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Submission to the Joint Standing Committee on Treaties Inquiry into the Australia – Indonesia Framework for Security Cooperation

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Overview:

The Australian Conservation Foundation (ACF) is committed to inspiring people to achieve a healthy environment for all Australians. For 40 years we have been a strong voice for the environment, promoting solutions through research, consultation, education and partnerships. We work with the community, business and government to protect, restore and sustain our environment.

ACF is mindful of the importance and complexity of the Australia – Indonesia relationship and the significant human rights and wider implications of the proposed Treaty however this submission is concerned only with one part of the proposed Treaty that relates to a core ACF concern.

ACF has deep concerns in relation to Article 3 (17) of the proposed treaty. ACF believes this area requires separate and dedicated scrutiny and testing and recommends that it not be approved in its current form and instead be removed from the Treaty and subject to further and detailed national interest assessment and public scrutiny.

Article 3 (17) relates to 'strengthening bilateral nuclear cooperation for peaceful purposes'.

ACF points the Committee's attention to earlier media comments that:

Mr Downer also dodged Australia's commitment to support Indonesia's proposed nuclear power program, revealed in The Age yesterday. "It's not about Australia establishing a nuclear power program in Indonesia. We don't have the technology or the corporations to do that," he said.

Australia is also considering developing a nuclear power capacity.

More significantly, it is the most obvious source of uranium for the reactor Indonesia plans to begin building within four years.

Aside from the dangers of a reactor in earthquake-prone Java, there is little to fear from the Indonesian program. Jakarta is committed to nuclear non-proliferation.

If assisting Indonesia's nuclear ambitions is not envisaged under the new security framework, it is difficult to understand why it includes a clause backing "strengthened co-operation" on the development of nuclear energy for peaceful purposes.

(Mark Forbes, TheAge, 9 November 2006)

ACF contends that facilitating nuclear programs and activities in Indonesia is not in the national or regional interest and cannot be justified as an attempt to address the proliferation of weapons of mass destruction.

Indeed to make such a claim or adopt such an approach is more likely to be self defeating as it is increasingly recognised that nuclear technology is 'dual-use' technology and that the infrastructure and skill base used in a civil nuclear program can also be applied to a military one. There is also the serious and unresolved issue of sub-national or terrorist organisations or individuals gaining access to fissile materials for possible use in 'dirty bombs' or terrorist activity.

Indonesia is currently actively revisiting long held and controversial plans for domestic nuclear power. In May 2006 the head of the Indonesian National Atomic Power Agency announced plans to build a nuclear power plant at Mt Muria in central Java.

This project was earlier mooted by the former Suharto government in 1993 and was then the subject of meteorological modelling by a research team at the Australian National University (ANU) to determine the potential fallout pathways and implications for northern Australia in the event of a serious accident at the facility.

This modelling found that "the lives of thousands of Australians could be harmed" and that seasonal prevailing winds could disperse radioactive fallout over a large part of northern Australia, including Darwin and Kakadu.

ACF maintains that on this basis alone there should be further detailed and specific analysis of Indonesia's planned and possible nuclear activities and the environmental, economic and health implications of these for Australia.

In 1994 senior members of the then Coalition Opposition, including shadow science minister Peter McGauran called on the then Labor government to use its influence to dissuade Indonesia from developing nuclear power and for an Australian action plan in the event of a nuclear accident, incident or unplanned event in Indonesia.

ACF urges all members, but especially government members of the Committee, to now reflect these concerns by seeking further detail on the range of implications arising from Article 3 (17) before giving any positive recommendation of the proposed Treaty to the Parliament.

Furthermore, in February 2007 the Indonesian Environment Minister Rachmat Witoelar was confirmed that Indonesia will pursue plans to develop nuclear power and the province of Gorontalo in Sulawesi is considering a Russian proposal to develop a floating nuclear power plant (TurkishPress.com, February 12, 2007).

Indonesia is a region of profound geological instability. This raises massive risks in relation to the siting, construction and operation of nuclear facilities. Australia should not be supporting any moves that may directly or indirectly support nuclear power in Indonesia, including through the potential future supply of Australian uranium. There is no justification for a broad ranging sign off on a nuclear cooperation framework with Indonesia before such a dedicated analysis exists and is available in the public domain.

ACF also holds grave concerns over the deficiencies of the current international nuclear safeguards regime. These concerns were detailed to the Committee during its recent consideration of the Australia-China nuclear cooperation treaty. Clearly Indonesia is different from China in the important area that it is not currently a nuclear weapons state. However the profound limitations that underlie the international nuclear safeguards regime remain and ACF again commends the broad analysis and intent of the attached report to the Committee's consideration in relation to the proposed Indonesian nuclear cooperation Agreement.

In particular ACF notes that Indonesia has not ratified the Comprehensive Test Ban Treaty (CTBT). ACF maintains that ratification and full compliance with the CTBT should be a pre-condition of any nuclear co-operation with Indonesia. Failure to do this would undermine the stated non-proliferation rationale of the Agreement.

Recommendation:

ACF believes Article 3 (17) of the proposed treaty requires separate and dedicated scrutiny and testing and recommends that it not be approved in its current form.

Indonesia is a region of profound geological instability. This raises massive risks in relation to the siting, construction and operation of nuclear facilities. Australia should

not be supporting any moves that may directly or indirectly support nuclear power in Indonesia, including through the potential future supply of Australian uranium.

ACF urges the Committee to remove Article 3 (17) from the Treaty and subject this key area to further and detailed national interest assessment and public scrutiny.