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Australian Government
Department of Defence

International Policy Division

Australia-Indonesia Defence Ministers' Meeting

Canberra, 10 February 2023

Briefing Pack

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Strategic Overview

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The centrepiece of this DMM will be a Joint Statement of Intent to negotiate a legally-binding Defence Cooperation Agreement. s33(a)(iii)

You should underline our high ambitions for the Agreement, both in terms of substance and timeframes. s33(a)(iii)



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Australia-Indonesia Defence Ministers' Meeting



Context and objectives

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| s22 | |
| What we want | |
| <ul style="list-style-type: none">• A Joint Statement of Intent to upgrade our legal arrangements. | |
| s22 | |
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Point of contact

| | |
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| David Lewis Assistant Secretary, Southeast Asia Branch International Policy Division | s47E(d) s22 |
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Agenda item 1: Opening Remarks (Australia lead)

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- Pleased our relationship is growing. We are making our activities more complex, and broadening cooperation into new areas, s33(a)(ii)  defence industry, and military medicine – which we'll discuss today. We should be ambitious on content and timeframe when we negotiate a new Defence Cooperation Agreement.

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Agenda item 2: Bilateral Cooperation

We expect this item will cover:

(1) Upgrading our existing defence MOU to a legally binding Defence Cooperation Agreement

s33(a)(iii)

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- Upgrading our existing arrangements to a Defence Cooperation Agreement s33(a)(iii)
We should be ambitious, including looking at ways to streamline access for each other's personnel, ships, and aircraft.
- Seek agreement to release Joint Statement of Intent. We should also be ambitious on timeframes.

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Background

Defence Cooperation Agreement

We signed a defence cooperation MOU in 2012, which was updated in 2021. In 2021, Minister Prabowo agreed we should aim to upgrade to a legally-binding Agreement. We have high ambitions for the Agreement, which could include: s33(a)(iii)



s33(a)(iii) improved interoperability; s33(a)(iii) and cooperation on defence industry, s33(a)(iii) . s33(a)(iii)

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Agenda item 4: Closing remarks (Indonesia lead)

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- Look forward to releasing our Joint Statement of Intent to upgrade our legal arrangements, ^{s33(a)(iii)}

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Australian Government
Defence

Ministerial Brief for Action

MS23-000020

FOR: Deputy Prime Minister

INFO: Assistant Minister for Defence

Action Requested by: 27 January 2023

Reason for Urgency: Discussion at 2+2 meeting (9 February 2023).

CC: Secretary, CDF, VCDF, Associate Secretary, FASMECC

INDONESIA: MANDATE TO NEGOTIATE DEFENCE COOPERATION AGREEMENT

Key Issues:

s33(a)(iii)

We have high ambitions, s33(a)(iii)

We are working towards a Statement of Intent for you and Minister Prabowo to release when you meet in Canberra on 10 February 2023 and have shared the draft with your Office. s33(a)(iii) need a mandate from the Foreign Minister to commence s33(a)(iii) We suggest you write to the Foreign Minister accordingly.

Recommendation(s):

Decision

That you:

■ sign the draft letter to the Foreign Minister (Attachment A).

Approve/Not approved

Media Considerations: We expect interest in plans to upgrade our defence legal arrangements.

Signature

Richard Marles
January 2023

Minister comments:

Cleared by Hugh Jeffrey
Deputy Secretary
Strategy, Policy, and Industry Group
12 January 2023 s47E(d)

Contact Officer David Lewis
Assistant Secretary Southeast Asia
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Sensitivity: s33(a)(iii)

s33(a)(iii)

Financial Impacts: No.

Systems/legislation/deregulation: Yes.

s33(a)(iii)

Consultation: Yes.

3. Michael Carey, Acting General Counsel, Defence Legal.
4. AIRCDRE Patrick Keane, Director General Military Law Branch, Defence Legal.
5. Marie-Charlotte McKenna, Assistant Secretary, International Law Branch, Legal Division, DFAT.
6. s47F, Acting Assistant Secretary, Indonesia and Timor-Leste Branch, Office of Southeast Asia – Southeast Asia Maritime Division, DFAT.

Attachment

Attachment A Letter to the Minister for Foreign Affairs.

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Background

7. Australia and Indonesia signed a non-legally binding Defence Cooperation Arrangement (DCA) in 2012. Then-Minister Dutton and Minister Prabowo signed an updated DCA in September 2021, which made it smoother for our militaries to cooperate. s33(a)(iii)
[Redacted]
[Redacted]
[Redacted]
8. We have high ambitions for the Agreement, which would build on our existing DCA. This could include: s33(a)(iii) improved interoperability; provisions on defence industry, science and technology cooperation; s33(a)(iii)
[Redacted]
[Redacted]
[Redacted]
[Redacted]
9. In the meantime, we have been working on a Statement of Intent for you and Minister Prabowo to release during your Defence Ministers' Meeting in Canberra on 10 February (following the 2+2 on 9 February). s33(a)(iii)
[Redacted]
[Redacted]

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**THE HON RICHARD MARLES MP
DEPUTY PRIME MINISTER
MINISTER FOR DEFENCE**

Ref No: MS23-000020

Senator the Hon Penny Wong
Minister for Foreign Affairs
Parliament House
CANBERRA ACT 2600

Dear Minister

I write to seek your agreement to commence s33(a)(iii) negotiations to upgrade the existing Defence Cooperation Arrangement between Australia and Indonesia to a Defence Cooperation Agreement s33(a)(iii) . s33(a)(iii)

I have high ambitions for such an Agreement, s33(a)(iii)

The agreement would be based on principles of mutual respect for Australia's and Indonesia's sovereignty, consultation, and bilateral cooperation on an equal basis.

Subject to your agreement to begin formal negotiations, I propose Defence, in consultation with the Department of Foreign Affairs and Trade and the Attorney-General's Department, commence negotiations s33(a)(iii) with the Government of Indonesia.

I have provided a copy of this letter to the Prime Minister and the Attorney-General.

Yours sincerely

RICHARD MARLES

s33(a)(ii)



– in the longer term, this is something we should discuss in the context of negotiating our Defence Cooperation Agreement.