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(UNITED NATIONS SUBCOMMITTEE)

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environment**

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JOINT STANDING COMMITTEE ON FOREIGN AFFAIRS, DEFENCE AND TRADE

United Nations Subcommittee

Monday, 14 August 2000

Members: Senator Ferguson (*Chair*), Mr Hollis (*Deputy Chair*), Senators Bourne, Calvert, Chapman, Cook, Gibbs, Harradine, Sandy Macdonald, O'Brien, Payne, Quirke and Schacht and Fran Bailey, Mr Baird, Mr Brereton, Mrs Crosio, Mr Laurie Ferguson, Mr Hawker, Mr Jull, Mrs De-Anne Kelly, Mr Lieberman, Mr Martin, Mrs Moylan, Mr Nugent, Mr O'Keefe, Mr Price, Mr Prosser, Mr Pyne, Mr Snowdon, Dr Southcott and Mr Andrew Thomson

Subcommittee members: Senator Ferguson (*Chair*), Mr Hollis (*Deputy Chair*), Senators Bourne, Chapman, Gibbs, Payne, and Schacht and Mr Baird, Mrs Crosio, Mr Jull, Mrs Moylan, Mr Nugent, Mr Price, Mr Prosser, Mr Snowdon and Dr Southcott

Senators and members in attendance: Senator Ferguson and Mr Baird, Mr Hollis, Mr Jull and Mr Snowdon

Terms of reference for the inquiry:

To inquire into and report on the role of the United Nations and Australia's relationship with the organisation in the post Cold War environment, with particular reference to:

- The increasing demand for and provision of peacekeeping operations to address internal disputes within states and the subsequent need for humanitarian relief and support for refugees;
- The role of the United Nations in the period of transition following peacekeeping operations and in the reconstruction of civil societies;
- The implications of increasing intervention in internal disputes for national sovereignty, as defined under Article 2 of the Charter of the UN;
- The suitability of developing a standing army for the United Nations;
- The possible devolution of responsibility for restoring and maintaining peace to regionally based UN operations and coalitions of the willing;
- The capacity of the UN to protect human rights as a basic requirement of the Charter, as preventive diplomacy and to address war crimes and crimes of genocide;
- The viability of the International Criminal Court;
- The proposals for reform of the structure of the UN, in particular the Security Council, the specialised agencies, the supporting bureaucracy and the relationship between the security and humanitarian/human rights arms of the organisation;
- The funding shortfall; and
- Australia's role in and response to the United Nations

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Subcommittee met at 8.33 a.m.

CHAIR—I declare open this public hearing of the United Nations Subcommittee of the Joint Standing Committee on Foreign Affairs, Defence and Trade. This is our sixth hearing in the inquiry presently being conducted by the subcommittee into Australia's relationship with the United Nations and the prospects for reform of the United Nations in the post Cold War world.

Much criticism has been levelled at the United Nations recently. Conflicts within nation states have escalated and, consequently, pressure has mounted on the United Nations for humanitarian intervention, while the efforts of the United Nations have had mixed success. The aim of our inquiry is to consider the role of the United Nations within the changed circumstances of the post Cold War environment, and the response of the Australian government to arguments for structural, procedural and financial reform of the United Nations. The subcommittee hopes to contribute to the debate and make recommendations to the government early next year.

[8.34 a.m.]

BARTON, Mr Rod (Private capacity)

CHAIR—Welcome. The proceedings here today are legal proceedings of the parliament and warrant the same respect as proceedings in the respective houses of parliament demand. Although we do not require you to give evidence on oath, you should be aware that it does not alter the importance of the occasion. We prefer all evidence to be given in public, but should you at any stage wish to give any evidence in private you may ask to do so and the committee will give consideration to your request. We have received your submission and it has been authorised for publication. Do you wish to make any additions or alterations to that?

Mr Barton—I have no alterations.

CHAIR—I invite you to make a short opening statement before we proceed to questions.

Mr Barton—Thank you, Mr Chairman, for this opportunity to speak. I have a brief opening statement to make. Since I am representing only myself here, I would like to give you a little of my background, which hopefully will place into context the rest of what I have to say. I am a former public servant who was employed as an adviser on arms control and disarmament, particularly in relation to weapons of mass destruction. I therefore have had a longstanding professional interest in the United Nations through my work as an adviser on international treaties such as the chemical weapons convention and the non-proliferation treaty. It was with this background that I was invited to join the UN Special Commission on Iraq, UNSCOM, where I worked on and off from when it started in 1991 to its demise last year. That work involved postings both in Iraq and in UN headquarters in New York. I have also worked in Somalia, in 1993 and 1994, as head of the UN Division of Disarmament and Demobilisation. For part of that time I was also chairman of the Committee for the Security and Reconstruction of Mogadishu.

One of the themes in my written statement to the committee relates to my experience of the peacekeeping operation in Somalia. The trend in recent times has been for peacekeeping to become more complex. The UN has required peacekeeping operations to do more than just keep warring factions apart or monitor borders; it has required missions to tackle the root cause of conflicts and find long-term solutions. While this approach is to be applauded, its consequences for peacekeeping operations are for them to become more complex as they try to accommodate a wide range of functions. In Somalia, for example, this included re-establishing political institutions and rebuilding the civil administration, such as the judicial and police systems, as well as tasks such as disarmament and de-mining. In other words, recent UN operations have involved both peacekeeping and nation building, as in East Timor.

In my observation, the UN has not managed these dual tasks as well as it might, in spite of the employment of some well-qualified and competent people. In Somalia, and I suspect in other missions, there are a couple of reasons for this. Firstly, there was somewhat of a disconnect between the roles of the military elements and of the civilian elements of the mission. This was not really surprising given their different objectives, backgrounds and modes

of operation, and the speed with which the mission was put together. The coordination committee I mentioned earlier, which I chaired in Mogadishu, tried to overcome some of these problems but met with only limited success. What was really required was better planning at the setting up of the mission in New York to facilitate a closer integration of all the elements of the peacekeeping force and better training of peacekeepers and UN staff so that their roles were better understood.

The second reason for the poor coordination of peacekeeping efforts in Somalia reflected a little of the politics of the UN itself. There are some UN autonomous bodies, such as UNDP, FAO, WFP and so on, which to varying degrees work independently of the peacekeeping mission. That is not to say there was no cooperation with these bodies, but in Somalia they were far from fully integrated with the UNOSOM mission. I suspect the same is true to some extent in other missions, including UNTAET. The result of this poor coordination of this activity was that, instead of the various elements of the UN pulling together, there was a tendency for each group to do its own thing, with the consequence that much less was achieved than might have otherwise been the case. I refer to this in my submission as piecemeal peacekeeping. I believe that to be fully effective it is essential that a holistic approach to peacekeeping and nation building be adopted from the start of every UN mission.

I would also like to make a few comments concerning disarmament and its relation to peacekeeping. Again, I draw on my experience from Somalia, but my comments are relevant, to varying degrees, to other peacekeeping operations. Disarmament may be of two kinds: either forced or voluntary. In their peacekeeping role, UN forces may seize weapons carried by soldiers or militias. This is forced disarmament, and it is limited in its effectiveness. Whilst it may contribute to the immediate security of the country, it is not the basis for a lasting peace.

Voluntary disarmament is a more desirable route, but it also can be elusive. It assumes a degree of reconciliation between parties, and then the trick is to find incentives for the militias to voluntarily surrender their weapons. What these incentives might be depends on the circumstances, and the first step in any such disarmament program is to gain an understanding of the motivation of the militias to continue carrying weapons. The results of such a study can be quite complex, as militias are likely to be a diverse group and would be driven by a range of motives.

The approach adopted in Somalia was to provide militiamen with alternatives to carrying a gun. Put simply, we traded weapons for vocational training to enable the militiamen to reintegrate more readily into society. Thus, in the pilot scheme, I built a farm and, in return for handing in their weapons, the militiamen were trained in farming techniques. The pilot scheme was quite successful and the farm, which was owned and run by the Somalis, actually continued to operate long after the UN pulled out of the country. The approach we adopted was therefore to tackle the problem of disarmament from a social and political perspective rather than from a military one. I believe this approach is applicable, with modification, to other UN peacekeeping missions including, possibly, UNTAET.

I am pleased to say that, after the UN experience in Somalia, a unit was set up in New York to study the lessons learnt from that country and from other UN peacekeeping missions. I have had some informal contact with that group and know a little about it. I do not want to be too negative about the unit, but learning lessons is one thing and actually implementing them is

another. Also for political reasons, the unit tends to draw only from UN successes and is more muted about mistakes that may have been made during UN peacekeeping operations. Nevertheless, the establishment of the unit is a step in the right direction, and I believe Australia should continue funding for it.

I would like to conclude my statement with a brief comment about the effectiveness of UN sanctions and their relation to the UN charter on human rights. My views on this have been largely based on my experience in Iraq. As a person who has travelled extensively throughout Iraq, including visits to a number of hospitals, I can confirm at first hand that sanctions have been a tragedy for the Iraqi people. Whilst part of the blame for their suffering must rest with the Iraqi government, this is no solace for the people who bear the brunt or the effect of their sanctions. To see small children dying through the lack of basic medical care is difficult to take, regardless of where responsibility lies.

But there is another way of looking at sanctions. Without the sanctions on Iraq it is unlikely that the UN Special Commission would have achieved as much as it did. It would certainly have meant that we would have been expelled from Iraq years before we were. My assessment is that we have eliminated at least 95 per cent of Iraq's weapons capabilities—maybe close to 100 per cent in some cases. Whether sanctions of a different kind, the so-called smart sanctions, could have coerced the same cooperation from Iraq is a moot point, but in my view it is doubtful that anything but the extreme measures of total sanctions would have had any effect on Iraq. Given that Iraq had previously used chemical and biological weapons, it may therefore be argued that elimination of much of Iraq's weapons capability has in turn potentially saved many lives. There is certainly a reduced threat to surrounding countries.

The trade-off, of course, is that there has been an infringement of human rights in Iraq, with suffering and misery for millions of people. The need for sanctions against Iraq now needs to be carefully examined to decide whether their continuation serves the original purpose. In this regard, I would argue that the procedures for lifting the sanctions on Iraq are totally unsatisfactory. In general, therefore, I believe that, while sanctions can be effective in some cases, there needs to be some independent mechanism for lifting them and the details of this mechanism should be enshrined in the relevant UN resolution. That concludes my statement, and I am happy to answer any questions that are relevant to this.

CHAIR—Thank you, Mr Barton. What could have been done differently from the start in relation to sanctions against Iraq that you think would have meant that the suffering of the people, particularly children, might not have reached the stage that it has now? What do you think could have been done differently?

Mr Barton—I am not sure, even with hindsight, that anything really could have been done differently if the objective was to coerce cooperation from Iraq. Sanctions, of course, do not affect food or medicine and Iraq was entitled to import those things. I must say that I have travelled extensively throughout Iraq. I have been to many warehouses that have stored pharmaceuticals, for example, that have not been distributed to the people for reasons which perhaps only the Iraqi government knows. I am not really sure that you could have alleviated the suffering of the people in any other way if you had decided to apply the sanctions.

CHAIR—So the shortage of medical supplies might not necessarily be because of the sanctions? In some cases, the supplies are there but not being distributed.

Mr Barton—That is right. In fact, as I have said, I have been to a warehouse that was full of antibiotics that maybe would have supplied Iraq for about a year. It was a military warehouse. In fact, we asked the question, ‘Why aren’t these antibiotics being distributed?’ Many of them had been provided by UN organisations like WHO. The official reason given to us by the Iraqi officials was that they had not been properly tested and therefore they could not be distributed. Of course, you can perhaps deduce your own reason—as I said, it was a military warehouse.

CHAIR—Given your experience with regard to a number of the weapons conventions and the discussion that we are having about international treaties, how effective are these international treaties in controlling the spread of weapons of mass destruction?

Mr Barton—That is a difficult question. I would say, of course, that they are only part of a range of things that you can do. The treaties themselves are more of a confidence building measure between various nations who sign them. If you look at something like the non-proliferation treaty, the countries developing these weapons are not members of the treaty by and large. But amongst those countries that have signed those conventions, of course, there is a confidence that at least they will not be developing these weapons and I think there must be other measures as well, of course. There are such initiatives which I have been involved in. For example, there is a group called the Australia Group and that is partly designed to control supplies of technology to various countries. In conjunction with the chemical and biological weapons convention, that is a fairly effective measure. It does control the technology flow to these countries. Although having said that, of course, Iraq managed to get around these measures. So it is hard to answer your question, but by themselves the treaties cannot solve the problems of proliferation of weapons of mass destruction.

CHAIR—Or of many other issues that are covered by other treaties where people are signatories, not just weapons of mass destruction. The point is that you just said the treaties are only really a confidence builder rather than something that is actually binding. What is the level of adherence by signatories to other treaties in the United Nations?

Mr Barton—That is probably getting a bit outside my experience. I can talk about weapons of mass destruction. Of countries who sign those treaties, I think by and large they do abide by those treaties. I would say that countries who want to develop weapons do not sign the treaties in the first place. Having said that, I might add that Iraq had signed a number of treaties and did violate those treaties. They were a member of the non-proliferation treaty as well as the biological weapons convention. They violated both of those treaties by developing such weapons.

CHAIR—But that is the prime case. Any country can sign a treaty. There is no obligation and there is virtually no punishment that can be handed out if someone violates their adherence to having become a signatory. Probably your description of treaties as confidence builders which identify a group of nations who say they are going to adhere to a certain structure of rules and regulations is as far as it goes.

Mr Barton—Yes, but the trend in more recent years is to back up the treaties with some sort of inspection system. For example, the chemical weapons convention has an inspection system. A country is unlikely to sign that convention unless they are going to comply with it because, of course, they would be found out. You say there are no penalties. Well, there can be penalties through sanctions and so on. Countries, I believe, by and large do not sign to the treaties if they are going to build these weapons. But to prevent proliferation you cannot just rely on treaties—that is correct.

Mr HOLLIS—Given the nature of international society, it is almost inevitable that intervention, in a peacekeeping role, will come too late or come when there is almost a breakdown in civil order. Given the emphasis on state sovereignty, is there any way that we can get around that? I see in the paper today they are talking about the possibility of the UN in Aceh. A month or two ago when things were looking very bad in Zimbabwe, either at this committee or one of the committees we were on we were asking Foreign Affairs at what stage Australia would support the international community intervening there. The department's view was that, unless we were invited in, the international community cannot go in until there is a complete breakdown in law and order. So with the criticisms that some people have of peacekeeping and the peacemaking role, maybe it is inevitable that they are going to face these conflicts.

Mr Barton—You are absolutely right. The United Nations is an organisation of many countries and it is unlikely that they are going to agree to go into a country until, as you say, the system has absolutely broken down. That was the exact situation we found in Somalia—there was complete anarchy, there was nothing: there was no government, there were no public institutions, the country's infrastructure had been stripped. So by the time we got there it was very difficult to do anything. It is easy to criticise the UN for failures, but you have to understand, just as you pointed out, that the UN only comes in in these sorts of situations. This goes beyond my experience, but I do not really see that the UN is going to agree to go into countries before a complete breakdown or before a major breakdown, because most countries would find it unacceptable.

Mr HOLLIS—Yes.

Mr JULL—If I can I just go back to Iraq, I think you take the Scott Ritter line a little bit. I suppose that is understandable because in another area of your submission you are also indicating that one of the difficulties with the UN administration is the fact that so many of the permanent staff are from the West. How the devil do you overcome that?

Mr Barton—That is a difficult one. You say I take the Scott Ritter line. I do a little bit. I also perhaps take the Richard Butler line a little bit too. On sanctions on Iraq, if we can talk about that, I think there are two problems about the lifting of the sanctions there. One is that, for the lifting of sanctions, Iraq has to comply with the UN resolution and, ultimately, the Security Council decides whether they have complied. That would be fine if the Security Council was completely objective in the way it looked at Iraq and the way it judged whether it had complied. Of course, it is not completely objective. We have heard Madeleine Albright talk about how the sanctions on Iraq will never be lifted until Saddam Hussein departs the scene. That is nothing to do with the resolutions. Therefore, you do not have a completely objective Security Council in this regard.

