

FULL BRIEFING V02

for the visit of

SENATOR THE HON GEORGE BRANDIS QC Attorney-General

and

THE HON MICHAEL KEENAN MP

Minister for Justice Minister Assisting the Prime Minister for Counter Terrorism

to

Indonesia

for the

Counter Terrorism Financing (CTF) Summit and

International Meeting on Counter Terrorism (IMCT)

Monday 8 August to Friday 12 August 2016

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Attorney-General and Minister for Justice - Visit to Indonesia - August 2016

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pages 5-7 (incl.) Out of scope; removed under s 22(1)(a)(ii)

s 22(1)(a)(ii)

The Attorney-General has been invited to visit Indonesia's Papua provinces on 11 and 12 August 2016, s 22(1)(a)(ii)

Australia's delegation for this visit to Indonesia includes:

- Senator the Hon George Brandis QC Attorney-General
- s 22(1)(a)(ii)
- Mr Liam Brennan Office of the Attorney-General (Bali, Papua)
- Mr Timothy Roy Office of the Attorney-General (Bali, Papua)
- s 22(1)(a)(ii)
- Mr Paul Grigson Ambassador to Indonesia, Department of Foreign Affairs and Trade (Jakarta, Bali, Papua)
 s 22(1)(a)(ii)

pages 9-132 (incl.) Out of scope; removed under s 22(1)(a)(ii)

• s 22(1)(a)(ii)

. Papua s 22(1)(a)(ii) are respectively affected by a low-intensity secessionist conflict and sporadic outbreaks of communal violence, and as such present a high risk security environment; travel to these areas should be for essential purposes only.

Travel to Papua s 22(1)(a)(ii) should be for essential purposes only, due to risks posed by sporadic violence and banditry. Members on essential travel in these areas should seek itinerary-specific advice and consider local security support.
s 22(1)(a)(ii)

pages 134-136 (incl.) Out of scope; removed under s 22(1)(a)(ii)

SECTION 9

Papua Visit

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Papua Visit Overview

Attorney General Brandis – August 2016

Note: the term 'West Papua' is commonly used by the Papuan independence lobby, and should be avoided. It is correct to refer to 'the Papua provinces', 'Papua' or 'the provinces of Papua and West Papua'.

Visit Overview

On available records, you will be the first Australian minister to visit Papua. While there, you will visit the Indonesia-PNG border town of Skouw to view border facilities and a traditional market. In the capital Jayapura you will meet the Papua Governor Lukas Enembe and other senior officials. Your meetings with officials provide opportunities to reinforce key Australian messages on Papua including: our recognition of Indonesian sovereignty; support for Indonesia's focus on improving economic development; and the importance of continued progress addressing human rights issues. It is expected local media will attend all parts of the program. You may wish to emphasise Australia's commitment to helping Indonesia manage social and economic challenges in Papua, including through our aid program. You could also emphasise the importance of open access to Papua for journalists and foreign officials.

Papua is an issue of increasing focus in the Pacific region. Ms Bishop will attend the inaugural Pacific Islands Forum Foreign Minister Meeting on 12 August in Suva. Ms Fierravanti-Wells will visit Vanuatu and Fiji bilaterally on 15-19 August. Papua will be discussed during both visits. Indonesia's engagement with Australia as well as your visit is likely to be a focus of enquiries.

Indonesian Officials – Key Messages

- . Australia **recognises Indonesia's territorial integrity and sovereignty over Papua** as underlined in the 2006 Lombok Treaty
 - this is a long-standing and bipartisan policy.
- Australia welcomes Indonesia's **focus on improving economic development** in the Papua provinces
 - recognise that a development-led approach and Special Autonomy have also contributed to an improvement in the political and rights situation in recent years, but that there are still problems to be addressed
 - important that this progress continues
 - Australia, as a close neighbour, remains very willing to assist.
- . Welcome **update on Indonesia's assessment of political and economic development** in the Papua provinces. Seek advice on:
 - progress against key social and economic development indicators
 - steps being taken to further improve the **political and rights situation**.
- . Australia encourages more open access to Papua independent observers can help counter exaggerated claims
 - welcome President Widodo's 2015 lifting of restrictions on travel to Papua by journalists important this is fully implemented
 - commend Indonesia's initiative in late 2015 to support journalists from African and Pacific countries to visit Papua.
- . Australia remains committed to partnering with Indonesia to tackle social and economic challenges in the Papua provinces
 - our ongoing aid program in Papua is focused on key areas such as: tackling high rates of HIV; improving water supply; providing scholarships to Papuan students; working to improve basic literacy and numeracy; and improving the incomes of women in rural areas.

