

Involvement of Non-Government Organisations

Current Level of Engagement

- 3.1 Prior to each bilateral human rights dialogue taking place, DFAT writes to interested NGOs seeking their input on human rights issues to be raised at the dialogue, particularly with respect to the lists of individual cases of concern discussed at each round.¹
- 3.2 Responses from NGOs are incorporated into the brief which DFAT provides to all members of the Australian delegation.²
- 3.3 Following the dialogues, NGOs are debriefed at the DFAT-NGO consultations on human rights which are held twice yearly. In addition, NGOs can request private debriefings from the Department.³
- 3.4 While NGO representatives have not been part of the Australian delegations, DFAT has invited NGO representatives to attend the official reception held during each of the four rounds of the China dialogue which have taken place in Australia.⁴
- 3.5 Further, in 2004, for the first time, DFAT organised a formal meeting between the Chinese delegation and five Australian human rights NGOs. Subsequent to this meeting, the Chinese invited the

1 Submission no. 17, DFAT, p. 8

2 Submission no. 17, DFAT, p. 8

3 Submission no. 17, DFAT, p. 8

4 Submission no. 17, DFAT, p. 8

Australian NGOs to visit China for further talks with the Chinese Government and NGO equivalents.⁵

Issues and Conclusions

- 3.6 Several submissions to the inquiry argued that greater NGO participation in the dialogue meetings would make the human rights dialogue process more transparent, accountable and credible, and enhance the knowledge and expertise of participating agencies. Suggestions include:
- that DFAT conduct more detailed briefings for NGOs⁶
 - ⇒ that specific briefings be held prior to and at the conclusion of each dialogue session (rather than incorporating debriefings into the more general twice yearly DFAT-NGO consultations on human rights)⁷
 - ⇒ that the briefing sessions become more focused, with NGOs involved in setting dialogue objectives, strategy planning and post-dialogue evaluations;⁸
 - that NGOs be invited to attend the dialogue meetings in an observer capacity;⁹
 - that the Government encourage greater involvement of civil society participants from the dialogue partner states, China, Vietnam and Iran;¹⁰
 - that an independent 'parallel dialogue' comprising human rights/NGO/legal experts and academia, take place at the same time but separate to the government meetings;¹¹ and
 - that the formal bilateral dialogues be preceded by informal seminars with NGOs.¹²
- 3.7 At the public hearing, the Committee explored a number of issues relating to NGO participation in the dialogue process: the adequacy or otherwise of briefings; the merits of NGOs having observer status
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5 Submission no. 17, DFAT, p. 8

6 Submission no. 14, HREOC, p. 6

7 Submission no. 6, ACFID, p. 7

8 Submission no. 6, ACFID, p.8 and Submission no. 14, HREOC, p. 6

9 Submission no. 15, Vietnamese Community of Australia, p. 3 and Submission no. 8, Amnesty, p. 10

10 Submission no. 6, ACFID, p. 7

11 Submission no. 8, Amnesty, p. 9 and Official Transcript of Evidence, ACFID, p. 9

12 Official Transcript of Evidence, ACFID p. 9

at dialogue meetings; the recent developments with the China dialogue which is moving towards greater NGO/civil society engagement; and the scope for establishing a parallel dialogue with NGOs.

NGO Briefings

- 3.8 ACFID told the Committee that the private debriefings which NGOs can request from DFAT are currently administered on an 'ad-hoc basis:'

"We would be looking for something which was a bit more established, something set as part of the process of every human rights dialogue – perhaps face-to-face meetings beforehand and then debriefings straight afterwards."¹³

- 3.9 At the hearing, DFAT informed the Committee that in addition to biannual consultations with NGOs:

"It is fair to say we give [NGOs] separate debriefings as soon afterwards as we can and as they are available. Often it is a question of getting people together, but we do it as soon as we can."¹⁴

- 3.10 HREOC's submission stated that few NGOs take up its standing offer for briefings on the technical cooperation side of the dialogue process.¹⁵ At the hearing, the Committee was curious to learn why the level of inquiry from NGOs was so low, given NGO interest in obtaining additional debriefings.

