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Colonialism and Cold Genocide: The Case of West Papua

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***Abstract**: Conventional understandings of genocide are rooted in the Holocaust model: intense mass killing directed at the immediate destruction of the group. Yet, such conceptions do not encompass cases of so-called slow-motion genocide, where the destruction of the group may occur over generations. The destruction of indigenous groups often follows such a pattern. This article examines the case of West Papua with a view to developing a new analytical model distinguishing high-intensity hot genocides, motivated by hate and the victims' threatening nature, with low-intensity cold genocides, rooted in victims' supposed inferiority.*

***Keywords**: genocide, colonialism, West Papua, Indonesia*

Introduction

The boundaries of genocide are persistently contested in both jurisprudence and socio-historical analysis. Our socio-analytical, juridical, and popular perceptions of the term genocide are shaped by its origins in the Holocaust. The Genocide Convention arises out of this context and the more closely mass atrocities resemble the Holocaust in form, extent, and motive the more likely they are to be labelled genocide.

Yet many cases of genocide are atypical in the sense that they do not conform closely to these Holocaust-based understandings of genocide. West Papua, the western half of the island of New Guinea, may be one such case.[1] The continuing influence of the Holocaust over our perceptions of genocide contributes to a substantial blind spot in genocide—so-called *slow motion genocides*. Such genocides occur incrementally, over years, or even generations. Colonial or neo-colonial genocides targeting indigenous peoples often occur in such a manner. In these cases the physical destruction of the indigenous people may not be directly intended; rather, the perpetrators substantially undermine the foundations of existence for indigenous groups through systemic oppression or wilfully reckless policies. These policies are often rooted in dehumanising constructions of *indigeneity* whereby indigenous people are said to be primitive obstacles to the progress of civilization and the collective interests of the legitimate political community.

In West Papua indigenous peoples have had their identity, autonomy, and physical security substantially undermined through the neo-colonial policies of the Indonesian state. This systematic campaign appears to be genocidal in that it aims at the disappearance of the (West) Papuan group, as an autonomous political and ethnic identity; yet, it is difficult to classify as genocide due to the survival of most Papuan individuals. Moreover, any ostensibly genocidal policies in West Papua have indirect intent and gradual result. In this article I will explore the case of West Papua as a means towards addressing slow-motion genocides, or cold genocides, as I have labelled them in my analytical framework. It will situate colonial genocides within the broader phenomenon of genocide, before analysing the case of West Papua. It will also critically assess the implications of the West Papua case, and similar cases, for our understanding of genocide. The purpose of this paper is not to prove or disprove the occurrence of genocide in West Papua. Rather, it utilises the case of West Papua to illuminate the boundaries and morphologies of genocide with particular reference to indigenous peoples. It will argue that not all genocides are high-intensity episodes of mass killing, rather the destruction of the group can also be realized through cold genocides characterised by gradual destruction and limited killing.

Primitivism and Progress: Colonialism and Genocide

Genocide is a relatively recent concept, yet the phenomenon encapsulated in the term is an ancient and persistent dilemma. When Raphael Lemkin first crafted the concept of genocide in 1941, he was undoubtedly informed by contemporaneous atrocities in Nazi-occupied Europe, yet he saw genocide as a recurrent historical phenomenon. Moreover, his writings specifically linked genocide and the practice of colonialism.[2] Even so, colonial genocides, and neo-colonial genocides

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in particular, are far more contested in genocide scholarship than the canonical genocides of the twentieth century such as the Holocaust, Rwandan Genocide, and Armenian Genocide.

The colonial genocide debate often centres on the means and intention of the perpetrators; specifically, did the perpetrators act with the intent to destroy the group, and was the campaign focused on physical destruction? Much of this debate arises from a particular interpretative lens for the 1948 Convention on the Prevention and Punishment of the Crime of Genocide, which privileges high-intensity campaigns of killing over other more gradual genocidal approaches.

Delving into the question of intent also involves addressing broader questions of perpetrator motivation, which situate perpetrator behaviour dichotomously in either rational instrumentality or irrational racial hatred. Both of these schools of thought are, of course, overly reductionist. Genocide is never fully instrumental nor fully prejudicial. Rather, motive is better assessed on the basis of the weighing of these two paradigmatic characteristics: instrumentality (genocide arising from the purpose of gaining or maintaining power) and prejudice/orthodoxy (genocide arising from the perpetrators' ideologically-based derogatory view of the victimised group). Within these characteristics we can further disaggregate prejudicial motives into *hate* (a desire to destroy the victim group on the basis of their perceived negative characteristics) and *supremacy* (an assumed supremacy over the victimised population, which allows, but does not require, their destruction).

Instrumental motives for genocide are centred on the use of genocide as a tool to gain or maintain power through the destruction of perceived threats, and also the consolidation and concentration of power among the in-group. Yet genocide, as the deliberate destruction of a racial, ethnic, national, or religious group, always entails a degree of prejudicial motivation. Indeed, the targets of such destruction appear to be chosen solely on the basis of ascribed identity; in genocide markers of identity are determinate of life and death. Prejudicial ideologies marginalize victim groups, transforming them into valueless objects or enemies, allowing them to be destroyed.

Colonialism is characterised by a regime of foreign domination, the expropriation of land and resources, and the imposition of foreign ideologies and belief systems. In such circumstances the destruction of indigenous peoples is often seen as incidental and inevitable. In a sense, then, the destruction of the victims is motivated less by hate and more by assumed supremacy.[3] Supremacy can be distinguished from hate in that in supremacy crimes the victim is not seen as an existential threat. Once victims become a perceived existential threat, i.e. in cases where they resist the perpetrators' imposition of authority, perpetrator motivation may transition from supremacy to hate. Hate crimes, unlike supremacy crimes, require the complete destruction of the offending group – assimilation is no longer a reasonable possibility. Such destruction is deemed essential to the survival of the perpetrator group. The victim group's threat may be constructed in terms of their *power* or their *pollution*. In many cases victims may be so devalued that their destruction becomes immaterial, a functional means to an end.[4]

In the colonial context, resistant groups, such as the Herero in German Southwest Africa, are no longer seen as so-called noble savages but rather a malevolent force. For example, in the official inquiry following the German genocide of the Herero and Nama indigenous peoples in 1904, the causes of the killing were determined to be "the arrogance of the natives and…their confidence in their superiority over the Germans."[5] When colonial genocides are motivated by hate they are more likely to be manifested as direct killing and easier to identify as genocide. In contrast, many colonial genocides targeting indigenous peoples are built on notions of supremacy and utilise the broad destructive means foreseen in Raphael Lemkin's definition of genocide:

> A coordinated plan of different actions aiming at the destruction of essential foundations of the life of national groups, with the aim of annihilating the groups themselves. The objectives of such a plan would be disintegration of the political and social institutions, of culture, language, national feelings, religion, and the economic existence of national groups, and the destruction of the personal security, liberty, health, dignity, and even the lives of the individuals belonging to such groups.[6]

In contrast to Lemkin, I believe that the aim of colonial genocides is not always the annihilation of the group; rather, such annihilation could be an acceptable outcome, incidental to other policy

goals. This destruction of the group is rooted in ideologies of racial supremacy whereby civilization and culture exist in direct opposition to biology. In fact, the closer a group is perceived to be to living in a state of nature, the more it can be said to lack civilization. Bodies without civilization are animal bodies. Thus, indigenous peoples, traditionally living in close connection to the natural world, are dehumanised and placed outside of the human moral community.

