

Indonesia: No More Fooling Around

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The [Framework for Security Cooperation 2006](#), better known as the Australia-Indonesia security treaty, involves a three-step process.

In the first step, negotiators from the two countries agreed on the form of words that would be used. In the second, which took place on Monday on the Indonesian island of Lombok, Australia's Foreign Minister Alexander Downer and his Indonesian counterpart, Hasan Wirayuda, signed the treaty. (It was only after this that the public was informed of its contents.) The last step will involve the two countries confirming the treaty and signaling their intention to be bound by its provisions.

The first security treaty between Australia and Indonesia was negotiated by the Keating [IslandAd] Government in secret in 1995, leading to calls for greater public consultation and Advertisement parliamentary scrutiny. Accordingly, when the Coalition came to power in 1996 it agreed to table all treaties in both Houses of Parliament for at least 15 sitting days before ratification, except for those treaties deemed urgent or sensitive. However, it did so by way of administrative procedure rather than legislation, meaning that it could disregard these procedures without the fear of a challenge in the High Court.

Contrary to public belief, ratification authority for treaties ultimately rests not with the Parliament but with the Federal Executive Council, and requires the support of a minimum of only the Governor-General and two Ministers and/or Parliamentary Secretaries. Given the Federal Government's parliamentary sitting schedule, this treaty won't be ratified until February 2007. In the interim, members of the public may make submissions to the [Joint Standing Committee on Treaties](#).

Article 2.3 of the new treaty commits each government to 'not in any manner support or participate in activities' that threaten the other's 'stability, sovereignty or territorial integrity,' which is an obvious reference to the West Papuan push for self-determination. Depending on what 'support' is taken to mean, this provision may have funding implications for civil society groups in Australia, as well as for NGOs associated with such groups.

Whatever the implication, the Australian Government may decide to take steps to demonstrate its commitment to Indonesian rule over West Papua by sharing intelligence about the activities of such civil society groups. It may refuse to comment on queries about intelligence sharing other than to say that everything is being done lawfully.

But differing interpretations of this provision are also likely to cause dispute between the two governments. Defence Minister Brendan Nelson [says](#) that activists will not be stopped from holding rallies. However, a spokesman for the Indonesian Embassy in Canberra says a decision to permit such rallies could be sensitive to Jakarta. Meanwhile, Amris Hassan, Deputy Head of Indonesia's Parliamentary Committee on Foreign Affairs, [has said](#): 'In future, if there is an asylum-seeker problem, we will now have a legally binding agreement so there can be no more fooling around.'



Thanks to [Bill Leak](#)

Article 3.2 calls for training and exercises with the Indonesian Military (TNI). Unlike the Australian Defence Force, the 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, and economy.

The TNI also oversees activities such as extortion, gambling, prostitution, protection rackets, strike breaking and private security. It maintains monopolies on essential commodity distribution, and regulates Indonesia's huge informal sector. Its officers engage in commercial activities that increase their personal wealth, and they influence the electoral process by supporting or opposing civilian politicians.

Given the territorial structure of the TNI, there is little point in being distracted by debates about the human rights record of Kopassus (special forces) or any other specific unit. The TNI as a whole has been fashioned for more than half a century into a tool for suppressing popular social forces in Indonesia. Kopassus is merely its most versatile and deployable formation and therefore plays a leading role in any crackdown on pro-democracy forces.

The key factor in deciding one's position on ties with the TNI is whether one supports the repressive elements in Indonesia, or the Indonesians who are fighting this repression. Australians who wish to support Indonesians fighting the repression should oppose all links with the TNI until its territorial structure is dismantled.

Only one Indonesian General has proposed dismantling the TNI's territorial structure. Lieutenant General Agus Wirahadikusumah raised the issue, but his efforts to reform the military resulted in him being sacked from the army's active duty list. In August 2001, he was [found dead](#) at the age of 49. The cause of death was unknown and no post-mortem was carried out. His family later confirmed that he had been healthy and fit, with no medical complaints. His fate is a stark reminder that no serious movement to dismantle the territorial structure exists within the TNI.

Article 3.2 of the Framework refers to the 'application of scientific methods to support capacity building,' perhaps implying Australia's Defence Science and Technology Organisation's assistance in the field of systems analysis.

Article 3.3 (design, development, production and marketing of defence technologies) stands out. Technologically, Indonesia has little to offer Australia. This provision indicates that something is being contemplated or is already in the pipeline. It is unlikely to have been inserted merely to cover future contingencies. Watch this space.

Article 3.7 lists nine areas of law enforcement co-operation — such as in people smuggling, and arms and drug trafficking — that may be quite beneficial to both countries. The challenge will be to get the relevant bureaucrats off the gravy train of working groups and study tours funded by the Australian taxpayer to make some real progress.

Articles 3.8–3.11 refer to counter-terrorism cooperation — an important goal that is best pursued by cross-border police investigation in the short term, cross-border police intelligence analysis in the medium term, and policies that tackle the structural causes of terrorism in the long term.

In Indonesia, there is also the likelihood of overlap with transnational crime, where terrorists may increase their mobility and reduce their chances of detection by using the same networks as criminal groups. This trend is best countered by instituting an effective system for the investigation of money laundering, and ensuring greater compliance by banks and financial institutions. Better inter-agency co-ordination and improved human and technical capacity would also be effective. None of these strategies need involve the TNI, despite its desperation to find new relevance by hitching its fortunes to the counter-terror bandwagon.

Article 3.21 refers to 'community understanding and people-to-people cooperation.' It may mean

government advertising campaigns defending the treaty or favourable coverage in the mainstream media (which often amounts to the same thing). The problem, of course, is that the Indonesian people are not the Indonesian Military. A genuine people-to-people relationship will show ordinary Australians the truth about the TNI and how the Indonesian people really feel about it.

It remains to be seen how this new attempt at engagement between the two countries will play out. There are likely to be surprises in store for its drafters in both Indonesia and Australia.

About the author

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