If raised: issue of Papua being discussed in the Pacific Islands Forum

- . Australia looks to play a constructive role in the Pacific Islands Forum (PIF)
 - although we don't have the ability to dictate outcomes
- . My colleague Ms Bishop will be discussing these issues at a meeting of PIF Foreign Ministers tomorrow (12 August) in Suva
 - she will seek to support the idea of Pacific leaders attending the Bali Democracy Forum later this year to better understand the evolution of democracy in Indonesia and in the Papua provinces.
- . Likely that Papua will continue to be raised in Pacific regional forums
 - Australia will continue to make clear to Pacific countries our support for Indonesia's sovereignty

- but important that Indonesia remains active and engaged
- Australia is happy to support Indonesia's constructive engagement and to work with you to manage the issue as effectively as possible.

If raised: pro-Papuan/independence NGOs and parliamentarians in Australia

- . Aware of limited presence by pro-Papuan independence groups in Australia
 - these are typically small NGOs with limited influence
 - do not receive endorsement or support of the Australian Government
 - diversity of political views is natural outcome of Australia's robust tradition of freedom of expression.
- . Aware some Australian parliamentarians have an interest in Papuan issues
 - their views are not reflective of the major political parties in Australia
 - and do not represent mainstream opinion in the Australian community
 - note longstanding bipartisan position in support of Indonesian sovereignty over the Papuan provinces.

If raised: US Marine presence in Darwin

- . Australia supports the presence of the US in the Indo-Pacific region and believes US military presence plays a vital role in ensuring regional security
 - the presence of the Marine Rotational Force Darwin (MRF-D) is a demonstration of our support to the US re-balance to the Indo–Pacific
 - the MRF-D is not situated to conduct regional offensive operations.
- . The MRF-D will incrementally see a growth of US Marine Corps presence in the NT region up to approximately 2500 personnel and associated equipment
 - there are approximately 1250 personnel in the current MRF-D rotation.
- . MRF-D and Australian Army training enhances Australia's and the US's ability to operate together across a broad range of contingencies.
- . Australia and the US are working with the Indonesian Government to provide opportunities to engage with MRF-D
 - senior Indonesian military officers have been invited to observe training exercises
 - briefings and tours of MRF-D facilities have been conducted for visiting Indonesian parliamentarians, defence personnel and Canberra-based Indonesian diplomats.
- . Welcome views on further opportunities to promote engagement between Indonesia and MRF-D.

Indonesian Media – Key Messages

- . At the December 2015 Indonesia-Australia Foreign and Defence Ministers 2+2 meeting, it was agreed we would increase engagement on Pacific issues
 - continued progress and development in Indonesia's Papua provinces are a keen area of interest for the Pacific community.
- . In June 2016, Minister Luhut and I co-hosted the second meeting of the Indonesia Ministerial Council on Law and Security
 - at that meeting, Minister Luhut invited me to join him on a visit to the Papua provinces
 - very pleased to take opportunity of current visit to accept this offer.
- . Highlights of my visit include: visiting the town of Skouw on the PNG border; obtaining direct briefings from the Governor and other Papuan officials; and learning about economic and social conditions in the Papua provinces
 - it has been a very valuable visit for me.

If asked: Political: Does Australia support calls for Papuan independence?

- The Australian Government's position on the Papua provinces is absolutely clear we unreservedly recognise Indonesia's sovereignty
 - this is a bipartisan position, underlined by the 2006 Lombok Treaty between Australia and Indonesia
 - Indonesian sovereignty is also widely recognised by the international community
 - we are committed to helping Indonesia manage social and economic challenges in the Papua provinces; including through our aid program.

