

PAPUANS NEED DEMOCRACY NOT SEPARATISM

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Efforts by certain quarters, within and outside Indonesia, to question the decolonization process in Papua gain a momentum by the declassification of restricted documents in the U.S. recently.

The documents portray the 1969 "Act of Free Choice" (AFC) as a sham, among others because it excluded most Papuans (The Jakarta Post, July 16, 2004).

Arguably, this development may provide ammunition to the hands of people pursuing the separatist aspiration in Papua, thus endangering Indonesia's territorial integrity and its democracy.

Questioning the decolonization process serves no purpose at all. The main pretext used by certain quarters to meddle in Papua is about upholding and promoting human rights, justice and welfare for the Papuans. Admittedly, these are all important issues that have to be pursued honestly of which the present-day democratic Indonesia serves as the best framework. Hence, justifying separatism is wrong and will lead nowhere in terms of redressing those important grievances.

Law No 21/2001 issued by the Government of Indonesia on Nov. 21, 2001 grants Special Autonomy Status to Papua and represents an honest attempt to give an opportunity for the Papuans to manage their own household. The Law also contains a generous scheme for revenue sharing in which Papua will receive around 80 percent of the money derived from forestry, fishery, taxation, as well as gas, oil and other mining explorations.

For the Indonesians the reintegration of Papua to the fold of the motherland, long denied by the Dutch, has exacted a lot of costs in terms of blood and tears. The Indonesians would therefore consider the duty to defend the Province as an article of faith. The status of the Province of Papua as part of Indonesia is final and was endorsed in 1970 by General Assembly Resolution 2504.

Let us put the record straight: Papua was an integral part of the Netherlands East Indies (NEI). From administrative point of view, the Dutch colonial government administered from Batavia (presently Jakarta) the whole territory of NEI. From territorial point of view, the indivisibility of Papua as part of NEI was recognized in the London Agreement of 1824 between Great Britain and the Netherlands as well as reflected in the 1825 Map of the NEI which places Papua as its easternmost boundary.

When declaring independence, Indonesia's founding fathers refer to the whole territory of NEI as the legitimate territory of Indonesia. This is in line with the principle of "Usi Possidentis" in which the successor state would inherit the whole territorial boundary of a colony. As far as Indonesians are concerned, the 1945 proclamation of independence was

in itself an act of self-determination, covering the whole territory of Indonesia from Sabang to Merauke.

Self-determination is a one-off event and in the case of Indonesia, took place in 1945 in terms of Proclamation of Independence by Sukarno and Hatta. As such, all ethnic groups in Indonesia were automatically subsumed into the Republic of Indonesia without even being asked by way of "act of free choice". In this context, the Papuans are "more fortunate" than other ethnic groups in Indonesia simply because they were given the chance to express their choice in 1969.

Furthermore, Indonesia's nationalism is not based on certain ethnicity but possesses the nature of all-inclusiveness. This is the very reason why the concept of "indigenous people" with its possible implication that each group has its own right of self-determination is not applicable in Indonesia's context.

Indonesia embraces a long standing stance that decolonization process should be implemented once and for all for the whole territory of NEI, in the sense that no part of the former colony (i.e. Papua) should be treated differently. This stance -justified as it is in international law - represents one of the roots of Indonesians irredentist claim over Papua.

It is also to be borne in mind that UN General Assembly Resolution 1514 (1960) concerning the right of decolonization did not mandate the application of the "one man one vote" system as the only way for decolonization process. Most importantly, the resolution underlined that self determination shall not result in a partial or total destruction of sovereignty and territorial integrity of the successor states.

It is important to note that following the adoption of Resolution 1514 (1960), many new states in Africa came into being in the 1960s without resorting to a plebiscite or "one man one vote system". In our immediate region, Sabah and Sarawak were also incorporated into Malaysia in 1963 without direct "one man one vote" plebiscite but by certification of a visiting UN mission that the people in these two regions seemingly did wish to joint the newly established Federation of Malaysia.

The legacy of colonialism has also compounded the application of "one man one vote" system. As we know, colonialism brings about a condition in which many countries in the Third World consist of many different ethnicities which are often crisscrossing and straddling states borders in a complex pattern. Henceforth, the rigid application of "one man one vote" system would be detrimental to the existing state borders and may provoke unnecessary conflicts.

In its attempt to reintegrate Papua, Indonesia used a range of methods, including coercive diplomacy. After it was clear that international situation (due to the height of the Cold War) militated against the Dutch continuing its retention of Papua, an opportunity was therefore ripe for the conclusion of the New York Agreement in 1962, which was

basically a face saving formula for the Dutch. The final outcome of the Agreement was considered as granted, namely the ultimate reintegration of Papua into Indonesia.

As a matter of fact, the 1962 Agreement never defines the method with which the AFC should be conducted in Papua. Therefore, there is no obligation for Indonesia to employ "one man one vote" system for the AFC, especially in the light of difficult circumstances in Papua at that time, both relating to the human and social conditions as well as to the geographical situation and its inherent technical problems.

In this regard, one could not but observe with regret the tendency to use "present lens" to interpret past event taking place in Papua. Interpretation of such a mode will obviously be misleading as well as out of context.

In conclusion, the AFC in Papua should be seen within the context of bilateral agreement between Indonesia and the Netherlands as well as the overall circumstances in Papua in the late 1960s of which employing the "one man one vote" system was neither possible nor practical.

From the Indonesian perspective, Papua is first and foremost an irredentist claim due to the Dutch recalcitrance to return it to the fold of Motherland and the General Assembly resolution 2504 (1970) has sealed its final status within Indonesia.

The unified and democratic Indonesia is the best framework to correct the perceived injustice in Papua. In this regard, the international community should support Indonesia's attempt to consolidate its democracy. Indeed, fanning separatist sentiment, including questioning the AFC under the pretext of reestablishing history, would only weaken Indonesia's efforts to strengthen the democratic process.

Needless to say, separatism is a solution in search of problem and best to be avoided.

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