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Re: Lombok Treaty submission

22 Feb 2007

The Secretary
Joint Standing Committee on Treaties
Commonwealth Parliament

Dear Secretary

Attached please find my submission on the Lombok Treaty.

I would be pleased to be able to testify before your committee, particularly in view of the fact that my colleague at the West Papua Project, Dr Jim Elmslie, and I have been unable to obtain a copy of the Indonesian text of the treaty from your committee, the Department of Foreign Affairs, the Australian embassy in Jakarta or the Indonesian embassy in Canberra --or from searches (by DFAT and us) on the world wide web. This seems to us anomalous indeed, even farcical, since up to now Australians have been denied an essential resource for judging what impact the Indonesian language version of the treaty is likely to have inside Indonesia.

With best wishes

I am yours sincerely

Prof G Peter King

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To: Committee Secretary
Joint Standing Committee on Treaties
Department of House of Representatives
PO Box 6021
Parliament House
CANBERRA ACT 2600
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Submission on Lombok Treaty by

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Treaty to Nowhere

22 February 2007

Peter King

Submissions to the Senate's inquiry into the new Australia-Indonesia Security Cooperation Framework agreement (the Lombok treaty, signed last November) seem to be running six to two against the treaty as I write. The reason is not far to seek. We know from recent opinion polls that the Australian public favours self determination for West Papua over continuing Indonesian administration and military occupation. But the new treaty would seal in concrete Indonesian sovereignty over the Papuans as presently exercised for ever.

Given its own experience of relations with the Indonesian military, the Habibie government and an aroused Australian public over East Timor in 1999, why does the Australian government want to formalise its support for Indonesian sovereignty in West Papua without setting some conditions? Above all there should be a clear undertaking to respect human rights and abjure coercive military and police treatment of the Papuans.

All the signs in Papua point to an explosion there sooner or later--perhaps a merging of the separate explosive issues which threaten the Papuans:

- almost continuous provocative military and police operations in the central highlands to provoke or intimidate the strongly pro-independence highlanders and justify Jakarta's foreshadowed military buildup in Papua
- continuing divide and rule games over the political future of Papua following failure to establish special autonomy as promised in 2001, or ensure that the large new revenues flowing to Papua actually addressed the people's needs rather than the interests of Papuan and Jakarta elites and the military
- an unchecked HIV/AIDS epidemic affecting Papuans at 20 times the rate experienced in the rest of Indonesia—20,000 infections in a total provincial population of 2.8 million, and disproportionately high among the indigenous population who have been deliberately made subject to infection in military controlled brothels
- large new resource projects (BP gas extraction; Chinese timber processing) unlikely to benefit Papuans and likely to create further trouble on the scale of the US-owned Freeport gold and copper mine
- violent or intimidating repression of student protesters against the Freeport mine, demonstrators for independence and church leaders and others committed to human rights monitoring. (Human Rights Watch has just identified as political prisoners 18 non violent Papuan activists and leaders who are serving jail terms up to 20 years for expressing hatred or contempt of a government which in its better moments admits to being hateful and contemptible.)
- continuing unrestrained—in fact officially encouraged-- inflow of "spontaneous" immigrants from the rest of Indonesia which threatens to tip the demographic balance in Papua towards the settlers in a few years time at most

Australia has promised in Article 3 of the Lombok treaty to enhance defence cooperation with TNI (the Indonesian armed forces), and in Article 2 declares that it will

not in any manner support or participate in activities by any person or entity which constitutes a threat to the stability, sovereignty or territorial

integrity of the other Party, including by those who seek to use its territory for encouraging or committing such activities, including separatism, in the territory of the other Party [i.e., in Papua],

Australia thereby lays itself open to being called on to repress domestic support here for the Papuan cause. Articles 2 and 3 together also confirm the Jakarta government and the TNI in their apparent determination to crush the Papuans as a distinctive independent minded community within the unitary republic of Indonesia.

