

# West Papua, Refugees & Australia

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# West Papua, Refugees & Australia

**Scott Burchill**

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## Introduction

In this speech at an RMIT University forum on West Papua, Scott Burchill of Deakin University discusses the political issues surrounding the application by 43 West Papuans arrived in northern Australia in late January following a sea journey in an outrigger canoe. Burchill argues that

"successive Australian Governments have adopted the mistaken belief that political stability across the Indonesian archipelago - which they believe is bedeviled by inherent centrifugal forces - can be secured through military repression. Precisely the opposite is true. Military repression is a cause of political fragmentation and secession in Indonesia."

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## Essay: West Papua, Refugees & Australia

For those disheartened by the immensity of the struggle for freedom in West Papua, I still have vivid memories of addressing meetings just like this - many on a smaller scale - throughout the 1980s and 1990s when East Timor was our priority. This is how change is ultimately effected.

We were told then, as we are now, that we were wasting our time on a "lost cause." Our critics were wrong then and they seem determined to repeat their mistakes today.

The picture of human rights abuses in West Papua is all too depressingly familiar - especially to those who know what went on in East Timor between 1975 & 1999. These crimes against West Papuans have been:

- *systematic & state sponsored* (more accurately state terrorism, but of the kind that doesn't excite or even interest Western political elites, including the use of militias to target independence activists)
- *grave* (bordering on genocide - perhaps 400,000 unnatural deaths over four decades, according to a Yale University law School study [1])
- *committed with impunity* (no appetite for prosecution in the Indonesian legal system, no accountability)
- *characterized by*
  - *political persecution* of independence activists (the Free Papua Movement [OPM - Organisasi Papua Merdeka] has clearly been the crucial issue of the moment for those who recently arrived here by boat)
  - *cultural attacks* against Melanesians (including attempts to alter the demographic balance in the territory through transmigration)
  - *grotesque inequality of natural resource exploitation* (the enormous mineral wealth of the province should have made the West Papuans the wealthiest people on the planet, not some of the poorest) and environmental destruction (pollution of river systems, illegal logging, etc)
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The good news is that these crimes have been extensively documented in studies by Yale University's Law School and the Centre for Peace and Conflict Studies at the University of Sydney [2], amongst others. No-one, especially neighbouring governments, can plead ignorance about the plight of the indigenous people in the territory. In my view, the evidence of human rights violations in West Papua has been more systematically recorded and comprehensively documented than they were in East Timor during its period of Indonesian occupation. But then again, the crimes have been going on much longer.

This means that although the Department of Immigration and Multicultural Affairs must assess all claims for refugee status on a case by case basis, the department can be in no doubt about the context in which the 43 asylum seekers recently arrived from West Papua are making their appeals. No-one, including the Indonesian Defence Minister - and who knows even the Foreign Editor of The Australian - now denies that these crimes took place. Importantly, they continue today and have not been mitigated by Indonesia's recent democratic transition.

It should be interesting to watch events in Canberra. It's not often that one department of state - in this case the Department of Immigration and Multicultural Affairs - gets to pass judgment on

another department of state - the Department of Foreign Affairs and Trade.

Let there be no mistake about what is at stake here. This is not just an assessment of the international legal rights of 43 people. It is a judgment about both the state of political freedom in Indonesia's eastern province and the success or failure of Australian diplomacy towards Indonesia since 1969.

The granting of refugee status will formally acknowledge that Jakarta is guilty of crime against humanity in West Papua. The refusal to grant refugee status to the 43 would not only further damage our international reputation - especially with the UN High Commission for Refugees - but would confirm yet again the triumph of tawdry and myopic politics over humanitarian concerns and ethical obligations.

Successive Australian Governments have adopted the mistaken belief that political stability across the Indonesian archipelago - which they believe is bedeviled by inherent centrifugal forces - can be secured through military repression. Precisely the opposite is true. Military repression is a cause of political fragmentation and secession in Indonesia. A few points about this deserve elaboration:

- fears about the Balkanization of Indonesia are irrational and unfounded (beyond Aceh & West Papua, what?), and promoting stability in a territory is meaningless unless you understand what is being stabilized (in West Papua this means stabilizing repression and human rights violations)
- Canberra looks foolish when it appears more committed to West Papua's retention within the Republic of Indonesia than the people of the province are themselves
- the political boundaries of states are not immutable, and in fact they change all the time (think of the USSR, Germany, Yugoslavia, East Timor, Czechoslovakia - Palestine, Korea, Cyprus, Kurds), and are not as sacred or sacrosanct as often claimed
- self-determination is not a once and forever event - people have the right to reconsider their political arrangements, especially when the bonds of nationalism are broken by state violence and exploitation
- before we consider the possible consequences of altering state boundaries, we need to first ask: what are the human costs of maintaining the status quo? Does Australia believe what is going on in West Papua is tolerable and sustainable?

