



22<sup>nd</sup> February 2007

Submission 33  
TT 6 December 2006

The Committee Secretary  
Joint Standing Committee on Treaties  
House of Representatives  
PO Box 6021  
Parliament House  
Canberra  
ACT 2600

Dear Sir/Madam,

**Submission – The “Lombok Treaty”**

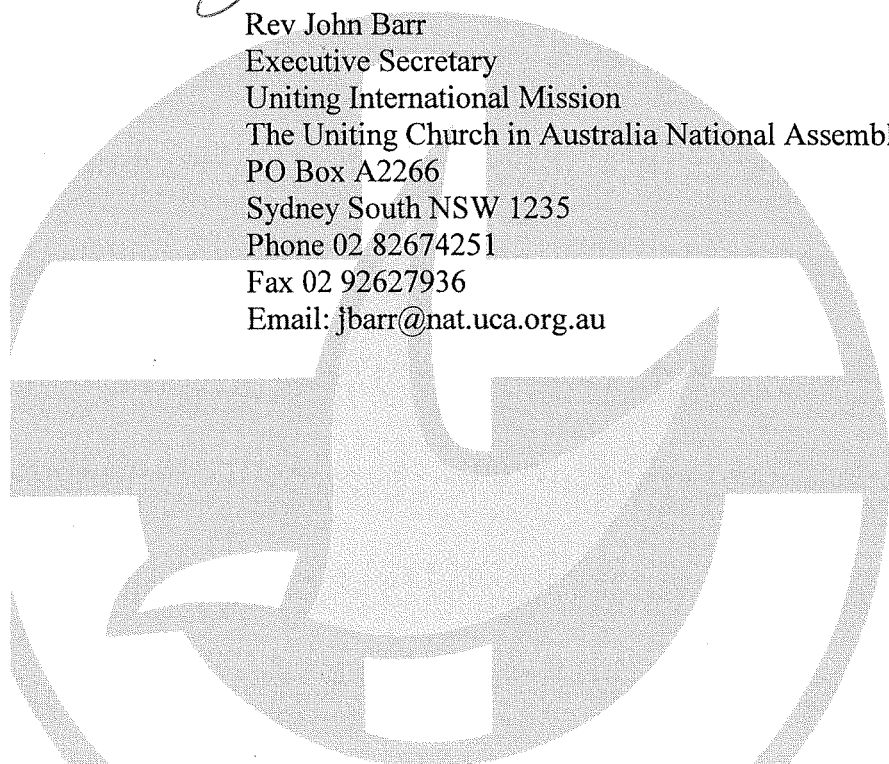
Please see attached a copy of a submission regarding the Agreement between Australia and the Republic of Indonesia on the Framework for Security Cooperation (Mataram, Lombok 13 November 2006).

An electronic version is also attached.

Thank you for your attention to this matter.

Yours sincerely,

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**Submission to Joint Standing Committee on Treaties  
on the Agreement between  
Australia and the Republic of Indonesia on  
the Framework for Security Cooperation**

**(Mataram, Lombok, 13 November 2006)**

Submission by  
The Uniting Church in Australia  
Uniting International Mission, National Assembly and  
Justice and Mission Unit, Synod of Victoria and Tasmania

**Introduction**

The Basis of Union, Uniting Church in Australia, commits the church to “seek special relationships with Churches in Asia and the Pacific” (Basis of Union Paragraph 2). This commitment is expressed in terms of partnerships that include the sharing of personnel, project support, advocacy and mutual cooperation and support. Our focus and commitment is to all people in the community. Strong partnerships exist throughout Indonesia with a particular focus in eastern Indonesia including Bali, North Sulawesi, North Maluku, Maluku, Nusa Tenggara Timur and Papua. Through these partnerships the Uniting Church in Australia has entered into close relationships with local people and has developed a detailed understanding of the life and witness of these communities. We participate in these partnerships with the desire to be good neighbours and to learn from one another. Ongoing co-operation and efforts to build relationships are vital. Therefore we welcome the opportunity to prepare a submission concerning the Agreement between the Australia and the Republic of Indonesia on the Framework for Security Cooperation.

This submission is made with a commitment to creating opportunities and supporting initiatives that bring Australians and Indonesians together. We believe this is an important priority that must be undertaken with care and sensitivity.

**ARTICLE 2**

- (a) While Article 2.6 states “Nothing in the Agreement shall affect in any way the existing rights and obligations of either Party under international law”, the Uniting Church in Australia is concerned the treaty does not clearly acknowledge that both parties should seek to be bound by their obligations with the respect to the promotion and protection of basic human rights.
- (b) We believe there should be explicit reference to the maintenance of basic international human rights standards as outlined in the key International Conventions including the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the UN Convention on the Rights of the Child, the UN Convention on the Elimination of all forms of Discrimination Against Women and the UN Convention on the Elimination of all forms of Racial Discrimination.



