

Additional submission to Joint Standing Committee on Treaties

Feb 2007

Concerning the agreement between Australia & the Republic of Indonesia on the framework for Security Cooperation (Mataram, Lombok, Nov 13th 2006)

From: Bill Fisher

TNI's Territorial Command and Australia's Parliament

In its December 2000 report "**East Timor**", the **Senate Foreign Affairs, Defence and Trade References Committee**, on the subject of "**Australian defence cooperation with Indonesia**" paragraph 8.51 said:

"The Committee believes that there are at least 2 criteria, apart from the general state of the relationship between Australia & Indonesia, which should be met before any additional defence cooperation measures are undertaken."

Paragraph 8.53 says:

"The second criterion is clear evidence that the TNI is dismantling the territorial command structure throughout Indonesia & that it is becoming a professional defence force rather than mainly an internal security force. It has been the territorial command structure that has given TNI the power to meddle in domestic matters both nationally & right down to village levels, & given rise to gross human rights abuses perpetrated in East Timor & elsewhere in Indonesia. As Indonesia now has a democratic system, albeit in a fragile state, it would be anathema for Australia to support the TNI or any other element in Indonesia not working to strengthen democracy."

I agree wholeheartedly with the Senate Committee's findings, as expressed in these paragraphs.

I wish to draw the present enquiry's attention to the current state of TNI's territorial command.

In October 2005, TNI Commander-in Chief Endriartono Sutarto announced the re-activation of the territorial command structure. This was in response to President Yudhoyono's call for TNI to help in the fight against terrorism.

A political observer from the Centre for Strategic & International Studies, J. Kristadi, said the move was a violation of Law No. 34/2004, which stipulates that the TNI territorial function shall be eliminated within 5 years ("Jakarta Post" 7/10/05)

A public opinion poll taken at the time showed that a clear majority of Indonesians believe territorial military commands should be abolished ("Jakarta Post" 5/10/05)

Jakarta military commander Maj-Gen Purnomo announced that 1680 Babinsa (local non-commissioned officers – effectively spies in local communities for TNI) were being reactivated.

On October 8th 2005 "Jakarta Post" published an opinion piece "Military fight against terrorism could be the terror itself". It said the move could bring more "secret abductions, detention without trial, torture & extra-judicial killings". Indonesia's Commission on Disappearances & Victims of Violence (KONTRAS) said in a statement in December 2006 that it could lead to "state terrorism". Indonesia's Human Rights Watch (Imparsial) criticised the maintaining of TNI's territorial command in September 2006.

In a 2006 report for the Washington-based East-West Centre, "The Politics of Military Reform in post-Suharto Indonesia", Marcus Mietzner criticised the failure to remove the territorial command structure.

Dr. Clinton Fernandes, Senior Lecturer in Strategic Studies, U.N.S.W., ADF Academy said in the press that the Lombok Treaty would do nothing to support democratic reform in Indonesia:

"TNI is not a neutral instrument of the elected government but a partisan force with its own agenda. Through its **territorial command structure**, it is embedded at every level of Indonesian society, including the bureaucracy, legislature, & economy ... Its officers engage in commercial activities that increase their personal wealth, & they influence the electoral process by supporting or opposing civilian politicians ... TNI as a whole has been fashioned for more than half a century into a tool for suppressing popular social forces in Indonesia. Kopassus ... plays a leading role in any crackdown on pro-democracy forces."

Conclusion

There is abundant evidence that TNI's territorial command structure has not been dismantled. One of the 2 criteria required for restoring military cooperation, according to the Senate report's findings, has clearly not been met. Indeed, the Senate Committee said it would be **anathema** "to support the TNI or any other element in Indonesia not working to strengthen democracy."

I am asking the Joint Standing Committee on Treaties whether it intends to abide by the Senate Committee's criteria; or if it intends to ignore the Senate Committee's findings?