- 3.11 HREOC confirmed that the level of inquiry was rather low, but emphasised that the standing offer to brief NGOs about technical cooperation activities associated with the China, Vietnam and Iran dialogues was renewed each year at the DFAT-NGO consultations on human rights.¹⁶

- 3.12 ACFID acknowledged HREOC's standing offer to brief NGOs on the Australia- China Human Rights Technical Cooperation Program (HRTC) and noted that it was a genuine opportunity for engagement and discussion with NGOs. ACFID described a session it had organised in 2003 with a range of NGOs and the International Program staff of HREOC to discuss the HRTC. ACFID explained that NGOs did not regularly approach HREOC for briefings because most

13 Official Transcript of Evidence, ACFID, p. 4

14 Official Transcript of Evidence, DFAT, p. 44

15 Submission no. 14, HREOC, p. 6

16 Official Transcript of Evidence, HREOC, p. 17

of their concerns (such as an absence of benchmarking) are with the human rights dialogue process, which is separate from the HRTC. It is therefore more appropriate to raise these matters with DFAT, rather than HREOC.¹⁷

- 3.13 The Committee asked DFAT to comment on the extent to which it involves NGOs in matters such as agenda setting and strategy planning for the dialogues. The Department outlined the various consultation processes it has in place to facilitate NGO input (namely, seeking NGOs views in advance of the dialogues, conducting formal biannual consultations, and informal meetings), and concluded:

“[The Department] has a very close engagement with NGOs on the dialogue process.”¹⁸

Observer Status

- 3.14 The Vietnamese Community in Australia submission argued that the dialogue process needed to be made more transparent to the public, and that a way to achieve this was for interested NGOs to be granted observer status at the human rights dialogues and permitted to disseminate reports, similar to the way in which NGOs are permitted to observe and report on United Nations fora.¹⁹
- 3.15 Amnesty International Australia (Amnesty) similarly recommended that NGOs attend the dialogues in an observer role in order to “encourage greater transparency.”²⁰
- 3.16 At the hearing, DFAT explained that making the bilateral dialogue meetings more open in this manner and having NGOs present at the meetings themselves might prove counter-productive:

“a dialogue between governments... is conducted in confidence. You have to make a judgement about how frank the other side are going to be if they think it is all going to be out there in the national press. That is the kind of balance we have to look at: being as accountable as we can and coming to talk to this committee [and] NGOs...but, on the other hand, keeping a dialogue that is sufficiently confidential to encourage frankness.”²¹

17 Exhibit 8, ACIFD, p. 1

18 Official Transcript of Evidence, DFAT, p. 44

19 Submission no. 5, Vietnamese Community of Australia, p. 1

20 Submission no. 8, Amnesty, p. 10

21 Official Transcript of Evidence, DFAT, p. 45

Developments in the Australia- China Dialogue

- 3.17 At the hearing, ACFID told the Committee that for a number of years, Australian NGOs had approached DFAT informally to request greater involvement in the dialogues, namely an independent meeting between NGOs and Chinese Government officials attending the China dialogues in Australia.²²
- 3.18 Last year, after ACFID had put forward a formal proposal to the Minister for Foreign Affairs and permission was sought from the Chinese Government, DFAT facilitated a first meeting between five Australian NGOs²³ and Chinese Government officials in October 2004, in advance of the eighth round of the Australia-China Human Rights Dialogue.²⁴
- 3.19 ACFID tabled a supplementary submission at the hearing which set out the purpose, content and format of that meeting in some detail.²⁵
- 3.20 ACFID described the meeting including the question and answer component as successful:
- “The meeting was very productive. The Chinese appeared extremely engaged.”²⁶
- “I have no doubt that the questions we asked could have been asked a number of times, but it was significant that we had a chance to ask those questions as independent organisations.”²⁷
- 3.21 The Chinese delegation undertook to provide the Australian NGOs with additional information further to questions asked about legal reform at the meeting. At the hearing, ACFID confirmed that that material had later been supplied.²⁸
- 3.22 ACFID was particularly pleased that its proposition for an Australian NGO - Chinese NGO human rights dialogue process, independent of the Government-level dialogues, was welcomed by the Chinese officials, and that there is scope for further engagement on human rights issues:

22 Official Transcript of Evidence, ACFID, p. 9

23 The five Australian NGOs comprised representatives from ACFID, the Human Rights Council of Australia, the National Committee on Human Rights Education, the Australian Council of Trade Unions and the United Nations Association of Australia.

24 Submission no. 18, ACFID, p. 3

25 Submission no. 18, ACFID, p. 3

26 Official Transcript of Evidence, ACFID, p. 2

27 Official Transcript of Evidence, ACFID, p. 3

28 Official Transcript of Evidence, ACFID, p. 3

“...Significantly for us, there was a welcoming of our proposal for a process for separate NGO-to-NGO meetings” ...[and]

“There was a public, official invitation from the [Chinese] Deputy Foreign Minister, Mr Shen, for a follow-up to the meetings between Australian NGOs and the Chinese Government.”²⁹

3.23 The Committee asked ACFID whether it had accepted the invitation to attend the next round of the dialogue in China in 2005. ACFID said that it had acknowledged the invitation but there were a number of matters that required discussion before a formal acceptance could be made, namely issues surrounding cost, financing and representation.³⁰

