Papuan nationalists both saw the potential that the experience of the East Timorese could set a wider precedent for others in the region (McGibbon 2006, pp. viii, 33). Reactions to this potential precedent could not be more distinct. Papuan nationalists, who had the support of a significant portion of the population (International Crisis Group 2002, p. 7; Office for Justice and Peace Jayapura 2000b), welcomed events and took them as an incentive to press on with demands for independence (von Strokirch 2001, p. 520). These groups also hoped for the support of the international community, who a year earlier had actively supported East Timorese claims to exercise the right to self-determination (von Strokirch 2001, p. 522). At the same time, the situation pulled Indonesia in two directions. The East Timor experience placed ever-greater pressure on Jakarta to adopt a ruthless line against nationalists in the country's problem regions, while simultaneously democratisation was pressing the government to show greater toleration toward civil society and human rights organisations (Chauvel & Bhakti 2004, p. 25). The movement of democracy meant the time was ripe for positive human rights change, but the mention of independence could easily strengthen the hand of government hardliners, whose position had been solidified by the experience in East Timor.

The Independence Movement and the Reduction of Political Space

The persistence of calls for Papuan independence between 1999 and 2000 had a major effect on the regression of spiral. By framing desires for independence as the primary concern of the Papuan people the nationalist movement prevented wider human rights issues from building greater momentum to challenge government practices. Instead, political and societal space, which is key to the success of the spiral (Risse & Sikkink 1999, p. 26), was filled by nationalist demands and so created greater antagonism toward the Papuan people from Jakarta. This conflict surfaced at the Second Papuan Congress. Articulations made there proved a watershed for the decline in the Papuan human rights situation (Chauvel & Bhakti 2004, p. 28). Resolutions of the Second Papuan Congress effectively undercut political support for the Wahid administration's

human rights concessions and fuelled a backlash against the human rights movement in West Papua.

NGOs and civil society actors have utilized two distinct strategies in attempts to bring about positive human rights change in the region. Nationalist organisations have pursued self-determination rights by emphasising independence as a political aspiration. The OPM, FORERI and members of the PDP have all influenced events by advocating this right and asserting it as the primary concern of the Papuan people (Kivimäki 2006, pp. 4-5; Wing & King 2005, pp. 46-47). On the other hand, human rights NGOs were more circumspect, seeking to influence the human rights environment by focusing predominantly on physical security and subsistence rights. It was especially evident during the early years of Indonesia's democratic era that NGOs such as ELSHAM, SKP, Kontras and a host of others were careful to avoid entangling themselves in such rhetoric.⁶⁷ A notable exception to these was GKI, who's assistant general secretary Herman Awom participated in both the Team of 100, the Second Papuan Congress and was elected onto the PDP (Human Rights Watch 2000b; King 2004, p. 34).

A crucial contribution the nationalist movement made to the regression to the spiral model was the amount of political space it acquired at the expense of the human rights movement. As Risse and Sikkink (1999, p. 26) comment, "human rights claims are likely to serve as the main principled idea around which an opposition coalition can be formed.... We expect argumentation and deliberation to become important in the coalition-processes of the domestic opposition". However, the nationalist movement largely engulfed the space by becoming the main rallying point of opposition. While undoubtedly this agenda had much political support from the outset, the more momentum it gathered, the more potential for human rights advocacy was "soaked up" by claims of self-determination rights and politicised demands for West Papua to be free of Indonesia.

For NGOs promoting human rights socialisation, the congress served as a potential arena where the redress of human rights abuses could be demanded. Along with the

⁶⁷ These NGOs refrained from commenting directly on the issue of independence during the presidencies of Habibie and Wahid.

unprecedented amount of space for the discussion and articulation of ideas, it could have offered a real temporal space in which human rights could assume the role of “a main principled idea around which an opposition can be formed” (Risse & Sikkink 1999, p. 26). Instead, the strong advocacy of more politicised norms took centre-stage, supplanting other human rights issues. While the commission on human rights did offer some space for discussion, in the congress’s final resolution, political aspirations were of far greater prominence and power (see *Resolution of the Second Papuan People's Congress* 2000). By eclipsing human rights concerns for subsistence and physical security in this way, the congress hindered these from developing into central and independent ideological rallying points for opposition groups.

Calls for independence also deferred political space away from established norms. The space created for dialogue at the Team of 100 meeting gives a fitting illustration of how this occurred. Dialogue between the two groups was a great step forward for the recognition of West Papuan concerns in Jakarta. It offered a valuable base from which human rights socialisation could proceed. However, the aspirations for independence that were presented by the Papuan delegates directly confronted the attitudes and beliefs of the Indonesian government and caused much consternation amongst the Indonesian delegates present (Human Rights Watch 2000b). This stance was anathema to Jakarta’s unswerving position to defend Indonesia’s territorial integrity (Chauvel & Bhakti 2004, pp. 25-26; Hernawan 2002, p. 4). As well as being of great economic importance to Indonesia because of its natural resources, nationalists saw West Papua as a marker of Indonesia’s territorial sovereignty (as is seen in the nationalist slogan “From Sagang [in Aceh] to Merauke [in West Papua]”) (Chauvel & Bhakti 2004, p. 25). Habibie, although diplomatic, essentially gave no positive response to their requests, indicating the depth of the government’s commitment to retain West Papua as Indonesian territory.

Using more established human rights norms as an instrument of dialogue with the Indonesian Government during this time is likely to have proved much more fruitful. Unlike the independence issue, there is little reason to believe that Jakarta, and especially Habibie himself, viewed issues of basic human rights with antipathy. Importantly, the President considered any meeting with the Papuan delegates to be politically dangerous and had been advised not to participate in them (Human Rights

Watch 2000b). Considering this and his subsequent apology to the Papuan people (Human Rights Watch 2000a), it is likely that there was a real motivation to address issues of human rights in West Papua on the part of his government, even if this motivation was ultimately subordinate to concerns of territorial integrity. Given the existence of such concerns, claims that Habibie and his cabinet ministers were genuinely taken aback by Papuan demands when presented with the Team's statement on independence are perhaps not surprising (see Chauvel & Bhakti 2004, p. 26; Human Rights Watch 2000b).

The Second Papuan Congress and the Indonesian Backlash

Claims to independence elicited reactions from Jakarta that give an even clearer indication of the negative impact of separatist nationalism on the human rights movement. Indonesia's backlash against the independence movement erupted immediately after the Second Papuan Congress and reflected the increasing intolerance most politicians in Jakarta had towards it (Chauvel & Bhakti 2004, p. 29). The Second Papuan Congress had confirmed the incompatibility of Papuan independence with Jakarta's view and had given hard-line Indonesian nationalists a chance to attack Wahid's conciliatory agenda. Following the congress, members of all factions of the Indonesian House of Representatives, the People's Consultative Assembly, were vocal in their criticism of the President's approach. At the August 2000 annual session, the assembly denounced the concessions given to Papuans allowing the use of "Papua" as a provincial name and the civil liberty of flying the Morning Star flag (Chauvel & Bhakti 2004, p. 29). Opponents believed Wahid's approach had failed "to deal with separatist movements which have been threatening to the totality of the unitary state of Indonesian" (Commission C of the People's Consultative Assembly cited in Chauvel & Bhakti 2004, p. 29). As a result of the Papuan events, Wahid was left with few supporters. Threatened with a vote of no confidence, he was forced to apologise for his government's performance (Riker 2002, p. 200) and was given the task of decisively dealing with the separatist movement (Chauvel & Bhakti 2004, p. 29).

Subsequent actions not only targeted nationalist NGOs and supporters, but led to the further detriment of the human rights situation. Human rights NGOs were perceived as co-conspirators in the eyes of Indonesian authorities because of the mixed rhetoric that often surrounded claims to self-determination (see Ballard 2002, pp. 468-469; Tapol 2001a). The Second Papuan Congress compounded confusion by inserting concerns about West Papua's history of human rights abuses into its final resolution. It underlined "the crimes against humanity that have been perpetrated in West Papua as a result of the international political conspiracy [Indonesia's annexation of West Papua]" (*Resolution of the Second Papuan People's Congress 2000*) and demanded their rectification as a term of Papuan independence. This practical mixing of natural rights and political rights was not a new direction – many within Papuan society had become disillusioned with Indonesian rule – but by supporting such a view, the Second Papuan Congress helped to blur the line between the nationalist and human rights agendas at a time that was critical for human rights socialisation.

