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Analysis

Corporate security practices and human rights in West Papua

Kylie McKenna

This article explores the intersections between large extractive companies, security governance and human rights. It contributes to understandings of how extractive companies can influence human rights protection in their areas of operation. Drawing on a case study of West Papua, the article argues that extractive companies have important opportunities to promote human rights through their security practices. However the power of extractive companies to determine human rights outcomes is limited by a variety of factors. Examples include: state narratives of nation-building, the financial interests of security personnel and the history of the company's involvement in the area.

Introduction

Initially set out in the 1948 United Nations Declaration on Human Rights, human rights were designed to affirm the responsibilities of states to citizens and the protection of individuals from the power of states. In the decades that have followed, human rights discourse has widened to consider the obligations of non-state actors. Triggered by allegations of corporate complicity in human rights violations in the mid-1990s, transnational corporations became central to this debate. For more than a decade, academics, activists, policy-makers and business actors have sought to question, what, if any, human rights duties should be attributed to corporations.

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These multi-stakeholder conversations have resulted in the creation of new regulatory regimes and codes of conduct which seek to limit the potential for business practices to impinge on the rights of individuals and communities. Significant examples of business and human rights frameworks include the United Nations 'Protect, Respect and Remedy' Framework (hereon referred to as 'UN Framework'),¹ as well as the Voluntary Principles on Security and Human Rights (VPs).² The integration of human rights concerns into global business regulation has also resulted in the development of sector specific codes of conduct,³ individual company human rights policies,⁴ as well as the implementation of Human Rights Impact Assessments.⁵

The development of the aforementioned initiatives in co-operation with corporations indicates recognition within the private sector that corporations as well as states do indeed have human rights obligations. Some analysts have gone so far as to praise corporations for their willingness and ability to engage with governments and non-governmental organisations to initiate dialogue on human rights.⁶ Others, however, argue that participation in these discussions has not translated into practices that promote human rights. In a study of 98 firms in the FTSE 100 index for example, Preuss and Brown find that 42.8 per cent of firms 'do not seem to address human rights at all' and even those who do 'focus on a narrow range of negative rights, i.e. on respecting human rights, rather than positive ones, i.e. initiatives to protect or fulfill human rights'.⁷ In other words, commitments to 'do no harm' are more common than proactive human rights promotion strategies. While it is now generally accepted that corporations do have human rights obligations, the nature of these obligations are less clear.

The value of a 'do no harm' approach by corporations that focuses mainly on respect for the 'laws of the land' is sometimes insufficient to ensure human rights are upheld. In conflict and post-conflict settings, for example, governments can lack capacity, transparency and the political will to pursue economic development in ways that protect the rights of citizens.⁸ State capacity, however, is not static.⁹ Nor are power relations entirely asymmetric. Decolonisation has produced a 'duality of states', characterised by 'their unmistakable strengths in penetrating societies and their surprising weaknesses in effecting goal-oriented social changes'.¹⁰ States can be positioned on opposite ends of a 'spectrum of capabilities'.¹¹ For example, Papua New Guinea is often portrayed as a 'weak' state,¹² noted for its 'resilient largely self-regulating village-based societies, and police forces with limited reach, resources, and popular legitimacy'.¹³ On the other hand, 'most scholars of Indonesia see a strong, or at least a medium-strong state, especially in terms of

policy formulation and control over nonstate organisations'.¹⁴ Power relations between states and societies also change over time, particularly alongside the development of new forums for citizens to challenge national statutes, such as the establishment of the Indonesian Constitutional Court. States, therefore, are not monolithic¹⁵ and different 'bits of state' pull in divergent directions on various issues according to priorities and interests. In a seemingly strong state like Indonesia for example, state control can at times be undermined by elite attitudes, poor policies, institutional resources and patron-client links among state officials and resource operators.¹⁶

Two questions the different capabilities of states raises for business and human rights are: (1) should corporations pursue policies to protect against rights abuse in their areas of operation?; or (2) is it better to simply reaffirm the responsibility of states to undertake this role? The debate as to whether corporations should be guarantors or upholders of human rights has shadowed the development of the UN Framework. This Framework was developed by the UN Secretary-General's Special Representative for Business and Human Rights, John Ruggie. The aim of the Framework is to 'provide an authoritative focal point around which actors' expectations could converge—a framework that clarified the actors' responsibilities, and provided the foundation on which thinking and action could build over time'.¹⁷ The Framework comprises three core principles:

- State duty to *protect* against human rights abuse by third parties, including business, through appropriate policies, regulation and adjudication;
- The corporate *responsibility* to respect human rights, which means to act with due diligence to avoid infringing on the rights of others and to address adverse impacts that occur; and
- Greater access by victims to effective *remedy*, both judicial and non-judicial.¹⁸

One criticism of the UN Framework to date is that it 'attempts to draw a sharp distinction between duties of States versus the responsibilities of business'.¹⁹ Earlier iterations of the Framework did in fact obligate corporations to the same duties as states. However this was strongly opposed by the business community. In an attempt to appeal to business and to create a workable mechanism the above separation of duties was maintained by Ruggie and subsequently accepted by the Human Rights Council.²⁰

To some extent, this is a realistic response to the profit motive of business. It is widely recognised that corporations are unlikely to adopt conflict sensitive business practices unless it is in their interest to do so. In considering new frameworks of Corporate Social

Responsibility (CSR) therefore, it is important to keep in mind why businesses are operating in difficult investment environments in the first place, such as the numerous economic incentives they may provide, tax breaks, low royalty payments, as well as lax regulatory environment and pollution control requirements.²¹ Critics are right to argue that corporations can manipulate discourses of social responsibility to promote their own interests.²² Therefore, while CSR 'is not necessarily only greenwash'²³ it is likely that the avoidance of costs associated with damaged assets, interruption to activities²⁴ or the complete loss of a social license to operate,²⁵ will be a stronger push for business to act than perceptions of human rights responsibilities.

While co-operation from the business community is vital to the success of international human rights initiatives, too much flexibility in relation to the demands of business can weaken their possibilities and de-radicalise their potential. Three limitations of the separation of business and state responsibilities have been identified. Firstly, it underestimates the potential of corporations to pressure states into fulfilling their human rights obligations.²⁶ Second and conversely, it doesn't outline how or when this influence should be curbed so that corporations do not undermine state performance on those same duties.²⁷ A third critique extended in this article is that by affording states sole responsibility for human rights protection, it depicts 'States as the exclusive and primary agents of justice'.²⁸

An understanding of human rights as the exclusive domain of states does not reflect transformations that have occurred in styles of state governance and regulation more broadly.²⁹ This is something which has received attention in an area of scholarship that closely overlaps with business and human rights: security governance. Wood and Shearing argue that security is no longer 'performed simply by institutions of the state, nor by thinking originating from the state sphere'.³⁰ Instead, the authors characterise contemporary security as 'governing through others', whereby 'states seek to govern indirectly through mobilizing the knowledge, capacity and resources of other institutions, groupings and individuals in the delivery of security and other goods'.³¹ Similarly, Avant and Haufler argue that it is misleading to conceptualise security governance as something that is determined by states alone.³² The authors support this claim by drawing a comparison between the ways in which two transnational organisations (non-governmental organisations and transnational corporations) respond to violence. Avant and Haufler argue that even though these two organisations are not security actors per se, the way they respond to threats affects 'security for both themselves and the societies in

which they operate'.³³ The authors conclude, therefore, that 'security at the local level is an outcome of interactions among diverse actors including transnational organizations'.³⁴

