


Submission 15  
TT 6 December 2006

RECEIVED  
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BY: 

M.D.Stark,

To:  
The Joint Standing Committee  
on Treaties of the Australian Parliament  
Parliament House,  
Canberra, ACT. 2600.

16 FEB 2007 

**An objection to the Agreement between Australia and Republic of Indonesia  
On the Framework for Security Cooperation. Lombok 13 Nov 2006**

Dear Sirs,

I wish to submit an objection to the proposed agreement, hard copy is attached.  
Also enclosed is a CD RW with a folder titled Objection to an Agreement etc. In the  
folder are files titled An Objection to an Agreement etc. which is the hard copy and files  
for Annex A,B1,B2,C and D which I have not caused to be attached as they are in the  
folder for your convenience.

Yours faithfully.....  (Max Stark.)

16 Feb. 2007

## **Joint Standing Committee on Treaties**

**Agreement between Australia  
And  
The Republic of Indonesia  
On the Framework for Security Cooperation  
Mataram, Lombok, 13<sup>th</sup> Nov. 2006.**

### **Submission Against Ratification of this Agreement**

My name is Max Stark and this is my submission against the ratification of the above referenced Treaty.

The Charter of the United Nations is clearly being breached by the Republic of Indonesia (RI) in a lack of duty of care to the indigenous Papuans. Neither the Governments of Australia or RI have demonstrated a desire to live in peace with all peoples and all governments. See Annex A and Annex B1 and 2.

We cannot commit to the sovereignty, unity and territorial independence of RI. Some 76% of surveyed Australians believe that the Papuans should have self determination; therefore Australia should be interfering in the so called internal affairs of RI where the Province of Papua is concerned. Many thousands of other Australians in various support groups such as the Australian West Papua Association believe the Papuans should have independence.

Both parties purport to be democratic but unfortunately the well documented record of all of the RI trouble spots being kept under the sometimes savage control of the Tentara Nasional Indonesia (TNI) (the military) gives the lie to RI democracy. There is nothing outward looking evidenced by RI, if there was, there would be a much cleaner front presented to the International community.

2.

Therefore, both parties cannot be seen as democratic, dynamic and outward looking members of the region nor of the international community. RI knows its problems with the international community and ignores them. To a degree, so does the government of this country, and the ratification of this treaty will only compound differences in our international relationships.

We here in Australia can recognize new global challenges. International terrorism is here to stay, and it is a non-traditional security threat. It is best combated by not being tied to a binding security treaty with a country which will probably spawn terrorists and acts of terrorism, not because of its government or administration, but because of its prime religion and its radical extremists. These would be better tackled by an Australian enterprise rather than a treaty involving the RI and thus its TNI which is renowned for its human rights abuse across Indonesia and for the thuggery of Kopassus, which is seen by our Administration as a necessary ally against terrorism. There are other, more reliable modus operandi, rather than a security treaty which puts Kopassus and its ilk back into a position wherein they may imagine that they are being rewarded for their past deeds.

So therefore, in consideration of the facts, Australia does not need continued and enhanced cooperation with RI, just a diplomatic relationship.

The countries can work together without the framework for security cooperation. They can work together diplomatically as many other nations in the world manage to do.

3.

Australia does not need to strengthen bilateral cooperation, it certainly does not need regular discussion on strategic, defence, intelligence, and other matters. It certainly needs discussion on law enforcement, particularly when Australian citizens are involved. RI law is noted for its capacity to ignore standards which prevail around most of the rest of the world. A security treaty is not going to do anything to change the RI position on law.

We can have an enhanced political, economic and social cooperation, again via diplomatic channels. RI unfortunately by attitude is not interested in the stability, progress and prosperity of the Asia Pacific region except where its own interests are involved.

Since 1959, whatever bilateral agreements were in place they were made to look a farce by the conduct of RI through its TNI in East Timor, Aceh, and West Papua to name a few. Even down to the murder of Australian and other journalists covering the invasion of East Timor. This treaty merely turns the other cheek.

Australia can still work together with RI through regional and international fora on maintenance of international peace and security without this treaty.

RI has a demonstrated capacity to fail to comply with generally recognized principles and rules of international law, particularly in the cases of East Timor and West Papua.

It is in my opinion, against the best interests of Australia to have this treaty ratified for many of the reasons set out above. There is therefore no point in consideration of the Purposes or Principles, most of which are the process of normal perceived relations when nations have embassies and ambassadors and counsels on each others soil.

As to areas of cooperation, Defence Cooperation should be a definite negative. It is common knowledge as to the way the TNI, an underpaid force of troops, who are expected to supplement a humble pay packet by living off the land so to speak, freely indulge in corrupt practices which do harm to the civilian population and assets. It is also common knowledge that corruption exists all the way up the hierarchy of the TNI of which examples will be given. Annex C refers.