Secondly, who advises the Security Council that Iraq has complied? It is the very people who are responsible for eliminating these weapons. And, as you have pointed out, they tend to be Western orientated. I must say that UNMOVIC, the organisation that replaced the UN Special Commission, will tend to be more geographically based. In fact, they are ensuring that the senior positions there at least are representative of the five permanent members of the Security Council, for example.

There is a consciousness; in fact, it is required in the resolution to have a geographic balance. So that will be more geographically balanced. But, even so, there is still a problem, because these are the very people who are required to eliminate the weapons. So whenever they are going to report, they are always going to be fairly conservative in the way they report. There will always be outstanding issues; there will always be some evidence of something left in the country. So they are going to be fairly conservative in the advice they give to the Security Council. What I really believe is required in the Iraqi case on sanctions is some independent body—if you can find such a group of people; that is a difficulty—that can judge the evidence that UNSCOM or UNMOVIC gathers and can recommend very strongly to the Security Council that sanctions should now be lifted.

I am a bit equivocal in my submission and in my talk today about whether sanctions should be lifted now in Iraq. I believe that once sanctions serve no purpose, then they should be lifted. Until this new resolution to establish UNMOVIC was put forward, I was arguing that sanctions should be lifted. Now there is a new resolution waiting for Iraq to agree to, I am a bit reluctant to suggest that sanctions should now be lifted holus-bolus, because there would be no incentive for Iraq to sign up and for the UN to eliminate these final weapons that Iraq still holds. If sanctions were lifted now, Iraq would not accept the United Nations into the country and the remaining capabilities in Iraq would not be eliminated. On the other hand, as I pointed out, I have seen, first-hand, babies dying in hospitals and it is very hard to say, 'We'll keep the sanctions on for another five or 10 years.' It is very hard to say that from a personal point of view.

CHAIR—But if they had the medical supplies there and were not using them, it is hard to blame the sanctions for all of those cases, isn't it?

Mr Barton—That is correct. As I say in the submission, where does the blame lie? Of course, a number of countries have said, as I have said, that the blame lies with the Iraqi government itself. The United Nations is not to blame; it is the Iraqi government. As I said, that is true to a high degree. But that does not help the people. People are still dying and they will continue to die until the sanctions are lifted.

You will be aware of the oil for food program. Many of the items in the oil for food program were held up, particularly by the US and the UK. Some of that is flowing more freely, so the situation for the people should ease somewhat. I would go so far as to say it is almost a policy of the Iraqi government to continue with the suffering of the people. They would obviously deny that, but I believe that that is part of their policy to encourage the world to lift the sanctions.

Mr JULL—In terms of headquarters staff, is the nature of the place such that it is too Western orientated?

Mr Barton—When you talk about the headquarters staff, are you talking about UNSCOM, UNMOVIC or more in general?

Mr JULL—The whole lot.

Mr Barton—No. In fact, with respect to the permanent staff in the UN, I would say it is a good representation of the population of the world. In fact, that is a policy of recruitment for UN staff—sometimes, from my observation, to the detriment of efficiency within the UN. I can say that it is understood in recruitment within the UN that there is a certain sort of fudge factor required because you know that you will have to take people from certain countries that may not be the best qualified in the world. But because of quotas, you are going to have to take a certain percentage. I believe there is a fair distribution of the permanent staff in New York.

Mr SNOWDON—Does that mean that competency gives way to national preference?

Mr Barton—Yes, in some cases, absolutely. That is recognised and accepted.

Mr SNOWDON—To the detriment of the organisation?

Mr Barton—To the overall detriment, yes. I said that there is a sort of fudge factor, and the fudge factor there is that—and I have heard it discussed privately—if you need 100 people to do the job, you may well have to get 110 or 130 so that you can compensate for the inefficiency of recruiting people who may not be the most competent.

Mr SNOWDON—What sort of external audit function have you observed? Do you know of one for these agencies?

Mr Barton—I am sorry. What sort of—

Mr SNOWDON—Here in Australia we have a tradition of being audited—performance audits. Are you aware of any performance audits for these organisations so they are externally monitored?

Mr Barton—No, I am not. I cannot answer that.

Mr SNOWDON—Do you think it would be a worthwhile thing?

Mr Barton—It may happen. I just do not know; I am not aware.

Mr SNOWDON—If they do not have them, do you think it would be a worthwhile thing?

Mr Barton—Almost certainly. But I can see the sort of difficulty of trying to apply those principles.

Mr SNOWDON—I understand that.

CHAIR—Getting back to Mr Jull's original question, while the current system might be detrimental to the overall efficiency, if you did not take staff from a geographical region, there would be other detrimental effects to the organisation because they were not represented, wouldn't there? So it is a bit of a balance, isn't it?

Mr Barton—Exactly. In fact, you see the situation with UNSCOM where it was very biased in one direction. It was Western orientated largely, and that has its problems as well. I must say—and I say this in my written submission—that UNSCOM was a very highly professional organisation, because we had the experts, the best people from around the world, working for that organisation. But there is a penalty as well.

Mr JULL—You are not terribly confident about the reformation of the Security Council?

Mr Barton—No. Again, this goes a little bit beyond my experience but, having worked for UNSCOM, I can say directly that the problems of having a permanent five are very great. I mentioned the US in my submission, but I can say that it was not just the US; other countries were affecting the direction as well. I do make the point that perhaps we should not have permanent members, or the Security Council itself should be greatly expanded to include other countries. Of course, I think there are moves in that direction, but whether this will happen is another matter.

Mr JULL—The elimination of the vetos is really not the real world is it?

Mr Barton—No, and I do not think that will occur. I do not think the US will allow that to occur, or the other permanent five.

CHAIR—We will have to put a veto on it, won't we?

Mr Barton—Yes, to tell you the truth, I am not exactly sure how the process could legally change. The General Assembly would probably decide that more than the Security Council itself, but I do not know.

Mr JULL—I had three months there as a parliamentary observer five years ago, and I purposely ask this question about the attitude towards the Australians within the UN organisation: it appeared to me that we were regarded as honest brokers and, in actual fact, there was probably a heavier demand put on Australian staff than perhaps lots of others. Is that a fair assessment?

Mr Barton—I would agree with that observation. We are considered to be honest brokers. There are few countries in the world like us. I would say that Sweden is another country—the Swedes are considered to be honest brokers as well. The other point, of course, is that a lot of the Australians who have been sent to work within the UN headquarters have been very, very competent people. We have probably sent the best people we have had, and they have been well trained and so on, and that was certainly recognised within UNSCOM itself. When we were trying to put teams together, we knew that we could get very competent people from Australia. When we wanted the best people to go in, we could get Australians whom we knew we could rely on. Yes, I would agree with your observation, overall.

CHAIR—It was not just the year you were there, Mr Jull?

Mr JULL—No.

Mr BAIRD—With regard to your comments on sanctions, what about the contemporary problem we have with Fiji? What would be your recommendations in regard to Fiji? As recently as this weekend, I heard Mr Rabuka saying that sanctions were not achieving their objective; that George Speight was now in gaol and that sanctions were hurting the average person in Fiji. Do you have a view on this?

Mr Barton—I do. I do not pretend to be an expert on Fiji, of course, but I would draw a distinction between the sanctions on Iraq and what might be imposed on Fiji. The sanctions on Iraq were UN sanctions; they were international sanctions. The sanctions on Fiji are perhaps unilateral sanctions—Australia and perhaps a few other countries—but they are not decided on internationally. It is a lot easier for us, if we apply sanctions, to lift them. What I am saying is that, if the UN apply sanctions, they need a well-defined mechanism for lifting them when the sanctions are imposed. I said that I do not pretend to be an expert on Fiji, but if Australia does impose sanctions on Fiji—even these limited ones we have already—then we should be to some degree prescriptive in how we lift them.

Mr BAIRD—There are some other questions I am interested in. Firstly, there is the question of arms supply. A factor of arms being supplied by Western countries seems to be that the Western countries are then invited back to sort out internal conflicts within countries. To what extent should the UN be trying to control arms supplies internationally?

Mr Barton—I would think that would be a very difficult problem to control. If you are talking about small arms, in particular, it would be an almost impossible task. In Somalia, most of the small weapons—the rifles and so on—that the Somali militias carried were actually imported legally by Somalia for the army, and then these were just—

Mr BAIRD—Pinched?

Mr Barton—Yes, pinched. In fact, one of the things we did know was that they had more weapons than they required. I think there is still a trade in surplus weapons to surrounding countries. How you would stop that sort of arms trade, I do not know. I guess the UN could try to control it, but I think the effectiveness would be very limited. If you look at countries like East Timor, for example, a lot of weapons carried by the militias there were just machetes. If you had an international arms ban, it would not have affected the amount of weapons that the Timorese militias carried. I think they would still have had whatever weapons they had. I would not say that it would have been effective in that case.

Mr BAIRD—The other matter is in relation to this overall question of coordination. I am not quite sure how you would see it working in effect. If you bring together experts in particular fields then I suppose, by nature, although you might view things from the defence prism, it is a fact that a wide range of competencies is brought into the UN's role from the various countries. I just wonder if you would expand on what you mean by coordination. Is it that these people should have a defence background or should they just be aware of defence? Should defence personnel coordinate the overall operation and so provide this input, which would mean nice

roles for those who have defence backgrounds? What is your overall thesis in regard to this coordination issue?

Mr Barton—What I am saying is that the coordination should start from the very start of each mission. In an ideal world you would plan all this in New York. Unfortunately, as I said, missions are put together very quickly. When I am talking about coordination, I am talking about coordination between the military effort and the civilian efforts. The civilian efforts there are to do with nation building, and that would start from the very start. So that, for example, when a peacekeeping force goes out, it would go out not just as a military unit but with the various civilian components that would be properly integrated. The military aspects would be integrated with the civilian aspects. For example, you could have a police unit going out with the military unit and that police unit could have sort of paramilitary duties to begin with. But there should be planning in New York, I believe, before every peacekeeping mission, particularly if it requires nation building as well on how the whole group may work together.

As I mentioned in my submission, when I was in Somalia we recognised that this was a problem—everyone was doing their own thing. It was not just the military doing their thing and the civilians doing their thing. Within the civilian elements there were various groups doing their own thing. It had to all be brought together. Hence we set up this committee—the reconstruction of Mogadishu committee—which I happened to chair for a while.

The whole idea was, if we were working on a certain area within Mogadishu, we would bring all the elements of the peacekeeping operation together. For example, we would make sure the area was secure before we started doing anything. We would work on the political system and we would work on the humanitarian thing. We would do it all together. So the people in that particular area could see the advantages of the UN being there. Not only was it more peaceful but they had reconstructed these political civilian institutions. In that way there is a sort of synergism between the various elements of the UN. What I am saying is that we should plan that at the very start in New York, and there should be coordination when the UN reaches the country itself. I hate to talk about having too many committees, as this is a committee, but I see that is the way to go. There should be a coordination committee within the country to make sure all the elements are coordinated. Very often it is difficult. I mentioned various UN groups like WFP and FAO who are again doing their own thing. They tend not to be part of any peacekeeping operation; they tend to be working independently outside the main—

Mr BAIRD—This is definitely my last question because I know Mr Snowden has some. Some people say, of course, the best committee is a committee of one and that, if you bog down operations in constant endless committees of coordination, nothing will ever be done. Isn't that a danger as well?

Mr Barton—Yes. I did caution about committees. I did say that there was a problem with having too many committees, but you do need a coordinator or a coordinating group. I think the only way of doing it is having a coordinating committee, probably in New York to begin with and then in the country. You do not have to have long meetings, but you have to plan. You have to plan things as an integrated whole not as little individual exercises. That is what I am saying.

Mr BAIRD—Thank you, Mr Barton.

ACTING CHAIR (Mr Hollis)—Thank you very much, Mr Barton. Is there anything you wanted to leave with us or do you think we have covered the issues?

Mr Barton—I am quite happy.

ACTING CHAIR—You will receive a copy of the transcript of evidence to which you can make corrections if necessary.

Mr Barton—Thank you.

[9.15 a.m.]

CALLAN, Mr Peter, Director, Multilateral and Human Rights Section, AusAID

DAWSON, Mr Anthony Scott, Assistant Director General, East Asia Branch, AusAID

GILLIES, Ms Alison Vale, Assistant Director General, Humanitarian and Community Branch, AusAID

RAWLINSON, Ms Miranda, Assistant Director General, International Programs Branch, AusAID

TAPP, Mr Charles, Deputy Director General, Pacific, Humanitarian and International Division, AusAID

ACTING CHAIR—Welcome. As you are aware, the proceedings here are legal proceedings of the parliament and warrant the same respect as the proceedings in the respective houses. The subcommittee does not require evidence to be given on oath. We prefer that all evidence is given in public, but should you at any time wish to give any of your evidence in private, you may ask to do so and the subcommittee will give consideration to your request. The subcommittee has received your submission and it has been authorised for publication. Do you have any additions or corrections to that submission?

Mr Tapp—No.

ACTING CHAIR—I now invite you to make a short opening statement before the committee proceeds to questions.

Mr Tapp—AusAID welcomes the inquiry and our opportunity to cooperate with the subcommittee. I merely wish to highlight very briefly some themes in AusAID's submission to the subcommittee. The terms of reference that you have are substantive and very broad. However, the aid program's main interest in your inquiry is the UN's contribution to aid and development—principally, the effectiveness, efficiency and relevance of the UN's contribution and also the way that the UN complements our own efforts to reduce poverty and achieve sustainable development.

Increased demands have been placed on the UN in recent years—demands which principally arise from three factors: firstly, the increased incidence of intrastate conflict; secondly, the increased pace of globalisation and the growing number of humanitarian and development problems which are transnational or global, such as HIV-AIDS or the impact of regional economic crises; and, thirdly, what one could determine as budget pressures in donor countries, bringing demands for reform, improved program quality and better cooperation between multilateral organisations.

The United Nations most certainly complements our bilateral aid program. It does this in a number of ways. By extending the reach of our assistance, it helps to coordinate donor efforts in

support of particular countries. The UN is neutral and that neutrality is very important. It also complements our program through coordinating dialogue with recipient countries. In many cases, it has mandates to address global or regional problems that require concerted efforts, such as environment or health. Our strategic engagement with multilateral organisations, including the UN, is helped by our multilateral assessment framework which we talk about in some detail in our submission. This framework assesses each agency's performance in terms of relevance to the Australian aid objectives, their efficiency and effectiveness.

I will say a few words on UN reform. Australia is taking a keen interest in the UN Secretary General's 1997 reforms to improve UN agency efficiency and effectiveness. Some of the development agencies—UNDP, UNICEF, UNFPA—have recently introduced results based management and budgeting. They are upgrading their systems and procedures to improve their operations. Amongst the humanitarian agencies, the result, as is the case elsewhere in the UN system, has been mixed. What Australia is seeking to do is to promote the improvements in their management, their administration in terms of efficiency and, importantly, their transparency and accountability. We are also looking to enhance their operational capacity to improve their effectiveness in the field.

I should say that there are some positive signs already. The World Food Program, under the leadership of Catherine Bertini, has made significant improvements in both its administration and its operational effectiveness in recent years. Our aim is to seek similar improvements in the Geneva based humanitarian agencies in the coming months and years. Also critically associated with this is our desire to improve the coordination between the humanitarian agencies. Reform in this area is equally important in ensuring positive outcomes in future humanitarian crises, of which we know there will be many.

The UN responses to emergency situations are something that we touched on, again in some detail. Proliferation of interstate conflicts has created situations where relief agencies are forced to operate in environments where fundamental humanitarian principles are routinely disregarded. The humanitarian and political agendas have therefore converged, and this creates what is now referred to as complex humanitarian emergencies. This creates a new set of challenges for the whole aid community. Nevertheless, we believe that the UN remains the most appropriate vehicle for providing a coordinated response to these complex emergencies.