To some extent, corporate contributions to security governance have been recognised in the development of the Voluntary Principles on Security and Human Rights (VPs). The VPs were developed in a collaboration between the governments of the United States and the United Kingdom, companies in the extractive sectors as well as non-governmental organisations (NGOs). The objective of the VPs is to guide 'Companies in maintaining the safety and security of their operations within an operating framework that ensures respect for human rights and fundamental freedoms'.³⁵ Extending the parameters of the UN Framework, the VPs also acknowledge that 'home governments and multilateral institutions may, on occasion, assist host governments with security sector reform, developing institutional capacities and strengthening the rule of law'.³⁶ Further, the VPs 'recognize the important role Companies and civil society can play in supporting these efforts'.³⁷

The importance of interaction between diverse actors in creating safe spaces for business operations is reflected in the current security practices of large extractive companies. Contrary to understandings of corporations as pseudo-states, extractive companies do not exclusively determine security outcomes in their areas of operation. As argued by Dinnen, for example, in defending legitimate security concerns, extractive companies 'have to negotiate with the state and in the process they encounter the fragmented, personalized, and changing interests that can subvert their most carefully planned strategies'.³⁸ The key point is that neither 'the state' nor corporations solely determine security outcomes. Instead, security outcomes are determined by the interaction of all relevant actors, including different 'bits of state' which may pull in opposing directions.³⁹

This article argues that corporate-state interaction and corporate-corporate learning on issues such as security may open important opportunities for extractive companies to contribute proactively to human rights protection. The capacity for extractive companies to capitalise on these openings, however, is likely to be influenced by other factors such as the financial interests of security personnel and the history of the company's involvement in the area.⁴⁰

The aim of this article is to contribute to understandings of how extractive companies can contribute to human rights protection via their security practices. It does this through a case study comparison of two large extractive companies operating in West Papua: PT Freeport Indonesia (Freeport),⁴¹ operator of the Ertsberg and Grasberg mines in Papua province and British Petroleum (BP), operator of the Tangguh Liquefied Natural Gas

(LNG) project in West Papua province.⁴² West Papua⁴³ is an important case to explore as criticisms of Indonesia's handling of Papuan rights has led it to be counted as 'one of three countries (along with Colombia and Nigeria) in which human rights in the corporate sphere are most obviously endangered'.⁴⁴ This has raised concerns within the extractive industry as to whether it is possible to invest in West Papua while maintaining a commitment to international human rights standards.⁴⁵

The West Papua case illustrates the way in which corporate security practices occur amid, and contribute to, broader state narratives of nation-building and development. The article highlights how extractive companies operating in West Papua have navigated these narratives and the implications of this on rights protection and security governance in their areas of operation.

It is important to ground this article's analysis with an introduction to Indonesian narratives towards indigenous Papuans, particularly in relation to the historical role played by the Indonesian security forces in Indonesia's nation-building agenda. This is followed by a comparison of the security practices of Freeport and BP in the region, drawing on interviews⁴⁶ conducted as part of a larger comparative study on CSR and natural resource conflict in Bougainville and West Papua.⁴⁷ In total, 42 interviews for the West Papua case were conducted in 2010 in four main areas: Jayapura (the Provincial capital), Timika (a town close to the Grasberg mine), Jakarta (the capital of Indonesia) and London (the location of BP's home country headquarters).⁴⁸ Participants included corporate executives, former company employees, NGO workers, women's and religious leaders, journalists and tribal council members.⁴⁹ Interviews focused on the participants' perspectives of current and past corporate community programmes and their relevance to resolving resource conflict.

*West Papua*⁵⁰

West Papua comprises the western half of the island of New Guinea, which is located 250 kilometres north of Australia. It incorporates two provinces, Papua and West Papua and a number of surrounding islands. While the people of West Papua are of Melanesian descent and share cultural ties with their Papua New Guinea neighbours, West Papua was controversially integrated into the Republic of Indonesia in 1969. Since this time, West Papua has suffered considerable and continuing violence orchestrated by the Indonesian security forces in the name of national development and unity.⁵¹ Deaths from this conflict

are estimated to be in the tens of thousands,⁵² and the human rights of indigenous Papuans continue to be threatened through routine surveillance, intimidation, detention and torture.⁵³

Conflict in West Papua can be traced to the territory's forcible incorporation into a nation state with which the indigenous population does not hold strong loyalties or connections, at a time when Papuans were agitating for their own state. Indonesia is comprised of an extraordinarily diverse range of cultures and language groups. The process of unification has been difficult, both from the perspective of the peoples incorporated and the government with the challenge of administering such a vast geographic and ethnically diverse area. West Papua comprises one of the largest geographic regions of Indonesia (22 per cent of the total land mass) at the very periphery of the archipelago. These factors, combined with strong cultural connections to the peoples of the eastern half of the island of New Guinea (who enjoy political independence), have meant that for Papuans, the discomfort associated with 'Indonesianisation' has been particularly acute.

Natural resources are central to indigenous grievances with the Indonesian government. While West Papua is rich in natural resources its population of approximately 3.5 million⁵⁴ consistently ranks as one of the poorest in Indonesia.⁵⁵ The economic importance of West Papua to the Indonesian state is directly linked to the control of natural resources by the government and large multinational corporations. Moreover, the history of resource development in this region has been deeply entangled with the concurrent process of the incorporation of West Papua into Indonesia from the 1960s.

Historical background to the conflict

To understand the dynamics of contemporary conflict in West Papua related to resource extraction, it is necessary to understand the processes that led to the creation of the Indonesian state in the mid-twentieth century. West Papua became the site of an imperial struggle between colonial powers (the British, Germans and Dutch) in the eighteenth and nineteenth centuries. As early as 1824 the British agreed that the region would form part of the Dutch East Indies, however the first successful European settlement occurred some 30 years later with a German missionary settlement on the Island of Mansinam offshore of Manokwari. It wasn't until 1898 that the Dutch established a permanent settlement in Manokwari and Fak Fak. The Dutch were temporarily displaced in 1942 when the Japanese

occupied the northern coast of West New Guinea as part of its World War II campaign. Following the conclusion of the war in 1945, the region was returned to Dutch control. However at the same time, Indonesian nationalists made claims for all of the Dutch East Indies to form part of the Republic of Indonesia. Following a four-year conflict, the Netherlands officially recognised Indonesian sovereignty over the Dutch East Indies, with the exception of West Papua.