(2)

We raise this point in view of the many claims received regarding ongoing human rights abuses and a lack of accountability by security forces particularly in Papua. Claims coming out of Papua are often related to contentious issues surrounding the 2001 Special Autonomy Law. This reform has not yet been fully implemented. The Uniting Church in Australia believes the full implementation of Special Autonomy is necessary as it will provide a significant framework to resolve the conflict in Papua. Current policies in Papua, however, are serving to divide the community. We believe these policies are actually undermining the full implementation of Special Autonomy and they are, therefore, contributing significantly to the tensions in Papua rather than resolving them.

- (c) We note that the treaty seeks to maintain a shared goal of peace, security and prosperity in the region together with a commitment to cooperation. While this is an urgent priority, we believe such a priority cannot be realized unless human rights are observed, human rights are maintained and the welfare of the community in Papua and other parts of Indonesia are addressed according to international standards.
- (d) We believe there should be explicit reference to the maintenance of basic international human rights standards as outlined in the key International Conventions as this serves to ensure that measures taken to maintain security and deal with terrorism in themselves do not result in human rights violations.

We are of the view measures to maintain security and to deal with terrorism should have the ultimate aim of ensuring that all people are able to enjoy their basic human rights and freedoms as contained within instruments such as the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the UN Convention on the Rights of the Child, the UN Convention on the elimination of all forms of Discrimination Against women and the UN Convention on the Elimination of all forms of Racial Discrimination.

- (e) In 2.3 we note that Australia and Indonesia "shall not in any manner support or participate in activities by any person or entity which constitutes a threat to 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."

"Separatism" is an evocative term in Indonesia these days. It has become a highly politicized term and has often been used to both identify and discredit people who raise concerns about issues of justice. Advocates in Maluku and Papua, for example, who have challenged the human rights record of security personnel have been falsely labeled as being "separatist". Such allegations can actually lead to fear and instability in the community while allegations of "separatism" have been used to marginalize and even alienate minority groups in Indonesia, including Christians in Maluku and indigenous Papuans in Papua.



(3)

We believe, that in some situations, allegations of "separatism" are being used to provoke fear and justify repression. We, therefore, raise concerns about the use of the term "separatism". The treaty makes no overt reference to Papua. However use of the term "separatism" immediately draws our attention to the region. This is the language often used throughout Indonesia to generate fear in response to Papuan aspirations and it is the language often used by security forces in Papua to justify ongoing repression.

We recommend the treaty affirms that each party respects and acknowledges respective domestic laws and international obligations. However we question the inclusion of references that focus on language that evokes fear, justifies repression and fails to address the real issues in Papua.

- (f) We believe it is vital that human rights advocates in Australia and Indonesia are not silenced by the treaty. We are, therefore, pleased to note that the National Interest Analysis assesses that the "obligation set out in Article 2.3 would not prevent peaceful demonstrations conducted in accordance with the law, political commentary for free speech from occurring."
- (g) We welcome the inclusion of 2.4 declaring that Australia and Indonesia will "settle any disputes that might arise between them by peaceful means in such a manner that international peace, security and justice are not endangered."

### ARTICLE 3

- (a) We are disappointed that within Article 3 on Defence Cooperation there is no explicit mention of cooperation to enhance the compliance of the armed force of both parties to International Humanitarian law.
- (b) We are pleased that Article 3 includes law enforcement cooperation on transnational crime, especially money laundering, financing of terrorism, corruption and the illicit trafficking in arms, ammunition, explosives and other dangerous materials and the illegal production thereof.
- (c) We welcome the commitment under Article 3 to eradicate "extremism and its roots and causes." However, we would want to be sure that such eradication occurred in ways compliant with basic international human rights standards.
- (d) We welcome the agreement that Australia and Indonesia will cooperate to enhance measures for preventing the proliferation of weapons of mass destruction and their means of delivery, including through strengthened national export controls in accordance with their respective national laws as well as international law. However, we do not support bilateral nuclear cooperation for peaceful purposes. We believe that this clause should be removed from the treaty.

We remain concerned that the proliferation of nuclear technology and facilities increases the risks to global security. For example, International Atomic energy Agency Director General Mohamed El Baradei has himself said in December 2005 "If a country with a full nuclear cycle decides to break away from its non-proliferation commitments, a nuclear weapon could be only months away. In such cases, we are only as secure as the outbreak of the next major crisis. In today's environment, this margin of security is simply untenable."



(4)

The Australian Minister for Foreign Affairs, The Hon Alexander Downer MP, has himself acknowledged that civilian nuclear facilities are likely targets for terrorist attacks. In his speech at the ASPI Seminar on 7<sup>th</sup> February 2006, Mr Downer stated: "An attack using a crude device would not result in the same mass casualties as military-style WMD. However, the psychological impact on civilian populations would still be significant. Praying on deeply rooted public fears about radioactivity and disease. With similar motivations, terrorists might also seek to attack nuclear, biological or chemical manufacturing facilities using conventional means."

- (e) We welcome that the treaty will seek to encourage people-to-people cooperation. We believe such cooperation increases security between Australia and Indonesia however people-to-people cooperation should be encouraged generally without the need for a specific focus on security related issues.

The Uniting Church values the opportunity to make this submission and we trust the mutual wellbeing of all people both in Australia and Indonesia will be respected and upheld.

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