We will continue to engage with other donors to encourage the Inter-Agency Standing Committee, the United Nations Office for the Coordination of Humanitarian Affairs, known as OCHA, and the relief agencies to develop acceptable coordination mechanisms at all levels and provide satisfactory accountability to donors while retaining flexibility in operational agencies. This is a big ask but it is very important. In practice, one can note that OCHA often struggles to assert itself as the UN humanitarian system's primary coordination mechanism. This really is because it does not have the formal authority over the operational agencies. These issues are a subject of ongoing debate, and we believe the determination on this matter of coordination is critical to the effective response capacity within the UN system.

Peacekeeping operations are increasingly part and parcel of complex emergencies. The multidimensional nature of contemporary crises means that humanitarian agencies are only one part of a comprehensive response that often includes peacekeeping as a precursor, one hopes, to peace building. The interface between the military and civilian components of UN humanitarian

interventions has become a critical determinant of the effective achievement of a sound humanitarian response.

The distinction between relief and development programs is widely acknowledged to be imprecise. In many situations, development activities are implemented in the midst of a conflict, as part of a stabilisation process or to consolidate peace in areas where conflict has subsided. The UNDP and the World Bank would argue the need to move earlier in the conflict cycle to kick-start reconstruction programs. At the same time, UNHCR—the United Nations High Commissioner for Refugees—is often involved longer in the conflict cycle, as necessary under its mandate to seek durable solutions to refugee crises.

An outcome of these trends has been the distinction between relief and development interventions becoming increasingly blurred. While Australia recognises the intrinsic benefits of a smooth transition between relief and development, we also, importantly, see the benefit in clarifying the roles of respective agencies in this difficult area in order to ensure adequate donor support. To this end, we will continue to engage with key agencies and other donors to identify the most appropriate roles for the likes of UNHCR, UNDP and the World Bank Post-Conflict Unit, as well as other agencies with mandates that straddle the relief-development transition.

I would like to say a few words briefly on East Timor. The Timor crisis of late 1999 represents a very good example of how the UN system can respond quickly and effectively to complex humanitarian emergencies. For example, the civilian military interface worked well to coordinate military support for the relief effort, and this happened at a very early stage. OCHA played a critical lead role, both in coordination of field operations and in mobilising international assistance through the rapid preparation of a comprehensive needs assessment.

Broadly, individual UN agencies worked well together to respond to needs on the ground and adopted an efficient division of tasks, but we believe that involving both bilateral and multilateral donor representatives and NGOs in local coordination ensured scarce resources were applied to the highest priority needs with minimal duplication. In the transition from immediate humanitarian relief, the UN, through the Secretary-General's special representative, has forged a productive partnership with the World Bank to plan and implement programs of reconstruction and longer-term development.

Certainly there were aspects of the East Timor operation that could have been improved on—for example, management of the shelter program, the overall challenge of involving local counterparts and displaced people themselves in planning and managing relief activities. But in the circumstances, and given the scale of the disruption to communities and basic infrastructure, the UN response in East Timor provides some very positive lessons learnt which can be built on in determining approaches to other complex humanitarian emergencies. We will certainly be working to build on those lessons learnt.

Finally, a few words on conflict prevention or preventative aid. Despite the massive cost of rehabilitation programs and the aftermath of complex emergencies, there has been little attention paid to preparedness for the onset of these emergencies. There is, nonetheless, scope through governance programs within the aid program to facilitate a political dialogue. There is scope for the aid program to bolster efforts to prevent conflict and to reinforce peace efforts in the aftermath of conflict and prevent, critically, a recurrence of violence through support, for

example, for grassroots initiatives aimed at strengthening community linkages, such as we are looking to do in the Solomon Islands today.

This support seeks to highlight connections between and within communities, to combat the divisive influences tending towards conflict and also to provide stakeholders with a stake in peaceful resolution of disputes. Critically, it involves a better understanding of the root causes of the conflict itself. Preventative strategies also include many bilateral interventions and an institutional strengthening and capacity building of national agencies in developing countries, including efforts to improve the performance of the discipline forces, be they the police or the military.

Mr Chairman, I have sought to touch on the key elements that were contained within our submission. That ends our statement.

CHAIR—Thank you. I apologise for not being here for the length of that submission but I had another small job I had to do. We will go to questions.

Mr HOLLIS—One of the issues which you touched on in your report is the complexity of humanitarian aid and the difficulties there, and of course it always comes back to funding. Does AusAID have any views on the so-called Tobin tax, where a small amount is taken from international financial contributions paid to the UN to be used for humanitarian work?

Mr Tapp—At the moment we have no particular view in relationship to the Tobin tax. We are aware of some of the discussions which are in place at the moment.

Mr HOLLIS—You mentioned that some of our aid money is channelled through the core body of the UN. Are any political considerations ever given to any money that we give to the UN?

Mr Tapp—In what sense do you mean ‘political considerations’?

Mr HOLLIS—What I was thinking about was, for example, that we have cut funding to UNFPA, that at Senate estimates there are always questions as to what use any Australian aid money is going to be put and that various people around this building have been quite critical of what they misunderstandingly believe is the work of UNFPA. How does AusAID respond to that?

Mr Tapp—From AusAID’s perspective, as we have sought to highlight within our submission—this follows on from *Better aid for a better future*, which is the key policy document under which we are operating—we are looking to allocate our resources in a way that complements the overall objectives of the aid program and our bilateral program, and also on the basis of the effectiveness of the agencies which we are looking to support. You mentioned UNFPA, which conducts some very effective programs. We do support UNFPA. Certainly within the aid budget this year, we have continued to make a substantive contribution to UNFPA. Indeed, I believe there is a slight increase upon the amount that we allocated to it in last year’s budget.

Mr HOLLIS—Do we put any restrictions on the use of the money that goes to UNFPA?

Mr Tapp—Miranda would probably be best placed to respond to this, as it comes under her particular branch.

Ms Rawlinson—We support UNFPA and we apply the same kind of stricture in a certain sense as we do with other population programs. So we seek UNFPA-IPPF to sign off on the principles and check list that we have for population programs.

Mr HOLLIS—And their contribution is dependent on that?

Ms Rawlinson—Yes. We require them to sign off against the government's check list.

Mr SNOWDON—Can we get a copy of that check list?

Ms Rawlinson—Yes, certainly.

Mr JULL—Could I move on to corruption. AusAID has made very great play of the systems that you have introduced over the years to monitor the effectiveness of your aid programs and to try to cut out any corruption that might be there. My understanding is that it has been reasonably successful. Do the UN have similar programs to monitor the way their aid goes, and has there ever been any suggestion that perhaps we could play a role in the reformation of the distribution of some of their aid?

Mr Tapp—I have a couple of responses to your question; I am not sure if any of my colleagues would wish to add to it. Yes, we have taken a great interest in looking at the performance of the various agencies within the UN system and certainly we are very supportive of the reform program announced by the Secretary-General in 1997. We have seen in a number of agencies some very significant changes and improvements. In my opening statement I touched on the World Food Program, under the leadership of Catherine Bertini. It would appear that the level of accountability which they have brought to their activities and their operations is a significant improvement on the past, and we are beginning to see that mirrored in some of the other agencies. A great deal has been spent by a number of agencies on introducing new financial and administrative systems to be able to ensure the proper expenditure and tracking of funds, and accountability for those funds. It might be worth while touching for a moment on the mechanism which we have recently introduced for assessing the effectiveness and the performance of the various agencies within the UN, which is what we refer to as our multilateral assessment framework. I will call upon my colleague, Mr Callan, in a minute to touch on that a bit.

We have not been specifically requested, as far as I am aware, to engage in any particular policing role beyond that which we will have under the good governance and good management of our aid program. I am aware that there are many other donors who are also taking a keen interest in the performance of different agencies within the UN and the reform process, and like Australia are seeking to support that process. Certainly in various meetings we will cooperate and coordinate some of our thinking with some of those other countries. But I think that essentially, from our perspective, it is the mechanisms that we will use that will allow us to make hard decisions and determinations on the effectiveness of individual agencies and, as I touched on in our submission but also in my opening statement, the overall coordination

between those agencies. Perhaps I can ask Mr Callan to talk briefly on the multilateral assessment framework.

Mr Callan—The multilateral assessment framework was introduced in 1998 in response to the government's decision that support for multilateral agencies would be more strategic and based on better informed assessments of their performance. It consists of two instruments. One is an annual assessment, using a questionnaire which we apply to all of the multilateral agencies to which we contribute, and the other is occasional in-depth reviews of agencies when we identify that we want to get a much better understanding of the way they operate and the way they perform.

I will not go through the questions we ask in the annual assessments unless they are of particular interest but I can leave a copy of the proforma we apply, which asks questions relating to the relevance of the organisation to Australia's core aid objective of poverty reduction and sustainable development. We ask questions about the efficiency of the organisation in terms of their programming, their administrative and financial systems and their governance, and we ask questions about their effectiveness in terms of what they produce—the outputs that are produced—the evidence of outcomes and the degree to which their activities are sustainable. It is a short questionnaire but we think it hits the mark, and indeed other donor countries have been very interested in this approach and several others have picked up on it.

Mr BAIRD—May I ask something on that, Mr Chairman? I noticed that you did not ask them why they were underspent in terms of the allocations. Some background research done by the people who work for this committee highlighted where increases had been made in various allocations of budgets and yet there had been a significant underspend in each of these areas. Why is there not as much questioning in relation to underspend as overspend?

Ms Rawlinson—It is an issue that we have pursued from time to time with the different UN agencies. Indeed, it was one of the issues we were talking about with the UNICEF delegation that was in Canberra just last week. As well as the multilateral assessment framework—which is no rocket fuel science but just a commonsense attempt to gather better information for us to engage with the different agencies—we do of course actively engage with them on executive board meetings, and these are issues that from time to time we pursue there: the financial management in regard to both accountability and underspending and why this has occurred.

Mr SNOWDON—Do the Secretary-General's reforms include a process of independent auditing—performance audits and financial audits—of these organisations?

Mr Callan—My understanding is that there are systems in the United Nations for independent audit. I do not think the Secretary-General's reforms specifically identified a new process of audit, but there are mechanisms like what I think is called a joint inspection unit, which can do audits of operations and of financial systems. There is an advisory committee on administrative and budget questions, which looks also at the way that these organisations' budgets are presented and how the organisations are administered. So there are some existing mechanisms within the United Nations system.

Mr SNOWDON—I am aware that in the case of the United Nations administration in East Timor they had no budget until the middle of this year. They had money, but no budgets—each

part of the administration did not have a budget. They were busy making up the budgets in June and July. I am wondering what happens to ensure accountability for the money which was spent, or not spent, between October and July.

Mr Dawson—The budget which was put in place for the East Timor administration came, I think, in June and was discussed at an international meeting in Lisbon in the same month, but there was certainly a budget for the UN operation which was passed last year and which provided the funding for individual elements of the UN presence in East Timor. As far as the issue of review of the entire exercise goes, there has been an independent review of the UN operation in East Timor. That review will be discussed further by the UNOCHA to basically go through the lessons learned from the exercise, to pick out the things that could be done better in terms of dealing with complex emergencies situations, but the overall assessment of that review was that the response was a very successful one.

Mr SNOWDON—They must not have been speaking to the workers on the ground.

Mr Dawson—No, we participated in that review exercise. There are certainly a number of areas—and Mr Tapp alluded to some of them in his opening statement—where things could have been done better. But if you look at the exercise in its totality, given that it was a situation where there was great confusion on the ground, where the security situation for a long time was not certain; where it was not possible to move around easily, where all of the transport infrastructure had basically disappeared and where essentially everything had to be brought in from outside, then it is a fair assessment that what was done in those circumstances did work well in the sense that there was a very quick response, all of the acute needs were met quite quickly—

Mr SNOWDON—Except shelter.

Mr Dawson—Except shelter. There was a very large number of refugees, approaching 170,000, who were returned successfully from elsewhere, especially from West Timor. They were returned into their communities, not through longstanding camp arrangements in East Timor. The work of a number of agencies was very professional in delivering on those needs—the World Food Program, for example, not only in its mandated area of food security but also in the logistics area, and in particular the work of OCHA, which was instrumental in assessing needs, getting a comprehensive assessment out and mobilising the resources in the international community. In the circumstances, a lot of these things need to be recognised now.

It is also possible to say that, yes, the communication with East Timorese representatives was not good at the beginning, their involvement in the planning of the relief exercise was acknowledged to be not good at the beginning and the shelter program has been slow. On balance, yes, there have been these weaknesses, but overall it is fair to say that the exercise was very successful.

Mr BAIRD—I think you were here when Mr Barton made the comment about a fudge factor in terms of appointment. We heard the comment from Mr Callan in relation to the overall assessment of programs and implementation. To what effect does the fudge factor impact on the overall competency of the programs of monitoring?

Mr Tapp—Perhaps you could restate the fudge factor for me, please.

Mr BAIRD—In terms of people being appointed to positions on the basis of them being not necessarily the most competent, but of other geographical or political factors.

Mr Tapp—Certainly in the context of the East Timor operation, the initial representative of OCHA was highly competent.

Mr BAIRD—Generally.

Mr Tapp—The issue of competence of people on the ground is obviously extremely important. Our assessment is that the UN is aware of this and would be looking to try and put people on the ground who have the necessary skills to be able to operate in these complex emergencies. But beyond that, I do not think we can really comment.

Mr BAIRD—Why—on political grounds?

Mr Tapp—Because the fudge factor in itself is rather imprecise.

Mr BAIRD—Yes, all right.

CHAIR—I am sorry I was not here, and you may have covered this in your initial statement, but I was interested in reading page 16 of your submission and the paragraphs on the need for reform, where you talked about issues which the UN must grapple with. The first two dot points are ‘effective early intervention’ and ‘more specific mandates for agencies and less “mandate creep”’. One of the geneses of this inquiry was talking about early intervention. You have highlighted the problem but I do not think you have given us any suggestions of how we can overcome it—that is, the need for effective early intervention. Perhaps you could explain ‘mandate creep’ for me.

Mr Tapp—From AusAID’s perspective, we have highlighted the fact that the importance of effective early intervention is critical and this can be improved in a number of ways. One of those ways is the area of coordination—ensuring that there is proper and adequate coordination at the earliest stages in the emergency operations and in complex emergencies.

CHAIR—In some places that depends on whether or not you can get in there.

Mr Tapp—It does indeed and this is something that the UN agencies and other agencies have to grapple with, particularly in some of the intrastate conflicts, in terms of how you are actually able to operate. This is a problem not just for the UN to be grappling with; we and other donors are also looking at it. But within the context of when you are able to operate, that very early coordination and cooperation, as well as the linkages between any form of peacekeeping operation and the civilian humanitarian operation, are very important. Following on from what Mr Dawson has just touched on in the East Timor situation, there are some important lessons learnt out of Timor in that regard.

The question of mandate creep relates to a couple of key areas. Firstly, it would be within the context of what in the introductory statement was described as being the sort of relief to development continuum. For example, it has become very necessary for UNHCR to remain engaged for longer periods than perhaps they may have done in the past, to ensure a lasting solution to difficult refugee situations. At the same time, the World Bank and the UNDP are also looking to have greater engagement at more of the emergency humanitarian end of the scale.

While we do recognise that there is a blurring between the relief and the development side and it is important to look at development operations as early as possible within a humanitarian emergency, nevertheless we believe it is important that there is a clearer definition of the mandates and the roles of some of the agencies. For example, if we take the UNDP which have recently been highlighting the fact of their need and interest to become more engaged in the emergency operations side, we would be somewhat cautious in relation to this because of the fact that, even on the longer term activities, they have had some difficulties with their capacity to be able to operate effectively even within the area that they currently do appear to be mandated to operate in.