Conflict in West Papua can therefore be seen to have begun as an international conflict between two states: a dispute between Indonesia and the Netherlands about historical claims over territory.⁵⁶ When the UN recognised Indonesia as a sovereign state in 1950, the territory did not include the western half of New Guinea, which remained under Dutch control.⁵⁷

Over the next few decades, local aspirations for independence gathered momentum, with the support of the Dutch who continued to challenge Indonesia's territorial claims. After several failed negotiations between the Sukarno government and the Netherlands, an agreement was signed in 1962 in New York to transfer the sovereignty of Western New Guinea from the Netherlands to Indonesia. Under the terms of the New York Agreement, 'Indonesia was obliged to hold a plebiscite on West Papua's future, an 'Act of Free Choice', within six years of the transfer of power to Jakarta in 1963'.⁵⁸

According to Singh, 'as a means of increasing the chance of winning the 1969 Referendum, the Indonesian government [...] went out on a political mission to "Indonesianize" the people of West Irian'⁵⁹ and Papuan elites who were considered to be pro-Netherlands and pro-Papua came under pressure from the Indonesian security forces.⁶⁰ While Papuan leaders were not uniform in their response to international influences, even those who favoured integration into Indonesia did so on the understanding that Papua would be granted independence in the near future.⁶¹ However, once in power, attempts were made by Indonesia to reformulate the nation as a 'cultural polity', replacing competition and conflict with harmony at the expense of diversity.⁶² This was in contrast to the approach of the Dutch who encouraged Papuans to think of themselves as culturally distinct from the rest of the Indonesian archipelago. Through Indonesian denial of Papuan aspirations for their own statehood and the repression through which this was achieved, Papuans came to perceive Indonesia as their new colonisers.⁶³

The Act of Free Choice took place in 1969 through a series of regional consultations that were widely believed to be stage-managed by Indonesian intelligence officials.⁶⁴ The Indonesian government chose 1,026 voters of a population of 815,906 who voted unanimously for integration into Indonesia, a somewhat implausible result made possible

by the repressive security environment surrounding the 'free choice'.⁶⁵ Although the UN has subsequently been criticised for going along with the charade of a 'free choice' for Papuans, Indonesian sovereignty over West Papua was henceforth recognised by the international community.⁶⁶

Following the Act of Free Choice, West Papua was declared a Military Operation Zone in which freedom of movement was severely restricted and regulated.⁶⁷ 'Expressions of cultural identity, such as songs sung in local languages, were considered a manifestation of a separatist movement and were punishable by torture and even death.'⁶⁸ Despite the devastating effects of Indonesia's security-driven approach to West Papua, it is believed to have been counterproductive, in that it served to strengthen a separate Papuan identity and cement the desire for independence.⁶⁹

One manifestation of this has been the *Organisasi Papua Merdeka* (Free Papua Movement or OPM) which is a small and poorly armed guerrilla group. The OPM's primary goal is nothing short of full political independence for West Papua,⁷⁰ and although it has never threatened Indonesian control of the provinces, the movement has played an important symbolic role in representing a 'Papuan identity' and associated political aspirations.⁷¹ The OPM launched its first operations against Indonesian forces in 1965. In response, an estimated 30,000 Papuans were killed by the Indonesian military during the period 1965–1969.⁷²

Papuan resistance to Indonesia has continued via a largely peaceful independence campaign.⁷³ Despite incredible cultural heterogeneity on the Papuan side, the demand for *merdeka* (freedom or liberation) has become almost universal among indigenous people of the region.⁷⁴ Repression of Papuan aspirations for *merdeka* is believed to be somewhat less intense than in the 1960s, but human rights violations including torture,⁷⁵ forced disappearances, summary executions and the application of treason and blasphemy laws to limit freedom of expression continue to be reported.⁷⁶ Periodic raisings of the morning star flag, first hoisted in the 1960s as a symbol of Papuan independence, remain 'the most persistent provocations to which the military has responded with violence'.⁷⁷

Narratives of unity and threat

In West Papua, the role played by the Indonesian Military (*Tentara Nasional Indonesia*, hereon referred to as TNI) are crucial for understanding corporate security practices in the region. This is not to say, however, that the TNI are the only security actors that influence

security governance in West Papua. Brimob (Mobil Brigade), Kopassus (Special Forces Command), Kostrad (Strategic Reserve) and Provincial Police are also engaged in resource sites in West Papua and have competed with the TNI over access to wealth from extractive companies (discussed below). The TNI is afforded more attention in this article as it illustrates most clearly the entanglements of extractive companies in broader narratives of nation building vis-à-vis their security practices.

The TNI has been a strong facet of Indonesia's self-constructed identity since it gained independence from the Dutch in 1948. The TNI was a revolutionary army with a mission to build a nation. The success of the TNI in an armed struggle against the Dutch 'gave rise to the perception of the army as the institution that preserved the Indonesian nation and provided the rationale for the military's role in politics'.⁷⁸ This historical account has not only entrenched a perception amongst Indonesians of the TNI as the 'guardians of national unity', but has been used to justify the TNI's actions against separatist sentiments within Indonesia.⁷⁹ More specifically for the purposes of this discussion, it has provided a legitimising rationale for the presence of the TNI in areas surrounding large natural resource projects in the name of protecting the state's assets.

This rationale became most evident when President Suharto gained political leadership of Indonesia and shifted the TNI's attention away from external enemies and towards internal threats to the regime.⁸⁰ The TNI represented the state's interest and ultimately came to align directly with the interests of Suharto, his party Golkar and his cronies. This mandate for the TNI as the guardians of the regime and its financial resources established the conditions for human rights violations surrounding large extractive projects.⁸¹

Indonesia has also drawn on a narrative of national unity in response to separatism in West Papua, which, along with Aceh, has felt the full force of the TNI.⁸² Indeed despite wide reports that the OPM has, 'weakened, lacks ammunition and relies on bows and arrows' the Indonesian government has maintained, and perhaps even advanced,⁸³ a militarised approach in West Papua for over 40 years.⁸⁴

The financial interests of the TNI

High numbers of TNI troops continue to be deployed in West Papua and pose a continued threat to cultural expression and Papuan autonomy. As Widjojo argues, political violence

in West Papua is psychological and structural: ‘The Papuans’ experience of political violence nurtured a collective memory of suffering, or what is known as *memoria passionis* [memory of suffering].’⁸⁵

National stories have been used to justify the large military presence in West Papua. However, the TNI also has a financial interest in maintaining its West Papua presence. According to Blair and Phillips, the TNI must raise a significant proportion of its own revenue due to the fact that it receives only 25–30 per cent of its budget from the national government.⁸⁶ The rest is raised through a mixture of activities, including payments by extractive companies for security. On an individual level, soldiers are poorly paid, with mid-ranking soldiers earning US\$60 to US\$95 per month and high-ranking officers earning US\$110 to US\$350 per month in 2001.⁸⁷ This situation creates strong individual incentives to compete for resources, and can undermine TNI accountability to civilian authorities.⁸⁸

