



23 February 2022

Statement on EU - Indonesia Relations

This week [High Representative/Vice-President Joseph Borrell, on behalf of the European Commission, stated](#) that 'the EU encourages Indonesia to allow the UN High Commissioner for Human Rights to visit West Papua and has urged Indonesia to extend standing invitations to all Special Rapporteurs and Mandate holders.' He also outlined [EU funding to Indonesia and West Papua since 2001](#).

Attention to human rights abuses is welcome, but the EU should not fund the Indonesian occupation and extraction of wealth from West Papua. It is likely that a large proportion of the funds allocated by the EU for 'sustainable development' have been funnelled through Indonesia's 'Special Autonomy' programme for West Papua. [This programme has been shown to be dysfunctional](#) and has [failed to deliver on its stated goals](#). More importantly, [the programme has been rejected by the people of West Papua](#) on multiple occasions.

As part of the ongoing EU-Indonesia trade agreement negotiations, the EU's [Sustainability Impact Assessment \(SIA\) in 2019](#) consulted with 'business associations, trade unions, environmental groups, human rights and development NGOs, international organisations and research institutes' but failed to speak to West Papuan representatives or self-determination activists.

A very small number of national NGOs were consulted about human rights in broad terms but despite the [terms of reference for the SIA](#) calling for the process to 'identify the specific human rights most likely to be affected by particular measures included in the agreement under negotiation' and to look at 'pre-existing conditions of stress or vulnerability' including in relation to 'particular vulnerable groups and those living in a particular territory' the process failed to identify the occupation of West Papua and West Papuan human rights grievances. This is [despite repeated reports by UN bodies, Amnesty International, Human Rights Watch](#) and many others.

All treaties and agreements signed by the EU must be compliant with human rights as defined by the EU Charter. At [the 9th EU-Indonesia Human Rights Dialogue in 2021](#), the EU side 'raised topics of concern such as the rights to freedom of expression, association and assembly, of religion and belief; human rights defenders; gender and LGBTI; trafficking in human beings; the death penalty, extra-judicial killings and the revision of the Criminal Code.' [The recent response from the European Commission](#) confirms that 'respect for human rights, including fundamental labour rights, will also be embedded in any Free Trade Agreement'. This must include *all* human rights due to their indivisibility and interdependence.



As it is currently envisaged, some elements of an EU trade agreement with Indonesia would likely be illegal under international law, following the [General Court of the European Union ruling regarding Western Sahara](#) and EU trade agreements with Morocco. In that case, self determination and consent of the people were relevant factors.

Businesses have a responsibility to respect human rights. A new EU-Indonesia trade agreement will open further opportunities for European based businesses to operate in West Papua and there is a theory that this could lead to an improved human rights situation. It is worth noting that [the EU is about to publish a proposed new business and human rights framework](#), outlining mandatory human rights and environmental due diligence for businesses. Any robust due diligence process will identify that operating in West Papua is impossible without contributing to or enabling a violent military occupation and without overriding the wishes of West Papuans.

We urge the EU to revisit their Sustainability Impact Assessment and to engage thoroughly with the concept of human rights in West Papua.

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International Lawyers for West Papua

International Lawyers for West Papua (ILWP) is a network of legal professionals who work towards the realisation of West Papua's right to independence, as well as the strengthening and preservation of other human rights. We help the indigenous people of West Papua exercise their rights.