As a result, human rights organisations were increasingly viewed with deeply engrained distrust, and as exponents of the campaign for independence (Ballard 2002, pp. 468-469; Tapol 2001a). The clearest evidence of this was the inclusion of NGOs and other civil society actors in the alleged "Papuan Political Conspiracy" (Ballard 2002, pp. 468-469; Tapol 2001a). While Ballard (2002, p. 468) argues, "the notion that these individuals might act in concert is absurd", what was more important to the situation were the real perceptions of the Indonesian authorities, who increasingly came to believe that human rights campaigners represented a threat to Indonesia's territorial integrity. Officials paired suspicions of NGO corroboration with the Papuan separatist movement with anti-human rights and anti-NGO statements. Chief of Police Information Centre, Daud Sihombing, for example claimed in 2003 that "Papuan NGOs [are] parasite[s] that merely gnaw at the state instead of contributing to it" (International NGO Coalition for Human Rights International Advocacy 2004a, p. 8). Early in the following year, government officials indicated that "measures would be taken against NGOs, both Indonesian and international, which are deemed to be a threat to the country's national interests" (Tapol 2004a). As evidenced by its inclusion on the national watch list, ELSHAM was counted amongst these NGOs.

The Boomerang Effect in West Papua

As repression and human rights abuses have increased in West Papua, a turn towards international avenues of lobbying has occurred. NGOs have increasingly utilised the international sphere to convince governments and the UN to take action in the face of stifled domestic opportunities for human rights campaigning. These efforts are indicative of a boomerang effect. Hence, international NGOs have undertaken a number of initiatives to maintain pressure on the Indonesian Government despite major setbacks on the domestic front. With NGO strategies divided between those that emphasise physical security and subsistence rights and those that mix these rights with an invocation of the right of the Papuan people to self-determination, these initiatives provide a valuable opportunity to examine the ramifications of invoking political rights in international human rights campaigning.

Recent International Campaigning by NGOs

International human rights campaigning for West Papua has become a critical source of leverage for many advocates who find the domestic status quo unacceptable. As local human rights campaigning has become more dangerous due to the harassment from Indonesian authorities, many human rights advocates have been driven to seek alternative means of campaigning. In this way, somewhat counter-intuitively, more intensified persecution of activists at the local level has led to a greater intensity of campaigning from the NGO movement on the international stage (see Khagram, Riker & Sikkink 2002a, p. 19). This has happened, in the words of Biak Dewan Adat, a tribal organisation, because many in West Papua believe,

the international community could make a positive contribution by exerting strong pressure on the TNI [the Indonesian military], the police, and the militias to halt their repressive activities and by providing protection to the indigenous people throughout Papua (cited in Kivimäki 2006, p. 59).

Thus, international pressure has been created both directly from local NGOs to international institutions and governments and via international NGOs.

Human Rights Campaigns Focusing on Basic Human Rights

Highlighting abuses of physical security and subsistence rights on the international stage has been a strategy popular among NGOs. Domestic NGOs in West Papua continue to be vocal in this regard. Indonesia's NGO Coalition for Human Rights International Advocacy (2004a; 2004b) has made submissions to the UNHRC detailing the situation faced in Papua and protesting what, in their view, is "terror" endured by human rights defenders in a number of Indonesian hotspots. This has been backed up by efforts of individual NGOs, including ELSHAM, LP3BH and the SKP, who have also made submissions to the UNHRC (Hernawan 2002; Sitokdana 2003; Warinussy 2004).⁶⁸ In December 2004, a group of 32 local Papuan NGOs, alarmed at the deaths that had occurred due to the displacement of the population in the Puncak Jaya district, wrote an open letter to "the International Community" asking all people concerned with West Papua to contact their governments or members of parliament to take actions to "halt the Puncak Jaya operation, remove the military from the area and allow it to be reopened to humanitarian groups" (*Appeal to the International Community Over the Devastating Puncak Jaya Operation and Wider Destabilizing Political Developments in West Papua 2004*).

Like their domestic counterparts, a number of international NGOs have been active in lobbying within the framework of the UNHRC. Amnesty International (see United Nations Economic and Social Council 2002), the International NGO Forum on Indonesian Development (2005) and the International Federation for the Protection of the Rights of Ethnic, Religious, Linguistic and Other Minorities (2006) have all made pointed submissions and statements to the Council since the deterioration of the human rights situation. Throughout recent years, Franciscans International and the World Council of Churches have used their consultative status at the UNHRC to give in-depth and ongoing commentaries on the Papuan human rights situation (Bonay & McGrory 2004, p. 450). The World Council of Churches has highlighted extra-

⁶⁸ ELSHAM, in 2003, lobbied the UNCHR about the human rights crisis that was then facing people in Wamena. They also raised concerns over the increasing presence of the Laskar Jihad and the Presidential Decree 1/2003 dividing West Papua. LP3BH also raised concerns about the division in 2004. As well as this, through the UNCHR they urged the Indonesian Government to cease its militarisation of West Papua and to accede to a number of international human rights protocols. It should be noted that both ELSHAM and LP3BH included requests for a UN review of the Act of Free Choice in their submissions (Sitokdana 2003; Warinussy 2004).

judicial killings (2002), protested the division of Papua and called for “economic justice” in the region (2005). Meanwhile, Franciscans International has utilised its position by offering the SKP the opportunity to regularly attend the annual session of the UNHRC in Geneva. During these sessions the SKP has been able to make oral presentations to the delegates (see Office for Justice and Peace Jayapura 2007, pp. 15-16; van den Broek 2002). At times this has “triggered a surprisingly strong reaction by the Indonesian permanent mission in Geneva” (Office for Justice and Peace Jayapura 2004, p. 7). These groups also made submissions with a large group of other church based organisations detailing civil and political rights, as well as economic, social and cultural rights (‘Joint Written Statement Submitted for Item 9: Question of the Violation of Human Rights and Fundamental Freedoms in Any Part of the World’ 2006).⁶⁹

Elsewhere, NGOs have targeted governments directly. Following the ban on foreign NGOs and journalists enacted in late 2004, the International Federation of Journalists and Human Rights Watch directly criticised the Indonesian Government. The International Federation of Journalists (2006) was “concerned” about the view of Indonesian Minister of Defence, Juwono Sudarsono, that a ban on foreign media, churches and NGOs was necessary. In his view, their presence in West Papua “might create conflict thereby encouraging Papuans to campaign on issues of human rights”. He added, “we feel that our unity and cohesion are being threatened by the presence of foreign intrusion” (Roth 2006; Tapol 2006b). It also protested that the restrictions were a direct violation of the obligations Indonesia had to human rights under Article 19 of the recently ratified ICCPR.⁷⁰ Human Rights Watch, in an open letter sent to President Yudhoyono in 2006 (Roth 2006), further observed that the moves transgressed Principle 19 of the “widely regarded” Johannesburg Principles on National Security, Freedom of Expression, and Access to Information. This states “[a]ny restriction on the free flow of information may not be of such a nature as to

⁶⁹ Other signatories to this communication were the Catholic Institute for International Relations, Dominicans for Justice and Peace, Forum Asia, International NGO Forum on Indonesian Development (INFID), Pax Romana, in cooperation with Central Missionary Board Netherlands, Cordaid, ICCO, Justitia et Pax Netherlands, Kerkinactie, SKP Jayapura, SKP Merauke and United Evangelical Mission.

⁷⁰ Indonesia ratified the ICCPR and the ICESCR in May 2006. Article 19 of the ICCPR states, “everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice”.

thwart the purposes of human rights and humanitarian law” and noted, “such a ban harkens back to the previous era of autocracy, not the new democracy that [President Yudhoyono] leads”. In addition to these, Tapol has lobbied the British and Indonesian governments to reform policy and has highlighted the plight of 400 Papuan refugees, whom the Papuan New Guinea Government attempted to forcibly repatriate in 2003 (Tapol 2003a).

Campaigns to Review the Act of Free Choice

Meanwhile, a myriad of NGOs have taken an additional strategy to advocate rights in West Papua by arguing for a UN review of the 1969 Act of Free Choice. A series of international solidarity meetings organised by West Papua Action, Tapol and the Papuan Peoples Foundation, a Netherlands-based NGO, led to the launching of an international campaign in March 2002 calling on the UN Secretary General “to review the UN’s conduct in relation to the Act of ‘Free’ Choice” in March 2002 (see Doris 1997; *West Papua Action Special: UN Review* 2005). Carmel Budiardjo, who was amongst those travelling to New York to present a submission to the UN Secretary General, summarised the campaign’s argument:

The UN is responsible for a grave betrayal of the West Papuan people's right to self-determination. Its failure to ensure a proper referendum has resulted in decades of suffering. The UN should re-open the question and rectify one of the worst breaches [of] its commitment and duty to uphold the right of peoples to determine their own future (*UN Review Campaign Launch* 2002).