More specific to the relationship between the military and Freeport is that the TNI’s revenue raising agenda has embroiled Freeport in a number of shooting incidents in areas surrounding the Grasberg mining complex. The economic interests of the TNI in Freeport’s mining activities have also undermined attempts to control and reform the Indonesian security forces, and have fuelled human rights violations both in the vicinity of major natural resource projects, and throughout West Papua.⁸⁹

Freeport’s security practices and the narrative of state sovereignty

*[...] Freeport as a foreign company—as a national asset should be looked after. In this case by the arm [sic]. In the government’s mind it is a good way and the company also [...] Freeport is the operator. It has a contract with Indonesia—it has to abide by the law and its by-laws.*⁹⁰

Freeport commenced mining operations in West Papua at the Ertsberg mine in 1972 under a 1967 Contract of Work with the Indonesian government. The company’s operations in West Papua significantly expanded in 1988 when it discovered the Grasberg mine, located in the Sudirman Mountain Range. The Grasberg mineral district includes open pit and underground mines and contains the world’s largest gold reserve.⁹¹

The most visible link between the TNI and the Indonesian economy has been the presence of troops around the Grasberg mining area. This presence can be described as

one of the most long-standing Papuan concerns regarding Freeport's operations in West Papua. As a Papuan NGO worker stated: 'the problem is because Freeport is making trouble for a very long time. Since the contract [in 1967], Freeport pays security'.⁹²

A particularly significant security issue in the vicinity of Freeport's mining operations was the 1996 riots. Many Papuans believe the riots were orchestrated by the military but were 'accused on Papuan independence organisations'.⁹³ The motivation for these actions is considered to stem from the military's need to source external funding. By orchestrating attacks but attributing them to local separatists, the military can justify their ongoing value to Freeport, and secure well-paid contracts into the future. Similar accusations have been levelled at the military for numerous shooting incidents around the Grasberg mineral district from 2002 to 2011. Responsibility for these violent incidents has been caught in a blame game between Papuan activists and the TNI. The Indonesian government and Freeport have sided with the military by attributing the attacks to separatists seeking to destroy assets of national importance. However, Papuan advocates for independence vehemently deny these accusations.

One of the shooting incidents around the Grasberg mine occurred during August 2002 when teachers working on contract for Freeport, two from the United States and one from Java, were killed. Despite a lack of evidence the military, government officials and senior Freeport management publicly attributed the attack to Papuan separatists, with a Jakarta court later sentencing a Papuan villager, Antonius Wamang, to life in prison.⁹⁴ The sentence occurred despite the fact that both police and US intelligence reports linked the murders to the military rather than to Wamang.⁹⁵ Advocates for Wamang's innocence believe the main suspects involved in the shooting are members of the *Tenaga Bantuan Operasi* (TBO). The TBO is a group of civilians who give logistical assistance to Kopassus personnel. Some of the civilians are believed to be Papuans who are trained in Java to work for the army to instigate violent incidents.⁹⁶

According to Ballard and Banks, if the military was responsible for the murders, they were likely motivated by Freeport's attempts to wean the security forces off its financial assistance.⁹⁷ Freeport's attempts to cease financial ties with the military followed national-level reforms, which sought to tighten the control of the TNI.⁹⁸ However, instead of improving the human rights situation around the mine, these reforms are believed by many Papuans to have created jealousies between the military and the police, who both orchestrate attacks in the vicinity of Grasberg in order to secure security payments.

The military is then accused of blaming the attacks on the OPM to justify the continuation of their contracts. As a Freeport employee explained:

[the] shootings took place because Freeport tried to stop military and only use police. Blame [Kelly] Kwalik⁹⁹ and local people on this. They have already enjoyed the cake too much [...] In 2007 it [Freeport security] changed to policemen. This gains jealousy between the two. When security is taken by policemen, army get jealous of this. They make incident to show they need army.¹⁰⁰

Similar suspicions were raised after a number of shootings took place following further attempts to decrease the company's financial assistance to the military. As Braithwaite and colleagues argued in July 2009, 'there were a further series of perhaps six shooting incidents near the mine in which one Australian mine engineer and two Indonesians were killed and many others were wounded.'¹⁰¹ In response to the shootings, Papuans and international NGOs have demanded that Freeport cease its ties with the Indonesian security forces. Freeport has responded to these demands by pointing to its legal agreement with the national government that binds it to work with the TNI. In a letter addressed to Global Witness, for example, Freeport's Vice President for Communications stated:

[...] pursuant to the Government's declaration that our company's mining operations are a Vital National Object [...] there is no alternative to our reliance on the military and police in this regard [...] The Indonesian Government—not our company—is responsible for employing its security personnel and directing their operations.¹⁰²

More broadly, Sethi and colleagues argue that Freeport has considered harassment of indigenous Papuans by the provincial police and TNI as beyond the company's control.¹⁰³ As a consequence of Freeport's deference to Indonesian law and sovereignty regarding the actions of the security forces, the company has foregone important opportunities to transform the popular local perception that the company not only operates in its own financial interest, but also in the interests of the Indonesian security forces.¹⁰⁴

Others are more understanding of the constraints facing Freeport in changing its security approach, but still critique the lack of will on the part of Freeport to limit the activities of the military around the Grasberg mine. As a former Freeport employee stated:

*[...] Freeport is trying to change—they are more open for human rights—they are taking it seriously. But it will take time because of the surrounding environment. Freeport cannot say it wants less troops [...] it has had small opportunities [...] but I don't think they were successful to capitalise because Freeport is too strategic.*¹⁰⁵

A human rights opportunity lost?

In deferring to the sovereignty of the Indonesian government and its requirement that the Indonesian security forces protect all 'vital national assets', Freeport has distanced itself from responsibility for the actions of the TNI in its area of operation. The possibility of conceptualising Freeport's responses to the shooting incidents as a positive human rights opportunity missed was raised in an interview with a former Freeport employee. While he acknowledged that the company recognises that, 'Papuan using bows and arrows' did not undertake the shootings, he maintained that, 'Freeport is a foreign company—it can't talk about politics—by law it can't interfere'.¹⁰⁶

To its credit, Freeport has undertaken a number of human rights initiatives in an attempt to respond to accusations of rights violations in the vicinity of its operations. This includes a 2003 company-wide code of conduct called the 'Guiding Principles for Indonesian Operations—People and the Community', as well as human rights training for company employees and contracting staff.¹⁰⁷ The Code of Conduct included a commitment to independent auditing and follow-up field visits by the International Center for Corporate Accountability.¹⁰⁸ The audit found that Freeport had taken adequate actions to address numerous concerns identified in the initial audit, including the use of company vehicles to transport military personnel in the mining area, and inadequate employee knowledge of the company's human rights policy.¹⁰⁹ Further, in 2004 President Megawati Sukarnoputri issued President Decree No. 63 on the Security of Vital National Objects.¹¹⁰ The Decree transferred responsibility for the protection of any sites declared a national asset, including Grasberg, from the military to the police. However, as alluded to earlier, although this did not solve the rivalry between the police and the military, it is believed to have shifted the responsibility and authority over security matters at Grasberg.