Peoples conceptualized as primitive, such as the indigenous inhabitants of West Papua, are not fully-valued but rather exist only as obstacles to progress, a half-human component of a menacing topography. Progress in this worldview is seen as the conquest of the natural world through the maximal exploitation of resources. Colonialism seeks to exert total power over the environment of which indigenous peoples are a part. While some scholars have argued that the intention of colonial regimes was (and is) the exploitation of labour and natural resources rather than the destruction of the indigenous labour pool, this construction of colonialism ignores the desire of the colonial regimes to possess the land in its entirety, irrespective of the local population.[7] Total possession is only possible if the indigenous inhabitants are a non-entity, either destroyed or invisible. Counter-currents of indigenous resistance may also romanticize indigenousness as a means to condemn foreign interlopers or even to justify discrimination against non-indigenous groups (for example, the case of Fiji and the treatment of Indo-Fijians).

The removal or destruction of indigenous peoples is often instrumental, yet still deeply rooted in prejudicial notions privileging in-groups and denigrating out-groups. In many cases where indigenous peoples are substantially destroyed through interaction with foreign groups, this destruction lacks the directed nature of genocides, such as the 1994 Rwandan Genocide.

Rather indigenous genocides bear the flavour of inevitability. The discourse goes that the extinction of indigenous groups is an inevitable result of historical progress – like the dodo bird, indigenous peoples suffer evolutionary unfitness: a failure to adapt and thrive in the modern world.[8] For example, British theologian Frederic Farrar, a pallbearer at Darwin's funeral, argued that indigenous peoples were "irreclaimable savages" predestined to "disappear from before the face of it [earth] as surely and as perceptibly as the snow retreats before the advancing line of sunbeams."[9] This inevitability also acts as a causal explanation for the disappearance of indigenous peoples.[10] Inevitability removes agency and neutralises the accountability of perpetrators, a pattern of perpetrator self-justification familiar to genocide scholars. Yet the difficulty with establishing explicit intentionality in some cases of the destruction of indigenous peoples (for example through disease, forced displacement, or ethnocide) challenges mainstream interpretations of genocide. Perpetration may not be intentional in the manner envisaged in the Genocide Convention, but rather, foreseeable. Inevitability also occurs in non-colonial genocides, yet in those genocides it arises from the power of the perpetrators and the context created by the state rather than racial notions of inferiority.[11]

Indigenous groups have long been subject to racist ideologies, which characterise them as inferior. Indeed, the assumption of all civilizing missions is that indigenous peoples are fundamentally primitive and that only by removing the very fact of their indigenousness can progress be achieved. Prejudicial theories also provide a ready explanation and justification for the monopolisation of economic and political power by colonial powers.[12]

The key features of colonial genocides include: their foreign (extraterritorial) origin, their strongly instrumental character (where the primary objective is the seizure of territory and resources), and their frequent focus on the essential conditions of life of indigenous groups rather than direct physical extermination, although such exterminatory killing also takes place in certain cases. Indigenous groups are often characterised as being primitive and racially inferior rather than being insidious enemies in the manner of, for example, the Tutsis of Rwanda. While colonies have all but disappeared from the world, with notable exceptions such as French Polynesia, colonial ideologies in the form of engrained notions of racial superiority and justifiable dominion over so-called primitive groups persist in many countries worldwide such as Indonesian West Papua.

The Case of West Papua

Since contact with Europeans, West Papua has often been seen by outsiders as a primitive and marginal region. Under Dutch rule West Papua was a periphery of the periphery: it was marginal

to the Dutch East Indies, which were themselves marginal in relation to the Netherlands core. This marginality has continued under Indonesian rule, whereby West Papua is a kind of resource-rich hinterland – an empty treasure trove for the state of Indonesia. The Papuans themselves are often depicted as stone age – a timeless people existing outside of the inexorable march of historical progress. This *apartness* of the Papuans is often either romanticised or demonised: West Papua is an anachronistic museum piece to be preserved or destroyed in the context of modernisation.

West Papua has been inhabited by Papuan peoples for at least forty-two thousand years.[13] The Papuans are Melanesians, a cultural and ethnic grouping which includes most of the people living in the Southwest Pacific (in countries such as Papua New Guinea, Vanuatu, the Solomon Islands, New Caledonia, and Fiji). The island is large, rugged and isolated from major population centres; for much of their history Papuans lived in many small villages spread throughout this vast landscape (New Guinea is the second largest island in the world). This isolation contributed to the development of a tremendous ethno-linguistic diversity with 1,319 languages spoken in the Melanesian region (the majority of which are on the island of New Guinea).[14] Prior to foreign domination West Papua was governed by numerous small states.[15]

The island was named by Spanish explorers in 1546, who thought that the inhabitants resembled the Guineans of West Africa. The French and British also made incursions into West Papua but the Dutch were the first to set up a presence on the island. The Dutch governed indirectly by recognizing the sovereignty of its vassal state, the Sultanate of Tidore, over New Guinea in 1660. The island was seen as possessing too great a challenge with too meagre material rewards for the Dutch to directly colonize. Although the Dutch established administrative posts in West Papua in 1898 and 1902, Dutch intervention remained minimal. Nonetheless, local resentment towards colonial officials brought in from other parts of the Dutch East Indies grew, with some Papuans regarding them as *amberi* (foreigners who talk sweet but have evil intentions); in turn Indonesians looked upon Papuans as *bodoh* (ignorant).[16] Royal Dutch Shell also began to develop West Papua's oil reserves in 1907.