West Papua Action lists 81 international NGOs that support the campaign. The diverse nature of this group indicates a review of the Act of Free Choice enjoys substantial support amongst international NGOs.

The international campaign for self-determination is seen as a means to progress the broader human rights cause, not just the issue of self-determination, and as a means of raising the profile of West Papua amongst powerful actors on the international stage.

This view is expressed by Maire Leadbeater, who argues that a UN review of the Act of Free Choice is

one of the keys to resolving the situation in West Papua... For all of those countries, which were complicit in supporting the Act of Free Choice to go back and review their actions, and for the UN to review its actions, would be a way perhaps of bringing about change (interviewed by the author, April 13th 2007).

Thus pursuing a review of the Act of Free Choice is perceived as not only an end in itself, but also a means of resolving the human rights concerns pervading other aspects of Papuan society.

Growth in International Concern

Deteriorating conditions in West Papua, and the international lobbying that has accompanied them, has roused the consideration of UN officials and members of national parliaments. At the UN, officials have shown increasing unease about Indonesia's refusal to allow outside observers into West Papua. Juan Mendez, a special adviser to the UN Secretary-General on the Prevention of Genocide, was quoted in 2006 as saying that in his opinion West Papua is one of the "countries of concern where indigenous populations are at risk of extinction" (cited in RFK Memorial 2006a). Later that year, he linked concern over the denial of international access to West Papua with the need for greater involvement by the UN, suggesting that it was "important that we [the UN] look closely at the conflict now and make sure it's not getting out of hand" (cited in RFK Memorial 2006a). A more concrete implication of the concern harboured at the UN was the granting of refugee status to many Papuans living in PNG in 2004. Doing this recognised that people fled Indonesia "because of persecution and their safety was not guaranteed" (RFK Memorial 2004c). In May 2006, the regional representative for the UN High Commission for Refugees (UNHCR) confirmed that "despite repeated requests, the UNHCR has not been given permission by the Government in Jakarta to have access to West Papua" (cited in Harries 2007).

Disquiet from within some government circles has paralleled this concern. By 2005, at least 174 parliamentarians from around the world had written to former UN Secretary General Kofi Annan asking for a review of West Papua's UN status (Faleomavaega 2005). A large proportion of these came from Ireland, with 88 members of its 166-seat lower-house of representatives writing to UN Secretary-General Kofi Annan in 2004, criticising the UN's role in the 1969 Act of Free Choice (Humphreys 2004).⁷¹ According to West Papua Action, in recent years, Western parliamentarians supportive of a UN review of the Act of Free Choice – from Britain, Ireland, Finland, New Zealand, Australia, Canada, the US and the European Union – number around 212 (*West Papua Action Special: UN Review 2005*).⁷²

State Responses to International Campaigning

Despite positive movement from many sectors of the international community, state governments have responded with apprehension to questions of human rights abuses and Papuan self-determination. They have shown a reluctance to condemn the actions of the Indonesian Government, while asserting Indonesia's territorial integrity and emphasising the option of special autonomy. Foreign Minister Winston Peters asserted the New Zealand Government's position: "the best hope for a peaceful solution in Papua relies on full implementation of the Special Autonomy package.... We are conscious that there continue to be challenges in the implementation of autonomy" (quotation given by Leadbeater, interviewed by the author, April 13th

⁷¹ They claimed the Act of Free Choice "remains a source of unrest in the territory to this day, as underscored by ongoing human rights abuses... and the estimated deaths of 100,000 people since the take-over" (Humphreys 2004).

⁷² Members of the US Senate and Congress also put their political weight behind similar initiatives. These included a letter to Kofi Annan, sent on June 28th 2004, by a group of 20 senators expressing their desire that he send a special representative to Aceh and Papua to investigate abuses. Among other concerns the senators were distressed that "human rights organisations have endured intimidation and threats by government security forces operating with impunity [in Papua]" (*Senators call for UN Special Rep. on Aceh/Papua* 2004). Additionally, Russ Feingold, a senator from Wisconsin, addressed a letter to President Yudhoyono asking that the ban on access to West Papua be eased. He claimed that "any degree of openness and ability to examine what happened there would be helpful" (cited in RFK Memorial 2006a). Eni Faleomavaega, American Samoa's congressional representative, led the opposition in Congress. In 2005, he sponsored a bill asking the US government "to review its recognition of Papua as part of Indonesia" (Sijabat 2007). He later issued an appeal directly to the Indonesian public detailing the human rights environment in West Papua, in which he called for "an end to discrimination against Papuans and urged that they be allowed to determine for themselves their own destiny" (RFK Memorial 2006c). Ten members of Congress also wrote to Australian Prime Minister John Howard in 2006 urging his Government to grant full refugee status to a group of West Papuans who had sailed to Australia in early 2006 (RFK Memorial 2006b).

2007). According to Maire Leadbeater, this position is characteristic of many Governments internationally, including Britain, Australia and the Netherlands. For their relatively important positions, regionally and internationally, the positions of the Australia and the USA are particularly deserving of attention.

Australia, as a major actor in the region, has shown a commitment to appease the Indonesian Government and has carefully enacted policies that would be beneficial to relations between the two countries.⁷³ Government reactions to a refugee incident that occurred in early 2006 demonstrated this. In January 2006, a group of 43 Papuan asylum seekers crossed the Torres Strait in a 24-metre traditional boat to reach Cape York at the northern tip of Australia. They claimed that if they returned to West Papua “they would be dead within a couple of weeks” (cited in Tapol 2006a). When processed, according to one immigration official, the refugees provided accounts of “vicious bashings while in prison and attacks on villages and livestock in retaliation for the Papuans agitating for independence”, he added, “some of what has come out of the interviews has been absolutely heart-wrenching” (cited in RFK Memorial 2006b). Faced with the arrival of such people on their shores, the officials were forced to act and granted 42 of the asylum seekers temporary protection visas (see Tapol 2006a).⁷⁴ This allowed them to stay in Australia for three years, but provoked anger in Jakarta, which recalled its ambassador from Canberra over the situation.

Canberra’s reactions to diplomatic pressure from Indonesia were immediate. In discussions of events that followed, Australia’s Foreign Minister Alexander Downer was conciliatory toward Indonesian interests, stressing, “we [in the Australian Government] are trying to explain to [the Indonesian Government]... that this has no implication for our recognition of Papua as a full part of the Republic of Indonesia” (*Indonesian Ulemas Hail President's Political Warning* 2006). Toward Papuan asylum seekers, he portrayed scepticism:

⁷³ It should be noted that the policy of the Australian Government does not necessarily reflect the opinion of its population. A poll by Newspoll released in April 2006 indicated that 75 per cent of Australians support Papuan self-determination or independence (Pacific Magazine 2006).

⁷⁴ The 43rd asylum seeker, John Wainggai, the son of the late Thomas Wainggai, was also later granted a temporary visa when Australia’s Refugee Review Tribunal overturned the government’s ruling denying him an entry visa (‘Papuan Celebrates Decision Paving Way for Visa’ 2006).

On the one hand we accept and appreciate our obligations to provide people who are fleeing from persecution some kind of safe haven... On the other hand, we don't want Australia to be exploited ... for political and propaganda purposes where claims are made regardless of [their] credibility ... to generate publicity at the expense of the Indonesians (*Fed: Aust won't be Landing Base for Bogus Papuan Claims: Downer* 2006)

Although it could not revoke the visas already allocated to the Papuan refugees, the Australian Government immediately attempted to tighten border security laws. These would have seen all boat-arrivals sent to detention facilities offshore and denied access to Australia's Refugee Review Tribunal (Skehan 2006). However, attempts to introduce these new laws were harshly criticised by the UNHCR regional representative Neill Wright and were eventually defeated in the Australian Senate (Pacific Magazine 2006). It remains to be seen what outlook the recently elected Australian Labour Government will take toward West Papua.

Accommodation toward Indonesian concerns in the region has been the stance offered by the US Government. This apparent prioritisation of the military relationship with Jakarta over other concerns was clarified on 22nd November 2005 when US Secretary of State, Condoleezza Rice, exercised a "national security waiver" to "evade Congressional restrictions on the provision of assistance to the Indonesian military" (RFK Memorial 2005b). This saw the resumption of an International Military and Education Training programme with the Indonesians as well as a resumption of weapons sales to the country. Varying degrees of restrictions on military assistance had been in place since the 1991 massacre of demonstrators in Santa Cruz cemetery in East Timor and had been further strengthened following the implication of the Indonesian military involvement in the deaths of two American teachers at Timika in 2002 (RFK Memorial 2004d; Tapol 2007). Only half a year after the exercise of the national security waiver, in May 2006, a new Pentagon programme was announced which increased US funding of Indonesian military programmes by US\$19 million (Tapol 2007).