In the words of TNI commander Djoko Sutanto as quoted by the Cendrawasih Post:

The military would not hesitate to compromise human rights [in Papua] for the sake of national integrity.

Some integrity, this!

Admittedly both sides to the Lombok agreement promise to uphold their domestic laws and international obligations in the context of the treaty. But Indonesia has flagrantly violated these obligations for the past 44 years in Papua. And it hasn't brought to book any of the scores of high ranking military violators of East Timorese rights in 1999—let alone before that. Yet this was promised at the time of the InterFET intervention and UNTAET administration of East Timor.

Australia's real interest is to finally draw a line against cooperation of any kind with the unrepentant, unreformed and politically unrestrained TNI. Australia must identify the Indonesian role in Papua up to now as a threat not only to the survival of the Papuans but to regional peace and Australia's long term interests in a stable Melanesia.

Meanwhile a little more empathy in high places with the plight of the Papuans would be helpful. If we look into the fate of Papua's leaders over the past six years of special autonomy years what do we find?

- Theys Eluay, the leader of the new post Suharto non violent movement for self determination in Papua, was assassinated by army special forces (Kopassus) in 2001.
- John Rumbiak, Papua's leading human rights advocate, and Paula Makabory, his very able and determined ELSHAM (Institute of Human Rights Studies and Advocacy) colleague in the Freeport

mining town of Timika, have been driven into exile by military inspired death threats. (John Rumbiak subsequently suffered a disabling stroke at 43, while Paula, more fortunately, has at least been able to lobby Kevin Rudd amongst other influentials while living out her exile in Australia.)

- Benny Giay, lecturer at a theological college in Jayapura, long-time chair of ELSHAM and engaging prophet of a New Papua, is now under constant surveillance and military and police pressure. His church has been raided by police, and he's accused of belonging to a fictitious religious arm of the West Papuan guerrilla movement, the OPM, as well as involvement in the shooting murder of two Americans working for Freeport by so-called "false OPM" under TNI tutelage back in 2002.

ELSHAM has not been forgiven by the military for its help to the Papuan police in exposing this TNI role in the Freeport killings. It was on the basis of deliberately ignoring or eliding this role that the US restored full military relations with Indonesia in 2005. By following Washington's lead on military cooperation Australia is exposing the likes of Rev Benny Giay—and his even more outspoken Baptist church colleague, Sofyan Yoman--to dire consequences.

On top of these individual cases of Papuans leaders living under "anti-separatist", "security"-inspired terror the Australian government would do well to notice that the physical and psychological wellbeing and future prospects of an entire generation of Papuan university students is now at risk. A student-led demonstration against the Freeport mine in March last year on the campus of Universitas Cenderawasih, Jayapura, was met with indiscriminate repression and students continue to be pursued in the jungles around Jayapura and across the border in PNG to this day.

Australia, with its heavy Melanesia-wide responsibilities, both shirked and shouldered, needs to adopt a very different tack on West Papua to the one favoured for the past generation and a half. The prospect of a second Timor debacle on our doorstep needs to be averted, not encouraged.

The Australian government has emphatically acknowledged Papua's problems with Indonesia by granting protection visas to the 43 very political Papuans who arrived on Cape York by traditional canoe in January last year. That decision is the proper foundation for building a new Australia-Indonesia relationship. The Indonesian President's reaction to the granting of asylum was over-the-top—an absurd denial of the

human rights problem in Papua. It merely indicated how much work needs to be done to re-establish the relationship with Jakarta on a realistic footing. The Lombok treaty is a snare and a delusion where it relates to Papua but will probably prove in the end to be just static on the diplomatic radar.

What is needed is for both governments to start listening seriously to what their civil societies and liberal media are telling them about Papua's plight, human rights, military impunity, corrosive corruption (including multinational corporate corruption), environmental vandalism and a few other things--and acting on what they hear! That is the way forward. The Lombok Treaty is a way back to nowhere.