When Indonesia became independent in 1949, the Dutch retained West Papua as a separate territory, to be granted independence at a later date, on the grounds that the Papuans were a distinct people and territory, thus not really part of the Dutch East Indies at all. The Dutch also desired to retain West Papua as a Dutch foothold in Southeast Asia. Indonesia continued to claim the contrary, on the grounds that all of the former Dutch East Indies constituted a single territorial entity, to form the basis for the new state of Indonesia. This claim was rejected by some of Indonesia's founding fathers, notably Mohammed Hatta, on the grounds that Papuans were racially distinct.[17] Nonetheless, a propaganda campaign was initiated calling for the 'reunification' of West Papua with Indonesia.

Upon rejection of a proposed 1957 UN resolution recognizing Indonesian sovereignty over West Papua, Indonesian President Sukarno seized Dutch enterprises in Indonesia and announced the expulsion of Dutch residents.[18] Four years later Papuans prepared for independence by creating their flag, the morning star, and electing representatives to a New Guinea Council. Sukarno responded by calling on Indonesians to liberate the territory of West Papua from Dutch rule so that it could be reunited with the rest of Indonesia. After significant Indonesian military incursions in 1962 (defeated by the Dutch), and facing growing international pressure, the Netherlands agreed to a staged transition of West Papua to Indonesian rule on the condition of a plebiscite on the future of the territory. Constantin Stavropoulos, the United Nations' legal counsel at that time, argued that there was a strong presumption' in favour of the self-determination of the Papuans.[19]

A plebiscite of sorts occurred in 1969. The referendum, dubbed the *Act of Free Choice* by Indonesia and the *Act Free of Choice* by the Papuan independence movement, gathered 1025 tribal leaders who 'decided' unanimously to join Indonesia.[20] These tribal leaders were under severe intimidation, even being threatened at gunpoint.[21] Moreover, it is questionable whether this selection of chiefs was truly representative of broader Papuan opinion.

Indonesian governance in West Papua has been characterised by this same indifference to the views and interests of the local populace. Moreover, under Indonesian rule indigenous Papuans have been subject to a range of systematic and widespread human rights abuses such as torture, extrajudicial killings, forced labour, forced displacement, rape, and forced disappearance.[22]

Indonesian policies have also done significant environmental damage, undermining the cultural, political, and economic bases of Papuan society, and contributing to the prevalence of disease among indigenous peoples in West Papua due to inadequate provision of health and sanitation facilities.[23] These policies may not have been intentionally directed at the destruction of the Papuans, yet they were undertaken with deliberate disregard for the welfare of the Papuans and knowledge of the destructive consequences for the Papuan group.

Under Indonesian rule West Papua has seen its significant oil, mineral, and timber wealth exploited by Indonesian and multi-national enterprises (such as Freeport McMoRan), with limited benefits (and employment opportunities) for the local population.[24] Papuans have been historically under-represented in the oil and resource-extraction industries.[25]

Another manifestation of Indonesian oppression in West Papua is the severe restrictions placed on personal liberty. These restrictions encompass arbitrary detention for months or even years at a time, restricted movement in many regions for security reasons, restrictions on the freedom of speech and assembly, and the requirement that people obtain a *Surat Jalan* (travel permit) before traveling to their home villages.[26]

Indonesia has also implemented a transmigration program whereby Indonesians from densely populated provinces (such as Java, Madura, and Bali) are given incentives to settle in less densely populated provinces (such as Sumatra, Borneo, and West Papua). This program actually originated with the Dutch colonial regime, but it continued and accelerated under Indonesia. It is impossible to locate accurate official statistics on the number of transmigrants but the International Working Group for Indigenous Affairs estimates that these transmigrants now comprise about half of West Papua's population of 2.7 million inhabitants.[27] These transmigrants include both official transmigrants, who are part of government programs, and spontaneous transmigrants who arrive in West Papua through Indonesian government encouragement but not official programs.

The transmigration program is similar to the colonisation initiatives which existed in other settler societies such as Canada, Australia, and South Africa. Such policies consider the land to be *terra nullius* – empty or underutilized land – and aim at both the pacification of the local indigenous population and the economic exploitation of their lands. Many of the transmigrants are retired Indonesian soldiers moved into strategic areas such as mines and ports, as well as the Papua New Guinea border, where the **Organisasi Papua Merdeka** (Free Papua Movement or OPM) guerrillas are most active.[28] Moreover, transmigrants are given many benefits not available to Papuans; this constitutes a form of structural discrimination which limits Papuan economic opportunities.

Moreover, in many cases, the settlement of transmigrants is preceded by the forced displacement of indigenous Papuans, who are only allowed to remain in a transmigrant area at a ratio of one Papuan family to nine non-Papuan families.[29] By 1984 approximately 700,000 hectares of land had been confiscated, without compensation, from indigenous Papuans under the transmigration program.[30] The arrival of significant numbers of outsiders has also coincided with greatly increased rates of disease, particularly HIV. In 2002 West Papua represented 40% of Indonesia's total HIV and AIDS cases with only 1% of its total population.[31]

Transmigration and settlement also serve the purpose of undermining the self-determination of the local population by rendering them a minority – a distinctive disadvantage in ethnically-polarised democratic systems. It appears that the transmigration process will continue for the foreseeable future, until the goal of moving millions of people is reached. This serves the purpose of helping to reduce over-population and encouraging development; however these policies have also created conflict as indigenous peoples are swamped by outside settlers (such conflict has occurred in all regions receiving transmigrants). The Indonesian government does not recognize indigenous groups as being distinct in any manner; rather it considers all Indonesians to be indigenous.[32]

Transmigration is part and parcel of a larger project of cultural assimilation, including the mandatory use of Indonesian as the medium of instruction in schools. This use of Indonesian has contributed to the decline and extinction of several indigenous Papuan languages.[33] Papuan beliefs, cultural practices, and lifestyles are deemed to be primitive and in need of benign custodianship. Progress, in this conception, is a move away from primitivism, which is itself a move away from traditional subsistence lifestyles and towards the cash economy. For example, the so-called *Operasi Koteka* (Operation *Penis Gourd*) in 1971-1972 sought to encourage tribes in certain New

Guinea highland areas to abandon the Koteka and to wear modern clothing.[34] Such markers of modernisation are also a repudiation of the primitive past.