In defending its actions, the Bush administration reaffirmed Indonesia's approach to questions of Papuan separatism while also attempting to reassure its critics over

human rights concerns. When presented with criticism from Congressman Faleomavaega, who argued that the US should provide backing for the UN to revisit the Act of Free Choice, Condoleezza Rice reiterated that the US Government considers Papua to be a part of Indonesian territory (*Del. Faleomavaega calls Secretary of State, Condoleezza Rice's Attention to the Problems in West Papua New Guinea* 2006; RFK Memorial 2006a). She also stated US officials “tell Indonesia all the time [of] the need for sensitivity to and protection of minorities within Indonesia and for significant autonomy for those populations”, later adding “the issue is not off of our radar screen, even though we may not agree on the same solution [as those who support a revisitation of the Act of Free Choice]” (cited in RFK Memorial 2006a).

Despite the refusal of key states in the international system to concede on the issue of Papuan self-determination, a few governments have remained staunch supporters of a review of the Act of Free Choice. To this end, Nauru and Vanuatu both issued appeals to the General Assembly concerning West Papua in 2000. Nauru called on the UN General Assembly to support a “new and democratically run referendum on the question of independence from Indonesia” (Clodumar 2000). Vanuatu claimed “the truth surrounding the so-called act of free choice must be exposed to the Melanesian sisters and brothers of West Papua and to the rest of the international community” (Carlot 2000). In 2004, Vanuatu went further, calling for “the establishment of a Special Commission of Enquiry to review the UN’s conduct in relation to the 1969 Act”, for “a fact finding mission to examine the situation in West Papua” and the “re-inscription of West Papua on the List of Non-Self-Governing Territories” (Maautamate 2004). These calls, however, have not elicited many positive responses from other governments and, therefore, remain isolated.

The unresponsiveness of most governments at the UN and, more critically, of Indonesian authorities, indicates international advocacy has not succeeded in bringing about noticeable or sustained human rights change in West Papua in the past five years. Notable support has come from parliamentarians, some UN officials and even sympathetic governments in the Pacific. However, the failure of these to gather momentum with policymakers leads to questions of why the boomerang effect has not succeeded in changing the situation. It also suggests a need to evaluate critically the

place of self-determination rights in the international advocacy undertaken by West Papua's human rights movement.

Explanations for the Failure of the Boomerang Effect

Comparably to the effects that NGO campaigning had on the progression of the spiral model, participation by NGOs in the campaign to review the Act of Free Choice appears to have hindered the true realisation of a boomerang effect on the international stage.⁷⁵ Framing the campaign in a way that emphasises the right to self-determination has created many obstacles for the effective progression of the boomerang effect. These obstacles stem from both the effects of the right on other international norms and its intrinsic qualities. The relatively more benign use of “basic human rights” may avoid these problems.

Self-determination as a Frame for the “West Papua Campaign”

Without the ability to capitalise on any substantial established norms on self-determination, leverage amongst international actors has been difficult to produce. Frames that invoke entrenched principles of human rights give greater leverage for activists to achieve a boomerang effect because international norms have “special authority as issue frames and justifications for actions in international society because they are established by groups of states, rather than asserted by a single state and reducible to its ideology or preferences” (Thomas 2002, p. 72). Arguments against the Act of Free Choice have instead frequently referred to the legal requirements specified in the 1962 New York Agreement (see Doris 1997; *West Papua Action Special: UN Review* 2005). Although there is little doubt that this has much authority in the eyes of state actors, it nevertheless falls short of the universality and justificatory power associated with key legislation, such as the ICCPR or the ICESCR.

⁷⁵ Once again, as was the case with the spiral model, it should be emphasised that a plurality of factors contribute to the continuing human rights environment in West Papua. This assessment of the boomerang effect necessarily focuses predominantly on the international campaigns of human rights NGOs.

Instead of providing a concrete international norm from which to challenge state activity, the testing of the traditional international norm of state sovereignty by advocacy of Papuan self-determination has created a number of difficulties. Keck and Sikkink (1998, p. 203) observe: “States have few incentives to cooperate on these issues, and because many of the network campaigns challenge traditional notions of state sovereignty, we might expect states to cooperate to block network activities”. In the case of West Papua, aside from the evident eagerness of state governments to appease the concerns of the Indonesian Government,⁷⁶ there was also an implicit reluctance to confront the norm of state sovereignty. Commenting about the West Papuan situation, Alexander Downer illustrated this reluctance and gave reasons for it in late 2000. He commented:

This is not a time in history when we should be starting to redraw the colonial boundaries... and to redraw those boundaries now would cause enormous instability. I believe many, many people would lose their lives in a situation like that (cited in von Stokirch 2001, p. 522).

On another occasion he expressed the view that “the fragmentation of Indonesia will lead to a bloodbath... and then people will be coming to me and saying what was I going to do about it” (cited in Hyland 2000). Downer’s stance on West Papua portrayed a distinctly realist position and a belief that *normatively* a stance of no action on self-determination was the most appropriate option due to the violence that would proceed from challenging state sovereignty. Disincentives to support NGO campaigns on the Act of Free Choice could equally apply to the positions of other governments.

The characteristics of this issue create additional problems for promoting a review of the Act of Free Choice. This explains further the lack of movement from state governments at the international level. “Issue characteristics”, Keck and Sikkink (1998, p. 27) explain, can be pivotal for the promotion of international campaigns. Frames that utilise two types of issues will be the most efficacious: “issues involving bodily harm to vulnerable individuals, especially when there is a short and clear

⁷⁶ Indonesia’s population size, at approximately 235 million people and as the fourth largest in the world (Central Intelligence Agency 2007), enhances power regionally and globally to influence the policy of governments

causal chain (or story) assigning responsibility; and... issues involving legal equality of opportunity". Campaigns emphasising violations of natural rights in West Papua have regularly referred to each of these issues.⁷⁷ Comparatively, framing international campaigns in terms of the Papuan people's right to self-determination utilizes claims about the legal equality of opportunity on an international level, yet it only indirectly relates to the bodily harm incurred by many Papuans since the Act. The implication that follows from this is that by its nature as a human rights issue, the claim of self-determination is likely to be less emotive than other claims and less effective as a result.

One may also infer in the West Papuan case that the "causal chain" of culpability for violations of self-determination rights has become increasing long as time elapses since the 1969 Act of Free Choice.⁷⁸ Due to this effect, there is even greater difficulty in attributing direct blame to any single party present in current world politics, as well as the difficulty in gathering momentum to review an event that occurred many decades previous. In applying Keck and Sikkink's model, this phenomenon has created a further barrier to building momentum for the campaign to review the Act of Free Choice.

Problematic Implications of the Campaign

Promoting an agenda for the revision of the Act of Free Choice has the added consequence of undermining the position of domestic advocates in West Papua. Because in particularly desperate situations, according to the Boomerang theory, local NGOs require international assistance to further the human rights cause (Keck & Sikkink 1998, pp. 12-13), invocation of the right to self-determination by one sector of the human rights network affiliates other members with the cause. Extra-national connections bring suspicions that NGOs are supportive of secession or progressing a

⁷⁷ Reports of murder, rape and threats to community subsistence are common (Human Rights Watch 2007a). There are also many studies that compare the harsh sentencing given to political activists (up to 15 years) with the lenient sentences handed down to security forces found guilty of murder or rape (as little as two years) (Human Rights Watch 2007b, p. 3; Tapol 2003b).

⁷⁸ Causal chains are considered more powerful when responsibility for a particular action is readily attributable to a person or group and not blurred by, for instance, a military chain of command (Keck & Sikkink 1998, pp. 27-28).

Western political agenda (Fisher 1997, p.454). Domestic human rights NGOs are in danger of being associated with the advocacy of especially controversial views that are not of their core agenda.

Unsurprisingly, the Indonesian elite are aware of the position of foreign NGOs and accordingly harbour very negative views of international NGOs. In 2003, security officials were heard claiming foreign human rights NGOs, particularly from Australia, were actively supporting Papuan separatism (McGibbon 2004, p. 57). One military spokesperson expressed the negative perception some authorities have toward foreign “meddlers”:

A number of foreigners are suspected of being involved in stirring up the situation [with secessionists]. We have seen a lot of foreigners creating the preconditions [for secession] in Papua disguising themselves as journalists and NGO activists.... [F]or Papua there are countries that are secretly providing support to separatists there. This is dangerous and must be prevented from early on (quoted in McGibbon 2004, p. 57).

