

Clemens Runawery

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

To the Honorable Members of the JSCT

I am submitting this submission as an exiled West Papuan in the neighboring PNG.

My views are confined to two Articles of the Treaty, namely Article 2.3 and Article 3.2.

### **Article 2.3**

This Article commits each government to ‘not in any way support or participate in activities that threaten the other’s stability, sovereignty or territorial integrity’. It is obviously a reference to our West Papuan push for self-determination.

From a brief historical perspective:

- We Papuans did not take part in the US brokered August 1962 New York Agreement (NYA) between the Netherlands and Indonesia which paved the way for a peaceful hand-over and take-over from the Dutch to UN and subsequently Indonesia in May 1963. Indonesia was to prepare us to exercise our right to self-determination freely and fairly through the ballot box in 1969. Prior to the hand-over and take-over our territory was prepared by the Dutch under a ten-year plan (1960-1970) towards eventual nationhood. This was in line with the UN decolonization agenda.
- Indonesia failed to adhere to the relevant Articles of the NYA ( i.e. 18, 20 and 22) that guaranteed freedom of speech, freedom of assembly and association and most importantly our right to self-determination.
- The 1969 UN supervised plebiscite (Indonesia named the term the Act of “Free” Choice) was designed to resolve the question of sovereignty over West Papua. The Act of “Free” was neither free nor fair and in an atmosphere full of violence and intimidation. The so-called 1022 “representatives voted” to remain with the Indonesia.
- My late colleague Wim Zonggonao and I entered the then Australian administered Territory of Papua and New Guinea in May 1969. Our mission was to inform the international community that the coming vote in July –August 1969 would not be free and fair. We were prevented by Australian government officials from proceeding to the United

Nations. They did so under the influence of the Indonesian (military controlled) government. Both the Australian and Indonesian governments perverted the course of Democracy.

- It had been a common knowledge that the outcome of the so called 1969 Act of “Free” Choice was a complete sham. Declassified documents released in 2004 by the US Congressional Research Services indicated that the US government was aware that between 85 % -90% of Papuans opposed Indonesian rule and a free vote (1969) would result in West Papuans’ independence. Thirty years on (in November 1999) a poll conducted by a West Papuan Reconciliation Body (FORERI) revealed that 90% of the Indigenous Papuans wished to secede from Indonesia. This sentiment remains strong up until now.

**Given the above background;**

1. The grassroots Papuans will neither remain silent nor succumb to Jakarta’s imposed and inappropriate special autonomy and the carving of our land until and unless our rights to self –determination was fully restored. We believe that the right to self –determination is an integral part of the concept of human rights.
2. I call on Canberra to acknowledge the past mistakes and take appropriate steps in partnership with Jakarta, US, the Netherlands and UN to redress them with the view to restoring our right to self- determination.
3. The retention of this article as it is without amending it will effectively shut West Papua from the outside world. This would further embolden TNI and its Special Force (KOPASSUS) and the Indonesian Special Mobile Police Brigade and the TNI backed and trained militia (currently estimated at around 7000), to continue with their repressive measures against my people, and continue to enjoy the unjustified culture of impunity. Furthermore Australia’s position will be weakened and will have very little room to voice concern on human rights abuses in West Papua.

**Recommendations:**

- That a clause be built into this article to allow international human right watchers and foreign journalists to have free access to West Papua.

**Article 3.2,**

1. This in essence is aimed at nurturing closed military co-operation between both countries. I need to point out that unlike the Australian Defense Force, the TNI is not a neutral

institution of the elected civilian government. It is a partisan force with its own agenda. Its military, civil and economic agenda is executed through its territorial command structure, a structure that is embedded in every strata of the Indonesian society including the bureaucracy, legislation and economy. This institution is also involved in the illegal economic activities across the breadth and length of Indonesia particularly in Papua.

2. TNI and POLRI have a strong presence in Papua where the independent movement is still active.
3. TNI receives only 25-30% of its budget from the national government. It raises the rest through legal and illegal activities.
4. There is no external threat to Papua and yet the number of the military has gone up to over 40, 000 in recent times. This figure excludes the TNI backed and trained 7000 militia personnel.

### **Recommendation**

Given the above background it is recommended that, whilst recognizing the importance of such military co-operation, Canberra must take on board prudent measures with the Jakarta regime in ensuring:

1. That progress towards full democratization in Indonesia genuinely takes place. In the case of West Papua, democracy is basically guided and controlled by the military and state intelligence organs;
2. the subordination of the military to the rule of law and civilian government;
3. the dismantling of TNI's territorial command structure; and
4. TNI's strict adherence to international human rights principles including the respect for the right of self-determination.

I wish you good deliberation.

Clemens RUNAWERY.

Retired Educationist (PNG) & Former West Papuan Politician

Supported by;

Sonny KARUBABA –student activist &Human right Campaigner for West Papua (PNG)

Paula MAKABORI – ELSHAM- Human rights Campaigner for West Papua (INDONESIA & AUSTRALIA).