If asked: Political: Why are there so many pro-Papuan independence groups and MPs in Australia?

- . Aware of limited presence by pro-Papuan independence groups in Australia
 - these are typically small NGOs with limited influence
 - do not receive endorsement or support of the Australian Government
 - diversity of political views is natural outcome of Australia's robust tradition of freedom of expression.
- . Aware some Australian parliamentarians have an interest in Papuan issues
 - their views are not reflective of the major political parties in Australia
 - and do not represent mainstream opinion in the Australian community
 - note longstanding bipartisan position in support of Indonesian sovereignty over the Papuan provinces.

If asked: Australia's Aid Program: Does Australia provide development assistance to the Papua provinces?

- . Australia has a longstanding aid program to the Papua provinces. Key areas of focus for our aid program include:
 - helping address high rates of HIV, improving water supply, providing scholarships to

Papuan students, working to improve basic literacy and numeracy and improving the incomes of rural women.

If asked: Political: What is Australia's assessment of progress in Papua?

- . Australia welcomes Indonesia's focus on improving economic development in the Papua provinces
 - recognise that a development-led approach has contributed to an improvement in the overall situation in recent years, but there are still problems to be addressed
 - important that economic and political progress continues.

If asked: Defence: Is the US Marine presence in Darwin directed against the Papua provinces?

- Australia supports the presence of the US in the Indo-Pacific region and believes US military presence plays a vital role in ensuring regional security
 - the presence of the Marine Rotational Force Darwin is a demonstration of our support to the US re-balance to the Indo–Pacific
 - the US Marine presence is not situated to conduct regional offensive operations.
- Australia and the US are working with the Indonesian Government to provide opportunities to engage cooperatively
 - senior Indonesian military officers have been invited to observe training exercises
 - briefings and tours of MRF-D facilities have been conducted for visiting Indonesian parliamentarians, defence personnel and Canberra-based Indonesian diplomats.

Australian Media: Defensive Talking Points

<u>If asked: Human Rights</u>: Is Australia concerned by allegations of ongoing human rights abuses in the Papua provinces?

- . The Australian Government's view is that the human rights situation in the Papua provinces has improved in recent years, although we recognise there are still problems to be addressed.
- . Australia's consistent position has been that the rights of all citizens should be upheld and credible allegations of human rights abuses should be investigated
 - we condemn any violence, affecting civilians and security personnel alike
 - we raise the issue of human rights with the Indonesian Government
 - we regard very positively the role of Indonesia's own Human Rights Commission, Ombudsman's Office and other agencies which seek to address citizens' rights in this democratic nation
 - we welcome President Widodo's 2015 announcement that reporting restrictions for foreign journalists in the Papua provinces would be lifted.

<u>If pressed: Right to Protest</u>: Is Australia concerned about reports of arrests of Papuans exercising their democratic right to peaceful protest?

- . We register with the Indonesian Government the importance of safeguarding freedom of expression, even when it may disagree with the views expressed
 - the right to speak freely about political issues and to protest lawfully are core democratic principles
 - Indonesia is a democratic country and has developed an active culture of free speech.

<u>If pressed: Journalist and NGO Access</u>: Do credible international observers and journalists have access to the Papua provinces?

- . Aware that in May 2015 President Widodo announced a lifting of restrictions for foreign journalists seeking to enter the Papua provinces
 - this was a positive development that we hope will be fully implemented
 - Australia has registered with Indonesia the importance of access to the Papua provinces for credible observers, including journalists
- . A number of Australian and international organisations operate in Papua
 - including the World Bank, UNICEF, World Vision Australia and Oxfam Australia

<u>If pressed: Coordinating Minister Wiranto's Role</u>: Why is the Australian Government engaging with Wiranto, a man indicted by a UN court for crimes against humanity, particularly in Papua?