As reflected in the above quote by a former Freeport employee, the company faces immense challenges in contributing to security sector reform through its operations in West Papua. Changes in the company's security practices have had perverse results.

In particular, it has shown that Freeport's security practices are embroiled in a complex and dangerous conflict, including competition between security factions over financial gains. In spite of Freeport's attempts to engage with human rights, sociopolitical unrest in the area of the mine has not subsided and concerns regarding the relationship between Freeport and the Indonesian security forces have extended into industrial relations disputes. Between 2011 and 2013 for example, 17 recorded demonstrations were staged by Freeport mining workers concerning labour rights. In one of these demonstrations, police reportedly fired warning shots at protesting workers,¹¹¹ causing the deaths of two protesters and leaving six others seriously injured.¹¹² While Freeport reportedly acknowledged that 15 people have been killed and 56 people have been injured in shootings along the road leading to the Grasberg mine since July 2009, 'the Indonesian government has responded with additional security forces'.¹¹³ This raises serious concerns about the possibility for future deaths in areas surrounding the Grasberg mine. It also reflects the lack of momentum generated through previous crises to improve the human rights reputation of the Indonesian government, its security forces and Freeport.

In saying this, however, Freeport cannot be expected to reform the situation acting alone. Just as the security problem involves numerous actors and motives, any effort to resolve the situation will require collaboration between all parties, including local authorities such as Regents and Governors. It must also be noted that civilian authorities and NGOs also compete for access to financial gain from Freeport. For example, the Governor of Papua, Lukas Enembe, demanded a 10 per cent stake in the company as compensation for years of mining in the province.¹¹⁴ The TNI is only one of many actors in West Papua seeking a slice of the Freeport pie. While full analysis of the role of local authorities and their interactions with extractive companies is beyond the scope of this article, they are mentioned here to point to future research and to provide a sense of the number of actors who influence the governance of resource sites across different levels and scales. A topic for future research is the strength of local authorities in contributing to resource governance in the context of broader processes associated with the democratisation of Indonesia.¹¹⁵

Tangguh LNG and the development of community-based security

[...] *Tangguh* was both welcomed as a new model for international corporate conduct and feared because of Papua's past experience.¹¹⁶

The case of BP's approach to security for its Tangguh LNG project is an instructive contrast to the Freeport project. Tangguh LNG is located in Bintuni Bay of West Papua province. 'The Project involves the tapping of six fields to extract combined proven reserves of around 14.4 trillion cubic feet of clean gas.'¹¹⁷ The Indonesian government approved the Tangguh LNG project in 2005 through a production-sharing contract with Indonesia's then regulatory body for oil and gas, BPMigas.

When BP entered into this contract, the company acknowledged to both stakeholders and shareholders that security would be the most difficult and sensitive issue faced by the Tangguh project.¹¹⁸ Following the advice of the Tangguh Independent Advisory Panel (TIAP),¹¹⁹ BP recognised that Papuans hold significant distrust and fear of the Indonesian security forces based on prior experience of Freeport. This recognition was a significant lesson from BP's initiative to undertake a human rights impact assessment for the project. As a BP employee stated:

*[...] Tangguh is the only company with a human rights impact assessment in Indonesia. [It was] the basis of developing community-based security to facilitate and prepare the system for security in the Tangguh area [...] Because in the human rights impact assessment it already identified the community-based security system in the Indonesian police—but it has never been implemented.*¹²⁰

As with Freeport, BP is required to subsidise security expenses mandated by BPMigas.¹²¹ However as an alternative to financially supporting the TNI, BP has implemented a community-based security approach. The development of this approach came in response to the recommendation by human rights consultants that 'BP should urge the highest levels of the Government of Indonesia to limit TNI and Brimob deployments and, if necessary, seek support for this position from the U.S. and U.K. governments.'¹²²

In response to this recommendation, BP stated:

*[...] as in all countries, the provision of security is ultimately the exclusive prerogative of the state, and we have to work within that framework. Our hope is that the adoption of a community-based regime for Tangguh, in which our stakeholders, particularly those in Bintuni Bay, play an active and integral part of the Project's security, will reduce the risk of human rights incidents from taking place.*¹²³

This statement suggests that although BP has acknowledged that it must operate according to the security regulations set by the Indonesian government, it can nevertheless adopt proactive strategies that may challenge this requirement. For BP's efforts to reduce the presence of the TNI in the Bintuni Bay area, BP's security strategy has been recognised as an exemplary model by the UN Global Compact as it 'presents the opportunity to develop mutual trust, respect, and employment in the local community [which] can lead to closer relations and considerably lessen the chances of misunderstanding leading to violence or security issues'.¹²⁴

BP's security model developed on the basis of a consultative process between parties at local, regional and national levels. During these consultations it was discovered that community-based security could be designed to fall within the parameters of official Indonesian defence doctrine. BP executives uncovered a concept in Indonesian defence doctrine referring to a model of community policing that had never been implemented as a form of corporate security. When this was discovered:

*[...] BP organised a national conference of community security with the national security guardian board, with the generals who train the police on the philosophy of the country. They advised us to bring this to the national security board for them to agree [...] We said it is the same as community-based policing.*¹²⁵

An executive of BP Indonesia further described the process:

*[...] The concept before it was used; we brought it to the National Defense Institute to discuss entirely. We agree on the type of strategy. They say, 'OK, let the people manage it'. We referred to human rights abuse and how to minimise human rights abuse. A member of the British Embassy was there—the aim was to change the perspective of the Indonesian Government.*¹²⁶

This quote illustrates an apparent willingness on the part of BP to resist relying on a story of state sovereignty to justify financially supporting the Indonesian security forces. While the company recognised the constraints it faced in developing the new approach, it did not let those constraints overwhelm the company's ideals and was assisted in this process by its home country government. Significantly in TIAP's 2005 report, the panel quoted the Regional Military Commander as stating, 'while pointing out that Tangguh is a vital national project, he described the principles of ICBS as the new mechanism for security at projects like Tangguh'.¹²⁷

The components of Integrated Community-Based Security (ICBS)

The main component of BP's ICBS strategy is a social contract, 'between the Project and the community to preserve order and mutual respect, resolving issues through negotiation and discussion rather than confrontation'.¹²⁸ One way in which BP has attempted to achieve this goal is to use unarmed locals¹²⁹ from the BP area for everyday security of the project, and a commitment to call the police only if a security problem escalates. As a starting point, BP recognised that disruptions to the project were likely to occur, and additional problems could result from the presence of security personnel from different social, cultural and ethnic backgrounds. According to a BP Indonesia executive:

*[...] 93 per cent of security guards are Papuan and mostly from the local area. We recruit from local area because during their day off they go back to the village and become a tutor about how to obey the law—especially on alcohol and household abuse[...] [They] become a tutor and lead the community to obey the law rather than have a conflict.*¹³⁰

In 2006, BP claimed that there were, '273 guards in the ICBS programme, of which approximately 258 are Papuans'.¹³¹ These security guards have all completed, or are scheduled to receive human rights training by Papuan human rights NGOs. According to a Papuan involved in the human rights training of the guards, the course consists of:

