

Submission concerning the Agreement between Australia and the Republic of Indonesia on the Framework for Security Cooperation (Mataram, Lombok, 13 November 2006)

**Prepared by Matthew Jamieson
Institute for Papuan Advocacy & Human Rights
PO box 1805, Byron Bay NSW 2481**

23 February 2007

I have written on behalf of the Institute for Papuan Advocacy and Human Rights (IPAHR) concerning the Security Treaty with Indonesia.

The individuals who comprise this organization are experts in the Human Rights of the indigenous people of West Papua. All have a longstanding involvement in the work to bring a just Peace in West Papua.

West Papua, which is the western half of the island of New Guinea is a land of Melanesian people which was ceded to Indonesian after a compromised United Nations plebiscite called the 'Act of Free choice'. Since 1962 when Indonesian took control of West Papua from the Dutch, the Papuan people have attempted to regain control of their land and exercise their internationally recognised right of self-determination.

This work of IPHAR involves the facilitation of justice for West Papuan people, through the application of the United Nations Universal declaration on Human Rights, which includes the right of self determination. The right to self-determination is enshrined in Articles 1 of the International Covenant on Civil and Political Rights and the International Covenant on Economic Social and Cultural Rights. Indonesia is also a signatory to these conventions.

West Papuan human rights consider it the essence of human rights – yet both the narrow and broader meanings of self-determination are undermined by the policies of the Indonesian government and by this treaty.

Within the context of the treaty the section, which appears directly relevant, is:

“3. The Parties, consistent with their respective domestic laws and international obligations, shall 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;”

There is a serious intent amongst West Papuan people that their country should not be administered by the Indonesia government and within the Republic of Indonesia.

The indigenous people of West Papua are rightfully pursuing a campaign to rid their country of poor governance, an unjust military occupation and an ongoing pattern systematic of Human Rights abuse. Many leading West Papuan and International observers point to the international crime of Genocide also occurring in West Papua.

It would be very serious for Australian and West Papuan people if this treaty imposes a positive obligation on Australia to criminalize pro-West Papua political and social change activities particularly when the overwhelming expression of West Papuans political aspirations is through non-violent action. To a large degree these legitimate activities are already criminalized in Indonesia.

Within the Treaty there would appear to be an obligation to ensure that no Government directly funds Human Rights work in West Papua or funds non-government organisations supporting activities in West Papua that Indonesia would view as 'separatist'. A key problem with the treaty is that "separatism" is not defined.

It would also seem an obligation of the treaty that the Government does not to provide refuge to West Papua pro independence activists and the Government could not take any positive steps to assist West Papuans who were endangered by the Indonesian authorities.

If the treaty does preclude funding of Human Rights work and the protection of endangered people then the Treaty is inherently wrong and flawed.

Indonesian Security Forces & the Treaty

The Institute for Papuan Advocacy & Human Rights considers the notion of a security treaty pertaining to working with Indonesia's security forces to be seriously flawed. Section 8 of the treaty states:

"Doing everything possible individually and jointly to eradicate international terrorism and extremism and its roots and causes and to bring those who support or engage in violent criminal acts to justice in accordance with international law and their respective national laws"

The Treaty supports a dangerous notion that the Indonesian security forces are sound organizations, which adhere to international and national laws in Indonesia. The past history, current function and accountability makes a strong argument that the Indonesian security forces engage and support violent criminal acts which are outside both Indonesian and foreign laws.

The Indonesian security forces play a domestic role in Indonesia and operate in a fashion, which is not consistent with the function of the Australian Armed forces & Police and Intelligence services.

Although the Indonesian Security forces apparently working within the state of Indonesian it exercises powers well beyond and outside the directives of the Government & the judiciary.

The corrupt nature of parts of the Indonesian Security Forces and the wide business interest of the different components of the security forces compete with each other components of the security forces, police, the state, private enterprise and the Human Rights of the civil society.

Examples of conflict between different elements of the Indonesian security forces including the police, apparently relating to illegal business, are noted to occur in West Papua.

Indonesian security forces clearly are able to act in ways that are not consistent with the democratic governance of the State of Indonesia. The security forces work in ways that undermine the framework of the democratic state of Indonesia.

One of the problems is that military personnel in Indonesia play an unhealthy & direct role in politics and policy making in Indonesia. The executive of state appears unwilling or not able to control the security forces.

The security forces only receive a small proportion of their budget from the State. (Some researches put the TNI budget from sources outside the government at 70%.)

A recent report by Human Rights Watch details that three years after the enactment of Law No. 34/2004 on the Security Forces, no companies controlled by the Indonesian Security forces have been taken over by the State of Indonesian, even though the law only gives five years to complete this transfer. There appears to be an infinite postponement by an inter-ministerial team of the government's takeover of military-owned businesses.

Security forces income comes from a wide range of sources including one that are legitimate and sources that are considered illegal under Indonesian law.

The Indonesian security forces are direct beneficiary of funds from foreign companies. The mining giant Freeport is reported to have paid tens of millions every year to the Indonesian security forces and apparently to individual commanders of the security forces.

The Security Forces appear to continue to have links to institutions with business interests that date back to the Suharto period and these institutions continue to be controlled by that family.

President Suharto was reported to take control of 10% of Freeport Indonesia shares in 1995/96.

The current military commander of West Papua is Major General Zamroni. Zamroni was deputy commander of Kopassus under Prabowo, son in law of former President Suharto.

Many commentators see the Indonesian Security forces as major corruptors of the legal processes of Indonesia.

Commentators assert that the Indonesian armed forces and Indonesian elites derive significant financial benefit from what we can be described as the military occupation of West Papua.