Modernisation also entails a move away from environmental sustainability (relatively 'light' land use such as traditional agriculture) to more intensive and less sustainable land uses such as mining. The environmental destruction in West Papua is a direct consequence of Indonesian development policies such as transmigration and the exploitation of natural resources.[35] Although there have been material benefits to some indigenous Papuans (such as schools being built by mining companies), these economic activities have also displaced and alienated many indigenous peoples from their traditional lands. Between 1982 and 1990 an average of 163,000 hectares of forest was destroyed annually in West Papua.[36] Furthermore, people living close to resource-rich areas are often displaced, and a great deal of fertile land has been distributed to transmigrants. Papuan resistance to these measures has been met with increasing militarisation and political oppression. The region is currently the most heavily militarised in Indonesia with an estimated 45,000 troops present.[37]

The Free Papua Movement (OPM or *Organisasi Papua Merdeka*) was founded in 1963 to advocate for the autonomy of West Papua. Over time the OPM became increasingly militant, for example, in 1977 it cut the fuel and slurry pipelines to the Freeport (Grasberg) mine. This resulted in indiscriminate reprisal attacks from the Indonesian military that burned down entire villages in the vicinity of the mine.[38] By the 1980s violence in West Papua had escalated into a low-intensity armed conflict, which continues to this day. As many as 100,000 people have been killed in subsequent years, mostly civilians killed by the Indonesian State.[39] Although the OPM is well-established throughout West Papua it is lightly armed with most fighters not even having firearms.[40]

Opposition to the Jakarta regime is seen by Indonesian nationalists as more than mere difference of opinion; rather it represents a rebellion against the rationalism of modernity. As such, indigenous resistance is a threat to the broader Indonesian nation-building project. The assertion of ethnically-derived difference in the face of the state-building projects of newly constituted states is a threat to the project as a whole.[41] Such forms of pluralism are not acceptable in the process of state formation, which seeks to make the nation synonymous with the state. In fact, unity is enshrined as the second principle of the PANCASILA philosophy, found in the preamble of the Indonesian Constitution.[42] This kind of state formation, the dream of a created monolithic nationalism arising out of diverse peoples and political units, is at the core of the dream of the nation-state. Such nation-states (like Spain and Turkey) are truly imagined communities.[43]

The notion of threat is increased when one couples this ideological threat to nation-building with the presence of an affine community in a neighbouring state (most directly the Papuans in Papua New Guinea, but also the Melanesians in the Southwest Pacific, who have greater cultural affinities with the Papuans than the Indonesians do). Non-conforming Papuans (i.e. those opposed to Indonesian rule) may therefore be seen as a fifth column within Indonesia. The prior renaming of West Papua as *Irian Jaya* (victorious Irian) reinforced the notion that West Papua is part and parcel of the Indonesian national project, which is itself supposedly anti-colonial in nature.

The Special Autonomy Law of 2001 was promulgated with the intention (on the part of Indonesian moderates) of giving West Papua a degree of autonomy.[44] However, this law seems to have made little difference on the ground. It has resulted in the Papuanisation of upper levels of the bureaucracy but Papuans have little real autonomy.[45] The Special Autonomy Law also required the establishment of a truth and reconciliation commission for West Papua, which has still not been established.

The Indonesian military exerts a great influence over Indonesian politics and, according to an Indonesian government official quoted in a US diplomatic cable, it operates in West Papua as a "virtually autonomous government entity".[46] Military interests in West Papua, both as a power base and a source of revenue have increased since the loss of East Timor and Aceh; Jim Elmslie argues: "TNI [military] involvement in legal businesses, such as mining and logging, and illegal businesses, such as alcohol, prostitution, extortion, wildlife smuggling, etc., provide significant funds for the TNI as an organization and also for individual TNI members, especially senior officers."[47]

International pressure to resolve the West Papua situation has also increased in recent years. The violent suppression of the Papuan People's Congress, coupled with a strike at the Grasberg Mine in 2011, led to a statement from US Secretary of State Hilary Clinton that Indonesia needed to "address the legitimate needs of the Papuan people."[48]

Genocide and West Papua

This brings us to the question as to whether the events in West Papua can accurately be characterised as genocide. The normative weight of the term genocide undoubtedly contributes to its overuse and abuse. Genocide, as the crime of crimes, is seen by many as a supreme validation of victimisation; this is true even when one considers that other international crimes, such as crimes against humanity, have grave consequences for the victims.

It is difficult to make the case that Indonesian oppression in West Papua amounts to a genocide similar to the Holocaust or Rwandan Genocide. There is no systematic pattern of mass killing; in fact, in gross terms, the indigenous Papuan population is actually increasing.[49] One could also argue that the Papuans are fragmented – that identity is more localised and tribal than national and as such Papuans may not constitute a national group. Paradoxically, Indonesian oppression in West Papua may have itself been instrumental in the formation of a national Papuan identity.[50]

The central elements which must be proven for any crime are the occurrence of the criminal act(s) and the intention of the perpetrator to commit these acts. In genocide there is the additional intent requirement of having the intention to destroy the group in whole or in part. Let us examine each of these elements as they relate to the case of West Papua.

In West Papua there has not been any large-scale campaign of killing, rather killings have mostly taken the form of the political repression of the independence movement (for example by targeting those who raise the Papuan Morningstar Flag). In 2001 the US State Department's Country Report on Indonesia notes:

> Security forces were responsible for numerous instances of, at times indiscriminate, shooting of civilians, torture, rape, beatings and other abuse, and arbitrary detention in . . . Papua . . . Security forces in Papua assaulted, tortured, and killed persons during search operations for members of militant groups. The security forces inconsistently enforced a no-tolerance policy against flying the Papuan flag, tearing down and destroying flags and flag poles, and killing eight persons, and beating others who tried to raise or protect the flag.[51]

More recently, dozens of protesters were arrested on the anniversary of West Papua's annexation.[52] Indonesian soldiers have also assassinated independence leaders on several occasions, such as Yustinus Murib, Danny Kogoya and Theys Hiyo Eluay, although the state of Indonesia has denied that it officially sanctioned these killings.[53] Such killings could arguably constitute the crime against humanity of persecution, but do not necessarily constitute genocide as such. It is likely that many incidents of violence occurring in remote areas simply go unreported for fear of reprisals. The Indonesian government has also severely restricted access into the region for foreign journalists and human rights organisations.

