



Dissenting Report—Senator Andrew Bartlett

Introduction

I support and welcome recommendations 1 – 4 in this report, which attempt to address the concerns raised by many witnesses and submitters over the course of this inquiry. However, I cannot agree with the final recommendation by the majority of the Committee that binding treaty action should be taken at this time.

I accept that there is a plausible case for arguing that this Treaty will strengthen effective ties between Australia and Indonesia. However, I believe the weight of evidence and history suggests that it is too soon for both countries for a treaty such as this to be agreed to, and as such may actually be detrimental in the long term to this very important relationship.

I share the view expressed by Professor Hugh White. Whilst the bilateral relationship between our two countries is vital and we need to work harder to strengthen it, I am not convinced that the relationship as it currently stands is strong enough for each side to be able to meet the expectations of the other, particularly at times of stress or crisis in the relationship. It is my assessment that there are simply too many unresolved issues between our two countries which have yet to be openly addressed.

I agree with Professor White's perspective given in evidence to the committee, as reflected in his quote at paragraph 3.4 of the majority report, that "*A clause in a treaty like this which raises expectations of the way in which either can manage these issues which cannot be met, which go beyond the kinds of approaches that either government can take, are in a crisis likely to amplify bitterness rather than reduce it.*"

Democracy and human rights

I have publicly stated a number of times that Indonesia's progress into being a parliamentary democracy in such a short space of time has been extraordinary, particularly given the challenges involved. This is often underappreciated in Australia, as it is easy to underestimate how hard a task this is for any country.

However, while this fact should be noted and welcomed, it should not be used to obscure some of the significant problems that still remain, particularly in the area of human rights abuses. As the Committee noted in paragraph 4.38, most of the submissions to the inquiry concerned human rights issues, and particularly the situation in Papua. From my reading, most of them did not address the issue of independence for Papua, but rather a concern that human rights issues should not be ignored, and the risk that by increasing direct military cooperation, that Australia may be inadvertently facilitating human rights abuses.

Whilst it is not the place of the Committee to make definitive conclusions about the full extent and nature of the human rights situation, it is none the less not something that can just be ignored. Despite the restrictions on access to Papua, there is still widespread evidence that serious human rights abuses continue, and that segments within the Indonesian military are complicit in much of this.

It is easy to point to human rights issues in other countries whilst diminishing those in one's own country, and I fully acknowledge Australia is less than perfect as well. Australia certainly doesn't have many positive lessons to share with the world when it comes to facilitating or promoting self-determination for the Indigenous peoples in our country, a fact which no doubt many in Indonesia note when issues of self-determination in Papua are raised.

It is my view that sensitivities around Papua played a big part in both countries deciding to adopt a Treaty with wording such as this one. But this is also one of the key areas where it is quite possible that circumstances will arise that will generate the sort of impossible to meet expectations that Professor White was referring to in his comment above. We cannot wish away human rights concerns just because they make our relationship with another country uncomfortable. Leaving aside ethical considerations about such things, history has given us enough examples to show that such an approach usually does not work in the long run.

Nuclear Cooperation

I also have some concerns regarding the clause in the treaty promoting bilateral nuclear cooperation. The Committee deals with this issue in paragraphs 4.47 - 4.51

of the main report. I agree with the Committee that strengthening nuclear safety and security standards is desirable, but I have some concerns that this clause may also serve as a forerunner for opening up future opportunities for promoting nuclear power development, in line with current Australian government policy to expand uranium exports. It could even be seen down the track as an endorsement for examining returning nuclear waste back to Australia.

I accept that any such future actions would require further treaties to be developed and adopted, as well as potentially amendments to existing Australian laws. However, I remain concerned that this could be interpreted or used as a green light to start exploring such pathways at some stage.

Conclusion

It is always a balancing act promoting better ties and understandings between two countries while being prepared to be open about human rights concerns. Promoting stronger engagement at all levels of our two countries is something I am strongly in favour of, but we have to avoid creating unrealistic or premature expectations along the way, as well as ensuring that we do not facilitate or reinforce elements that are a barrier to further progress.

There have been many improvements in the situation between Australia and Indonesia, and current faults are certainly not all on one side. We need to facilitate greater understanding and contacts at all levels of our two societies. But I believe the cracks that are still there are simply too wide at present to satisfactorily paper over them with a treaty such as this.