For the moment this involves a great deal of review of previous operations and existing operations and we are encouraging as much discussion and debate between agencies as possible to build on lessons learnt within this regard. The other area of mandate creep—in fact we highlight it as our third dot point here—is in relation to assistance to IDPs, who are internally displaced people. There are actually currently far more internally displaced people affected by conflict than there are refugees in the world. There is a very difficult area of definition of roles and responsibilities for handling the internally displaced. One has obviously got the issues of sovereignty within the country in which one is operating. There have been different views in relation to this. The US government for a while, through Ambassador Holbrook, was highlighting the belief that the UNHCR should also be taking on a very specific mandate for dealing with IDPs. This is very difficult for UNHCR, given it would need an enormous increase in the resources available to them. There would be a certain amount of confusion with their responsibilities for refugees. Their capacity to handle very complex refugee situations around the world is already quite stretched.

In some circumstances the UNHCR has taken on a role for dealing with IDPs, as have other organisations. I think the question of mandate creep also comes into this question of the IDPs as well as the question of the relief to development continuum.

CHAIR—I do not think anyone would argue with the assessment that you have made that there needs to be more cooperation and more planning. But when it gets back to the early intervention, it seems in the world today you only ever get in there to pick up the pieces. Nobody can ever get in there to stop the pieces being there in the first place. I am sure that many countries would welcome you to look after IDPs, because it means the countries themselves do not have to put so much effort into it. It is something they can throw off to a United Nations aid agency to look after people who have been the casualties of conflicts. One of the problems we have with early intervention is how to actually prevent the conflicts eventually becoming the tragedies that they have become.

Mr Tapp—We would agree completely with that assessment. The costs involved in picking up the pieces are enormous. In our introductory statement I did comment on the fact that there

has been an inadequate focus placed upon the preventive aid actually looking to see what one could do to prevent conflict from occurring. That does require a very different type of operation and thinking. Often it is very easy to be able to identify the symptoms of a conflict, but to get down to the root causes is often far more complex and more difficult. This is a challenge which is facing not only the UN but also organisations such as our own.

Perhaps I could highlight an example within the context. At the moment the Solomon Islands is in a conflict—while it is obviously not on a scale of what we have seen in, for example, Kosovo, Rwanda or Somalia, it is nevertheless one which is very complex and very deep-seated—which has a great deal of potential for becoming even more difficult and unpleasant than is currently the case. Within that context, following the ceasefire agreement between the two principal warring parties on Guadalcanal, between the IFM and the MEF, plus the authorities on both the Malaitan and the Guadalcanal side, it is clearly extremely important that we take absolute full advantage of the ceasefire to actually try to prevent a conflict from deteriorating so that we are able to give peace a chance. At the moment AusAID has had a team—I think it has just returned from Honiara early this week—which has been looking very specifically at a number of issues: repatriation, reintegration and rehabilitation. It is essentially looking at what are the causes behind the conflict and in what ways through local grassroots activities can one engage the communities in peace activities. In the case of the Solomons, one of the biggest problems that are faced at the moment is just a chronic lack of employment opportunities for the young militants on both sides of the conflict. We see, for example, the role of assistance—providing a ceasefire holds—is the opportunity to try to provide grassroots activities which will both support a peace process and look to provide alternative activities for the militants who have been involved in the crisis.

So, Mr Chairman, going back to the original point that you made—yes, it is necessary to look at putting more attention and more resources up-front in looking to try to find ways to prevent conflict from occurring. I should add, though, that that actually has a very key requirement; that is, an interest on the parties involved for some form of peace. And it is a tragedy in this world today that very often that is not the case. That commitment does not exist because they do not deem it to be within their interest.

CHAIR—Does AusAID give priorities to the needs within its immediate region rather than looking at things on a worldwide scale? Does AusAID, as a body, give any priority to areas like the Solomon Islands or Fiji or East Timor instead of priorities that might be further afield?

Mr Tapp—I think our key policy document under which we operate, which is entitled *Better aid for a better future*, has clearly stated the importance of assistance to our region and the role that we play within our region. That is clearly articulated within the context of our bilateral assistance but also in terms of part of our engagement with our multilateral partners. From AusAID's perspective, it is important, for example, that an organisation such as United Nations OCHA—Office for the Coordination of Humanitarian Affairs—does have the sort of capacity and ability to be able to operate within this region as well as within the Balkans, Africa and some of those other places which tend to have perhaps a greater attention of the rest of the international donor community. So part of our engagement with the multilateral organisations—as well as their importance in acting as a means for us to be able to have an engagement in those parts of the world, which may be more remote but also needed—is also to be able to try to shift part of the focus of those multilateral organisations to our immediate region.

The Solomon Islands is obviously very important for Australia and we would hope to see an engagement by some of the multilateral organisations in that regard. Indeed, with the World Bank we are co-hosting an informal donors meeting in Sydney in a couple of weeks to discuss the Solomon Islands so that we provide a coordinated donor response. We have been at pains to make sure that the multilateral donors are present, as well as ourselves, New Zealand and the British government, the principal bilateral donors to the Solomons, and indeed within the Pacific.

CHAIR—Any further questions?

Mr BAIRD—I was interested in the question of tied aid and the level of consideration it has within your organisation. I know it went out of fashion. In terms of Australian companies getting involved in the provision of aid on the basis of the proportion of funds that we are putting into the UN, do you get involved in that? One of the reasons why we had the rhetoric of One Nation coming out against aid was that they could not see any benefit of aid to Australia. While I understand the reasons why we have moved away from untying aid, I wondered to what extent it is looked at by your organisation.

Mr Tapp—There are a couple of ways of looking at this as we look at that question within the optic of the UN and the multilateral side of the equation. It is quite interesting to note how some other international donors have very specific levels of funding which they will be putting into the multilateral organisations as compared to the bilateral program. In a recent visit to London I was quite intrigued to hear DFID, which is the British government aid organisation, talking about the need for increased allocations through multilateral organisations. If you are talking about tying of aid, there is the bilateral program for which there are very clear opportunities for Australian companies to be involved. When moving to a multilateral level it becomes a little bit more remote. Australia's position has been very clear—we have a very significant bilateral aid program. That is partly a function of what we deem to be the effectiveness of the aid program, and also because of the quite specific relationships we have with the countries which are close to us. Our geographical situation is somewhat unique compared, for example, to the European donor.

We do not have a specific designation of a level of funding to multilateral organisations. We look upon it in terms of that which is the most appropriate and effective for supporting our overall aid goals and aid policies. For example, our core funding into some of the key UN agencies is at a certain level. Then we tend to get involved in actually funding quite specific activities as they fit within the objectives of the overall aid program. Within that context the Australian aid program is perhaps somewhat unique but very effective.

I should also comment that the Australian aid program is identifiably Australian. We talk about the Australian aid program, and there are many ways in which it is. Just one brief example I would give would be some of the food which is provided under the food aid convention through the World Food Program in terms of Australian wheat. Perhaps some of these opportunities and the good news stories are not always given the level of attention that they may warrant.

Mr SNOWDON—My first question relates to the ACFOA submission, which you will not have read. ACFOA raise a concern which they term 'a serious concern' about the interface

between NGOs and the military, significantly about the blurring of lines of responsibility between humanitarian workers and agencies working alongside military units. Do you have a view about that?

Mr Tapp—Perhaps I will ask Ms Gillies to comment on that one.

Ms Gillies—This is an area where the cooperation between the NGOs and the military—in fact all humanitarian actors and the military—is a work in progress. There has been a lot of learning done in pretty tough circumstances, absolutely on the cutting edge when things are at their most dramatic, and the story is not a hopeless one. I think the history of interventions in complex emergencies over the last decade or so shows that the actors, both military and civilian humanitarian, bilateral partners and the multilaterals are all capable of learning. Mr Dawson may want to say things about the cooperation and the track record in East Timor, which is held up so far as really the best practice. There is plenty of room for critiquing the performance of the cooperation, or lack thereof, in previous humanitarian crises but as I say actors have been able to learn from this. I think there is a role for agencies such as AusAID to identify these issues and try to play what part we can in actually bringing the various players together in times of peace and quiet and, when we have the scope to think things through, to actually bring the various players together in training. AusAID participates in the various training with our colleagues in the military and we have played a bit of a part in cooperating with ACFOA in making sure that that is not just a two-way dialogue but a three-way dialogue. I think we work pretty cooperatively with ACFOA on that. Certainly our cooperation with the military has been an improving one over the years to the extent that there are plenty of players in the Australian military who understand the principles of humanitarian action very well and who have put those principles to work in East Timor.

Mr SNOWDON—Would you care to make a comment about whether or not you believe that the Australian defence forces are adequately trained to meet the role of peacekeeping?

Ms Gillies—I think that all of us need to continue to learn. This is a work in progress and it is for all of us to keep learning what the lessons are. Every time we operate in one of these circumstances there are new lessons to be learnt.

Mr Tapp—Could I possibly add a brief comment to that?

Mr SNOWDON—It is an adjunct question by the way, because it relates to another inquiry.

Mr Tapp—An area where clearly there has been a lot of progress and moving forward—and one which we would hope to continue to take forward further—is the recent development of SPHERE, the humanitarian charter and the standards in humanitarian operations. We have contributed to the development of these, which has essentially been coordinated by a group of prominent NGOs with support from various donors. I touch on this in relation to your question because of the importance that they can bring to a greater understanding by what I may refer to as the non-humanitarian actors of the roles and some of the basic bottom lines articulated in the humanitarian charter, as well as the performance standards and the importance of SPHERE within the context of perhaps training and further training for the Australian military or others who are not normally engaged in humanitarian activity.

Mr Dawson—To make one other comment on the circumstances of the East Timor operation: this function of a civilian military liaison is a very specialised one. It is one that in the Australian context—Australia not having previously played such a significant role in the leadership of a complex emergency operation as happened in East Timor—there has not been much occasion to develop, but certainly it was recognised fairly early on that it was very important that this function was performed and there were specialist groups brought in, both from the UNOCHA side to perform on the civil-military liaison side and also from the Department of Peacekeeping Operations. Those groups worked very well together from a very early stage in the conflict. But even before they were there—I am speaking from personal experience—AusAID and the Australian humanitarian agencies had very, very good cooperation from the Australian military. We were fully briefed at all stages; we were given access to logistic support, which was absolutely critical in moving supplies. So, while experience is very helpful in building the skills in this area, certainly on the ground from a very early stage it did work well in the East Timor context and we were very, very grateful for the cooperation we received from the military.

Mr SNOWDON—Mr Dawson, you referred previously to an independent assessment of the UN performance in East Timor. Could we get a copy of that?

Mr Dawson—Yes.

Mr SNOWDON—Thank you.

Mr JULL—How much of this cooperation has drifted off into other echelons of the UN? Are they really taking notice of it? Has there been any approach to us to play any role in this, and is there any evidence that they are going to implement some of these reforms that have been at the forefront of the Australian programs?

Ms Gillies—I think that that matter is still in play and it is in part for Australia to take some of those issues forward, from our own experience in our own participation in the multilateral forum and in the management committees, et cetera, and the executive boards. Australians now have experience and a reputation for having had some measure of success, and so when we speak on these matters we are taken seriously. Certainly, from OCHA's point of view, OCHA's experience there has been a success and I think that is all to the good too for the way in which it is settling its position with the other UN agencies and the respect which it is given for its coordination role.

Mr Tapp—There is always a danger in the case of OCHA, for example, that it can become a victim of its own success. OCHA superseded the previous DHA—Department of Humanitarian Affairs—and we have seen a very significant improvement in the whole coordination on the humanitarian emergency side. But for OCHA to be able to continue to build on some of those successes, and lessons learned on the things which have not gone so well, obviously it needs to be able to be given the resources and, perhaps, more of a mandate to be able to operate. A lot is being asked of OCHA at the moment that it may not, perhaps, have the resources to be able to deliver.

At recent meetings and consultations in Rome and Geneva, I was struck by the very clear message that was being given by some of the UN agencies that Australia's experience, within

our own region particularly, is of enormous interest to the UN. They are very eager to see Australia making a significant contribution to the debate and the discussion around the role of some of the multilateral organisations within our region.

That is something that we welcome and we will be working in the coming months and years to use that and some of that practical experience to try and see further reforms and changes within some of the key UN agencies. But what was quite striking was that in most cases there was a clear recognition of the need for some change and for some improvements and an interest in effecting it, in a sense that there was a mandate for those agencies that they were able to make those changes. I am always looking for things to be somewhat more optimistic about and we find that encouraging. We will certainly look to play our role where we can.

CHAIR—Our time is up, but Mr Snowdon has one further question and I have two very brief ones.

Mr SNOWDON—I am interested in the relationship between the UN and the World Bank. I note in your submission you talk about the World Bank's community development framework, but you also make the point that there are questions about whether the UN and the World Bank are cooperating as closely as they usefully could. Would you like to expand on that and give us some insight?

Mr Tapp—Very briefly, as I understand time is quite short, there has been a lot of talk recently, both from within the UN and the World Bank, of the need for a greater level of cooperation. One example of this would be what has been referred to as the Brookings initiative, which has been launched by the World Bank, UNHCR and UNDP. This is looking to try and forge what is referred to as a coalition of the willing, which is those agencies, international financial institutions and major donors who would take particular interest in a certain regional problem or regional conflict. I believe that the first of these occurred earlier this year in the West African context. However, it is still at a very early stage.

From our perspective, what we merely wished to highlight was that some of the indications that are coming through are looking quite positive, but we have yet to see some of the specific results of that. The World Bank's role in engagement in East Timor at an early stage, though, is perhaps another example of the bank's engagement with the UN. We just need to allow a little bit more time to pass in this regard.

Mr SNOWDON—Thank you.

CHAIR—Mr Tapp, do you know how many countries have delivered on their pledges for reconstruction in East Timor?

Mr Tapp—I do not have the answer to that.

Mr Dawson—I do not have the details of every country. I think the important thing is that the overall picture at the Lisbon donors conference I mentioned earlier was that donors were essentially looking at what the development reconstruction needs over the next immediate period were and whether there were funds available or pledged to meet those needs, with some large pledges just before the meeting. The conclusion was that for the reconstruction programs

to be undertaken or managed by the World Bank and the Asian Development Bank, principally, there were adequate funds there to meet the needs of those programs as they were due to roll out. There are probably some pledges which have not yet been delivered in full, but a number of those pledges are over a multi-year period. The important thing in terms of the reconstruction effort is that there is funding there and accessible to meet the needs of the programs which are going ahead now.

CHAIR—Would you be able to get the details of those who have fulfilled their pledges and those who are still ongoing?

Mr Dawson—We would certainly be able to get the overall picture of the pledges.

CHAIR—How much involvement do East Timorese have in determining the priorities for the way that development assistance is going to be spent in East Timor?

Mr Dawson—Things have changed quite significantly over the space of the last few months. Firstly, we have seen the establishment of a national consultative council that had a number of East Timorese representatives working together with UNTAET to look at the reconstruction plans and priorities. More recently than that, that process of involvement of the East Timorese has taken a further step forward with arrangements for what is essentially a co-government to be put in place, still under the authority of the UN Secretary General's Special Representative. That involves a cabinet comprised of senior East Timorese representatives and senior UN staff, and a broader body looking at legislation—an expanded national council which will include not only representatives of East Timorese political groups but also representatives of the individual districts and representatives of particular interest groups such as youth, women, et cetera.

CHAIR—Thank you for appearing before us this morning and for your contribution to this inquiry.

[10.25 a.m.]

HEARN, Ms Jane Elizabeth, Human Rights Officer, Australian Council for Overseas Aid

HUNT, Ms Janet Eileen, Executive Director, Australian Council for Overseas Aid

IVKOVIC, Mr Damir, Consultant, Australian Council for Overseas Aid

TUPPER, Mr Graham John, Director of Membership Services, Australian Council for Overseas Aid

CHAIR—I welcome representatives of the Australian Council for Overseas Aid. Do you have any comments on the capacity in which you appear?

Mr Ivkovic—I am a consultant engaged in the drafting of the submission by ACFOA.

CHAIR—I must advise you that proceedings are legal proceedings of the parliament and warrant the same respect which proceedings in the respective Houses demand. Although we do not require you to give evidence on oath, you should be aware that this does not alter the importance of the occasion. The subcommittee prefers all evidence to be given in public, but should you at any stage wish to give any evidence in private you may ask to do so and we would give consideration to that request. We have received your submission and it has been authorised for publication. Do you want to make any additions or alterations to that submission?