The threat of being implicated in such separatism poses a very real danger for local human rights NGOs. Several NGOs, particularly those holding a moderate view of self-determination, have argued for prudence in the situation. Initially, ELSHAM led this call at the local level. Just before President Sukarnoputri took office in 2001, they urged political activists to be “astute and careful in making decisions that can endanger Papuan lives” and also suggested the Papuan people should “avoid any provocation” of the situation (ELSHAM 2001a). More recently, some local religious leaders have noted the danger posed from international activism. GKI synod chairman Herman Saud and the Catholic Bishop of Jayapura, Leo Ladjar, to whom the SKP is accountable, have advised the Papuan people to act with some restraint with regard to calls for independence (ANTARA 2005). At the international level, a coalition of NGOs, some of which are affiliated with the GKI and the SKP, have presented an alternative set of petitions to the call for a review of the Act of Free Choice at the UN. These NGOs have called on the UN to support Indonesia’s efforts in implementing the Special Autonomy Law, to help Indonesia to combat “human rights violations, impunity and rampant corruption” and to urge the Indonesian government to ratify

key international human rights covenants (Faith-Based Network on West Papua 2005, p. 4).

Practical Solutions for West Papua: Recognising Sovereignty in Advocacy

The experiences of the Papuan people and the advocates who take up their human rights cause give sharper definition to the ways that the ideas of sovereignty and human rights advocacy come into conflict in modern international relations. Resoundingly, events show that Indonesia's sovereignty in West Papua, whatever the state of its legitimacy, is a political reality that is not easily overturned – neither by the means of internal struggle nor through lobbying the international community. From the realities seen in the application of the spiral and boomerang models, two critical needs are evident. First, the intractability of government and military repression points toward a need to find a means of de-escalating the situation with the Government of Indonesia. Second, internationally, new spaces for debates and dialogue concerning human rights in West Papua must be cultivated, especially within governments. Achieving these goals requires a reframing of human rights rhetoric in a way that will contribute to the de-escalation of the conflict in West Papua through counteracting threats to the national interests of Indonesia and other countries.

Domestic NGOs and civil society actors could contribute to a de-escalation of the situation by taking steps that lessen the level of threat the Indonesian Government perceives. As this threat primarily comes from challenges to Indonesia's territorial integrity (Chauvel & Bhakti 2004, p. 25), ceasing calls for Papuan secession, or calls that can be interpreted as supportive of this, may allay Indonesian fears. To echo the observation made by Jim Elmslie (2002, p. 144), "it [is] one thing to call for an investigation into those people being tortured to death; and quite another to call for an independent West Papua". Indeed, after crackdowns began on many NGO activities following the Second Papuan Congress, this has been a position taken by a number of human rights NGOs within West Papua.⁷⁹ Such NGOs have framed the domestic

⁷⁹ However, other actors, such as prominent members of the PDP remain vocal in their calls for a review of West Papua's status within Indonesia.

human rights campaign primarily in terms of the rights to physical security, subsistence as well as civil and political liberties to avoid provocation of the situation.

A more conciliatory approach is also needed at the international level. This need is perhaps more explicit than at the domestic level because, unlike domestic calls for Papuan self-determination, the international campaign for a review of the Act of Free Choice has gained a large amount of support from human rights NGOs (see *West Papua Action Special: UN Review 2005*). Dissociating human rights NGOs from this campaign may foster greater international political space and lessen enmity with the Indonesian Government. As at the domestic level, efforts to reframe international campaign over West Papua could better distinguish between non-political and political rights to reduce negative political consequences. The mechanisms by which this could occur reflect the suggestions of “realistic liberalism”.

Many have already begun to employ an approach explicitly rejecting violence and advocating dialogue as an alternative to more divisive methods of human rights campaigning at the domestic level. This has been a way that many Papuan leaders and NGOs have responded to efforts to counter their role in West Papua. Initially, a push for greater dialogue grew out of the establishment of the Indonesian democracy, but it has remained entrenched in the language of many Papuan NGOs throughout recent years (Bonay & McGrory 2004, p. 40; Faith-Based Network on West Papua 2005; Catherine Scott & Tebay 2005; Tebay 2006). The recognition of this need culminated in several NGOs and civil societal groups convening a conference, “Papua: Land of Peace”, at Jayapura in October 2002, where all forms of violence in West Papua were denounced.⁸⁰ The Indonesian Government was called upon to reduce its military

⁸⁰The Papua: Land of Peace initiative had its origins in mid-1999, when the cause of reconciliation was taken up by students in the Yapen Waropen reGENCY of West Papua (see Bonay & McGrory 2004, p. 451; Tebay 2006, p.35). Later that year, Papuan and non-Papuan ethnic community leaders from the area came together to discuss, draft and sign a peace communiqué. With the initiative gathering momentum amongst civil society leaders, soon afterward, Marthen Tanawane, the tribal leader in Serui, declared the Yapen Waropen district a “zone of peace” (Tebay 2006, p. 35). The zone of peace initiative was extended to include all of West Papua when the newly established Peace Task Force, along with many others, organised a conference on peace on October 15th and 16th, 2002 (Hernawan 2003, p. 4).

The “Zone of Peace” Conference achieved a major success in gaining widespread support for a pacific solution to the conflict in West Papua from community leaders, including the PDP (Tebay 2006, p. 35). Also present and supportive of the idea were members of local government and police representatives. Only the Indonesian Military declined an invitation to participate in the initiative (*Summary of*

presence in the region. Meanwhile, international support has helped to propel the campaign by attempting to open up political space for the campaign in international settings.

These observations indicate how the human rights campaign has been framed at both the domestic and international levels has had a major impact on how the human rights agenda has been received by government. Negative reactions stemming from, or at least exacerbated by, insufficient consideration of realist principles in campaign frames, especially those concerning state sovereignty, indicates the need for greater levels of realism within NGO approaches to the advocacy that can be considered to be broadly liberal.

Conclusion

Applying socialisation to human rights campaigning in West Papua demonstrates the need for greater attention to realist political principles in NGO work. The two models used focused on two distinct, yet related, spheres of human rights campaigning. Domestic campaigning was examined through the spiral model and international campaigning was examined through the boomerang model. Although the two models confirmed a diversity of strategies amongst NGOs in both spheres, as seen in chapter five, results for each revealed the need for greater attention to the principles of sovereignty and national interests in human rights campaigning.

ELSHAM Report into the August, 2002 Timika Shootings 2002). However, the widespread support from the Papuan side was a great step forward in the promotion of dialogue.

Substantial proposals were set forth by the conference when it defined how West Papua could be classified as a “Land of Peace”. Hernawan (2003, p. 4) summarised these proposals explaining,

This [Land of Peace] conference defined the zone of peace in three component(s) (1) a situation whereby the Land of Papua and its people feel free from physical and psychological conflicts, (2) all policies have to adopt [sic] to the social and cultural conditions in Papua, and (3) it has to be formulated in a law. Moreover, the conference proposed the establishment of a Peace Commission which would be responsible for promoting peace in the province.

These proposals show the psychological, cultural and structural considerations that must accompany the Papuan-Indonesian dialogue. Such considerations also correspond with the “key elements” offered by van den Broek (2000) over the need for reconciliation and its inherent relationship with human rights. Advocates of this approach to dialogue hope that it can offer a tangible beginning for a dialogue to promote reconciliation and peace building, in the words of van den Broek (2000) “to restore respect for HUMAN DIGNITY, as expressed in Article 1 of the United Nations Declaration” (Emphasis in the original).

Events in West Papua also indicated how NGOs may achieve this. The analysis corroborated many of the suggestions in theoretical literature. Apprehension in approaching the question of self-determination rights on the part of governments reinforced the desirability of an approach that maintains a distinction between rights that are more political in nature and rights that are less so. Advocating politically sensitive rights in either the domestic or the international sphere may exacerbate the human rights situation and give disincentives to governments to address human rights issues. Associated with these findings, in both domestic and international political spheres, governments more readily endorse rights that were more basic, such as the rights to physical security and subsistence.

Chapter 7

Conclusion

This research sought to critically explore the influence that human rights promotion has on the adherence to principles of human rights. Fundamental to the approach taken was the proposition that any power NGOs may possess to influence political decision-making could have both positive and negative consequences (Fisher 1997). This compromise has been an approach largely absent in the current literature on human rights advocacy and socialisation, which has tended to focus on the positive potential and contributions of NGOs in the modern international human rights regime (see, for example, Clark, Friedman & Hochstetler 1998; Khagram, Riker & Sikkink 2002b; Thakur 1997; van Tuijl 1999). Therefore, to examine more closely the consequences of NGO activity in the area of human rights, NGO efforts to promote human rights in the Indonesian province of West Papua were evaluated.