There is a stronger argument to be made for Article 2 (c) of the convention – causing serious bodily or mental harm. In his thesis Budi Hernawan argues that the widespread use of torture functions as a mode of governance in West Papua. Effectively, the use of torture is a tool of subjugation – illustrating in graphic form to all who see the scars of the torture victims (or who hear of acts of torture) that Papuan bodies are not sacrosanct. Rather, bodies themselves belong to the state. Moreover, the vulnerability of Papuan bodies also shows that Papuans may not be considered to be full members of the political community. Indeed, the bodily and psychological persecution of indigenous Papuans may constitute a self-evident statement as to the moral wrongfulness of opposition to the Indonesian state and a self-admission of guilt.[54]

The Indonesian counter-insurgency Operation Clean Sweep of 1981 was accompanied by the slogan *Biar tikus lari kehutan, asal ayam piara dikandang* (let the rats run into the jungle so that chickens can breed in the coop), i.e. remove Papuans from areas so that they can be taken over by transmigrants.[55] This is effectively what occurred in the aftermath of the operation.[56] Operation

Clean Sweep resulted in the killing of at least 2,500 Papuans (the Indonesian government estimate), and as many as 13,000 (an estimate given by Dutch journalists).[57] Many other such massacres have occurred through indiscriminate Indonesian attacks and collective punishment. For example, in June and July of 1985, 517 civilians were killed in several highland villages in retaliation for an earlier skirmish between the OPM and ABRI (Indonesian Army).[58]

The collective punishment of the counter-insurgency operations, when coupled with the transmigration program and forced assimilation, could be said to constitute a sort of genocidal project, albeit occurring over the course of decades rather than months. Demographic projections indicate that Papuans, who represented 96.09% of the population of West Papua in 1971, will only constitute 28.99% of the population by 2020.[59] While demographic decline is not, in and of itself, genocidal, Indonesian policies foreseeably contribute to the disappearance of the Papuans as a politically-constituted nation; such policies and aims are consistent with Lemkin's definition of genocide but not the Genocide Convention.

We must also consider whether the Indonesian state, through its policies, is "deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part" (Article 2(c) of the Genocide Convention). This provision was intended to cover cases of intentional indirect killing such as famine within concentration camps. However, the conditions of life of groups must differ depending on their particular cultural, socio-political, and environmental context. For certain groups (i.e. those groups practicing subsistence agriculture) land is more than monetised property – it is also an anchor for physical (food) security. Forced displacement, environmental destruction, or even the suppression of traditional knowledge (such as techniques of food cultivation) could dramatically decrease the physical security and sustainability of the group. Reports have indicated, for instance, that areas subject to intensive logging may be submerged due to soil erosion.[60] The UN has also noted that current development plans in West Papua run the risk of decreasing the food security of tens of thousands of Papuans.[61] In some cases the Indonesian government has directly destroyed the crops of Papuans.[62] Such practices can certainly be harmful to the physical and mental well-being of the group.

We can also distinguish here between voluntary and forced assimilation. In voluntary assimilation members of the group may decide, for example, to voluntarily adopt different cultural practices, to participate in mining or other non-traditional resource exploitation, or to adopt a different cultural identity. In contrast, forced assimilation involves an intentional state policy directed towards the ethnocide of the group. In practice ethnocide (cultural genocide) is difficult to separate from physical genocide. Cultural genocide was excluded from the convention as a result of a political bartering process. Yet, where cultural genocide is linked inextricably to physical genocide, acts that may be characterised as cultural genocide should in fact be plainly considered genocide.

Beyond the presence of genocidal acts, the Genocide Convention requires genocidal intent (the intent to destroy the group in whole or in part). This is difficult to prove in many circumstances yet it can be inferred from the overall context.[63] Intent may also arguably be inferred from the nature of the criminal act itself. For example:

> In 1970, soldiers patrolling the jungle border area shot and killed a pregnant woman, cut the baby from the mother's womb, and dissected it in front of 80 women and children of the village. At the same time, a group of soldiers raped and killed the pregnant woman's sister. In 1998, in order to disrupt a pro-independence demonstration, the Indonesian navy used force on the participants. It is alleged that women were taken out to sea on Indonesian navy ships, where they were raped, sexually mutilated and thrown overboard. Women's corpses reportedly washed up on the Biak coast. Some of them showed signs of sexual mutilation; breasts had been removed.[64]

Such acts of violence are indicative of genocide intent (the intent to destroy the group) as they symbolically and literally target the means of physically sustaining the group, namely women's procreative functions.

Prejudicial beliefs underlie many of these policies. For example, an Indonesian textbook discussed West Papua (Irian) in terms reminiscent of the *terra nullius* doctrine:

> The countryside of Irian has not yet been cultivated because of the lack of people…Civilization is uneven…some are completely backward (in the interiors of Seram and Irian). It is clear that the level of civilization depends on the degree of intercourse with other, advanced ethnic groups or nations.[65]

Such a sentiment may be genocidal in its implications. It is not direct or public incitement to genocide; it does not call for the extermination or destruction of the Papuans, yet it does treat Papuans in a way that makes it clear that they have no intrinsic value or presence as human beings. In practical fact the Papuans have little in common culturally with the rest of Indonesia. Indonesia is a majority Muslim country while Papuans are majority Christian. For example, the centrality of pigs in many Papuan cultures and diets reinforces Indonesian perceptions of Papuan primitivism.[66] This also eases the production and perpetuation of the 'us-them' dichotomies necessary for systematic persecution.

In 2007 Indonesian General Colonel Burhanuddin Siagian, military commander of the Jayapura region, threatened the brutal and indiscriminate use of force against Papuan separatists when he told the *Cenderawish Pos* newspaper:

> What is absolutely certain is that anyone who tends towards separatism will be crushed by the TNI…In the interests of the Republic of Indonesia, we are not afraid of human rights. We are quite prepared to imprison anyone, or dismiss them from their posts, whatever is in the interest of Indonesia…If I meet anyone who has enjoyed the facilities that belong to the state, but who still betrays the nation, I will honestly destroy him.[67]

Such pronouncements are indicative of the intention to destroy a group as such, one of the core tenets of the Genocide Convention. Yet the group in question could be arguably political (opponents of Jakarta), not ethnic. In practice, however, it is difficult to separate political identity from ethnic identity, particularly when ethnic groups or nationalities (such as the Papuans) become politicised. Arguably the destruction of Papuan nationalists (as a political group such a crime could constitute the crime against humanity of persecution) would result in the near-destruction or absolute subjugation of Papuan ethnicities. Moreover, the destruction, through violent means, of political elites and the subsequent destruction of Papuan's right to political self-determination and cultural survival could set in motion the eventual physical disappearance of Papuans.