Ms Hunt—We would like to table some additional material. The first thing we would like to table is a statement by the NGO round table on the Australian government's review of the UN human rights system. This was a round table that we organised with Amnesty International and the United Nations Association, held on 7 June this year.

The second thing is a summary of the humanitarian charter and the minimum standards in disaster response, which is the Sphere project that was referred to by the AusAID delegation. ACFOA is the Australian coordinator for implementation of the dissemination and training phase of that project and, as you were told earlier, it is a set of universal minimum standards in the core areas of humanitarian response. It has been developed with a view to improving both the quality and the accountability of the humanitarian system to those that it tries to assist.

The third document is a paper by a Canadian economist, Rodney Schmidt, on the feasibility of a foreign exchange transactions tax, or Tobin tax. Our submission makes reference to such a tax as a new source of funding for international development, as well as to reduce the financial volatility of speculative capital flows. This paper gives more detail on the questions of how this could be implemented.

CHAIR—Thank you. We will take those and treat them as exhibits. I now invite you to make a short opening statement before we proceed to questions.

Ms Hunt—We welcome the committee's inquiry. We decided that in responding we would focus on three particular issues of your terms of reference that we wanted to address. They were the complex humanitarian emergencies and peacekeeping, the role of the UN human rights system and United Nations reform. Before outlining some of the key themes on those three related issues, we want to highlight the value that we see to Australia of the United Nations. We have summarised that in our executive summary.

Just briefly, the UN is the only international body that has the capacity to intervene in an independent and impartial manner in international, regional, and interstate disputes. It sets and monitors international standards, and that is particularly true in the area of human rights and also in other areas. It coordinates international responses to humanitarian and natural crises, and it is the only organisation that can address the transboundary problems, some of which have already been referred to this morning, and they include disarmament, and nuclear, chemical and biological warfare. It addresses also issues such as HIV-AIDS, crime, illicit drugs, the whole range of issues that are raised by new information technology, as well as things like environmental degradation and so on. So we see it as a very critical organisation for Australia's national interest.

In terms of the complex humanitarian emergencies and peacekeeping, we have made a number of points. Firstly, we say that the underlying causes of conflict and instability are usually very complex. They often include economic and social inequality and low human development, particularly in situations where there are different identity groups, whether they be religious, ethnic, or any other form of identification. Secondly, they arise where there are weak institutions and, at times, corruption. Thirdly, they arise where human rights violations are persistent. Fourthly, they arise often where there are environmental and land issues at the heart of the conflict.

The second theme that we wanted to address is the belief that early intervention needs to be strengthened. Unfortunately, whilst we highly value the UN as an organisation, its response is sometimes, through no fault of its own, too little and too late. Of course, the issue of national sovereignty comes in there. We strongly support Kofi Annan's effort to generate debate about the four key principles for intervention. He is obviously trying to generate a very important debate about the limits to sovereignty.

Thirdly, we think there needs to be a lot greater emphasis on preventive diplomacy and addressing the underlying causes that I mentioned earlier, and that involves us looking at security in new ways, and also looking at development as part of that preventive strategy. We have also highlighted the need for improved and earlier warning systems of conflicts and the value of second track diplomacy, which has been used in some situations with some success.

The third area that we have highlighted is conflict prevention, and this in particular is where we see the need to address these long-term underlying causes, often of poverty and unsustainable development. We certainly support efforts by the international community, by the international financial institutions and the UN organisations, to try to follow up on the actions agreed by the whole series of UN conferences that took place in the 1980s. We want to stress that we think it is very important that the International Monetary Fund programs are consistent with UN human rights standards and with the goals agreed to by those UN conferences.

In the area of peacekeeping, we understand the Secretary-General has initiated a review of international peacekeeping in March this year to look at how peacekeeping could move more quickly and more effectively. Our recommendations in this area focus on a range of mechanisms to facilitate and resource more rapid and more adequate peacekeeping operations. Some of those would include things like a revolving capital fund to finance early start-up costs; better resourcing of the department for peacekeeping operations; the development of protocols for relationships between the various players in a peacekeeping operation; training about coordination between all those elements; and greater training of all of us in relation to international human rights and humanitarian standards. We would say that Australia is taking a proactive role in that UN review and is making some efforts to train its own troops in human rights and international humanitarian law, and we have certainly been working with the peacekeeping centre at Williamstown on some of those matters.

The final part of this first section of our submission deals with a range of issues which I will just summarise: the safety and security of humanitarian workers; coordination within the UN system between it and non-government organisations; the need for delegation of decision making in UN bodies closer to the field; the lack of a UN organisation with a mandate for IDPs; issues necessary to consider in post conflict reconstruction and transition to civil governance; and the importance of learning from experience and the need for evaluation of peacekeeping operations. Mr Ivkovic is going to summarise very briefly the human rights section of our submission and then I will just make some final remarks.

Mr Ivkovic—Thank you. The international human rights system which has been painstakingly built up over the past 50 years is an integral part of the historical trend towards the spread of the rule of law in international affairs, and the submission covers the history and the current structures and processes of that system. However, setting standards and negotiating agreements is only the first step. The real challenge is in implementation, and this requires structures and processes for monitoring and enforcement of that body of international law. It seems self-evident—and it appears to be well advanced in relation to, for example, trade policy, disarmament and chemical weapons—that once an international standard has been agreed on we need the processes in place to make sure that all of the people who voluntarily agreed to abide by those standards actually fulfil their obligations. In the area of human rights this is still a major stumbling block.

More than most areas of public policy and international affairs, human rights rely on moral suasion, on consensus and on credibility to achieve results. Therefore, it is critical for countries such as Australia, who have played such an active and constructive role in the development of the human rights infrastructure we have today, to maintain a strong commitment to the monitoring and enforcement processes. The UN system does have its problems. However, the submission argues, these are overwhelmingly due to a lack of resources and ambivalent attitudes on the part of member states.

The submission argues that improving the United Nations capacity to effectively discharge its charter obligations in relation to human rights will strengthen the capacity of national governments to translate their human rights promises into reality. ACFOA believes that Australia is able to make a significant contribution towards efforts aimed at improving the effectiveness of the United Nations in discharging its charter obligations. We are concerned, however, that there appears to be some weakening in the commitment to Australia's

engagement with the United Nations. The recommendations put forward in the submission are comprehensive and they are challenging, but we believe they are practical, deliverable and necessary. They have been presented in a constructive spirit, and we welcome this opportunity to discuss in more detail the issues and concerns covered by the submission. Thank you.

Ms Hunt—The final section of our submission deals with UN reform. I will just highlight one key area in there, which is the funding issue. As you would be well aware, there are a number of countries that are indebted to the United Nations. In May 1999, a number of states owed a total of \$US2.6 billion to the UN, including \$1.5 billion for peacekeeping. This is where we have introduced the idea of the Tobin tax or, as it has been known now internationally, the currency transaction tax. We see that as a proposal that is worthy of further investigation as both a source of new funding for things like the United Nations and its various tasks and for international development, as well as a mechanism that could contribute to greater financial stability. I think we will leave it there and invite you to discuss these matters with us.

CHAIR—Mrs Hunt, ACFOA is the council for overseas aid. Do you supply any aid within Australia?

Ms Hunt—Some of our members do have programs with indigenous Australians and in some cases with refugee communities here in Australia.

CHAIR—Within Australia?

Ms Hunt—Yes.

CHAIR—I notice you have a fairly lengthy list of recommendations in relation to human rights, and some of them are based on a very judgmental attitude of the current position and the attitude of the current government. Can I take you to one of them? One of your dot points says:

resuming a positive attitude to the United Nations' work on Indigenous issues, including by facilitating the adoption of the draft Declaration on the Rights of Indigenous Peoples and the establishment of a Permanent Forum for Indigenous Peoples.

You make two judgments. One is that we had a positive attitude at some stage in the past and the other that currently we do not have a positive attitude. Perhaps you would like to expand a little bit, because I think it is being very judgmental.

Ms Hunt—I think there has always been a very positive attitude by governments in Australia towards the UN. There has been bipartisanship particularly on the specific issue that you mentioned, which is the draft Declaration on the Rights of Indigenous Peoples and I think—Mr Ivkovic might correct me—that has been over 15 or 20 years, so it has been very longstanding. Recently, the government has changed its policy in relation to that draft declaration and we are disappointed in that.

It has changed its position in relation to the issue of self-determination and moved rather to some language that it wants to see in that draft declaration to do with self-management or self-empowerment. We find that that language is not recognised language in the international human rights field. We would prefer that there was a resumption of the bipartisan position of support

for self-determination, in particular in relation to the wording of that draft declaration for indigenous people.

CHAIR—But you do not say ‘resumption of a bipartisan position’; you say, ‘resuming a positive attitude to the United Nations work on indigenous issues’, which means that you are passing the judgment that there is not a positive attitude.

Ms Hunt—I think we would see that the attitude is not as positive as it used to be.

Mr BAIRD—Can I say, as somebody who has represented a lobby organisation in the tourism council, that I find it surprising that there seems to be a heavy emphasis in what you are about on human rights? In your representation here, what is your organisation about? Is it to make statements on human rights or is it to facilitate aid programs internationally?

Ms Hunt—Perhaps we should talk about the relationship between aid and human rights. What is emerging internationally is a much greater awareness of the relationship between international human rights and aid. When we talk about human rights, we talk about both types of rights: civil and political on the one hand and economic, social and cultural rights. When we are referring to human rights, we are referring to all of those. Increasingly, there is a recognition that aid is actually about the development of human rights. It is about enabling people to enjoy their human rights though enjoying their—

Mr BAIRD—I was in China two weeks ago and I had some lengthy dialogue with the people there. In a lot of areas the basic problem is just feeding the people there. Funding them with jobs and funding them with provision of food is the basic challenge. I think that if you lose the focus on aid and start to move into semi-political areas, obviously that can be questioned, even though I, for one, would be very interested in the whole of the human rights exercises.

Ms Hunt—We feel lack of food is a lack of enjoyment of human rights, because the right to food, the right to—

Mr BAIRD—It depends on your definition of human rights.

Ms Hunt—Yes, we are trying to broaden the definition of human rights. It is there, but when human rights is referred to, generally the public tends to focus only on civil and political aspects. We want to balance that and ensure that people recognise that when we talk about human rights it includes the right to food, the right to water, the right to shelter and so on—what have previously been called basic needs. We are saying that they are, in fact, basic rights. The role of development assistance and of the whole international humanitarian effort is to strengthen people’s enjoyment of those human rights. That is where we come from when we are talking about human rights. Many developing countries have often been critical of Western countries, that we have had too much focus on the civil and political rights and not enough focus on the social, economic and cultural rights. There is a growing debate on and awareness of the need to strengthen the focus on those economic, social and cultural rights in the way in which we talk about aid and development.

Mr SNOWDON—In fairness, can I make an observation. All of us on this committee have different views on this subject. I support your view and I am very strongly of the view that the

government's reaction to the CERD committee was a very negative one. They have compounded that by the announcement of the review into their involvement of the committee system. The committee might like to read *Undertakings freely given: Australia's international obligations to protect indigenous rights*, which is a minority report of a committee of this parliament.

CHAIR—That is something we should talk about as a committee, not necessarily have a debate on.

Mr SNOWDON—You raised the issue of partisanship.

CHAIR—I am raising the issue of what they have said in their submission to us as a committee. I have a view that if you asked the ordinary man in the street what the role and responsibility of the Australian Council for Overseas Aid was, he would say, 'Supplying support to countries or to people that are in distress.' I refer to things like the floods in Mozambique, the earthquakes in Turkey, the events in Mexico last year or the year before and all those things that caused tremendous devastation. If you were to put up a sign saying, 'Please support the Australian Council for Overseas Aid,' they would imagine that most of your time and effort would be in supplying some relief to people who had suffered some sort of tragedy in that way or as a result of an internal conflict like Kosovo or all of those other areas. Possibly, they would think less about whether or not we were resuming a positive attitude towards the United Nations on a particular issue. That is why I asked the question. I think Mr Baird asked, 'What is your role? Is your role aid or is it getting involved in political debates?'

Mr HOLLIS—With the greatest possible respect, ACFOA is an umbrella body—

CHAIR—I understand.

Mr HOLLIS—that encompasses all these. If you go through the list of the membership of ACFOA, you would see that there were people there who have a particular focus on human rights, such as churches and various other people, as well as others who have a greater focus on direct aid. In their submission, ACFOA have encompassed the views of their membership. Indeed, in one of the supplementary papers that they gave us this morning on the round table, they actually indicate the list of people who endorsed that statement. It is—if I may use the term—a broad brush church. I really do not think that we should be arguing about what ACFOA has put in their submission. They have put in their submission and we can either accept it or reject it. Nevertheless, I would argue very strongly that it is their right to draw our attention to what they see, rightly or wrongly, as a changed emphasis or shortcoming within the system.

CHAIR—And I am only asking questions about that.

Ms Hunt—Can I respond to the substance, which is what our core business is. Absolutely, the work of our members is the delivery of aid. As a result of their work, they very frequently come into contact with human rights violations, particularly in what I would see as impending emergency contexts. Quite a number of them have quite a strong interest in human rights. Within our structure we have a whole range of committees which are to do with various regional areas of interest, whether it is the Pacific, Africa or whatever. We also have an indigenous working group and one that relates to human rights.

We have a very broad range of interests within the membership of ACFOA, but certainly the great bulk of their time and energy is spent on exactly what you are saying: delivering both long-term development assistance and emergency response. The recommendations in the earlier section of the submission come a great deal from consultations with those agencies who work in those situations and who come together in ACFOA through our emergencies forum.

Mr HOLLIS—I noticed in your submission and in your opening statement that you made mention of the Tobin tax. When I asked AusAID about that, they did not have a view on it, but I take it that you have a more positive view than they have. How would you think it would work, given the fact that it is only in its early stages of being thought out now? Could you give us a bit of a run-down on the benefits of it that you see and how you see it working?

Ms Hunt—There was quite a discussion about it at the follow-up conference on the World Summit for Social Development in Geneva, which I attended in June, among a whole range of non-government organisations. The Canadians are really leading the debate on it, particularly through the churches there. I think the research that NGOs have commissioned, both in Europe and in Canada, indicates that it is a technically feasible proposition. It would be a very small tax on international currency transactions, and the research that has been done indicates that it could technically be achieved through a process of bank settlements. I am not a banker or an economist, but NGOs in Europe and in Canada have brought together expertise in this area and that is the advice that they are getting: that it is technically feasible to do and that it would not require such widespread acceptance as was first thought, because there are probably only around nine major centres where major currency transactions are settled and nine major international currencies on which any serious level of taxation would be required.

It clearly needs further research—there is no doubt about that. We believe it is a proposal that is worthy of further study. It is thought that it would act as a very small disincentive to very rapid currency movements probably by preventing the investment rather than preventing currencies coming out at a time of crisis, unless it were levied at a much higher level than is currently being considered. But it might act as a disincentive to putting very volatile capital into a country.

Mr SNOWDON—What sorts of numbers are we looking at?

Ms Hunt—For the levy?

Mr SNOWDON—The levy and the amount of money that it is expected to raise.

Ms Hunt—It would be 0.02 per cent—some very tiny level. The sort of money it is expected to raise is billions of dollars each year—in the area of, I think, \$300 billion or \$400 billion. The currency movements are in trillions every day.

Mr SNOWDON—Sure, I appreciate that.

Ms Hunt—I can get you a correct figure on that; I have not got it exactly in my head. It is a large amount of money that could be raised through this mechanism. The idea is that some of that money could stay in the countries where those transactions take place and some of it could

be put into some kind of global pool for development and peacekeeping—those kinds of propositions, those kinds of tasks.

Mr HOLLIS—I wonder whether we could have a look at East Timor now. I know that you are personally involved and ACFOA is involved. I also know that you gently took me to task once, some time ago, for suggesting that there had been some duplication there. But now that we are a few months down the track, what is your view of how the system is working there? How is the UN working with the various aid agencies? Can you just give us a brief overview on the role in East Timor?