Summary of Research Undertaken

At the outset of this thesis, a discussion of theoretical perspectives sought to explain the influence of human rights in international relations. Core to this discussion was the specific focus on realism and liberalism. This gave a more precise understanding of the most prominent influences and constraints encountered in the promotion of human rights. Approaching the enquiry from this angle also revealed the common ground between two distinct schools of political thought. Finding commonalities and complementarities between the two traditions proved particularly informative to the conceptualisation of practical human rights principles. From these commonalities, it was suggested that human rights principles could be categorised along political and normative dimensions. This categorisation hypothesised that those principles that were less politically sensitive and more normatively basic – for example, the rights to subsistence and physical security (see Shue 1996) – would be more conducive to human rights advocacy than those that were more politically sensitive and less basic – the right to self-determination was given as an example of this.

Growing out of the discussion offered in chapter two, which in part clarified the *possible* place of human rights principles in the international landscape, chapter three described the concrete mechanisms by which these possibilities could be achieved. To this end, it explored the processes and strategies through which human rights NGOs attempt to influence political decision-making to bring about change. These discussions showed that processes of socialisation are central to the role of NGOs in the promotion of human rights (see Keck & Sikkink 1998; Khagram, Riker & Sikkink 2002a; Risse, Ropp & Sikkink 1999). Two models of socialisation – the spiral and boomerang models – were introduced to explain these processes (see Keck & Sikkink 1998; Risse, Ropp & Sikkink 1999). Together these formed the basis for the analysis of NGO influence in West Papua later in the work. Significantly, some believe NGOs are able to directly contribute to the monitoring and enforcement of norms through these processes (see Donnelly 1986, p. 610; Riker 2002, p. 189; Thakur 1997). Enhancing the discussion and subsequent analysis of NGO practices, NGO framing strategies were also introduced in this chapter. In doing so, deeper insight was given into how NGOs and other advocates attempt to improve the impact of lobbying for specific audiences and, accordingly, progress human rights socialisation (see Joachim 2003; Keck & Sikkink 1998, pp. 2-3; Khagram, Riker & Sikkink 2002a, pp. 12-13).

In order to adequately apply these models of NGO influence to the case of West Papua, a picture was built of West Papua's political context and the NGOs that have been active in the region. This was the purpose of chapters four and five. A brief historical outline of the political conditions showed the challenges facing political activists in the province. The historical grievances left from the Indonesian takeover of West Papua during the 1960s, as well as a host of policies that followed, served to harden the resolve of many Papuans to seek independence (see Kivimäki 2006, pp. 43-52). Exacerbating these tensions, the presence of armed groups in the region, including the Indonesian military, armed Papuan separatists and several militia groups, have further endangered human rights conditions (see International Crisis Group 2002, pp. 9-11; Tebay 2006, pp. 19-20). However, NGOs have also been a notable component of this situation and have brought another dimension to political events.

Important distinctions in NGO outlooks were outlined in chapter five. It showed that when confronted with such an adverse political environment, NGOs, both internally and externally, have held a variety of positions concerning how to best encourage greater adherence to human rights principles. The investigation into these focused on the most prominent policy debate in the region – over the issue of Papuan self-determination. Two distinct positions regarding self-determination were identifiable amongst NGOs. Several championed the position that human rights were only achievable in West Papua by granting it full independence from Indonesia (see Tom Beanal in an interview transcribed in Wing & King 2005, pp. 46-47; Yoman 2006). As a consequence, these individuals and groups usually viewed efforts to grant special autonomy to West Papua with distinct cynicism (see Yoman 2006, pp. 4-5). Alternatively, others took a position that did not hold self-determination as a synonym for independence (see Office for Justice and Peace Jayapura 2001b). Rather, these groups pushed for the fuller implementation of special autonomy and called for dialogue between Jakarta and the Papuan people on issues of self-determination and human rights (see McGibbon 2004; RFK Memorial 2004a, p. 61; Rumbiak & Walton 2004).

Chapter six revealed how these two outlooks were key to directing the broader policy direction of NGOs and examined NGO contributions to the adherence to human rights in West Papua through the application of the spiral and boomerang models. Significantly, the application of these models pointed to a number of reasons for the failure of human rights promotion in the region. Notwithstanding the clear culpability of governmental and military authorities for a regression to more dismal human rights conditions, the pairing of human rights concerns with nationalist aspirations severely undermined dialogue that had potential to alleviate the situation (see Chauvel & Bhakti 2004; Human Rights Watch 2000b). Although many human rights NGOs distanced themselves from the secessionist position, others offered it at least tacit support as momentum to pair human rights concerns with independence aspirations increased through the Team of 100 and the Second Papuan Congress (Chauvel & Bhakti 2004, pp. 28-29; Human Rights Watch 2000b). Failure in the nationalist approach to human rights was most clearly seen in West Papua when nationalist challenges helped to undercut the political position of the President Abdurrahman

Wahid in his pursuit for human rights dialogue with the Papuan people (see Chauvel & Bhakti 2004, p. 29).

At the international level, the relationship between human rights campaigning and government responses was less clear. While a greater turn toward international avenues of campaigning became apparent after the rise of President Sukarnoputri in 2001, indicating the occurrence of a boomerang effect, reasons for the subsequent failure of NGOs to gather significant momentum amongst governments cannot be easily demonstrated. Despite this, comments from many governments showing a reluctance to acknowledge challenges to Indonesian sovereignty over West Papua suggest that a campaign among a broad cross-section of international NGOs for the UN to review the 1969 Act of Free Choice may have been obstructive to the international human rights campaign (see, for example, *Indonesian Ulemas Hail President's Political Warning* 2006; RFK Memorial 2006a). This further indicates that framing human rights campaigns in a way that does not invoke questions of self-determination may be far more conducive to convincing foreign governments to pressure Indonesia on their human rights record in the province.

At both the domestic and international levels, failed attempts to overturn the “reality” of Indonesia’s sovereignty over West Papua have been driven by NGOs that link the achievement of improvements in the human rights situation with the attainment of Papuan self-determination in the form of independence. Instead of bringing about positive change, these attempts have been distinctly negative at times and have contributed to a climate of antagonism with the Indonesian Government. They have been used as a justification for a level of repression reminiscent of the time of Suharto’s rule as well as severe restrictions to international access to West Papua. An obvious practical warning to human rights NGOs advocating self-determination rights is that this advocacy should be used carefully. The findings further suggest that using alternative frames for human rights advocacy, primarily those based on physical security and subsistence, may be a much more fruitful strategy for the promotion of human rights.

Theoretical Implications

Expanding the relevance of the observations offered for the advocacy of human rights in West Papua to other regions in the world requires a return to the theoretical models and debates underlying the research. In this return, the concept of framing remains pivotal to the wider theoretical implications of the research. Within the two models discussed, variations can be seen in their approaches to the topic of framing. Each show deficiency in their account of framing that diminishes their descriptive and prescriptive powers. In order to address these deficiencies, observations of events in West Papua are drawn upon to suggest a better way of accounting for framing. Due to the differences between the models, each are again approached separately. Together these suggest a need to adopt sharper distinctions between human rights principles that make up campaign frames.

Framing in the Spiral Model: The Need for Political Distinctions

The spiral model's approach to human rights socialisation parsimoniously treats "human rights" as a single set of principles, without acknowledging the wide diversity of principles that exist within that schema. Consequently, as a strategy of influence in the socialisation process, framing is given little attention. As seen in the West Papuan case, this diminishes the ability of the model to give effective prescriptions to human rights advocates.

At the same time, however, Risse and Sikkink's discussion of the model emphasises processes of instrumental rationality and moral argumentation as mechanisms through which governments interact with the advocacy networks (Risse & Sikkink 1999, pp. 12-14). These two processes correspond with the realist (instrumental rationality) and the normative (moral argumentation) dimensions of human rights advocacy and suggest where ideas of framing might be more clearly defined. While there are both normative and political dimensions present, the results of the case study, which most clearly indicates the problems of advocating political rights at the expense of non-political rights, lend themselves to a discussion of these in terms of their political nature.