William Schabas argues that genocidal intent may include a form of recklessness, provided that there is "virtual certainty" that an act or omission will result in the destruction of the group in whole or in part.[68] Some scholars also argue that the Genocide Convention goes beyond direct and indirect intent (*dolus directus* and *dolus indirectus*) to also constitute recklessness (*dolus eventualis*).[69] Reckless intent supposes that the perpetrator could foresee the possible consequences of their acts but that they lack the direct intention to bring about those consequences. John Quigley interprets the Genocide Convention in such a way that genocide may occur in situations where the perpetrator acts without genocidal purpose but where genocide is a foreseeable result.[70]

Many genocides targeting indigenous peoples fall somewhere in the grey region between *dolus eventualis* and *dolus directus*. The perpetrator may desire the destruction of the group, and even hope that their acts further that objective, yet they do not act directly to bring about the destruction of the group. In such genocides there is a kind of historical intentionality, rather than an immediate intentionality. This historical intentionality sees the destruction of the group as inevitable in the long term; it results in a set of policies which further this result in an incremental fashion. These policies may include, for example:

1. Destruction of cultural sustainability
2. Destruction of economic sustainability
3. Destruction of political sustainability

As genocide is primarily concerned with the protection of identity groups (nations, ethnicities, religions, and races), the destruction of a group's essential life foundations (such as the ability

of group members to practice their culture, pass on traditional knowledge, feed themselves, and govern themselves) is pursuant to an intent to destroy the group in whole or in part.

There is a fundamental normative flaw in the law's construction of genocide: the assumption that cultural practices are not essential to physical survival. This assumption is grounded in a European, civilizing worldview which sees culture as being in direct opposition to corporeal needs and realities. In such conceptions culture is a matter of survival only in the sense that culture is connected to rationalism, thus the technological foundations of modern life. In many indigenous societies culture is intimately connected to traditional knowledge. Such knowledge is not just a matter of ritual and rite but also of survival in the physical world. As indigenous groups are separated from their connection to the physical world they are also separated from their primary means of security and survival. In other words, cultural genocide *can* also constitute a means of physical genocide. The alienation of indigenous groups, such as Papuans, from their culture may be a direct threat to their physical survival. The forced removal of indigenous peoples from their means of both food and cultural production is a direct threat to their physical survival. In West Papua the reduction of land available to indigenous Papuans, through the settlement of transmigrants and other forms of economic development, have resulted in a reduction in the lands necessary for indigenous Papuans to practice shifting cultivation – their traditional means of subsistence.[71]

In many contexts direct killing may not be necessary to effectuate genocide. The Genocide Convention already recognizes this through its inclusion of such acts as the forcible transfer of children from one group to another group and the prevention of births. It is reasonable to consider that the scope of the convention can be interpreted so as to cover forms of cultural genocide, which are directed at the destruction of the group, or other policies which may lack direct intent but that will foreseeably lead to the destruction of the group. The intentionality of such acts can be inferred from the context and the perpetrating group's view of the victim group.[72] In situations where prejudicial ideologies and views are prevalent and the perpetrator acts, with knowledge, in complete disregard for the negative consequences of their acts on the victim group, then the perpetrator possesses an intent to destroy.

How can we distinguish the intent to destroy from mere oppression? In colonial and neocolonial contexts the perpetrator group harbours the intention not only to dominate the victim group but to possess their living space in its entirety, irrespective of their reduced prospects for continuity and survival. Such groups consider their presence in a territory to be more worthy by virtue of their advanced civilization or enlightened ideology. Under the ideology John Docker calls supersessionism groups may even consider themselves to be history's true heirs, with the implication that other, less worthy groups are inevitably bound to die off.[73] Groups holding such ideological constructions may inculcate a self-fulfilling prophecy whereby they undermine the fundamental survival basis of groups deemed to be inferior; when these groups fail it is taken as proof of the inevitability of their disappearance. Structural forms of violence, such as the Indian great famine of 1899-1890, are only possible through the complete disregard shown to the lives of colonial subjects. We should also recall as well that omissions may be genocidal.[74]

There seems to be misperception among many scholars that the Genocide Convention contains a motive requirement. In particular they point to the phrase as such in article 2 of the convention (the intent to destroy the group as such).[75] The *Jelisic* Appeals chamber judgement at the International Criminal Tribunal for the Former Yugoslavia (ICTY) discarded the notion, posited by the Trial Chamber in the same case, that hatred must be a motive in genocide.[76] The Appeals Chamber found:

> The personal motive of the perpetrator of the crime of genocide may be, for example, to obtain personal economic benefits, or political advantage or some form of power. The existence of a personal motive does not preclude the perpetrator from also having the specific intent to commit genocide.[77]

Thus, instrumental genocides are also encompassed by the convention. The West Papua case, where crimes are often committed pursuant to economic goals, could be one such case.

Even if the Indonesian state could be shown to be acting with intentionality or careless disregard, towards the welfare of Papuans, do the acts of the state of Indonesia amount to genocide? The Indonesian government disputes any genocidal intent; rather, it argues that its actions in West Papua have been directed at the suppression of a violent terrorist movement and the achievement of economic development.[78] While there have assuredly been widespread killings and other acts of violence these still seem too sporadic to constitute a deliberate policy of annihilation. The Genocide Convention, of course, goes beyond mere killing to include acts such as the forcible transfer of children. One could argue that the inclusion of such acts goes beyond biological destructiveness to encompass cultural destruction.

It might be the case that the Indonesians desire the destruction of the Papuans as a political and cultural community. Such destruction may not be directed towards the physical destruction of the members of the group, yet it undoubtedly targets the social relations and cultural knowledge necessary for the group's survival in the long term.[79] Like many indigenous peoples facing persecution in the name of progress, Papuan existence may be contingent on the absolute disappearance of separate Papuan political and cultural identity. In short, Indonesian policies may lack intentionality and urgency yet they do have genocidal implications in that they attack the sustainability of the group. How can genocide studies relate to such cases?

Reassessing Genocide: *Hot* and *Cold* Genocides

The lack of adequate engagement of policy-makers and theorists with colonial and neo-colonial *slow-motion* genocides is also a failure to engage with structural violence – violence in which a social structure prevents people from meeting their basic needs.[80] There are several explanations for this analytical deficiency. Firstly, the concept of genocide largely arose from the historical context of the Holocaust. As such, there is a tendency among genocide scholars to ignore genocides which do not fit the Holocaust model of mass killing in pursuit of a racist ideology.

Secondly, structural violence is often more subtle than mass killing. It entails undermining the conditions of life for targeted groups gradually, over years or even decades. Such genocides pose significant problems in terms of proof of criminal intentionality; in the absence of explicit statements of genocidal intent, structural violence requires a thorough understanding of complex socio-economic structures and policies.

Finally, there is the possibility that genocide studies suffer from colonial biases. The great majority of genocide scholars are located in the Global North. Thus, in some sense, the privilege of many genocide scholars is built upon a foundation of past structural violence against indigenous and other subject peoples. We must ask whether genocide studies itself has the effect of merely reproducing, rather than challenging, existing power structures?