Ms Hunt—I personally have not been to East Timor since October last year so I am doing this from reports from our members and others, Timorese in particular. We recently had our first delegation of East Timorese NGOs visit ACFOA and I will draw largely on their assessment. It seemed to me that they felt that a lot of things have been achieved but the sense I got from them was that the one area that needs more work is the community level participation; the sense by ordinary people that they have real ownership of the development that is going on. That is an area that clearly needs more work on everybody's part. Otherwise, things are settling down. The NGOs up there are moving from the relief phase into the development phase. There are still a lot of international NGOs up there. Some will leave when the relief phase is really over. Others will stay in for the long haul and a number of those are starting to build partnerships with East Timorese NGOs. There are a lot of East Timorese NGOs that have developed. Some may not survive in the longer run and some will probably be the source for staff in the new East Timorese government in due course.

It is still a difficult situation and there is still a lot to be done. On balance, things are moving in the right direction. There seems to be reasonable coordination and we were involved right from the start, of course, with that coordination. We sent a staff member to Darwin before they even went in. She had some volunteers who joined her and they ran a very busy operation up there for a few weeks. Warren will be aware of that. We then seconded her to go into East Timor to work with OCHA. She worked specifically on the NGO coordination with OCHA and she is still there doing that. My sense is that there is a great deal still to do. There is still a lot to do out in the rural areas. The sense of the NGOs is that the UN operation is still very Dili focused, so I think that is important. There are NGOs, both local and international, out in the rural areas and I think what is important is to try and facilitate getting some more resources out into those rural areas. That was the clear message I got from the Timorese NGOs that visited us.

Mr SNOWDON—One aspect that has been agreed by AusAID as being an abysmal failure is the shelter program.

Ms Hunt—Shelter has been a problem.

Mr SNOWDON—Given that shelter along with food are the major focuses of the effort post October, do you have any explanation as to what you think may have affected the failure of the shelter program?

Ms Hunt—No. I have not explored in detail why the shelter was such a problem. I know early on there was a major error in ordering of materials, so only about 10 per cent of the required level of materials were delivered. Then there were some problems with the quality of

the wood that was provided. Beyond that, why all of that went so wrong, I do not know, and I would imagine that that is what the official evaluation has to look at.

Mr SNOWDON—We are looking forward to seeing it.

Ms Hunt—I have only seen a summary of that which does acknowledge that the shelter program was a problem.

Mr SNOWDON—Can I explore this question about the interface with the military, on which you comment on page 18 of your submission.

Ms Hunt—Yes. I think there are two areas of concern here. One arises from the Kosovo experience. That was where military—NATO military—were involved in helping to set up refugee camps. A lot of NGOs had some severe reservations about that for, I think, fairly obvious reasons. NGOs were concerned that this would jeopardise the impartiality of the humanitarian effort—that troops from the NATO countries which were actually bombing at that time were also involved in setting up the camps. That was one area of concern.

There were some problems in East Timor and I would not want to overemphasise them. There was one early incident where military planes were taking journalists in but not taking aid workers in, for example. We had to try to get that changed—and it was changed very rapidly once we raised it. There is a deeper issue here, and that is how the culture of the military is different from that of the NGOs and the humanitarian effort generally. There needs to be more understanding on both sides of how the different players operate and what the particular standards are that we are trying to work towards. There were some suggestions, for example, that when the military went into parts of East Timor and said, ‘It’s all right, there’s food,’ they had really no professional ability to judge that in terms of this charter and standards that the humanitarian actors are trying to work towards. That is one area.

We have been working with the Williamstown Peacekeeping Centre—we normally provide at least one NGO resource person to their annual trainings. We also have invited them to our training that we held on the Sphere. In June this year, we had four days of residential training on this Sphere charter and we invited Williamstown peacekeeping representatives to come to that. Do you want to say any more on that, Graham?

Mr Tupper—I have been involved in some of the Peacekeeping Centre training and I would like to highlight the fact that there are two cultures, as you would expect. There is a military culture where people are trained to follow orders and you have a very fluid civil society—that is the situation with NGOs working. It is very difficult for one to understand and respect the role of the other. But if you look at the Sphere standards and the humanitarian charter, one of the important principles in the charter is the distinction between combatants and non-combatants. It is one of the three firm principles.

If you go on from that to what is attached to these standards, which is the code of conduct developed by the ICRC but applying to all NGOs in disaster relief, there is also an element which is about not gathering information which is sensitive and of a political and military nature. There is an understanding on the military side that, for humanitarian workers to work effectively, they have to be given that space. Of course, on the humanitarian workers’ side, they

also understand that one of the biggest determinants to the effectiveness of their work is peace and security.

Mr SNOWDON—What is the relationship in, say, East Timor, between the administrative structures of the UN, the peacekeepers and the NGOs? Who is the intermediary? Who brokers what to whom?

Ms Hunt—OCHA are the intermediary.

Mr SNOWDON—So if there was a difficulty with an NGO and a military activity somewhere, you would expect OCHA to act as the advocate for the NGO?

Ms Hunt—They would be the mechanism through which there would be some dialogue. The defence department on their side has a civil military dialogue section, and they would do it on their side.

CHAIR—Can I go back to Mr Hollis's question about the Tobin tax. I had a quick look through this document because I had not had a chance to see it before. As I understand it, if a Tobin tax were even to be considered, first it would have to have domestic legislation passed by every member country in the United Nations who might become involved in it, because it would be essentially a domestic matter of a nation—the sovereign state—and not something the United Nations could impose. If any one specific member nation state decided they would not pass that legislation, then it could not conceivably work anyway because money would be channelled through the non-signatories rather than the signatories, especially if there were two or three major ones. How on earth can you see them ever getting past the situation where it is going to require almost unanimous agreement of every member of the United Nations, which I do not think has been achieved on many occasions in the past?

Ms Hunt—No, that is right. You are quite right that it would be national legislation. It would be a nationally imposed tax. What the economists who have been advising the European and Canadian NGOs tell us is that you would not actually have to have every country involved. You would have to have the countries where the major currencies—

CHAIR—They would be significant countries.

Ms Hunt—You would have to have Japan for the yen, the US for the dollar, Britain for the pound and so on. But you would not have to have every single country on board because there would be a disincentive to move the whole currency trading operation to, say—

Mr SNOWDON—Barbados.

Ms Hunt—Barbados—anywhere you like. You would not move the city of London to Barbados without a much greater disincentive than a very small tax. That is the argument that they are putting. Obviously that has to be further articulated and studied but that seems to be the view at the moment, that you would not actually need all the countries of the United Nations. You would need the major currency countries to pass such legislation. That in itself is going to be difficult. There is some growing support, particularly in Europe, for this idea.

CHAIR—I guess that support would not be growing against those countries that have set themselves up as specialising in financial transactions and being international currency traders. I could not imagine, for instance, Ireland—where Dublin has become a very significant financial centre and has attracted business there because of other things that they offer to them—signing an agreement which would then disadvantage them, because they have specifically set themselves up to do this sort of work. There may be some European countries that are not significant players in international currency fields that would say it is a great idea because the burden would fall on those who have actually specialised in international transactions.

Ms Hunt—There are obviously still some countries, as you say, that are tax haven countries essentially—

CHAIR—It is not just a tax haven.

Ms Hunt—and which have set themselves up with those mechanisms. That would have to be addressed, clearly. I do not have any answers for that at the moment. I am not sure that anyone does. That is what needs to be studied further. What we are asking is simply that the matter be given further consideration and study to look at those sorts of problems that people raise. At the moment, the economists say they are not so significant that they could prevent this proposal advancing.

Mr BAIRD—On the question of overall coordination, which was raised by Mr Barton in his submission—and I notice that you also talk about the issue—what would be your recommendation as to how it can be brought together? Do you see some benefits in Mr Barton's recommendation that there should be an overall coordinating board to bring together the various activities in terms of peacekeeping, military, aid and NGOs et cetera? Do you see that kind of benefit?

Ms Hunt—I have not seen Mr Barton's submission. I was not here when he was speaking. At this stage, we have focused our coordination thinking on coordination of the humanitarian effort. There we do see OCHA as a very important player. In Geneva, we also see the Inter-Agency Standing Committee as another important place where coordination takes place. There obviously has to be some mechanism. We were really talking about protocols, rather than an overarching organisation, between the various players which are thought through in advance and would become standard, I guess, in any such peacekeeping operation. I will leave it there because I do not think that we have considered the idea of some overarching board.

Mr BAIRD—I notice that you mentioned the creation of the NGO centre in Dili becoming a model that may be used later. What do you see as being the strengths and weaknesses of that model and how could it be further improved?

Ms Hunt—Probably, the situation in Dili was rather unusual because there were no local NGOs in place at the time of the crisis—they had all fled and so it started from scratch. Basically, it was a key centre for coordination for all the international players coming in to link with the East Timorese NGO people, when they came down from the hills or back from Bali or wherever they had gone. What was important was that it was a key information centre—it had NGO people running it. Our staff member was the key person in it and she was very knowledgeable—she had been an emergency worker herself so she knew the needs of the

NGOs. It was really very much about keeping information flowing—that was the key role of that centre—and facilitating meetings by sector and so on, so that the coordination happened. It was tied in to OCHA; it was not separate from OCHA. All the coordination happened in the one place, and I think it worked very well. She is now in the process of moving the NGO coordination to the East Timorese NGOs through the East Timor NGO forums.

Mr BAIRD—So it was quite an effective model.

Ms Hunt—It seems to have been. It seems to have worked quite well, yes.

Mr Tupper—One other instrument which is going to become much more useful and effective in the future are these Sphere standards, because this is the first time that, broadly, a body of NGOs, as well as the UN bodies UNICEF and UNHCR, have endorsed and adopted these standards whereby they can go in and know exactly what is expected of each other player. Whatever action is necessary to coordinate activities within a country—and each country is a bit different because of the complex nature of the emergency—these standards represent quite a move forward in progress. And just to give you a very brief flavour, they are not general standards—when it talks about water supply it talks about a standard in terms of an indicator of at least 15 litres of water per person per day, the maximum distance being 500 metres from any nearest shelter. They are very clear standards.

Getting back to the point that Janet was making about the need within East Timor, for example, for more local participation, these standards also include standards of analysis, monitoring, evaluation and local participation, which is how you do it. This, for the first time, represents a collective consensus on the way that NGOs and the UN respond to emergencies. As an instrument, it will be quite influential in the future.

Mr SNOWDON—Can we have copies of that document?

Ms Hunt—Yes, you can have this copy. Also, I will table an example of the kind of material that the NGO centre is putting out—the international NGO register, which gives all the details of the areas in which international NGOs are working, the sectors they are working in and their contact people and addresses.

Mr BAIRD—It came to me, in terms of representations, that there was a big volunteer group who were wanting to work with World Vision—people who were builders, et cetera. Basically, it could not get off the ground, it could not coordinate all this effort and all these people—there were going to be several hundred carpenters, plumbers and so on, through a major church organisation. It frustrated me that it was so bureaucratic that they could not quite handle it, and the ability to tap into it. I think World Vision were finding it frustrating as well.

Ms Hunt—I do not know about that particular instance; you would have to ask World Vision what were seen as the problems in bringing about that sort of coordination. One of the things that was happening in East Timor, to be fair, is that there were so many people volunteering it was extraordinary. Managing all of that was quite a challenge for the non-government organisations and the UN. We had an incredible response from the community regarding offers of assistance. At times, unless they are trained and able to work within these sorts of standards and so on, it is difficult to really mobilise and use that assistance quickly. It may be able to be

used over a period of time, but the community in Australia has responded—and continues to respond—incredibly to the needs of East Timor.

Mr BAIRD—But as well as cash help, which is the way we seem to think of, there also seems to be a new volunteering within semi-charitable organisations. How can we put that to use? It seems not to be a successfully tapped into resource.

Ms Hunt—Yes, I think you are right. The desire to go and help was peculiar, in a way, to East Timor. We have not experienced that in quite the same way with other emergencies except in organisations where, for example, they need medical personnel. There are systems, such as the Red Cross, Medecins Sans Frontieres and others, of people who are really on standby. But they are thoroughly trained and prepared, and they are on standby, on call, to go to any emergency.

Mr BAIRD—Maybe it suggests that there is a need for another body to bring together these young, enthusiastic people, with a range of skills that we have not normally used—builders, plumbers, tilers, et cetera. I was certainly aware of the issue and that it was big. It just did not seem to go anywhere; it floated around.

Mr Tupper—To make one brief comment on that: at the moment, ACFOA does manage those sorts of inquiries and we do refer people on to the appropriate agency. One of the things that we must also be conscious of is that we need to be careful that expatriate assistance does not supplant the need to build local capacity. Sometimes when you send a volunteer you have to provide support services, taking away resources which could have been used to train and invest in people in the country for longer-term, more sustainable outcomes. You have to balance those two things.

Mr BAIRD—Training could be part of it too, though, couldn't it?

Ms Hunt—It can be, but again you need people with the language and that is a big issue in East Timor. The majority speaks either Indonesian or Portuguese, and not a large number of the people volunteering to go had either of those language skills. That was a constraint. Also, unless people are trained as trainers, the capacity building of local people and local organisations does not necessarily transfer. It does not necessarily happen. As Graham said, it is terribly important to build that local capacity, certainly in East Timor. There are plenty of people there and there are great concerns about employment. Building tasks are among the things that people can be relatively quickly trained in and can gain employment in. Late last year and early this year there was great concern about young men with nothing to do, and that sort of task is exactly what they can do.

Mr SNOWDON—I have a couple of very brief questions but my first is not so brief. Do you undertake any impact analysis of work in these communities? I do not mean your work particularly. I should have asked AusAid but forgot. I am interested to know what the macro-economic impacts are of aid in large buckets moving into communities and how it impacts upon inflation, wage levels, et cetera. I note, for example, that in Dili at the moment, where the average wage is probably \$8 to \$10 an hour, a can of coke is \$3 or something. That obviously has repercussions.

Ms Hunt—It is an area that NGOs are very concerned about, actually, but there has not been a great deal of work done on it. It was a concern in Cambodia and it continues to be a concern again in East Timor. At that meeting I attended in Geneva in June, the International Committee of the Red Cross put on a workshop at which there was quite a lot of discussion about that. I can probably get you a paper by one of the presenters. The Red Cross has put out a book which covers some of this area. It is a concern that NGOs have and it is not an easy issue to tackle. He was presenting some ideas about how it could be tackled.

Mr SNOWDON—If I can make a correction, I meant \$8 to \$10 a day not an hour. The issue of having contracts which have preferential arrangements for local employment and training is something I have raised previously but it does not seem to have got very far. I wonder whether the aid organisations would support the idea that any aid should be conditional upon providing some social outcomes in terms of employment and training for local communities.

Ms Hunt—We would think that was the whole purpose of aid, yes.

Mr SNOWDON—I agree, but I raised this question with the World Bank and was told in the first instance that donor countries would not necessarily support such a move.

Ms Hunt—There has been a lot of NGO pressure on donors in relation to that kind of issue. To be fair to AusAID, they have certainly moved in that direction—for example, in the program in Papua New Guinea where that was a very big concern. We would say they have not moved far enough yet, but they are saying, ‘Other donors haven’t moved adequately either, so we can’t move too far ahead of the pack or Australian companies will be disadvantaged.’ But it is something that we would certainly support further support on; it is crucial.

Mr SNOWDON—Okay. I am aware of the time so I want to rush through these questions, if you do not mind. Your recommendation 4, which refers to the question of non-payment by donors, says:

ACFOA recommends that Australia advocate in international forums for greater effort by the United Nations and its Member States in relation to:

... ..

. making payment of peacekeeping dues mandatory and non-payment subject to appropriate responses;—

What appropriate responses would you be referring to?

Ms Hunt—It is very difficult. The sort of thing that I guess we would have in mind would be no access to procurement. That would be the only response, really, that would be in any way a penalty for a country for failing to pay its dues, particularly in relation to peacekeeping. One of the reasons that peacekeeping operations are frequently not as successful as they should be is that they are underresourced, by and large.