In earlier chapters, it was suggested that there is need for distinction between the belief in certain human rights norms and the way that they are pursued in practice. The liberalism of an NGO approach commonly espouses the innate nature of human rights (see Donnelly 1989; Shue 1996). Almost paradoxically, many liberal thinkers also recognise that the practical realities of the political world must be given thorough consideration (see, for example, Kant 1970, p. 96; Mill 1861, p. 54). It therefore holds that, in the practical pursuit of rights, those rights that are perhaps more fundamental and less controversial in nature should be emphasised over others. This division between rights that are more political and those that are less is more fruitful than other categorisations because it accounts for the differentiation between the belief in and the pursuit of rights. By framing human rights campaigns to account for this distinction, socialisation of one set of rights may be less bound by the ideas associated with another, thus making socialisation easier. It also implies that the advocacy of highly politicised rights – especially extreme conceptions of self-determination rights – should be done carefully.

Maladaptive framing seen during the Second Papuan Congress confirms the need to divide political and non-political rights in advocacy and shows the value of such a distinction in the spiral model. The problem of a uniform conception of human rights, as presented in the spiral model, was seen in the negative experiences in West Papua. Many problems in this case arose through the bundling of political rights with non-political rights and were most clearly seen around the time of the Second Papuan Congress in 2000. Distinguishing between rights that are non-political (rights to physical security and subsistence) and political (rights to civil and political liberties and self-determination) within the model would therefore help to overcome the political difficulties encountered in human rights socialisation.

Mechanisms of instrumental and argumentative adaptation further clarify the place of framing in the spiral model. Instrumental adaptation, which occurs early in the model and is the process of strategically arguing in favour of human rights to obtain political advantages (Risse & Sikkink 1999, p. 12), is more conducive to conciliatory actions over human rights that are less threatening than political rights. In such circumstances, Risse and Sikkink (1999, p. 12) argue, governments show activities “compatible with

rational choice arguments about human beings as expected utility maximizers". The presence of a utility maximising principle implies that the pursuit of rights that are less damaging to the political positions of transgressing governments – rights that are less politically sensitive – would lend themselves to advocacy in the earlier phases of the spiral.

Argumentative discourses, which more regularly occur in the later phases of the model, emphasise a true discussion over the normative value of the arguments and are characterised by moral consciousness-raising, argumentation and persuasion (see Risse 1999, p. 533; Risse & Sikkink 1999, p. 13). Unlike instrumental adaptation, argumentative discourses seek to assess the fundamental nature of human rights claims and so could lend themselves to the advocacy of a wider range of rights, including, perhaps, political rights. Similarly, because argumentative discourses focus on finding the moral and rational truth within the human rights debate, they are more normative in nature (Risse 1999, p. 535).

Importantly, therefore, framing conforms to and expands upon what is already contained in the spiral model. The clear theoretical implication of the case study is that, at the earlier phases of the spiral, non-political rights frames should be emphasised. Later, there may be greater potential for more political frames as the norm violating government reaches the tactical concessions and prescriptive status phases of the spiral and increasingly uses argumentative rationality (see Risse & Sikkink 1999, p. 32). At this time a wider range of rights may begin to attain political traction; the change of mechanisms of socialisation through the spiral may influence the resonance that different frames have with influential actors (see Joachim 2003, p. 251). Thus, the spiral model may be easily expanded to include the notion of framing. Instead of presenting a largely uniform conception of human rights, this clarifies the place of frames within the spiral model and creates a more diverse conception of human rights that, in turn, significantly improves the prescriptive value of the theory for the actors that promote the processes of socialisation.

The Boomerang Model and the Normative Value of Frames

A second theoretical implication underlined in the results of the case study is the existence of a normative hierarchy of human rights. As is suggested in the boomerang model, the effectiveness of frames in human rights campaigns is not only determined by the degree to which they are political in nature but is also dependent on their inherent normative value. This suggestion is seen in Keck and Sikkink's assertion that physical security rights are more amenable to human rights campaigning than are other rights: "torture and disappearance have been more tractable than some other human rights issues" (Keck & Sikkink 1998, p. 26). Statements made by governments concerning West Papua seem to confirm the place of physical security rights in the boomerang model.

Rhetoric defending of the rights of the Papuan people against terror committed by the authorities has often accompanied the apathy many governments have displayed toward challenges to Indonesia's sovereignty over West Papua. This point was illustrated by the reactions of the Australian and the US governments that followed reports of large human rights violations in and around Wasior in 2001.⁸¹ Australian Foreign Minister Alexander Downer said in response to events that "Australia and the international community would be outraged if there were to be a reversion to the type of human rights violations in Irian Jaya which took place in East Timor in the past" (International Crisis Group 2001, p. 16). The US also distanced itself from the violence by declaring that its support for the territorial integrity of Indonesia "did not mean support for harsh military crackdowns in places like Aceh or Irian Jaya" (International Crisis Group 2001, p. 16). Utterances warning Indonesia of the unacceptability of abuses indicates sympathy towards concerns about physical security (see RFK Memorial 2006a). This contrasts with the aversion most governments have toward the mention of self-determination rights as seen in the reluctance of the international community to act on calls to review the Act of Free Choice.

⁸¹ According to the International Crisis Group (2002, pp. 16-17), at least 27 people were killed between March and June 2001 when violence broke out around the site of logging operations in Wasior (nine of these were paramilitary police (Brimob) personnel or workers in the logging industry, and eighteen were Papuans). In addition to these deaths, 26 other Papuans went missing and 150 were arrested (International Crisis Group 2002, pp. 16-17, see also Amnesty International, 2002a; Tapol 2001b).

While the place of physical security rights in the boomerang model was confirmed by the West Papuan experience, the potential place of frames based on subsistence rights remains somewhat inconclusive. Keck and Sikkink are largely silent on this issue. Their discussion of NGO framing is limited because the boomerang model itself does not primarily model the processes of *human rights* socialisation. While it does, in part, seek to explain the socialisation of human rights, the theory is also designed for environmental campaigns and the international network on violence against women (Keck & Sikkink 1998). As this limits the specific attention given to human rights, issues of subsistence are not afforded the attention that may be expected from the fundamental place that is widely accredited to them within the human rights field (Baehr & Castermans-Holleman 2004, p. 9; Matthews & Pratt 1985, p. 160; Shue 1996, p. 23).

In the West Papuan case, foreign governments have been less forthright in commenting on the fulfilment of subsistence rights. Despite continuing NGO lobbying, little substantive movement was made on the issue of Papuan subsistence needs between 2001 and 2006, beyond support for the concessions made through the Special Autonomy Law in 2001 (M Munn 2008, person. comm., 14th January). The relative silence of governments on the issue presents a challenge to the suggestion that subsistence rights could be exploited as a human rights frame as effectively as could physical security rights.

Nevertheless, it would be a mistake to conclude that action has been completely absent in the area of Papuan subsistence rights. Poor living conditions have generated attention from the World Bank, which raised many concerns over subsistence issues in a 2005 report on West Papua. It found that,

[F]orty percent of Papuans still live below the poverty line, more than double the national average. One third of Papua's children do not go to school. Nine out of ten villages do not have basic health services with a health centre, doctor or midwife (World Bank 2005, p. 1).

These findings were highlighted by the RFK Memorial (2005b) and Tapol (2005e). More recently, such attention has propelled some movement from governments in the

area of development aid. In 2007, for example, the New Zealand Government announced a NZ\$1.5 million aid package for development in the region (see Australia West Papua Association Sydney 2007).

Due to the limited scope of the study undertaken here, it is difficult to ascertain any link between NGO lobbying on the issue of subsistence rights and the actions of governments or intergovernmental organisations. Whether subsistence rights are an effective frame for human rights promotion within the framework of the boomerang model remains a largely unanswered question. However, some implications concerning the place of subsistence rights in the boomerang model can be hypothesised from the Papuan experience. One such implication is that subsistence needs represent an issue of lobbying that can be largely apolitical – the technical economic approach of World Bank reporting shows that this is an option in advocacy. By generating more international investment and attention to afflicted regions, lobbying on issues of subsistence has the potential to influence the pressure that governments place on local authorities to properly implement development guidelines. In this way, pressure “from above” could connect with other human rights concerns.

Clarifying the theoretical implications of the case study leads to a new understanding of the relevance of human rights frames in their political and normative dimensions. Through accentuating the presence of these dimensions in the models, the descriptive and prescriptive relevance of the models has also been furthered. By expanding on these findings, a further set of implications for the wider human rights discourse in international relations needs consideration. These relate to the scope and limitations of human rights principles within the realist and liberal theoretical traditions.

Human Rights Advocacy and the Hierarchy of Rights

Findings relevant to the socialisation models lead us toward more basic questions surrounding theoretical debates over the place of human rights principles in modern international relations. It is the essentialness of the political and normative dimensions of framing, as seen in West Papua, which highlights the existence of a practical

hierarchy of human rights in the politics of advocacy. As is reflective of the theoretical implications made for socialisation models, findings for the practical hierarchy of rights largely implicate the need to account for realist concerns in international politics, while still allowing room for the normative value of human rights frames.

