

21 February 2007

Mr James Rees
Committee Secretary
Joint Standing Committee on Treaties
Department of House of Representatives
PO Box 6021
Parliament House
Canberra ACT 2600

**Submission to the Joint Standing Committee on Treaties concerning the Agreement
between Australia and the Republic of Indonesia on the Framework for Security
Cooperation**

Mr Rees,

I am very concerned that the Agreement between Australia and the Republic of Indonesia on the Framework for Security Cooperation before the committee in its current form will be detrimental to the future improvement of the situation in West Papua.

The situation in West Papua is characterised by intimidation and human rights abuses arising from an over-zealous military response by the Indonesian armed forces to West Papuan agitation. Combining with high levels of HIV/Aids, poverty and illegal logging, the West Papuan people face an uphill battle to live a dignified life.

This situation stems from the failed Act of Independence of 1969 and more recently the failure of the Indonesian government to fully implement the Special Autonomy Act of 2001.

As one of our close neighbours to the north, I believe that Australia has an important role to play in finding a solution to the problems in West Papua.

Specifically, a solution similar to that implemented in Aceh, is needed. This should include:

- full implementation of the Special Autonomy Act of 2001;
- the acceptance of international monitoring teams for dispute resolution between the Indonesian army and West Papuans; and
- the acceptance of the cultural and historical differences between West Papua and other parts of Indonesia.

The proposed treaty threatens the possibility for Australians to promote such a solution, by restricting their right to support West Papuans under Article 2 (2) and Article 2 (3). Specifically, I draw attention to the phrase in Article 2 (3):

“The Parties, consistent with their respective domestic laws and international obligations, shall not in any manner support or participate in activities by any person or entity which constitutes a threat to the stability, sovereignty or territorial integrity of other Party.”

This phrase puts in place a mechanism to restrict Australian support for West Papua, through the pretext that support for the region is implicit support for the separatist movement. Despite the assurances of the National Interest Analysis [2006] background paper accompanying the treaty, the intention of this phrase is to prevent support for West Papua.

It also seems highly imprudent to train, and transfer military technology to, the Indonesian armed forces as provided for under Article 3 (2) and Article 3 (3), considering the destructive role they play in West Papua. It is important to remember that the granting of asylum to 43 West Papuans in 2006 did not occur in a vacuum, but rather in the specific context of persecution by Indonesian forces.

Taken as a whole, the treaty is an attempt by the Australian Government to distance itself from any role to improve the situation in West Papua; a role that Australia should not shy away from.

I believe that the treaty in its current form would be detrimental to the future improvement of the situation in West Papua, and should be modified to incorporate these concerns.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Meredith Burgmann', written in a cursive style.

Meredith Burgmann