- . It is clearly in Australia's national interest to continue to strengthen our relationship with the Indonesian Government, including all members of President Widodo's Cabinet
 - I was invited by Minister Wiranto's predecessor (Luhut Pandjaitan) in his former role Minister Pandjaitan was also with us in Papua
 - crucial for Australian interests that we continue to engage, particularly on issues such as counter-terrorism and people smuggling

- : that is the reason I visited an important border post between Papua province and Papua New Guinea.
- We are aware of the allegations against Minister Wiranto
 - understand the indictment against him is not being pursued by the Timor-Leste government or its court system.

<u>If pressed: Role of CT Police (Detachment 88)</u>: Has the Australian-trained Detachment 88 police unit committed human rights abuses in the Papua provinces?

- . The sole focus of Australian engagement (through the AFP) with Detachment 88 is on combatting terrorism
 - we do not assist Detachment 88 with investigations on Papuan issues
 - the AFP has not provided any support to the Indonesian police or Detachment 88 in their operational activities in the Papuan provinces
 - Australian support to Detachment 88 is provided to build capacity to investigate and prosecute terrorism offences within Indonesia in accordance with Indonesian law and consistent with Australia's and Indonesia's international obligations
 - this support in part improves Indonesia's ability to protect the almost one million Australians who visit Indonesia every year from terrorist attack.
- The Australian Government is concerned that all security and law enforcement agencies operate with respect for human rights
 - a point which underpins our cooperation and which we reiterate regularly with Indonesian colleagues.

If pressed: Aid Reductions: Why has the Australian Government cut aid to the Papua provinces?

- . In the current financial year (2016-17), Indonesia remains Australia's second largest bilateral aid program at \$366 million
 - Australia and Indonesia have transitioned from a donor-recipient relationship to an economic partnership
 - Australia provides policy and technical advice that helps Indonesia use domestic resources more effectively.
- . Reductions to aid programs in the Papua provinces have been made after careful consideration of overall priorities in the Indonesian aid program and discussions with the Indonesian government
 - the Papua provinces benefit from other DFAT-funded nation-wide and regional aid programs.

If asked: Development: Does the Australian aid program fund military activity in the Papua provinces?

. No. Australian aid is not used to support any part of the Indonesian military anywhere in Indonesia.

Background

Political and Development Update

DFAT is not aware of any previous visit to the Papua provinces by an Australian Minister.

Papua became increasingly stable under former President Yudhoyono's term (2004-2014), with reductions in severe human rights violations owing to improvements in military and police discipline in their management of civil disorder. Under Yudhoyono, Indonesia shifted its approach to the Papua provinces away from counter-insurgency, towards a focus on law, order and development. The Indonesian police have largely replaced the military at the forefront of domestic security operations.

A shift in central government policy from a security to a prosperity (development-led) approach has led to gradual improvements in human rights and overall security. President Joko Widodo has continued this development-led policy approach in the Papua provinces.

Indonesia's efforts to improve development in the Papua provinces has been based on the Special Autonomy Act 2001, which promised Papuans a greater share of national revenue; increased control over natural resources; and improved education, health and infrastructure. Between 2001 and 2014 the Indonesian Government transferred around \$6 billion (more per capita than any other province) to the Papua provinces. Nevertheless, s 33(a)(iii) , nearly 40 per cent of the population still lives in poverty – more than double the national average.

HIV-AIDS is spreading faster in the provinces than anywhere else in Indonesia.

s 33(a)(iii)

Papuan civil society is generally underdeveloped and Papuan employment in the public or private sector is generally low. However, elected ethnic Papuans now lead both Papuan provinces and all districts, and are well represented in regional legislatures. There is currently one Papuan in cabinet (the Minister for Women's Empowerment).

President Widodo first visited the Papua provinces in December 2014. During a second visit in May 2015 Widodo granted clemency to five Papuan political prisoners. He also announced the lifting of reporting restrictions for foreign journalists in the provinces -s 33(a)(iii)

foreign journalists (including Australians) have for many years been able to visit the Papua provinces if they have the correct permits and this remains the case.

In April 2016, former Coordinating Minister for Political, Legal and Security Affairs, Luhut Pandjaitan said the Indonesian Government wanted to expose and investigate human rights violations in Papua so that Indonesia can move on from the issue.

s 33(a)(iii)

. Attacks against the security forces, and against non-Papuan

Indonesians, also occur.