There is a need for a new analytical framework for genocide in order to account for cases, such as West Papua, where the disappearance of a national, ethnic, racial, or religious group is gradual and incidental, rather than rapid and intentional. Such cases are still *genocidal* in the sense that the perpetrating group knowingly performs acts that contribute to the eventual destruction of a group.

With this in mind it may be useful to conceptually distinguish between hot genocides and cold genocides.[81] When we speak of temperature in this context we mean emotional passion and intensity of action. The concept of hot and cold war made a similar, but not identical, distinction between direct and indirect violence.[82] The very notion of genocide contains a popular perception of racial hatred, and the desire to annihilate, notions which are undoubtedly intense. Yet, by maintaining such a narrow view of genocide we are blinding ourselves to alternative means for the destruction of groups.

We can distinguish between hot and cold genocides on the basis of the following factors: emotion, (perpetrator) perceptions of the victim, the intention of the perpetrator, the speed at which genocide occurs, the tools utilised, and the primacy of instrumental motivations.

Firstly, hot genocides are characterised by the passion/hatred of the perpetrator towards the victim group. This hatred is rooted in a sense of existential threat projected onto the victims. The victims are often seen as devious, sources of contamination, or evil. Hatred towards the victims is a source of inspiration and authorisation for genocidal killing. This hatred towards the victims is

consistent with Sternberg and Sternbergs' Story-Based Theory of Hate which defines hatred as having three characteristics: the negation of intimacy, commitment, and passion.[83]

In contrast, cold genocides may be passionless. They are not motivated by hate but by the perpetrators' assumed supremacy over the victims. In the Holocaust, Jews were not merely seen as inferior but rather as "an aspect of the environment that had to be removed"; they were targeted not because of the supposedly disproportionate wealth that they possessed, but rather because they represented a mortal danger to the "Aryan race."[84] Although in both cases the perpetrators are prejudiced towards the victims, in the case of cold genocides this prejudice may be manifested as pity, indifference, or annoyance rather than passion (anger/hate).

Characteristic	Hot Genocide	Cold Genocide
1. Emotion	Hate	Supremacy
2. Victim	Threatening	Contemptible
3. Intention (*dolus specialis*)	Annihilation (direct)	Disappearance through destruction or complete subjugation (indirect, eventual)
4. Speed	Fast (urgent, high-intensity)	Slow (inevitable, sustained, low-intensity)
5. Tools (*actus reus*)	Killing, assaults, concentration camps	Structural violence, biological genocide
6. Instrumentality	Background	Foreground

Table 1. Hot versus Cold Genocides.

In cases where the victim group is seen as threatening, physical violence is more likely to be utilised. Perhaps this threat hypothesis can explain the relatively higher levels of violence utilised by the Indonesian state in East Timor (estimates place war-related deaths at up to a quarter of the population), in comparison to West Papua.[85] In West Papua anti-regime activity has been relatively limited and sporadic.

Secondly, hot genocides rely heavily on killing and other direct acts of destruction such as harming the victim group or intentionally starving them in concentration camps. In contrast, cold genocides undermine the conditions of life of the victim group or destroy them through gradual policies such as the transfer of children from the victim group to the perpetrator's groups. The destruction of the victims' culture, alienation and forced displacement from traditional lands, demographic dilution, and environmental destruction may also gradually contribute to the disappearance of the group.

Thirdly, the perpetrators in hot genocides intend to destroy the victim group completely. By contrast in cold genocides the destruction of the victim group may be accomplished through its gradual *disappearance*. Disappearance can be affected through the extreme marginalisation or subjugation of the victim group, or its complete cultural assimilation. In one sense, this act of subjugation is more closely aligned to the crime against humanity of persecution than the crime of genocide, yet it is genocidal in that it still seeks (or foreshadows) the eventual disappearance of the victim group. Such destruction goes beyond normal acts of persecution.

Fourthly, in hot genocides the destruction of the targeted group takes place in a manner of a few years (such as occurred in The Holocaust) or months (such as occurred in Armenia and Rwanda). The victim groups' perceived threatening nature towards the perpetrators necessitates their urgent destruction. In contrast, in cold genocides the destruction of the victim group is seen as inevitable rather than imperative. Such destruction is more a matter of evolution, of social Darwinism, rather than deliberate acts. We can also draw a parallel here with low-intensity armed conflicts, which, although relatively limited in mortality, still indicate the presence of sustained conflict.

Finally, in hot genocides instrumental motives, such as the maintenance of power, are often secondary to racial motives. Contrarily, in cold genocides instrumentality, such as the seizure

of natural resources, is often a primary motivation. However, we must reiterate the complexity of motive, and, consequently, that in both hot and cold genocides instrumental and prejudicial motives are present. Moreover, the motives of individual perpetrators may be instrumental (i.e. the theft of a neighbour's property) even while group motives remain prejudicial.

Genocide can shift from cold to hot in cases where victims resist, thus their perceived threat to perpetrators increases. This transition may be only temporary (isolated suppressive massacres) or it may result in a policy shift towards more intensive killing. Such a pattern characterised the mass killings occurring in Ntega and Marangara communes in northern Burundi in 1988 where a minor episode of Hutu violence was met by a massively disproportionate response from the Tutsi-dominated army.[86] Colonial genocides are often cold, as the perpetrators view indigenous peoples as being primitive, non-entities rather than an existential threat to the survival of the perpetrator group. This certainly seems to be the case in West Papua where indigenous Papuans are viewed as mere obstacles to development.

The case of Tibet is an informative example of another (neo) colonial cold genocide. In Tibet under Chinese occupation there seems to have been no directly intentional policy of extermination, and yet Chinese policies in Tibet have recklessly and callously contributed to the deaths of well over a million Tibetans.[87] From 1950 to 1959 Tibet experienced a grinding famine which killed more than a million people.88 Moreover, over 6000 monasteries and religious (Buddhist) buildings were destroyed during the Cultural Revolution in a campaign of cultural genocide, often accompanied by acts of brutality and violence.[89] In the years after the Dalai Lama fled Tibet a further 73,200 Tibetans died in prison and forced labor camps and more than 150,000 Tibetans were executed.[90] Furthermore Chinese policies have restricted births among ethnic Tibetans and brought millions of non-Tibetan migrants into Tibet.[91] All of these processes have been driven by the paternalistic characterisation of Tibetans as feudal peoples (primitives) in need of upliftment, in the form of Han Chinese culture and Communist ideology.