Mr SNOWDON—The last question I have is in relation to recommendation 8, on page 24, which is:

ACFOA recommends that Australia promote and support initiatives to improve the mechanisms within United Nations agencies for delegation of responsibilities in the field.

I was going to raise it when we were talking about coordinations. I am aware of what you are talking about, but perhaps you might like to expand upon it in the context of recent experience.

Ms Hunt—It was very clear in East Timor that so many decisions had to go back to New York or Geneva when in fact they needed to be made quickly so things could get moving. The bureaucratic processes were very slow. It seemed to me extraordinary that some budget delegations were not made so that people on the ground could move things very quickly in a situation like East Timor. They always seemed to have to go back to New York or Geneva for quite small matters in terms of financial allocations. It seemed really extraordinary. We felt that there should be more delegation of authority.

Mr SNOWDON—I am interested in this whole question of the administration. My own view is that the administration is found gravely wanting. This is one of the issues. The other issue is employment. All employment contracts had to be approved by New York.

Ms Hunt—That is right, they did.

Mr SNOWDON—It is absurd.

Ms Hunt—It took a long time to second my staff member. She was working with them long before there were any papers exchanged and she did not get paid for several months. We carried her salary for months.

Mr SNOWDON—I forgot to ask this of AusAID. We heard the statement about how efficiently things were going. In December last year I had an approach from the administration in East Timor's legal people about assistance for trainee judges. What they wanted me to do was to try and get for them the wigs, gowns and desks because the system would not provide the money. That just exposes to me a grave inefficiency, which it seems that our friends from AusAID will wait and see what the independent report says.

Ms Hunt—I was never sure what was the real reason—whether some of these matters were simply because donors had not come good with pledges or whether these things had not been requested. One would need to get to the bottom of that. There are problems, there is no doubt. To what extent they are caused by doing things in a great hurry and in a complex crisis, I do not know. But that is where lessons ought to be learned. Our feeling is that lessons are not being learned enough. There are certainly a lot of lessons being learned from Rwanda, and there was a very comprehensive evaluation done there, but there still need to be more lessons learned so that mistakes are not replicated.

CHAIR—Ms Hunt, in conclusion I need to return to where I first started, which is your recommendations on human rights. There are some 11 and 12 in relation to human rights domestically—and I see in your report 'domestically' is in italics. I am not quite sure whether or not it is to put some additional emphasis on it. When you get down to your sixth or seventh recommendation, in talking about the Australian government, you say that it should implement the following measures:

. responding positively to the comments and views of treaty bodies ...

In the next one, you say:

. ceasing its public criticism of the treaty bodies ...

Are you suggesting to us that governments of any political persuasion, if they have a report from a treaty body that they disagree with, should react positively to that report? Or do you believe that the treaty bodies are so beyond reproach that no government, when it disagrees, should publicly criticise what they believe is a wrong outcome or a wrong report? Do you seriously think that governments should, firstly, not have the ability if they disagree to respond negatively? Secondly, is there any reason why there should not be public criticism? Are the treaty bodies so far beyond reproach?

Ms Hunt—We think the treaty bodies are there to uphold the standards. If they make a conclusion that they do not believe, in their judgment, that the standards are being upheld, we think that should be taken seriously. We would draw an analogy with our own code of conduct. We have a code of conduct for NGOs and that code of conduct sets out a whole range of requirements that NGOs have to meet in order to remain in compliance with the code.

We have an independent code of conduct committee that makes judgments about whether those NGOs, their systems and their processes adequately meet those standards. If the code of conduct committee finds an NGO to be wanting in that, we would hope that the NGO, if they wished to have a disagreement with the committee, would do that privately, and there are processes for doing that.

We certainly think that it is the committee, which we have established to monitor the standards, which must be the arbiter of the standards rather than the NGO. So that is how we view the treaty bodies: they are the arbiters of the standards. They say that they interpret those standards in terms of international human rights law. What we are concerned about is that the Australian government, in a region where human rights are not respected to a large degree, must not send the wrong signal to this region—particularly to a number of countries in this region—that they do not have faith in those treaty bodies, because they are very important parts of the human rights system. And it is the standards of that human rights system that we are trying to get countries like China, Burma and Indonesia and others to uphold in their own countries. We are concerned about the signal that sends to others whose human rights records are way below our own if we are seen to be saying that those bodies are not competent. So that is our concern.

CHAIR—But you go further than that. You should say that it should cease public criticism.

Ms Hunt—Well, we think the type of public criticism undermines the authority of those bodies and we are concerned in this region, as I said, about how that will be used by others whose human rights record is far from exemplary.

CHAIR—Do you think there is any invalidity in the following argument—and I think this was put to us at a hearing in Melbourne, but I may be corrected. Australia is one of the few countries that has reported to this particular body. I am not sure that it has reported on time every time, but at least it has reported when some have not even reported at all. One submission—I cannot remember whose submission it was—suggested that, because of the

nature of our country, it sets a higher standard for a country like Australia than it would for a country like Indonesia where there have obviously been widespread human rights abuses which have been recognised.

Ms Hunt—We have been late with our reporting. Jane and Damir may be able to comment on that. As to whether it sets a higher standard, I would like Jane and Damir to respond to that.

Ms Hearn—I think my experience of working closely with the UN treaty monitoring bodies is that they do not actually set a higher standard as such. I think that is perhaps something of a misnomer. The standards are universal. It may be that perhaps the approach is slightly different with countries that are new to the system, particularly in the first few years, in that the approach may be one of encouraging and therefore there may be an appearance that there is less criticism. But that is really to draw the countries into the system and encourage them to become part of what is intended to be an open and frank dialogue rather than a judicial pronouncement. That would be my reflection on it.

CHAIR—We have gone a bit over time. Thank you very much for appearing before us today. If you have any additional material, could you please forward it to our secretary. You will receive a transcript of the evidence to which you can make corrections of grammar and fact.

Ms Hunt—Thank you very much.

[11.32 a.m.]

DICK, Mr Darren, Director, Aboriginal and Torres Strait Islander Social Justice Unit, Human Rights and Equal Opportunity Commission

JONAS, Dr William, Aboriginal and Torres Strait Islander Social Justice Commissioner and Acting Race Discrimination Commissioner, Human Rights and Equal Opportunity Commission

ROBINSON, Mr David, Senior Policy Officer, Human Rights and Equal Opportunity Commission

CHAIR—I now welcome the representatives of the Human Rights and Equal Opportunity Commission. I advise you that proceedings here today are legal proceedings of the parliament and warrant the same respect which proceedings in the respective houses demand. We do not require you to give evidence under oath but you should be aware that that does not alter the importance of the occasion. We prefer all evidence to be given in public, but should you wish to give any evidence in private, you may ask to do so and the subcommittee will consider your request. We have received your submission and it has been authorised for publication. Do you wish to make any additions or corrections to that submission?

Dr Jonas—No, but I do have some opening remarks, if that is appropriate.

CHAIR—If you have no additions, I invite you to make an opening statement.

Dr Jonas—Thank you. The Human Rights and Equal Opportunity Commission appreciates the opportunity to meet with the subcommittee and to make a written submission to this review. Our input relates essentially to Australia's involvement with the treaty committees and other human rights bodies within the United Nations system. Our written submission covers a variety of issues. However, there are two points that we wish to emphasise above all else. The first is that the United Nations system offers great benefits to Australia. Our submission highlights many ways in which Australia's direct interests are affected by our relations with the human rights processes operating under the umbrella of the United Nations.

Australia's willingness to engage with United Nations treaty committees affects our credibility in advocating for human rights internationally. If we want to be seen as effective advocates for human rights in other countries, we must be seen to be taking seriously the processes for international scrutiny of our own human rights record. By applying itself diligently to these processes Australia has, over the years, established a reputation as a good international citizen. Australia has a strong interest in preserving this reputation and maintaining its credentials to encourage human rights observance internationally. Our diplomatic trade and security interests all have the potential to be threatened by human rights abuses in our region and beyond.

In recent times, there has been a tendency to portray the role of treaty committees in relation to Australia and other countries as being a punitive one. This is a rather distorted view which is

far from the reality of what these committees actually do. I have just returned from meetings with the Human Rights Committee in Geneva. What I witnessed there was not a process that sought to judge, let alone embarrass, Australia on the international stage; rather I witnessed and participated in a constructive dialogue in which government representatives, non-government organisations and national institutions debated the human rights significance of a range of important issues and policies, including mandatory sentencing, native title, Aboriginal heritage, the stolen generations, Aboriginal poverty and disadvantage.

Treaty committees play a unique role in bringing a sharp focus to the human rights dimensions of domestic law and policy. In this dialogue awareness is raised, experience is communicated and views are expressed. New understandings of what human rights means to others are generated and, in the end, this can only be of benefit to the Australian government and Australian people.

The second point that needs to be emphasised is that values embodied in human rights treaties are overwhelmingly consistent with Australian views of decency and a fair go for all people. They articulate values that are very important to the vast majority of people in this country. To this extent, the treaties are far from being external documents imposed on us by others. They are a source of inspiration to many Australians working to create a better society, one grounded in principles of equality, racial harmony and social justice.

Our obligations under these treaties represent an undertaking on behalf of the government to its citizens that the tools of government will be exercised fairly and in accordance with universal human rights principles. When we comply with these treaties, we honour our commitments not just to the international community but to the Australian community. When we contravene these treaties, we are doing a disservice first and foremost to our own citizens. By working closely and cooperatively with United Nations treaty committees, governments keep faith with these undertakings that they have made to their citizens and that alone is justification for Australia's continued engagement in these processes.

Having just read that aloud for the first time, I guess that what comes into my head—although it often comes into my head—is that I think that the system under which we operate is very good. I think that Australia is a wonderful country. There are imperfections in the system and Australia also is not perfect. We have put forward here some recommendations with which we think that, as part of that system and also to assist Australia in that process, we can deal with some of those imperfections.

CHAIR—Dr Jonas, is the number of complaints that the commission is receiving increasing or decreasing?

Dr Jonas—I cannot recall—

CHAIR—Can I take you back to your original figures. I think that in 1992-93, you had 2,024 complaints within the jurisdiction of the seven acts that you administer. In 1998-99, you had 1,780. I do not know what you had last year. It would appear as though complaints to your commission are perhaps decreasing, not increasing.

Dr Jonas—Can I take that on notice? We did have an abnormality in that we had a very large increase in complaints which were related to the Palm Island case, where people from Queensland felt that if they did not apply to the Human Rights Committee or if they did not make a formal complaint, then they would be left outside that particular process. Our figures went right up and then they have come down again.

CHAIR—Was that back in the early 1990s?

Dr Jonas—No, that was in the late 1990s. My understanding is that there has been some stabilisation in recent times. If we can take that on notice, we can give you the latest figures on that.

CHAIR—What is the nature of most of the complaints that you get?

Dr Jonas—It varies according to the area in which it comes in. We get them in terms of racial discrimination; we get them in terms of sex discrimination; we get them in terms of disabilities discrimination; and then we get those ones which are not handled by those three specific ones but which come under the human rights act.

Again, off the top of my head, I would be hard-pressed to give you a breakdown of which areas contain the most. I would say that in the ones that I specifically deal with, which are race related, they are probably about 40 per cent indigenous and about 60 per cent from the rest of the Australian community. Of course, you realise that, regarding the complaints handling function, we do not do that in the way that we used to do it. They are not coming directly to me any more as such, as the Race Discrimination Commissioner.

CHAIR—What redress do you offer to people whose complaints are found to be sustained—or don't you offer any?

Dr Jonas—We don't, no.

CHAIR—Once the complaint is made, you virtually pass it on.

Dr Jonas—To the Federal Court, yes. As part of the conciliation process, we have always been able to say that it is the finding of a hearing commissioner that certain things should follow on, but the human rights commission itself then does not have the power to enforce that.

CHAIR—What do you think the statistics on the number of complaints that you actually receive tell us about the standard of human rights in Australia?

Dr Jonas—It is very difficult to answer that without making a comparison with outside of Australia and that is an area that I am not familiar with. I would suggest that if those statistics tell us anything—and I do not know that they do, in answer to your question—the human rights situation in Australia is very good. It is not perfect. The fact that people complain shows that it is not perfect and the fact that a number of those complaints are upheld shows that it is not perfect. But I think that the fact that people can complain and the fact that we have a system of dealing with complaints shows that the situation in Australia is quite good.

CHAIR—I guess that leads me to my next question. You were here when we were talking to the previous witnesses about attitudes towards treaty reports and particularly human rights treaties. Do you see any way in which the experience or the evaluation of the United Nations—the Human Rights Committee in this case—might be improved? You have obviously attended and you have been through the process. Do you see any way that it could be improved?

Dr Jonas—I have talked about the process as a whole but can I start off by talking about what I did see because it is fairly recent. I thought that the process was a very good one in that you did have a committee of experts who, contrary to a lot of popular opinion, are not there representing their own countries but are there in their own rights as experts. These people, it seemed to me, were very well informed on Australia, were capable of taking on board a great amount of information and processing it and were willing to take part in what I said was a very constructive dialogue. I was very impressed by what I saw happening there. I think that their regard of it as being an ongoing dialogue is the way that it should be regarded and I think that their questioning of Australia showed not only, as I said, a fairly deep understanding of the Australian condition, but also that they had relevant questions for taking the dialogue further.

In terms of improving the process, some of the recommendations that we have here are actually related to that. This is a very impressionistic first thing that I am going to say: I think that some of the information that the government has provided to the committee could be a little bit more analytical or a little bit more evaluative rather than just straight descriptive, which is what the report tended to be. That is what led, of course, to some of the questioning. I remember one of the committee members saying, ‘Okay, we’ve got a lot of words here and we’ve got a lot of descriptions, but what’s actually happening?’ And I can understand that a committee which is interested in what is actually happening on the ground asking those questions. I think that might improve the process.

The process, with regard to the role of the non-government organisations in providing information, seems to work well enough. What there could be—and I understand that they are working towards this—is a greater formalisation of the role of national institutions because we sit in the situation where we are not actually government and we are not actually an NGO. I understand that Mrs Mary Robinson is placing greater emphasis on the role that national institutions might play.

As we have also indicated here, I think that the material that goes into the government report which goes to the United Nations, apart from being less purely descriptive, probably could give a more rounded picture if there were greater public participation in Australia before those reports were actually prepared. I think that those things might help that process.

CHAIR—You talked about the committee of experts. How does one qualify to be an expert?

Dr Jonas—The ones that I am familiar with usually have done a lot of work in the field of human rights, whether it be in an academic area, whether it be as former judges or whether it be people who have been active, who are known and regarded by their countries to be experts and their countries put them forward and then the rest of the states parties vote on them. Their expertise is there for the people who are voting on them to judge. I understand that Australia has voted for every one of them, so Australia has ticked them off as being an expert.

Mr SNOWDON—Does Australia have its own nominations for any of these committees, like the CERD committee, for example?

Dr Jonas—No, but we did have Justice Elizabeth Evatt on the Human Rights Committee.

Mr Dick—And Philip Alston.

Mr SNOWDON—I will get this on the public record because this government and the Minister for Foreign Affairs have been extremely critical of the CERD committee for its makeup—indeed, in submissions to another joint parliamentary inquiry, making derogatory comments about representatives from Cuba and China who are on the CERD committee, claiming for some reason that they could not properly represent the interests of the international community or make judgments on Australia. This goes to the question which the chairman has asked, I think, about the adequacy and proficiency of those people. Could you outline in detail how they are voted on?

CHAIR—Which parliamentary committee was that?

Mr SNOWDON—It was the Joint Parliamentary Committee on Native Title. This is the report, which I would encourage you to read.

Mr Dick—I cannot remember the exact articles in CERD but there is a process set out in the Convention on the Elimination of All Forms of Racial Discrimination. One aspect of it is that there is geographical representation across all the regions of the world but, aside from that, it sets out very clearly that members appear as impartial, independent experts. Countries who are signatories to the convention are able to nominate people for election and then a confidential ballot is held to elect the people as experts. As we understand, Australia did vote for most of the members who have been elected to the CERD committee and particularly pushed for the country rapporteur, Gaye MacDougall, to be appointed as the Australian country rapporteur.