Reports of killings of Papuans, allegedly by Indonesian security forces, continue to appear in the Indonesian media. Human rights advocates, NGOs and

pro-independence groups assert a 'slow motion genocide' is taking place in the Papua provinces and

allege killings, torture and kidnapping by security forces. But there is no basis for the claim.

Raising the pro-Papuan independence 'Morning Star' flag is considered an act of treason by Indonesia and carries a jail term of up to 20 years. Numerous Papuans are in prison for raising the flag, some serving sentences as long as fifteen years. People imprisoned for flag raising commonly attract support from human rights groups in Indonesia and Australia.

The Australian Government closely monitors the situation in the Papua provinces through regular visits. Australian Embassy officials engage a wide range of contacts, including civil society, NGOs and religious leaders.

DFAT does not see evidence to support assertions of a genocide in the Papua provinces. s 33(a)(iii)

History

Despite Indonesia' independence in 1949, Indonesia only gained administrative control from the Dutch of the territories now known as Papua (then West Irian), in May 1963. As part of the transfer arrangement, but more particularly responding to local resistance, (including the early phases of an insurgent movement – the Free Papua Movement (OPM)) and international pressure, Indonesia committed to hold a plebiscite on integration into the Republic. The 'Act of Free Choice' took place in July and August 1969. Around 1,000 hand-picked Papuan leaders voted unanimously to remain within Indonesia. Critics saw the vote as entirely stage-managed (it was overseen by the Indonesian military) and its legitimacy continues to be questioned. However, the United Nations did, in late 1969, finally recognise the Act and accept its outcome.

The Suharto government (1967-1998) adopted a similar attitude to Papua (then named Irian Jaya) as that of Sukarno, holding the territorial integrity of Indonesia, and Irian Jaya's integration as paramount. The armed forces and other security apparatus were a key part of this approach both in the on-going fight against OPM elements and in the administration of the province.

Following the end of the Suharto era, Indonesian leaders have maintained a focus on territorial integrity although with an effort to engage more positively. Steps taken to ensure Indonesia's complete administrative and security control of the territory included the creation of a second province by Megawati Sukarnoputri in 2003. The two Papua provinces became increasingly stable under Yudhoyono (2004-2014) who instituted a program of special autonomy. For some years, the provinces have had direct general elections for provincial governors, regents and mayors and by law all office holders are ethnic Papuans. These shifts in approach have been accompanied by gradual improvements in human rights and overall security. President Widodo has by and large continued this trend.

s 33(a)(iii)

s 33(a)(iii)

Influenced by Cold War dynamics, Australia, by the late 1950s, had become closer to the Dutch positions (which was advocating a form of Papuan self-determination). Sukarno's Confrontation with the West and our interests in Papua New Guinea were also important factors.s 33(a)(iii)

s 33(a)(iii)

Transmigration

The 'transmigration' policy dates from the Suharto era, when large numbers of Javanese and Balinese were forcibly moved to outlying islands across the archipelago. Although it was intended to stimulate economic growth and build national cohesion, new transmigrant communities often failed to integrate into the local population. As transmigrants tended to receive extra government assistance, such as free housing (a practice that continues today) their presence sometimes fuelled deep resentment from locals.

Following the fall of Suharto in 1998, Indonesia's formal transmigration program was significantly reduced and reformed. According to official statistics, a total of around five million people were relocated when the program was at its peak between 1979 and 1989. Conversely, only 111,504 people were relocated in the last five years (2009-2014). Most importantly, the program is now voluntary and requires the agreement of both the sending and receiving district in order to proceed.

Despite these changes, the effects of transmigration linger. In Indonesian parlance, the term 'transmigration' tends to be used for all internal migrants, not just those who have relocated with government assistance. The reality is that much of the internal migration over the past decade has occurred freely, with economic opportunity the key driver. For example, roughly 100,000 internal migrants arrived of their own volition in the Papua provinces between 2005 and 2010, while less than 19,000 were official transmigrants.