In some sense the genocide of Tibetans in China has actually moved from a hot phase, characterised by direct killings and violence, to a cold one, characterised by policies seeking to forcibly assimilate Tibetans. Perhaps the Cultural Revolution already did enough damage to the basis of Tibetan culture (such as the 90% reduction in the numbers of Buddhist monks) that hot genocide is no longer necessary, rather the Tibetans will slowly disappear in the face of ongoing cultural pressures.

Critics of this typology might question why it is even necessary to gather cases which are questionable under the intentionality requirements of the Genocide Convention. Rather than seeking to exclude genuine victims of genocide, they are concerned that expanding notions of genocide only serves to water down the notion of genocide until it has no legal, explanatory, or normative power. However, one could also argue that the development of the notion of cold'genocide provides an explanatory framework for other cases of genocide where genocidal destruction is still intentional, but indirect. Paradoxically, in cases of cold genocide individuals may not be physically exterminated, even while the group is gradually destroyed. This gradual and intended destruction of the group is certainly genocidal in nature, even if it might not conform to existing notions of genocidal intent in the Genocide Convention.

Conclusion

There are several fictions embedded in the legal definition of genocide. Foremost among these is the notion that the destruction of a group only occurs through acts such as killing and biological genocide. In fact, the cultural and political destruction of a group, when coupled with the violent suppression of cultural and political identity, is pursuant to the destruction of the group. This is particularly true when the group in question is an indigenous group, where identity is often centred on kinship and the relationship to the land. The denial of the right to self-determination *is* a denial of the right to exist. Moreover, the pervasive surveillance and harassment that characterise authoritarian states may dissolve the bonds of trust that sustain kinship and clan relations.[92]

Even without expanding the definition of genocide under the convention, interpretations of genocide must be critically reconsidered so as to encompass cases of cold genocide. While many of the acts involved in low-intensity, cold genocides are already prohibited under an array of

human rights instruments, these instruments fail to capture the pernicious harm involved in the destruction of an ethnicity.

Indonesia's national motto is *unity in diversity* yet there has been far too much emphasis on unity as a cultural, economic, and political hegemonic project and not enough recognition of ethnic diversity. This has resulted in numerous minor and major ethnic conflicts and secessionist movements including, for example, West Papua, Aceh, the Molucca Islands, East Timor, and indigenous-settler conflicts among the Dyaks in Borneo. It has also led to systematic atrocities targeting political opponents of the State (such as occurred in East Timor from 1975-1999, as well as throughout Indonesia in the anti-Communist killings of 1965-1966).

Indonesia's oppression of Papuans may be rooted in supremacist perceptions towards peoples called primitive rather than hatred, but this oppression still represents a deliberate attack on the sustainability of the group. Effectively Papuans "do not regard themselves as Indonesians and are not regarded as such by other Indonesians."[3] How then can such a group survive within a militarised, hegemonic state?

Endnotes

1 In this article the term West Papua constitutes Indonesian New Guinea (the western half of the island of New Guinea) and not just the Province of West Papua. The term Papuan in this context is an ethnic term relating to indigenous West Papuans and not immigrant populations.

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3 This discussion of hate crimes versus supremacy crimes is based on personal communications with Ingjerd Veiden Brakstad in April 2014. We are collaborating on a forthcoming article elaborating on these ideas.

4 For example, the extermination and enslavement of the indigenous Banda Islanders by the Dutch in 1621 when they decided to challenge the Dutch East Indies Company's monopoly of the spice trade. See: Mark Levene, *The Rise of the West and the Coming of Genocide* (New York: I.B. Taurus, 2005), 243.

5 Levene, 249.

6 Lemkin.

7 Levene ,11.

8 Shayne Breen, "Extermination, Extinction, Genocide: British Colonialism and Tasmanian Aborigines," in *Forgotten Genocides: Oblivion, Denial, and Memory, ed. Rene Lemarchand* (Philadelphia: University of Pennsylvania Press, 2011), 88.

9 Sven Linqvist, *Exterminate all the Brutes* (New York: New Press, 1996), 135.

10 This notion of inevitability also colours discussions of indigenous genocides in post-settler societies such as Australia; see: Breen, 88.

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19 Saltford, 179.

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21 Ron Crocombe, *The South Pacific* (Suva, Fiji: University of the South Pacific, 2001), 427. For an in-depth analysis of the annexation of West Papua see: Pieter Drooglever, *An Act of Free Choice: Decolonisation and the Right to Self-Determination in West Papua* (Oxford: One World Publications, 2009).

22 See, for example, Elizabeth Brundige, Winter King, Priyneha Vahali, Stephen Vladeck, and Xiang Yuan, *Indonesian Human Rights Abuses in West Papua: Application of the Law of Genocide to the History of Indonesian Control* (New Haven, Connecticut: Allard K. Lowenstein International Human Rights Clinic, Yale Law School, April 2004).

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24 Most foreign enterprises have historically been dominated by outsiders. Crocombe argues that only 13% of jobs at the Grasberg mine are held by indigenous West Papuans. See Crocombe, 52 and 397.

25 Brudige et al., 26.

26 John Wing with Peter King, "Genocide in West Papua? The Role of the Indonesian State Apparatus and a Current Needs Assessment of the West Papuan People," (Sydney: Centre for Peace and Conflict Studies, University of Sydney, 2005), p. 11.

27 International Working Group on Indigenous Affairs, http://www.iwgia.org/regions/oceaniapacific/west-papua, accessed July 1, 2014.

28 Budiardjo and Liong, 54.

29 Brundige et al., 33.

30 Brundige et al., 32.

31 Leslie Butt, Gerdha Numbery, and Jake Morin, "The Smokescreen of Culture: AIDS and the Indigenous in Papua, Indonesia," *Pacific Health Dialogue*, 2, 2 (Sept. 2002): 63, 70.

32 Ellen Roy, Peter Parkes, and Alan Bicker, *Indigenous Environmental Knowledge and its Transformations: Critical Anthropoligical Perspectives* (London: Psychology Press, 2000), 121–122.

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48 Chauvel, 120.

49 Elmslie, 9.

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63 *Prosecutor vs. Bagilishema,* Case No. ICTR-95-1A-A, Trial Chamber Judgement, 7 June 2001, para. 63

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65 Budiardjo and Liong, 69-70.

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73 John Docker, *The Origins of Violence (London: Pluto Press, 2008), 6.*

74 See *Prosecutor v. Kambanda, Case No. ICTR-97-23-S, Trial Judgement, 4 Sept. 1998* (holding that failure by government leaders to take action to stop ongoing, known massacres, constituted genocide).

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88 Levenson, 97.

89 Levenson, 97.

90 Levenson, 98.

91 Levenson, 100.

92 Elmslie and Webb-Gannon, 35.

93 King, 3.