It was argued at the outset of this research that a form of realistic liberalism might be the most effective means of pursuing the adherence to human rights principles in modern international relations. The case study that followed showed what direction “realistic liberalism” may take for human rights advocacy. Although, when taken at face value, the experiences in West Papua appear to favour a realist interpretation of international relations, both the realist and the liberal traditions substantially share prescriptions about the form human rights frames should take in international advocacy. Through attending to these commonalities, as seen in the West Papuan case, a form of realistic liberalism can be seen which is based upon a hierarchy of rights outlined in chapter two.

When speaking of the two dimensions of human rights framing discussed above, the realist and liberal perspectives diverge in the credence they give to either dimension. This divergence informs each tradition’s approach to human rights frames. The realist tradition perceives human rights principles as being subservient to pressures of power politics (see Morgenthau 1979, pp. 6-7). When approaching advocacy frames, this perception can be presented in terms of the limits associated with the political dimension of each frame. That is to say, realism will paint the power of human rights frames in a negative fashion, in terms of their political limitations. Each would be ranked in terms of these limitations. Liberalism, on the other hand, pronounces the importance of the normative dimensions of international politics, which could include human rights principles (see Mapel & Nardin 1992, p. 309). With this in mind, a liberal approach to human rights frames could be identified by a positive emphasis on the inherent normative value of each frame.

Experiences in West Papua give varying support to these positions. Processes of human rights advocacy and the subsequent failure of the advocacy of self-determination rights undoubtedly confirm the importance of a realist position but, at

the same time, is in conformity with the arguments espoused by liberal theorists. Realists would view the use of self-determination as an advocacy frame as highly ineffective because it is likely to be contrary to questions of power and national interests. Meanwhile, for liberals, self-determination has less normative value because it is not a *basic* right and is less important as a consequence (see Shue 1996). Hence, the reduced normative value of the right to self-determination suggests that it would also be the least likely to succeed in human rights promotion. For this reason, the move toward the advocacy of the right to self-determination in West Papua could be viewed as highly damaging, even from a liberal point of view. Indeed, what is important to recognise in the case study, is that the use of self-determination as a human rights campaign frame runs contrary to the prescriptions of both the realist and liberal traditions. As a consequence, while the failure of human rights advocacy in West Papua confirms the value of a sceptical realist outlook, the positive liberal notion that human rights principles can influence the world of political decision-making cannot be dismissed by the findings of the case study.

The compatibility and common ground between liberalism and realism is thus reaffirmed by events, and was most apparent through the actions of Papuan activists. Opportunities afforded to human rights advocates in West Papua – such as the 1999 meeting between the “Team of 100” Papuan civil society representatives and the political positive initiatives of President Abdurrahman Wahid which culminated in the Second Papuan Congress – showed the potential for positive dialogue between human rights advocates and Jakarta. The opportunities were likely to be influenced by the motivations of some Indonesian authorities to resolve normative concerns over human rights issues (see Chauvel & Bhakti 2004, pp. 26-27; Human Rights Watch 2000b). This outlook of the Indonesian authorities apparently confirmed a degree of confidence in the value of the normative principles – only the human rights principles considered by Indonesia excluded extreme conceptions of the right to self-determination. In this way, Presidents Habibie and Wahid affirmed a liberal position (see Chauvel & Bhakti 2004, pp. 26-27; Human Rights Watch 2000b). However, these opportunities were lost when activists moved away from this shared liberal worldview. In a sense then, it was the rejection of this shared liberalism on the part of Papuan activists that partially ushered in a decline in human rights conditions. When a shared view of liberalism was rejected in favour of the advocacy of self-

determination, the warnings associated with realism came to the fore. Indonesian power was previously reasserted when the liberalism of activists moved away from basic human rights and moved towards a non-basic political right – the right to self-determination.

This illustration of the compatibility between the realist and liberal outlooks toward human rights advocacy brings together the two dimensions of the hierarchy of rights discussed in chapter two. In this way, evidence is given supporting a hierarchy of human rights principles that could be used for the purposes of human rights promotion. As suggested in earlier chapters, this hierarchy ranges between two extremes of an advocacy spectrum. At one extreme, those rights that are most basic and least political (physical security and subsistence rights) are the most amenable to human rights advocacy. NGOs should most frequently use these as human rights frames in situations of oppression. At the other extreme of the spectrum, rights that are not basic and are more political should be least used as human rights frames in NGO advocacy. In between these two extremes sit the rights to civil and political liberties. These are both basic and political. As such, they should be used in framing only very carefully – though perhaps more frequently than self-determination rights. Using this hierarchy as a principle for human rights promotion acts as a guide for how realistic liberalism may be practically achieved in human rights activism.

Areas of Future Research

While this research critically assessed two models of socialisation and, in doing so, sought to ascertain the benefits and drawbacks of NGO strategies, its limited scope gives rise to areas where related research could be undertaken. One issue that is in need of further attention, especially within the context of socialisation models, is the practical ramifications that the place of civil and political liberties has on the hierarchy of rights. Because the case undertaken here focused on the issue of self-determination rights, which was the most easily assessable issue of human rights promotion in West Papua, little scope remained for an in depth evaluation of the place of political and civil liberties. Finding and studying other case studies where threats to the rights to civil and political liberties are not associated with aspirations toward

independence would help to assess practical place. This may help to clarify the complex place of the rights to civil and political liberties within the hierarchy proposed here.

Another area for potential research is suggested by the commentary given above on the areas where models of socialisation could be improved. This is especially true of the insufficient attention given to subsistence rights in the boomerang model. While this research assessed the advocacy of basic rights against the advocacy of non-basic political rights, its limited scope did not allow for a detailed examination of the role of subsistence rights in the socialisation models. As the boomerang model gives a brief description of the importance that the framing of physical security rights can have in the boomerang effect, there seems to be scope also for research into the place of subsistence rights in the model.

Finally, widening the enquiries made into the role of NGOs in West Papua to other parts of the world will enhance the relevance of its findings and may provide more specific and accurate recommendations for human rights advocates. Clearly, the use of a single case study limits the insight that may be drawn from the research. Equally however, the findings of the case study indicate that there is a need for further critical research into the specific influence of NGOs on human rights socialisation. Replicating and extending this research to study the ramifications that failed human rights campaigns have on the practical achievement on human rights in other places would be of great value to the knowledge of socialisation processes.

Conclusion

Lessons that can be deduced from the research undertaken in this thesis span both the theoretical and the practical. Nevertheless, the final word must be saved for what NGOs can learn in order to help uphold human dignity and avoid abuses of that dignity. This goal surely lies at the heart of the human rights field.

Perhaps the most evident and critical of the research's implications is the need to build frames more carefully to fit the situations in which NGOs find themselves. Self-

determination, as the most extremely politicised human rights principle used in this thesis, is an obvious candidate for the type of right that should often be avoided in human rights advocacy. Unfortunately, this may often place NGOs in the somewhat uncomfortable position of avoiding debates over self-determination rights. It may even mean that for political purposes, through their silence to debates over self-determination, NGOs tacitly acknowledge state sovereignty in situations where its legitimacy is dubious at best. Overriding this discomfort and the challenging criticisms that such a position may incur, however, is the benefit of avoiding possible escalations in human rights abuses. Thus, while incorporating a hierarchy of rights into NGO practices is not without problems, the potential benefits are great.

Having given evidence to support the hierarchy of rights for NGOs, it is not difficult to envisage specific situations where it may be used. Lessons may be deduced for such diverse situations as those faced in Kosovo,⁸² Chechnya, Tibet, as well as in Aceh, on the western side of the Indonesian archipelago. Findings from this research corroborate the outlook that it may be better to avoid polemical debates over independence and self-determination in favour of focusing on basic rights. Framing human rights in terms of the independence aspirations of its people could be significantly detrimental for the broad state of human rights in crisis zones around the world, just as it was in West Papua. Focusing efforts on violations of basic, non-political rights could prove much more beneficial for the people who suffer human rights abuses.

⁸² Kosovo, which indicated its intent to declare independence from Serbia in late 2007, serves as a pressing example of how these findings on self-determination could be applied. During the time that the Kosovo administration has been in talks over its status within Serbia, human rights abuses have been commonplace. Harassment and attacks against minority Serb, Roma, Ashkali and Egyptian communities frequently occurred (Troszczyńska-van Genderen 2007). However, as was highlighted by Human Rights Watch after the failure of the Kosovo–Serb talks (Troszczyńska-van Genderen 2007), often these human rights issues were left unaddressed as self-determination issues dominated political attention.

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