3.24 In both its written and oral evidence, ACFID emphasised that many NGOs are keen to pursue similar types of meetings for the Vietnamese and Iranian dialogues:

“...given the success and enthusiasm with which the October meetings went ahead, there is precedent on which the Australian Government could approach both Iran and Vietnam to say there has been an independent meeting between government officials from Chinese and Australian NGOs to discuss human rights issues.”³¹

3.25 At the hearing, DFAT stated it had no objection to this suggestion and intends to raise the subject of greater NGO involvement with both the Vietnamese and Iranian governments in the near future.³²

3.26 The Committee was pleased to learn about the recent developments in respect of increased NGO involvement in the Australia-China dialogue. The Committee supports continued efforts by Australian NGOs, DFAT and Chinese Foreign Ministry officials to advance the China dialogue by increased contact between Australian NGOs and dialogue partner delegates. The Committee encourages DFAT to canvass similar arrangements with the Vietnamese and Iranian officials, at an appropriate juncture.

29 Official Transcript of Evidence, ACFID, p. 2

30 Official Transcript of Evidence, ACFID, p. 2

31 Official Transcript of Evidence, ACFID, p. 8

32 Official Transcript of Evidence, DFAT, p. 47

Parallel Dialogues

- 3.27 In its written evidence, Amnesty International Australia (Amnesty) suggested that another way to engage civil society more in the human right dialogues is to establish a parallel dialogue process where NGOs and human rights and legal experts conduct roundtable discussions on key human rights issues, alongside the official bilateral government-to-government dialogues. The NGO roundtables could take a thematic focus.³³
- 3.28 At the hearing, Amnesty expanded on the concept of a complementary civil society dialogue:
- “...we refer to the EU dialogue processes, which take a very thematic approach. NGO and civil society actors meet for one to two days with the participation of a small number of departmental representatives.”³⁴
- 3.29 Amnesty later provided further details on the working model which it envisages:
- “Under this model a working group of national civil society representatives can be established, chosen on the basis of the thematic issues to be discussed. Each national working group once established can work with their respective foreign affairs departments to identify appropriate government participants. The structure of the parallel civil society should be developed jointly with department representatives and ensure an appropriate balance of chairing and moderating by civil society and department participants.”³⁵
- 3.30 Amnesty believes that such a parallel dialogue process:
- “will provide an informative and productive complement to the current government discussions.”³⁶
- 3.31 ACFID described two models for parallel dialogues based on the European Union (EU) experience. The first was along the lines of Amnesty’s suggestion, namely seminars with NGOs that complement the government-to-government dialogues and offer NGOs the opportunity to raise human rights issues with delegates directly. The second type of parallel dialogue would exclude government delegates:

33 Submission no. 8, Amnesty, p. 9

34 Official Transcript of Evidence, Amnesty, p. 31

35 Submission no. 19, Amnesty, p. 2

36 Official Transcript of Evidence, Amnesty, p. 31

“...the partner country- let us take China as an example- formally agrees to and grants permission for an independent, non-government dialogue. That involves NGOs, members of the academic world and statutory representatives. These meetings are separate from the government meetings.”³⁷

- 3.32 ACFID believes that the second type of parallel dialogue confers the following advantages:

“If a particular issue is raised in the non-government dialogues, the idea is that in the future it will be reflected in the government processes so that you can effect some change. It allows an atmosphere and a meeting where members of civil society, particularly from partner countries, are able to provide their perception of, their concerns about and their interpretation of progress or lack thereof on human rights standards to their counterparts in the other countries.”³⁸

- 3.33 The Committee notes that the notion of a parallel dialogue is to some extent already being progressed in the Australia-China Dialogue (see the previous section, “Developments in the Australia-China Dialogue” for further details). As commented on in 3.26, the Committee supports this endeavour.
- 3.34 The Committee sees merit in establishing a parallel dialogue process between NGOs and delegates and/or between NGOs themselves. However, the Committee also recognises that each dialogue is unique and that the establishment of any such arrangement would need to be discussed and agreed to by both dialogue partners, as has been the case with China.
- 3.35 The Committee suggests that the Government give serious consideration to preceding each of the bilateral human rights dialogues hosted in Australia with a forum, at which Australian NGOs are given the opportunity to brief members of the Australian delegation on human rights issues of particular concern.

37 Official Transcript of Evidence, ACFID, p. 9-10

38 Official Transcript of Evidence, ACFID, p. 9

Recommendation 3

The Committee recommends that the Government consider preceding each of the bilateral human rights dialogues hosted in Australia with a forum, at which Australian NGOs have the opportunity to brief members of the Australian delegation on human rights issues of particular concern.