The armed forces while nominally acting in a role of defence from foreign threats has a primary role in the promotion and control of separatist sentiment in the local West Papuan population. To enable this the structure of the armed forces mirror the civilian

administration so that even the smallest settlement has a representative of the Indonesian military. This greatly restricts freedom of expression and assembly in West Papua.

The military threat posed by West Papuan separatist movement, which from time to time engages the Indonesian military, is recognised both in Indonesia and internationally as a minor threat.

Through a combination of military force and corruption the army is able to manipulate the situation on the ground in West Papua to the financial best advantage of the military and its leadership. The Indonesian security forces use the issue of security as camouflage for protecting its business interests.

Indonesian Military forces are a regional security threat

The Indonesian army not directly under the control of the State of Indonesia and is the largest organization of its kind in the region. The greatest threat to security in Indonesia and other countries in the region is the Indonesian military.

Large numbers of Indonesian troops are stationed in the West Papua and over the past year has been demonstration of Indonesian military preparedness. One press report in 2006 was that 23,000 troops are stationed in West Papua. A recent naval exercise in the Kiamana area was said to involve 7000 members of the security forces.

There is little change in structure of the Indonesian Security Forces since the Suharto time. There has been no change in the ideology, structure and modus operandi of the Indonesian Security Forces since East Timor. There continues to be a climate of virtual impunity and at best for the actions against the civilian population in West Papua.

The legacy of East Timor, where the TNI trained, armed and financed violent militia to work outside the law against civilian population, has not been meaningfully addressed within the ranks of the TNI.

The appearance of the militias and some of the same militia leaders, operating in conjunction with the Indonesian security forces, over subsequent years in West Papua is reason for concern.

The appearance of uniforms and modern weaponry, apparently provided by the Security forces to the members of the Free Papua Movement OPM/TPN is equally disturbing.

Reports of sale and shipment of weapons in the past two years apparently by members of Indonesia's armed forces has also been alarming.

The training and equipping of Islamic and Indonesian nationalist militia's, which has continued from the time of the East Timor vote in Aceh, Maluku and West Papua, is also cause for great concern. The continued status of these militia in West Papua is unclear but there are some reports indicate that their training activities continue last year.

Reports of black killings, apparently random murders of indigenous West Papuans by unknown assailants, continues in West Papua into last year. This situation is similar to

which occurred in Central and South American in the 1970 & 80s but which is familiar in West Papua since the time of Indonesian occupation up to the year past.

The presence of the ill equip West Papua armed liberation struggle gives the TNI the reason to maintain combat operations in West Papua. Human rights workers and Church leaders state that this including developing or promoting a combatant situation between the different armed groups in the West Papua.

Although the leadership of the Indonesian Security forces points to renegade members of the security forces acting against the civilian West Papuan population. There is a clear pattern of systematic abuse by Indonesian security forces and a policy of the impunity from the law with in Indonesia.

Indonesian Security Forces & Genocide

Widely held belief amongst Church leaders and Human Rights workers that Indonesian Government & Security Forces policy has the effect of Genocide in West Papua. This policy is most prevalent in the Highland area of West Papua.

This genocidal policy appear to be ongoing today in the highland areas in West Papua. There are current reports of famine in the Star Mountain region and displacement & famine caused by armed conflict in the Puncak Jaya region. Both region are very remote and have suffered a long history of violent abuse by the Indonesian security forces.

Military operations contributing to famine is seen by many Human Rights workers as a causal agent of Genocide in West Papua.

Since this last Christmas a member of the Security forces acted to torture and murder Marind landowners near Merauke apparently promoting the interests of foreign fishing company over assertion of Papuan customary rights.

There appears to be existing order originating from the Indonesian Security forces last year for the extra judicial order to kill two West Papuan student activists. Both persons are reported to be in hiding to prevent this death warrant being executed.

There appear to have been extra territorial attempts by members of the Indonesian security forces to return West Papuan hiding in Papua New Guinea in the past year.

A recent report "Bulldozing Progress" by Australian Conservation Foundation and CELCOR (Centre for Environmental Law & Community Rights PNG) has provided information about the illegal trade in firearms from Indonesia into logging sites in PNG. The report also outlines the flow of foreign workforce and sex workers from Indonesia to PNG.

Concern is held that the Indonesian Security forces are involved in this trade, which serves to seriously destabilize democratic process in Papua New Guinea.

Other reports from PNG sources also suggest that Indonesian military personnel are coming into PNG.

A flash points exists in PNG logging site, where a landowner groups try to wrestle control of logging from foreign timber companies such as Rimbunan Hijau. This company has strong links with Indonesian logging businesses, which are linked to the Indonesian security forces.

Human & Veterinary Health Issues

Bird flu is now acknowledged in the Mimika region of which Timika is the capital on the south coast. (Jakarta Post 8/8/06). To deal with the issue of the threat of this disease to poultry industry and Public health, Australia must get involved reducing regional insecurity.

West Papua has a large number of cases and high infection rates of HIV/AIDS in the indigenous Papuan population. Commentators are stating that the lack of adequate facilities and services is masking the extent of the HIV/AIDS problem.

Continuing conflict situation promulgated by the Indonesian Security forces and corruption of government process makes application of proper health and veterinary management for domestic and international health issues very difficult in West Papua.

An important component of Australia relations with Indonesia must serve to open up West Papua to the international community and withdraw the all- pervasive presence of the military in West Papua. At this point of time the Security Treaty with Indonesian would appears to seek to obscure what is happening in West Papua and on Australia doorstep.