It is also general knowledge that corruption exists at all levels of government in RI. This is not the sort of government that should be accorded such a high level of insight into Australian Defence, Intelligence, Maritime or Military business.

There are very significant reasons as to why the treaty should not be ratified. One reason is the well documented invasion of East Timor in 1975 and the subsequent suppression and persecution of the civilian population of East Timor by the TNI and corrupt officialdom up to, including, and beyond, the vote for independence. All of which were definitely not in accordance with accepted International law.

The glaring example as to why the treaty should not be signed is the province on our Northern doorstep, West Papua.

In the early 60's Australia worked with the Dutch to set up independence for the Papuans. It was almost a fait accompli until the RI sent an invasion force into Papua and the US lobbied for RI to stay, the UN was coerced into leaving RI in charge as a caretaker organization until the so called 'Act of Free Choice' of 1969, which is now known as an aberration even to the UN. Annex A refers.

Since the so called of Act of Free Choice, successive governments of RI have ignored the disruption to indigenous welfare, indeed added to the disruption by approval of mining strategies used by Freeport McMoran which caused disruption to tribal land and living and made waste areas of vast riverland, areas which used to sustain a happy tribal life. The TNI is part of this disruption as they are paid by Freeport McMoran to keep protesting displaced and homeless indigenes out of the area. To top this off, all the royalties from their gold mining operations go to Jakarta.

Also since the Act of Free Choice around a million Indonesians have been transmigrated into Papua and been set up by the RI administration. This is part of genocide by stealth of the Papuan indigenes for these are migrants of different race and religion. See Annex B1.

There are other illicit activities run by the TNI involving the illegal extraction of massive amounts of timber from Papuan forests which is sold to China where it is treated and some indeed finishes up in the Australian timber and hardware trade as merbau. The TNI are also deeply involved in the illegal deforestation of Papua New Guinea across the border. Annexes C and D refer.

The RI government has made promises of autonomy for West Papua but in recent years has chosen to forget them. Indeed, splitting the area into three provinces, thereby making autonomy even less feasible than before, and introducing thousands more TNI into the country to maintain the status quo.

If there is media reporting on RI in the Australian media, it is inevitably negative. More recently the 43 boat people, who, when accorded the status demanded by International Law and the UN, of refugees, elicited the greatest pot pourri of critical comment by RI of the Australian government that could be imagined, even to the withdrawal of the RI ambassador to Australia.


6.

Jan 18<sup>th</sup>, The Age p.16: from the WWF, Bukit Barisan Selatan National Park on the southern tip of Sumatra which is Heritage listed and is an important conservation area has been 20% cleared for illegal coffee growing. This is home for 40 Sumatran tigers, 500 Sumatran elephants and 60 to 85 critically endangered Sumatran Rhinos. Multinationals are happily buying the coffee of course, and the administration is obviously unconcerned.

In parallel, recent TV footage displayed the ruthless clearing of many hectares of Indonesian forest which was being replaced with palm trees for palm oil production. The innocent victims being stripped of natural habitat there are the orang utans. Again, nobody apart from WWF seems to care.

Feb. 8th, The Age, p.14: RI has an exclusive deal with a US pharmaceutical giant to develop bird flu vaccine. Despite the danger of a pandemic of the HN51 bird flu strain RI is refusing to provide access to bird flu samples. The World Health Organisation has serious concerns as samples had previously been shared with its scientists and scientists of other countries. CSL in Australia has been accused by the RI Health Ministry of obtaining Indonesian samples of the virus illegally.

In the view of many Australians, Australian West Papua groups and others, the ratification of this treaty will serve to say to RI, keep doing what you are doing, we don't see anything wrong with your administration. Corruption may continue, TNI criminal activity and corruption may continue, deforestation may continue, human rights abuses may continue, and Australia will look like a pushover.

 16 FEB 2007.

7.

Attachments:

Annex A: A brief well researched history of Papua since it was Dutch.

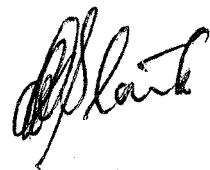
Annex B1: A Sydney Uni study into the genocidal aspect of RI control of Papua.

Annex B2: A Yale university study of human rights violations in Papua since RI took over its administration.

Annex C: An email sent to Senator Stottdespoya covering a note to Pres. RI, Susilo Bambang Yudiyono tendering a report by the UK Courier Mail in 2005. The Courier Mail article is relevant.

Annex D: Terror Razing the Forest by Nick Chesterfield. Himself of Papuan extraction. A study of the TNI and other Indonesian involvement in illegal logging across the border in PNG.

Submitted by Max Stark,  
Gippsland Electorate.

 16 FEB 2007