*[...] basic understanding of what human right is and how to handle mass conflict. How to react in case of conflict. Most materials are taken from the general declaration on human rights—the covenant on civil and political rights about social and economic rights—basic principles of human rights [...] Then conflict resolution- how security guards make resolution after conflict.*¹³²

When asked if the respondent believed the training provided was sufficient to avoid human rights violations in the vicinity of the Tangguh project, he stated, 'it depends on the scope of the conflict. Small scale—yes. But if it involves the unity of several tribes it is impossible for them to do it'.¹³³ It is BP's policy that the military should be called in to assist with a security disturbance, 'only as a 'last resort' upon the co-ordinated request of BP security and the Papua Police'.¹³⁴ An executive for BP Indonesia further stated:

[...] If the problem becomes bigger and can't rely on our security we call the police. And then if they can't handle it they ask the military [...] We only call

*the police—we can't call the military. If the police need more then they call the military.*¹³⁵

This statement is in line with BP's initial 2003 response to the human rights impact assessment on the issue of military deployment. BP argued that, 'any attempt to dictate "*principles [. . .] to limit military deployments [. . .]*" with or without BPMIGS support would likely be seen as a transgression of that sovereign right, and have historically been rejected outright'.¹³⁶ However BP also recognised that it could potentially capitalise on the dialogue established with government officials through the development of the ICBS programme, as an opportunity that, 'may give BP some ability to influence such issues as the location, strength, and missions of other Police and military deployments'.¹³⁷

Similar to Freeport, however, BP has faced the same problem of the military's history of economic interests in natural resource projects. One of the biggest risks the company has faced in its implementation of ICBS is that the Indonesian security forces might orchestrate attacks similar to the shooting incidents around Freeport. Indeed, Indonesian military agents were accused of provoking violence even prior to the construction of Tangguh in 'an unconventional bid for a lucrative "protection" contract'.¹³⁸ Kirksey and Grimston also claim that while BP has sought to cut the military out of a security deal, 'the company is using officers from the country's feared Mobile Police Brigade (Brimob)—which has been accused of numerous human rights abuses'.¹³⁹

Further, even though BP's community-based security approach has been well received in West Papua by some NGO workers and religious leaders and has seemingly gained acceptance at local, regional and national levels, not all Papuans are convinced about community security. As a Papuan human rights advocate stated, 'about the [BP's] security system. It is good. Community-based security. The local community guard the company. But I believe Brimob is also inside the company. You cannot say no policemen'.¹⁴⁰ A Papuan religious leader also commented: 'I am still so pessimistic about this because they are contractors for the government. There must be government responsibility inside to protect—there must be army or policemen inside even if not in uniform'.¹⁴¹

In addition, it must be acknowledged that much of the data used in this discussion of the BP case is drawn from interviews with senior BP employees. Much of this discussion therefore largely reflects the perception of company executives on ICBS. More research is needed into the local realities of ICBS, including any potential unintended consequences of community-based security. At the Porgera mine in Papua New Guinea, for example, Banks argues that police became 'virtually powerless to act against any segment of the community' because they

were so enmeshed in the community through marriages and other local alliances.¹⁴² This situation meant that on more than one occasion, ‘outsiders’ were required to bring order to the area.¹⁴³ Some of the Papuans who participated in this research, however, asserted that while it is too early to herald BP’s ICBS security approach an unmitigated success, they do respect the effort the company has made in comparison to Freeport.

Conclusion

Corporate-state interaction and corporate-corporate learning on security might open important opportunities for extractive companies to contribute to human rights protection. However, this article argues that the capacity for extractive companies to perform a proactive human rights role is likely to be influenced by a range of external factors and relationships. In West Papua, these include: the financial interests of the TNI, Brimob personnel, local authorities’ policies and ideologies relating to nation-building, as well as meta-narratives of unity and disintegration which have characterised Indonesia’s security approach towards separatism in West Papua. The Freeport and BP cases reveal that the way in which extractive companies negotiate these narratives can have implications for both corporate security practices and human rights protection in their areas of operation. In particular, the Freeport case highlighted the difficulties the company has faced in contributing to security sector reform due to its long association with the TNI. This has implicated Freeport in numerous shooting incidents that are widely believed to have been orchestrated by the military to justify its presence, and secure ongoing revenue to ‘protect’ Freeport. This security situation is pathological because it puts both the military and OPM in the position of being able to instigate a security incident, blame the other as responsible, and be believed by many.

The intrinsic difficulties that corporations face in attempting to uphold human rights in locations of conflict are evident in the history of Freeport’s operations in West Papua. However, the BP example shows from the corporate perspective at least, it might be possible to work around state narratives and requirements if there is a commitment to think creatively about possible alternatives. It would be unwise however to characterise BP’s ICBS as a success at this stage. The model has not yet been tested by way of a large-scale security incident and there are serious concerns as to what would happen if such an incident were to occur.

In the introduction of this article, two questions were raised: should corporations be obligated to pursue policies to protect against human rights abuse, or is it best to reaffirm

the responsibilities of states to undertake this role. The article has problematised the notion that states solely determine security governance. Instead, security governance is shaped through interaction between multiple actors and organisations. Taken together, the Freeport and BP cases also suggest a potential middle-way between state duty to 'protect' and corporate responsibility to 'respect' human rights. Such an approach would more adequately reflect contemporary understandings of state regulation and governance and the complex, interconnected nature of social reality. The main contribution of this article is that it has fleshed out some of the dynamics that come into play through attempts to secure large extractive projects. It is likely that these dynamics will vary across cases and companies. Given the continued confusion as to the human rights obligations of companies, however, it is important to engage with these subtleties if we are to identify practical measures for business to positively and proactively contribute to human rights protection in their areas of operation. How such an approach could be translated into a workable and accepted framework that would be accepted by corporations is beyond the scope of this article.

The article has also not discussed whether corporate security practices are best, or only, imagined in terms of human rights. The use of the West Papua case has mainly focused on the question of how to resolve conflict without violating human rights, rather than the relationship between security and community relations practice within the extractives industry more broadly. However, the article points to areas that might be explored in future work, with a view to enhancing the efforts of both states and corporations to promote human rights in the context of resource extraction.

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Disclosure statement

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Endnotes

1. Ruggie, 'Guiding Principles in Business and Human Rights'.
2. Foley Hoag LLP, 'The Voluntary Principles'.
3. Business and Human Rights Resource Centre, 'Sector-Specific Guidance'.
4. BP plc, 'Human Rights Policy'.
5. International Finance Corporation, 'Human Rights Impact Assessment Tool'.
6. Freeman et al., 'New Approach to Corporate Responsibility', 423–449.