Canberra should also consider answering the one question they always try to avoid asking: what do the people of West Papua want?

Now let me make some remarks about our responsibilities in this issue.

1. Outsiders should not reflexively support independence for West Papua - or integration with Papua-New Guinea or Indonesia, or any other option. Outsiders should support the right of the people of West Papua to decide their own political arrangements - their right to self-determination. The freedom they are entitled to is the freedom to choose their political future. This is the political principle at stake here. This right - to fashion their own preferred forms of political community - has been denied to them by outsiders:
  - Indonesia's territorial claim as inheritor state of the Dutch East Indies is based on the paradox of sanctifying the borders of a colonial system Indonesia's nationalist founders themselves despised and violently resisted
  - the UN was complicit in holding and validating a sham plebiscite - the Act of Free Choice in 1969, which has no moral or legal legitimacy [3]

- the diplomatic preferences and conveniences of others, including Australia, which reinforce Indonesia's territorial claim (as we did with ET), thus deny the West Papuans the opportunity to make their choices. Our complicity extends to the tolerance, and therefore de facto encouragement, of serious international crimes.
- 2.
  3. If the West Papuans are to enjoy the rights we take for granted, their struggle needs to be internationalized. This will not be easy. The East Timorese eventually received the patronage of their former colonial overlords - the Portuguese. The West Papuans cannot expect similar levels of support from the Dutch. A constructive starting point is for peace for the United Nations to acknowledge the error of its ways in 1969 and revisit the issue so that an authentic expression of political intention (beyond the rejection of special autonomy) can be made. This is a responsibility New York cannot avoid. But which state will sponsor such a move before the Security Council? A Scandinavian state?
  4. The demilitarization of the province, an end to corruption, terrorism, exploitation, and cultural repression in the territory, together with investigations into crimes against humanity committed in West Papua must all take place simultaneously and regardless of what transpires in the short term on the political front. Accountability for these crimes is a pre-requisite to any political solution. These are matters of justice.
  5. Australia should stop buckling to pressure from the political elite in Jakarta which gets nervous each time its crimes in West Papua are exposed to the international community. Questions of Indonesia's territorial integrity are no business of Australia's - ritualized commitments need not be made each time the Australian foreign minister or Prime Minister visits the country, nor should they be written into any future bilateral security agreement.

Why does Jakarta have so little confidence in the commitment of some of its citizens to the Republic that it needs to elicit Canberra's support in persuading them otherwise? As if Australia has either influence in Jakarta or the best interests of the West Papuans at heart.

Canberra should be telling Jakarta that it has a problem in West Papua because of its own behaviour there and not because of unruly activists in the province or solidarity groups in Australia. Until it civilianizes political rule in the territory, enforces the rule of law there and treats its indigenous inhabitants with dignity, nothing will change.

For its part, the Australian Government should reflect on the recently released UN report into Indonesia's horrendous behaviour in East Timor, Australia's complicity in those crimes, and ask whether it has learnt from its diplomatic mistakes there or is determined to repeat them in West Papua. [4]

## Footnotes

\* Scott Burchill is Senior Lecturer in International Relations in the School of International & Political Studies at Deakin University. Most recently he is the author of *The National Interest in Theories of International Relations* (Palgrave Macmillan, London 2005) and co-author of *Theories of International Relations* (3rd ed Palgrave Macmillan, London 2005). Email: [burchill@deakin.edu.au](mailto:burchill@deakin.edu.au). Homepage: <http://scottburchill.net/>

[1] Elizabeth Brundige et al, [Indonesian Human Rights Abuses in West Papua: Application of the Law of Genocide to the History of Indonesian Control](#), Allard K. Lowenstein International Human Rights Clinic, Yale Law School, April 2004.

See also John Wing with Peter King, [Genocide in West Papua?](#) The role of the Indonesian state apparatus and a current needs assessment of the Papuan people, West Papua Project, Centre for Peace and Conflict Studies, University of Sydney, and ELSHAM Jayapura, Papua. August 2005.

[2] See the work of the West Papua Project: Promoting Dialogues for Peace, [Centre for Peace and Conflict Studies](#), University of Sydney

[3] [Indonesia's 1969 Takeover of West Papua Not by "Free Choice"](#): Document Release Marks 35th Anniversary of Controversial Vote and Annexation. National Security Archive, July 9, 2004

[4] See Gerry van Klinken, "[The East Timor Truth Commission Report Shines](#)", APSNet, Policy Forum Online 06-01A, 2006-02-06.

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Nautilus Institute  
608 San Miguel Ave., Berkeley, CA 94707-1535 | Phone: (510) 423-0372 | Email:  
[nautilus@nautilus.org](mailto:nautilus@nautilus.org)