Internal migration is a particularly sensitive issue in the Papua provinces, where there have been sporadic outbreaks of inter-communal violence. s 33(a)(iii)

<u>Wiranto</u>

Wiranto (appointed new Coordinating Minister for Political, Legal and Security Affairs) in July 2016 is a retired Suharto-era general and chairman of the People's Conscience Party (Hanura). s 33(a)(iii)

He was indicted by a

UN panel in Dili, Timor-Leste in 2003 and placed on a US visa watch list in 2004. In response to media questions following his July 2016 appointment, a US State Department spokesperson said: "we realise that there were allegations of human rights violations involving the Indonesian military when Wiranto served as the army commander. Human rights protection is the foundation of US foreign policy. We will continue to discuss the importance of resolution and responsibility for the human rights violations in the past".

Freeport/Australia's commercial interests in the Papua provinces

Rio Tinto is a joint venture partner with US-owned Freeport McMoran in the Grasberg mine in Papua province. Grasberg is the world's largest gold mine, third largest copper mine and Indonesia's largest

tax payer. Freeport is currently leading negotiations with the Indonesian government over the future of the mine's contract of work and extension past 2021.

The Grasberg mine has a long s 33(a)(iii) history. Freeport first began operations in the area in 1966, before Indonesia took authority over Papua. s 33(a)(iii)

incidents, local protests and international pressure has led Freeport to over the years increase its investment in social programs such as schools and hospitals.

Relations with local people while still tense are far more open than they were in the late 1990s. Nonetheless issues surrounding the mine remain challenging. The current mine has a large tailings dam (Freeport has been criticised for its environmental management) and continues to have significant security issues and problems with illegal miners.

United States Force Posture Initiatives

In 2011 the US and Australia jointly announced new force posture initiatives, intended to enhance practical defence cooperation. A key element of this initiative is an annual US Marine Corps rotation of troops in Darwin – expected to comprise around 2500 troops when the program reaches maturity. Since 2012, five US Marine rotations have taken place, each approximately six months in duration (1250 troops in 2016).

s 33(a)(iii)

Detachment 88

Detachment 88 is a specialist counter-terrorism unit within the Indonesian national police. It has been at the forefront of Indonesia's success in apprehending terrorist suspects – since the 2002 Bali bombings, Indonesia has made in excess of 1000 arrests and approximately 600 terrorist convictions. The AFP and DFAT have received questions during Senate Estimates on the nature of Australian Government assistance to Detachment 88 and any link to alleged human rights abuses by Indonesian security forces in the Papua provinces.

Cenderawasih University

Cenderawasih University is the leading tertiary educational institution in Jayapura, Papua province. s 33(a)(iii)

. In March 2016, Cenderawasih University announced it had postponed plans to invite Luhut Pandjaitan to visit the campus, as a result of protests by local students against the planned visit.

Australian development assistance

In 2014-15, Australian aid to the Papua provinces was just under \$22 million. Final expenditure for the most recent financial year (2015-16) will not be known until a little later this year, but is likely to be around \$9.4 million, reflecting an overall reduction in the aid program. Key areas of achievement include:

- helping address high rates of HIV by testing more than 53,000 people since 2012 and providing ongoing treatment to 2,627 patients
- assisting the city government of Jayapura to deliver 2000 piped water connections to improve water supply for approximately 9200 people

- . funding 55 masters and 2 PhD students from the Papua provinces to study in Australia on Australia Awards scholarships since 2012
 - a further 60 students have received English language assistance in order to be better positioned for success in future Awards rounds
- working with UNICEF to improve the basic literacy and numeracy of primary school children in rural and remote schools in six districts in the Papua provinces
 - 200 school principals, 363 primary teachers and 41 education officials have received intensive professional development, workshops and mentoring since 2012
- . funding the Australia-Indonesia Partnership for Rural Economic Development, which aims to increase the incomes of 300,000 poor farmers in Indonesia, including in Papua and West Papua, by at least 30 per cent by 2018
- funding the Empowering Indonesian Women for Poverty Reduction Program, which is linking women fish sellers, vegetable growers and small kiosk owners with the homestay industry to improve incomes and financial literacy in Raja Ampat, West Papua.

pages 151-182 (incl.) Out of scope; removed under s 22(1)(a)(ii)