7. **Preuss and Brown**, 'Business Policies on Human Rights', 289–299.
8. **Ballentine and Haufler**, *Enabling Economies of Peace*, 4.
9. **Dauvergne**, 'Weak States and the Environment', 2.
10. **Migdal**, *Strong Societies and Weak States*, 9.
11. *Ibid.*, 4.
12. **MacIntyre**, 'Police and Thieves', 190.
13. **Dinnen et al.**, 'Police-Building in Weak States', 87.
14. **Dauvergne**, 'Weak States and the Environment', 1.
15. *Ibid.*, 2.
16. *Ibid.*, 1.
17. **Business and Human Rights Resource Centre**, 'UN "Protect, Respect and Remedy" Framework'.
18. *Ibid.*
19. **Murphy and Vives**, 'Perceptions of Justice', 781.
20. **Ruggie**, 'The UN "Protect, Respect and Remedy"'.
21. **Keopre and Imbun**, 'Mining and Stakeholder Engagement', 221.
22. **Kirsch**, *Mining Capitalism*.
23. **Hamann and Kapelus**, 'Corporate Social Responsibility in Mining'.
24. **Laplante and Spears**, 'Out of the Conflict Zone'.
25. **McKenna**, 'Business and Peace'. Such as in the case of the Panguna mine in Bougainville.
26. **Kolstad**, 'Human Rights and Positive Corporate Duties', 276–285.
27. *Ibid.*, 284.
28. **Murphy and Vives**, 'Perceptions of Justice', 785.
29. **Wood and Shearing**, *Imagining Security*, 13.
30. *Ibid.*
31. *Ibid.*, 14.
32. **Avant and Haufler**, 'Transnational Organisations and Security', 254.
33. *Ibid.*, 255.
34. *Ibid.*, 254.
35. **Foley Hoag LLP**, 'The Voluntary Principles', 1.
36. *Ibid.*, 2.
37. *Ibid.*
38. **Dinnen**, *Law and Order in a Weak State*, 150.
39. **Avant and Haufler**, 'Transnational Organisations and Security', 264.
40. **Dinnen**, *Law and Order in a Weak State*; **Banks**, 'Razor Wire and Riots'. An additional example highlighted in extractive projects in Papua New Guinea is electoral politics and the interests of politicians.
41. **Freeport-McMoRan Copper & Gold**, 'Grasberg Minerals District'. PT Freeport Indonesia is owned by Freeport-McMoRan Copper & Gold, 90.64 per cent and the Indonesian government 9.36 per cent. **Rio Tinto**, '2010 Annual Report'. Rio Tinto also has a significant joint venture interest in the Grasberg mine, entitling the company to '40 per cent share of production above specified levels until 2021 and 40 per cent of all production after 2021'.
42. **BP plc**, 'Tangguh LNG Project'. Partners in the Tangguh project include: Mitsubishi and INPEX Corporation 16.30 per cent, China National Offshore Oil Corporation 13.90 per cent, Nippon Oil Exploration (Berau) 12.23 per cent, KG Berau/KG Wiriagar (held by a consortium of small Japanese companies) 10.0 per cent, LNG Japan Corporation 7.35 per cent, Talisman 3.06 per cent.
43. Various names have been used for West Papua which may be more familiar to the reader including: West New Guinea, Irian Jaya, West Irian and Papua. This article uses the name 'West Papua' to refer to both West Papua province (which comprises the Bird's Head Peninsula) and Papua province (which comprises the remaining and larger areas of the island).
44. **Ballard**, *Human Rights and the Mining Sector*, 9.
45. **Tangguh Independent Advisory Panel**, 'Seventh Report on the Tangguh LNG Project', 47.
46. All interviews were conducted in confidentiality, and the names of interviewees are withheld by mutual agreement.
47. **McKenna**, *Corporate Social Responsibility*. The study was undertaken over a 3.5 year period.
48. In one case there was more than one interviewee present for one interview, so the total number of interviewees for the Papua case was 48. An important limitation of the data collected for this study is that while in Papua the researcher did not visit local communities surrounding BP's Tangguh LNG project. During her visit to Papua in June 2010, protests were taking place across both provinces. Based on local advice about the likelihood of the protests turning violent, a decision was made not to travel to the western province.
49. Sources of data for the Papua case include: BP executive-London: 1, BP executive-Indonesia: 6, BP employees: 3, Freeport Indonesia employees: 4, Former Freeport Indonesia Employees: 4, NGO workers: 14, Religious leaders: 6; Journalists: 3; MRP (*Majelis Rakyat Papua/Papuan People's Council*) staff member: 1, National Commission for Human Rights (*Komnas HAM*) staff member: 1; *Tongoi* Papua (Freeport Union for indigenous workers) member: 1, LEMASA (*Lembaga Musyawarah Adat Suku Amungme/The Amungme Tribal Council*) staff member: 1, LEMASKO (*Lembaga Musyawarah Adat Suku Kamoro/The Kamoro Tribal Council*) staff member: 1, LPMK (*Lembaga Pengembangan Masyarakat Amungme dan Kamoro/The Amungme and Kamoro Community Development Organisation*) staff member: 1, Women's leader: 1.

