



PATRONS

Belinda Morieson
Bishop Hilton Deakin

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Mr James Reece
Committee Secretary
Joint Standing Committee on Treaties
PO Box 6021
Parliament House
Canberra ACT 2600

Phone: 61 2 6277 4399

Email: committee.reps@aph.gov.au; jsct@aph.gov.au

AUSTRALIA WEST PAPUA ASSOCIATION (MELBOURNE) SUBMISSION ON THE
DRAFT OF THE AGREEMENT BETWEEN THE REPUBLIC OF INDONESIA AND
AUSTRALIA ON THE FRAMEWORK FOR SECURITY COOPERATION

This submission is in the form of a Statement of Facts concerning Indonesian intelligences agencies' campaign to discredit and harass Dr Jacob Rumbiak and other Australians within Australia and overseas between 2000 and 2006. There are more than sixty appendices to the Statement of Facts, which are not included in the submission, but which are available.

In general, the Australian West Papua Association (Melbourne) welcomes and would want to support initiatives that encourage understanding and co-operation between the Australian and Indonesian governments. However, while the treaty may be designed to facilitate the bilateral relationship, it undermines democratic standards by failing to provide for the protection of Australian and Indonesian peoples should either government advertently or inadvertently breach human rights standards in trying to uphold their treaty obligations.

Human Rights Watch today released a report stating that although Indonesia has just been elected to the United Nations Human Rights Council, its judiciary is not acting independently, with “the courts being used as a tool in political repression” (The Age, 22 February 2007: World 13). There are cases detailed in the Statement of Facts wherein Indonesian intelligence agencies are also abusing the judicial systems in Australia and in Japan, seemingly in co-operation with local police forces, in order to suppress dialogue about West Papuans internationally recognized rights to self-determination and protection of their human rights.

The Statement of Facts demonstrates a series of predetermined and purposeful violations of Australian sovereignty by Indonesian government agents which foul both the spirit and the letter of the preamble to the Agreement that suggestively reaffirms “the sovereign equality of the Parties, and their faith in the purposes and principles of the Charter of the United Nations and their desire to live in peace with all peoples and all governments”.

The numerous Australian and Indonesian victims of criminality named in the Statement of Facts were, at the time, exercising their democratic right to support internationally recognized human rights. They continue to maintain that self-determination in West Papua is intricately bound to Australians’ long term security and defence. Because their interpretation of “democracy” and “good neighbourliness” appears to differ to those espoused in the preamble to the Agreement, we believe the signatory governments should facilitate public debate in Australia and in Indonesia about the organizing principles of this Agreement before attempting to have it ratified in either parliament.

The Australia West Papua Association (Melbourne) fully supports the detail of submissions by Professor Damien Kingsbury, Australia West Papua Associations in Sydney and Perth, Adam Henry Hughes, and the Civil Liberties Association.

In addition to their requests for critical review of many clauses of the Agreement, we recommend that the current draft is closely critiqued by a committee of human rights experts alongside relevant public servants from the Department of Foreign Affairs. We recommend this committee pay particular attention to the commitment made by the two signatories to the “Charter of the United Nations, to democratic standards, to generally recognized principles and rules of international law, and each nation’s own respective laws and regulations”.

Louise Byrne



Co-ordinator
Australia West Papua Association (Melbourne)

PO Box 1093, Windsor 3182, Victoria
Tel (03) 9510 2193
Email enq.peacechild@hotmail.com