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February 14, 2008

The Honorable Ban Ki-Moon
Secretary-General, United Nations
799 United Nations Plaza
New York, NY 10017

Dear Mr. Secretary-General:

We are writing to express our deep and growing concern regarding rising reports of human rights violations in West Papua. These reports come against a backdrop of decades of abuse by Indonesian security forces targeting the Papuan people.

The upsurge in violence has come on the heels of the June 5 – 12, 2007 visit to West Papua by Special Representative of the Secretary-General, Ms. Hina Jilani. These threats and harassment appear to be specifically focused on Papuans who met with Special Representative Jilani. In her report to you, Ms. Jilani noted "harassment and intimidation" of human rights defenders. Moreover, as noted by Ms. Jilani, security forces in West Papua enjoy impunity from prosecution for human rights abuse and corruption. Juan Mendez, UN Special Advisor on the Prevention of Genocide, described, in 2006, West Papua as being among those countries whose populations were 'at risk of extinction'.

We are also concerned about the tight restrictions placed upon journalists, human rights activists and diplomats trying to obtain access to West Papua. As you know, nongovernmental organizations, the media and foreign officials can act as witnesses to and bulwarks against human rights abuses as well as agents of change. So, the failure of these individuals to gain unobstructed access to the country hinders Papuans' stories of human rights abuse, quashing of civil liberties and inability to express their right to self-determination from coming to the fore.

On June 24, 2004, twenty US Senators urged former Secretary-General Kofi Annan and the General Assembly to appoint a United Nations Special Representative to Indonesia to monitor and report on the situation in West Papua. The letter also urged that the Special Representative also "make recommendations regarding steps the UN Security Council and General Assembly might undertake to end the troubling and deadly conflicts" there. Events in West Papua have reached such a dangerous level that it is important for the UN Security Council to take action. The deteriorating human rights conditions in West Papua have led directly to a significant flow of Papuans across international borders, notably to Papua New Guinea and Australia. Papuans have also sought and received political asylum in the United States and in Europe. It is critical that the UN Security Council address the security concerns posed by human rights abuse in West Papua.

United Nations involvement in West Papua extends back to 1962. The UN was charged with helping implement the 1962 "New York Agreement" which guaranteed Papuans the right to participate in an "act of self-determination" to decide whether they wish to remain or sever ties with Indonesia. A referendum that clearly presented this choice never took place. In fact, thirty-seven Members of the US Congress wrote a letter, in 2006, to Mr. Annan requesting that the UN review its action accepting the "Act of Free Choice."

We are also concerned that notwithstanding assurances by Indonesian President Susilo Bambang Yudhoyono that his administration would address long standing Papuan grievances and implement Law No. 21/2001 on Special Autonomy, security and other Indonesian central government officials in West Papua have failed to carry out reforms.

Understandably, Papuan officials, civil society leaders and Papuans overwhelmingly have rejected the failed Special Autonomy policy of the central government. They have instead rightly called for an internationally mediated dialogue between Papuan officials and civil society and senior Indonesian government officials to discuss such concerns as the demilitarization of West Papua, Papuan self-determination and transmigration of Javanese into Papua.

We welcome the recent adoption of the United Nations' Declaration on the Rights of Indigenous Peoples which calls for the elimination of human rights violations and for combating discrimination and marginalization against indigenous peoples. In that spirit, we urge that the Security Council appoint a senior official with responsibility to pursue the creation of a senior level dialogue between the government of President Yudhoyono and Papuan government and civil society leaders to be mediated by a UN Security Council representative.

Sincerely,



Donald M. Payne
Member of Congress



Eni F.H. Faleomavaega
Member of Congress