50. Parts of this discussion on West Papua have been reproduced with permission from McKenna, *Corporate Social Responsibility*.
51. Tebay, *West Papua: The Struggle for Peace with Justice*.
52. Braithwaite et al., *Anomie and Violence*, 61.
53. US Department of State, 'Country Reports on Human Rights'; The International Coalition for Papua and Franciscans International, *Human Rights in West Papua*; Robinson, 'Self-determination and the Limits of Justice'.
54. Elmslie, 'West Papuan Demographic Transition'. Elmslie claims that while the 2010 census figures did not break this figure down into respective ethnic groups, historical growth rates of the Papuan population suggest that 49.55 per cent of the total 2010 population would be Papuan and 50.45 per cent non-Papuan.
55. Cunding Levi, 'Papua, Indonesia's Poorest Province'. *Tempo.co*, 28 September 2011. Available at: <http://en.tempoco.com/read/news/2011/09/28/055358737/Papua-Indonesias-poorest-province> [Accessed 17 February 2015].
56. Heibuchel, *The West Papua Conflict*, 36; Drooglever, *An Act of Free Choice*.
57. Heibuchel, *The West Papua Conflict*, 38.
58. Wing and King, *Genocide in West Papua?*, 1; Salford, *The United Nations and the Indonesian Takeover*.
59. A previous name for West Papua.
60. Singh, *Papua: Geopolitics and the Quest for Nationhood*, 96–97.
61. Ondawame, *One People, One Soul*, 47.
62. Chauvel, 'Violence and Governance in West Papua', 180–192.
63. Singh, *Papua: Geopolitics and the Quest for Nationhood*, 97.
64. McGibbon, 'Pitfalls of Papua', 12; see also Salford, *The United Nations and the Indonesian Takeover*.
65. McGibbon, 'Pitfalls of Papua', 12; Wing and King, *Genocide in West Papua?*, 1.
66. McGibbon, 'Pitfalls of Papua', 13.
67. Wing and King, *Genocide in West Papua?*, 1
68. Ibid.
69. Chauvel and Bhakti, 'The Papua Conflict'.
70. Singh, *Papua: Geopolitics and the Quest for Nationhood*, 127.
71. Chauvel, 'Violence and Governance in West Papua', 181.
72. Braithwaite et al., *Anomie and Violence*, 61. Asian Human Rights Commission, *The Neglected Genocide*. Further, the Asian Human Rights Commission reports 4,146 Papuans, including children, women and the elderly were killed during military operations in 1977–1998.
73. International Crisis Group, 'Indonesia: Resources and Conflict in Papua', i.
74. Ibid.
75. Hernawan, 'From the Theatre of Torture'.
76. US Department of State, 'Country Reports on Human Rights'; The International Coalition for Papua and Franciscans International, *Human Rights in West Papua*; Robinson, 'Self-determination and the Limits of Justice'.
77. Braithwaite et al., *Anomie and Violence*, 63.
78. Rabasa and Haseman, *The Military and Democracy in Indonesia*, 8.
79. Blair and Phillips, 'Indonesia Commission', 63.
80. Ballard, *Human Rights and the Mining Sector*, 9.
81. Ballard, *Human Rights and the Mining Sector*.
82. Rabasa and Haseman, *The Military and Democracy in Indonesia*, 107.
83. Ringgi, 'Papua's Response to the Gift'. For example, there are fears that the division of Papua into three new provinces under President Susilo Bambang Yudhoyono's policy of 'Special Autonomy Plus' is a 'covert method of further increasing the massive militarization of Papua'. It is believed that this would give 'the military the excuse to put more combat troops into each [province]'.
84. Tangguh Independent Advisory Panel, 'Seventh Report on the Tangguh LNG Project', 12.
85. Widjojo, *Papua Road Map*, 12.
86. Blair and Phillips, 'Indonesia Commission', 8.
87. The Economist cited in *ibid.*, 62.
88. Human Rights Watch, 'What Did I Do Wrong?', 2.
89. Ibid.
90. Former Freeport employee, interview with the author, 2010.
91. Freeport-McMoRan Copper & Gold, 'Grasberg Minerals District'.
92. Interview with the author, 2010.
93. Papuan Human Rights Activist, interview with the author, 2010.
94. Kirksey and Harsono, 'Criminal Collaborations?', 165.
95. Ibid.
96. Papuan Human Rights activist, interview with the author, 2010. Others are simply civilians who provide basic support to the armed forces, such as food.
97. Ballard and Banks, 'Between a Rock and a Hard Place', 22.
98. Blair and Phillips, 'Indonesia Commission', 8.
99. Kelly Kwalik was a leader of the OPM, killed by Indonesian police in 2009. The police accused Kwalik

- of a series of attacks in the Freeport mining area in 2002.
100. Interview with the author, 2010.
101. Braithwaite et al., *Anomie and Violence*, 69.
102. Collier, letter reproduced in *Global Witness*, 'Paying for Protection'.
103. Sethi et al., 'Freeport-McMoRan Copper & Gold', 6.
104. Papuan religious leader, interview with the author, 2010.
105. Interview with the author, 2010.
106. Interview with the author, 2010.
107. Sethi et al., 'Freeport-McMoRan Copper Gold'.
108. International Center for Corporate Accountability, 'Human Rights, Employment and Social Development'; Sethi et al., 'Freeport-McMoRan Copper & Gold'.
109. Sethi et al., 'Freeport-McMoRan Copper & Gold', 14.
110. LGS Online, 'LGS Newsletters'.
111. Nethy Dharma Somba Rangga D. Fadhillah, 'Freeport Strike Turns Deadly'. *The Jakarta Post*, 11 October 2011. Available at: <http://www.thejakartapost.com/news/2011/10/11/freeport-strike-turns-deadly.html> [Accessed 17 February 2015].
112. The International Coalition for Papua and Franciscans International, *Human Rights in West Papua*, 17, 22.
113. Soraya Permatasari, 'Shooting Incidents Hit Grasberg Mine'. *Sydney Morning Herald*, 1 March 2012. Available at: <http://www.smh.com.au/business/shooting-incidents-hit-grasberg-mine-20120229-1u3a6.html> [Accessed 17 February 2015].
114. Nethy Dharma Somba, 'Papua Administration Wants 10% of Freeport'. *The Jakarta Post*, 19 April 2013. Available at: <http://www.thejakartapost.com/news/2013/04/19/papua-administration-wants-10-freeport.html> [Accessed 17 February 2015].
115. Aspinall and Mietzner, *Problems of Democratization in Indonesia*.
116. Tangguh Independent Advisory Panel, 'Seventh Report on the Tangguh LNG Project', 47.
117. BP plc, 'Tangguh LNG'.
118. BP, 'Human Rights Impact Assessment', 17.
119. BP plc, 'Tangguh Independent Advisory Panel'. The TIAP was established in 2002, 'to provide external advice to senior decision-makers regarding non-commercial aspects of the Tangguh LNG Project'. The panel has been involved in providing yearly recommendations to the management of BP, who are then required to respond publicly (through the BP website) to each recommendation. The most recent TIAP report was published in 2012. BP plc, 'External Monitoring'. 'The first [TIAP] panel was chaired by former U.S. Senator George Mitchell and includes Lord Hannay of Chiswick from the U.K., Ambassador Sabam Siagian from Jakarta, and the Reverend Herman Saud from Jayapura. In July 2009 a new Panel was appointed with Pak Augustinus Rumansara based in Jayapura, and in June 2011 he was joined by former United States Senate Majority Leader Tom Daschle who chairs the new TIAP'.
120. Interview with the author, 2010
121. Blair and Phillips, 'Indonesia Commission', 64.
122. Smith and Freeman, 'Human Rights Assessment', 2.
123. BP, 'Human Rights Impact Assessment', 15.
124. United Nations Global Compact, *Doing Business While Advancing Peace*, 17.
125. BP employee, interview with the author, 2010.
126. Interview with the author, 2010
127. Tangguh Independent Advisory Panel, 'Third Report on Tangguh LNG Project', 25.
128. BP, 'Human Rights Impact Assessment', 20.
129. Welker, 'Corporate Security Begins in the Community', 148. Welker offers an important critique of how Corporate Social Responsibility (CSR) has drawn civilians into corporate security. Specifically, Welker argues that although the VPs have partially demilitarised corporate security, 'CSR has also produced fresh zones of struggle and new forms of violence'.
130. Interview with the author, 2010
131. BP, 'Tangguh Stakeholder Update 4Q 2006', 2.
132. Interview with the author, 2010.
133. Interview with the author, 2010.
134. Tangguh Independent Advisory Panel, 'Third Report on Tangguh LNG Project', 24.
135. Interview with the author, 2010
136. BP, 'Human Rights Impact Assessment', 18. Emphasis in original.
137. Ibid.
138. Kirksey, 'Don't Use Your Data as a Pillow', 150–151.
139. Eben Kirksey and Jack Grimston, 'Indonesian Troops for BP Gas Project'. *The Sunday Times*, 20 July 2003. Available at: http://www.thesundaytimes.co.uk/sto/news/world_news/article223564.ece [Accessed 17 February 2015].
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142. Banks, 'Razor Wire and Riots', 260.
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