Mr Robison—And similar requirements in the civil and political covenant with respect to the Human Rights Committee.

Mr SNOWDON—ACFOA made representations and the chairman quite properly pointed out that they raised concerns about people being critical of committee findings. Do you have an observation about that?

Dr Jonas—The term that I was using before and the term that I would continue to use is that there is an ongoing dialogue which takes place. As part of this ongoing dialogue or what this ongoing dialogue is about is that Australia has said, ‘Here is a system of values that we think is pretty good for Australian people’—in some cases, we have helped devise the system of values so it is at least as good as our own and possibly better; it is certainly something that we would aspire to. If this system of values for the world is going to work, then at the heart of this must be international scrutiny. We must have this dialogue so that we can see how we are going. That is the process, as I see it, taking place.

Of course, people do not always like what scrutineers find and sometimes there might be some good reasons for them not liking it as well. I think that it is not only being critical of what

is being found, but the way in which those criticisms are expressed first of all can be a problem and sometimes can be seen just to be knee-jerk reactions. I do not think that helps anybody. It certainly does not help the system and it certainly does not help Australia.

Secondly, I think that it is very true that the message that is sent to the rest of the world from Australia, which is seen as a very good international citizen, is a rather unfortunate message if we come out and say that we are not going to abide by those decisions when we are trying to get those other countries—which, compared to Australia, have got appalling human rights records—into the system and do what we would regard as being the fair and just thing. You are never going to do away with criticism. But I do think that if you are going to have a system which is going to work well, you have to accept that you have committees of experts that are, as part of an ongoing dialogue and not in any sort of Big Brother with a stick way or any punitive way, saying, ‘We have examined this and we think that you could do better in this regard and we think that you could do better in that regard.’ I think that is to the benefit of Australia and I think that is to the benefit of the world. I think that my colleague Mr Dick has something to add.

Mr Dick—The example you used with the CERD committee was a very apt one in lots of ways. There was, to some extent, a misrepresentation of the capacity in which the members of the committee sat. When I listened to ACFOA, one thing I saw was the difference between sort of denigrating the committee and its process and actually disagreeing with what they have said. There is a fine line there. When you start talking about, say, the representative from China, you start to get very close to crossing that line and actually denigrating the process rather than talking about the substantive conclusions that are being reached.

CHAIR—But, in fairness, regarding the questions I asked ACFOA, I said: didn’t they think the government had a right to disagree with the report if the elected government felt that the report was not—that is what I asked, whether they had the right to do it.

Mr Dick—That is right, yes.

Mr BAIRD—Isn’t that kind of the whole thing? I understand the logic of what you are saying. If we see that there are gross abuses, then, for consistency’s sake, if we say it is fair enough for them we have to be prepared to take on board the criticism. But nevertheless, our inquiry is just to look at that relationship and areas of improvement. By its very nature, human rights means that somebody often feels passionately about an issue, so it does not necessarily bring to it the degree of objectivity that may exist in other areas, such as a judicial person who comes into it. I think that is one factor. The second factor seems to be the degree to which there is consultation with other parties that may have a more moderate view on the issues and, finally, the degree to which there is a dialogue with the government representatives as well, because it is very easy to think of the passion.

I have been trying to think of an issue for which there may be bipartisan support but it is difficult, even though I notice the comment by some members about the need for a conscience vote when we look at this current debate we have got on at the moment in relation to IVF for single women. If you have those who passionately believe in the issue, the only ones at the UN committee on behalf of Australia, and they come and say that Australia is discriminating against single women and that the government is taking away their rights to have government support to do this, and then those who are chosen to sit on such a panel have been chosen because they

are strong feminists or whatever—I use this only as an example—there is no dialogue in terms of the wider community or with government people or whomever. I am trying to bring an example out. This is where I see the problem. If the dialogue is between those who feel passionately on an issue and the people who are making the judgments have been chosen because of their track record on an issue, then I think that is where there are problems, even though I accept the overall view that it is very difficult to say that it is terrific to have a UN human rights committee that is going to make value judgments on some of the gross abuses there and we have got to cop it sweet when it is our turn, if it is seen to be. Our job is really to look at the process and whether it could be improved.

Dr Jonas—I would like to briefly say something about that, again based on personal observations of both the Human Rights Committee and the CERD committee. In both of those cases, every single member of the committee asked some questions, so they were asking questions right across the board. There was the expert, who happened to come from Israel, who was interested in why Australia has not implemented that particular covenant into our domestic legislation. That, I would have thought, was a reasonable question to ask. Lord Colville, from the United Kingdom, queried a point of law—it was actually a point of law that was being made by the Australian delegation. The person from Germany was one who said, ‘You have given us an excellent report. It is a voluminous report but it is very descriptive of what is actually happening on the ground.’ And the person from America said, ‘I have been reading in the newspapers that you are not particularly happy with some of the things that we have found; the newspapers say you might be pulling out,’ and all that sort of stuff. So they are asking questions, which seem to me to be very relevant questions, across a whole range of issues, and they are the sorts of questions that are not necessarily contained in the reports. They are the sorts of questions that a report might provoke. So, in that regard, I do not think you are dealing with just sectional interests or people who are coming from just one particular perspective. It seemed to me that they were covering a whole range of process issues, a whole range of factual issues, all as part of a dialogue which is meant to help us improve our abiding by those particular treaties which we say are pretty good, and that is why we are voluntary signatories to them.

Mr BAIRD—Do you think there should be at least a dialogue with the government? Instead of the report coming out, bang, and the committee is—

Mr HOLLIS—But the minister goes there.

Mr BAIRD—By the time they got there—that was a whole political process in itself. I am talking about an in camera type of dialogue with full and frank discussions. It was a media show—the last appearance that I can think of of Philip Ruddock before the—

Mr SNOWDON—That was six months after the initial finding.

CHAIR—Let us not have a debate amongst the committee.

Dr Jonas—I will add one little thing there that might just throw a bit of light on that, and it is something that I did not know before—

Mr BAIRD—In terms of the process.

Dr Jonas—and it was explained to me by our ambassador before the Human Rights Committee. Before the CERD committee it was decided that Australia would try to explain the political context, and I think that is partly how it got caught up in the politics of the situation. This time, in front of the Human Rights Committee, there was a fairly brief—about 15 minutes—factual introduction by the ambassador, and that seemed to me to go down much better with the committee. I know that you would prefer to have hard factual information; can I give you one fact which is based on impressions? At the end of the first day of the hearings of the CERD committee, Mr Dick and I were in the bus going back to our hotel, and we said to each other, ‘We think that the committee is getting a bit agitated by the approach which Australia is taking.’ It was this sort of political approach. That was just a feeling we had, but I think, as events turned out, it was a feeling that was correct. I think that the Human Rights Committee that I have just come back from was not a political show and it was not a big media fest; it had genuine, ongoing dialogue that I think everybody would prefer to have.

Mr HOLLIS—It really amazes me that Australia gets so precious. You would think that we were the only country in the world to ever cop criticism. We are supposed to be a mature country based on the Westminster system. Britain has been constantly criticised in these committees; other countries have been criticised.

Mr BAIRD—Canada.

Mr HOLLIS—We entered this organisation voluntarily. No-one forced us to sign these treaties, to ratify them; we voluntarily and immediately entered them. We have the minister and other people there representing the government; we have the NGOs; we put our case. It is up to the people we send there—their ability—as to how they argue our case. No-one ever says complimentary things in the reports that have been brought out. If you read the newspapers and hear some of my colleagues talk, you would think that the only thing that came out of these hearings was criticism of Australia. We hear nothing of the praise of Australia, the complimentary things that have been said; maybe the newspapers do not want to do that.

What amazes me is, if we think that we are an international citizen, if we want to play our part in this field, surely we are going to cop some criticism if we are found lacking against the standards that have been set in some of these things. Other countries do it; Britain, when it is criticised, does not hint ‘I’ll have to review my membership of this organisation—I might take my bat and ball and go home.’ I just think it shows a great lack of maturity in Australia and a great lack of maturity in Australia’s approach to the international system that we are supposed to be so much in favour of—that we cannot cop a little bit of genuine but very muted criticism. Look at what has been said about Iraq and those places. Look at what has been said about a whole lot of other countries. Some of my colleagues ought to go to the Parliamentary Library and read some of the reports on some of these countries and they would find that the criticism of Australia was very muted.

CHAIR—I think that was more of a statement than a question.

Mr HOLLIS—There have been a few other statements made here this morning as well, I might say.

CHAIR—I understand. Did you want a response?

Mr HOLLIS—They might have been dressed up as questions but there have been a few statements made here this morning so what is good for one must surely be good for the other.

Mr SNOWDON—Can I ask a question?

CHAIR—Dr Jonas, do you want to respond to what Mr Hollis said or not?

Dr Jonas—I do not think I need to.

Mr SNOWDON—In relation to the CERD matter in particular, when CERD made its initial recommendation in March 1999, the government responded by saying that they disagreed et cetera and issued a press release saying that there was an insult to Australia and all Australians—blah, blah, blah. Then, in accordance with the earlier decision, the committee considered the situation in respect of Australia's native title legislation in August 1999. The Australian government did not send a delegation to that particular meeting. They in fact relied on a written submission. It was after that hearing, at which they did not have formal representation apart from the written submission, that the committee came down with a further adverse finding. Do you think that the fact that they failed to be represented at that hearing had any possible bearing on the outcome or do you think that the public protest was sufficient?

Mr Dick—The committee had made the decision in March 1999. It is probably a bit of speculation but I think in August they were reaffirming the decision. So it probably did not have a great effect in the sense that they had the full hearing and consideration in March. It was the representations by Australia that Australia had not got a fair go and that sort of thing that the committee was elaborating on in August.

Mr SNOWDON—But if that was the case, you would expect the Australian government to be there to represent itself?

Mr Dick—Yes, maybe.

Mr SNOWDON—If the committee is there to consider the concerns expressed by the Australian government, you would expect the Australian government to be there, would you not?

Mr BAIRD—Are you leading the witness?

Mr SNOWDON—I am just asking the question.

CHAIR—You are asking for an opinion. Whether they want to volunteer an opinion is up to them.

Mr JULL—The commission itself: what work do you do in the regions?

Dr Jonas—We have got two programs that we outline there. One is a technical assistance program, whereby we offer assistance and advice in regard to human rights in countries such as China. This is an area in which Mr Robinson is particularly well versed. We also have the Asia-

Pacific forum. We have hosted the secretariat for that forum, which is a regional organisation of the national institutions of eight countries. Nepal was admitted most recently. Those meetings bring together the national human rights institutions of each country where a whole range of issues get discussed. At the most recent one, a very important decision was made and that was that the Asia-Pacific area will work collectively—and this is part of what it is all about—especially in relation to the World Conference on Racism, which is coming up in South Africa next year. If you want some more information—

Mr JULL—I would like some more information on the China tie-up. In fact, I think on Radio National this morning there was a piece about the flow-on effect of some of the good work. If you would like to update us on China, I think that would be good.

Mr Robinson—There is nothing really specific, except that it is part of the Australian government's Human Rights Technical Assistance Program with China and a fairly long-term program which involves significant resources. We, at the commission, contribute a fairly significant component of that in training assistance—training for judges and so forth—visiting delegations and an ongoing range of activities of that type.

Mr JULL—Do we actually have any personnel based in China?

Mr Robinson—From the Human Rights Commission?

Mr JULL—Yes.

Mr Robinson—Not on a permanent or an ongoing basis, but there are quite regular visits and personal contact.

Mr JULL—The suggestion this morning on Radio National was that that contribution was in fact becoming a major factor in the reformation of the judicial system of China, and the rest of it was quite complimentary.

Mr Robinson—Certainly, a lot of activities have been directed towards the judicial system—developing mechanisms for accountability and transparency in those processes and greater involvement of civil society in the legal system.

Mr JULL—Despite what has gone before, does our system really have the infrastructure to satisfactorily handle a normal human rights complaint?

Mr Robinson—Not in terms of the ability of an organisation like ours, like the Human Rights Commission, to provide an enforceable determination, if that is what you are asking. Our role in respect of human rights complaints is limited primarily to encouraging the parties to achieve a conciliated settlement or reporting to the Attorney-General on complaints that have been unable to be conciliated because of areas of law, for example, that might need to be amended. One of the messages we constantly send in these reports is about the fact that Australia's legislation at the Commonwealth level dealing with antidiscrimination is incomplete and contains a number of gaps which need to be addressed through more comprehensive national legislation in areas such as discrimination on the basis of sexuality, religion and various other grounds of discrimination that do not have adequate coverage at the Commonwealth level.

CHAIR—In relation to your recommendation 3, because you have specified your recommendations, your last sentence says:

This should include a commitment of resources to ensure that state reports meet the committees' requirements in terms of accuracy, quality and timeliness.

What are the committee's requirements in relation to accuracy and quality? It is a bit of a judgmental sort of a—

Dr Jonas—I suppose it is. But before I was talking about it going beyond being just description and maybe having some analysis in there which would require resources to do it. It would seem to me that that would assist the process more.

CHAIR—Where you say 'accuracy', are you questioning the accuracy?

Mr Robinson—The human rights treaties themselves have provisions governing the reporting requirements. They state very clearly, for example, that the reports need to be sufficiently detailed and analytical to give an idea of the government's level of compliance with the treaty, they need to indicate not just positive programs but also problems experienced in complying with the treaties and they need not just to be descriptive documents containing a catalogue of relevant legislation and programs relevant to the treaties but to contain some kind of critical analysis of the government's performance in meeting its treaty obligations. Those are not the exact words set out in the reporting requirements but they are to that effect.

Mr Dick—An example is Australia's periodic report to the International Covenant on Economic, Social and Cultural Rights, which is going to be considered in Geneva in a few weeks time. There is a general recommendation of that committee which sets out the nature of the states parties' obligations. One of the critical factors under that convention is the principle of progressive realisation: the idea that you cannot wake up tomorrow and find that everybody has an adequate standard of health or education and so forth. What you have got to show is that you are allocating sufficient priority to achieving it in a progressive way. You are moving forward on it. You have identified that it is a priority and so forth. Australia's report does not really refer that much to the principle of progressive realisation, particularly when you look at indigenous disadvantage. It does not identify it as a national priority; it does not identify that Australia is taking the most efficient or the quickest way possible of redressing it. So you have information which says our indigenous people are badly off and we spend this much money, but it does not draw the nexus with the principle and the requirement under the convention, yet that is what the committees are wanting. They are wanting the hard analysis that actually says, 'Yes, we are progressively realising this right, in this way, and this is the specific targeted program we have got. This is when we expect to win it, blah, blah, blah.' So there is a whole lot of detail there of the principle that is just not being met.

CHAIR—How late have we been with our—

Mr Dick—I am not entirely sure with that one. It is not as late as the ICCPR or CERD, that is for sure, but it has been a little while, I think. This session that Australia is appearing at, in August, is actually a special session that has been set by the committee to catch up on late reports, so it is obviously seen as one of the late reports.

CHAIR—In your recommendation 4 you talk about actions involving denunciation—I am not sure that ‘denunciation’ was not too strong a word—or modification. Certainly the withdrawal part I understand, but I am not sure just what you mean by denunciation. You say that it should be subject to at least the same process for parliamentary scrutiny as that applying to entry. I presume you would be referring to the parliamentary scrutiny that applies today in relation to entry into treaties rather than the parliamentary scrutiny that was available when we entered into those original treaties, which I think was practically zilch.

Dr Jonas—Yes, we would.

Mr HOLLIS—You mentioned before that there were certain shortcomings in federal government legislation. In your role as the Human Rights and Equal Opportunity Commission do you advise the minister on legislation?

Dr Jonas—We do, but my legal friend here is better equipped to answer that one.

Mr Robinson—We do, on a fairly regular basis, advise the government of gaps and problems which might exist in our antidiscrimination legislation and need to be—

Mr HOLLIS—That is domestic legislation?

Mr Robinson—Domestic legislation, yes.

Mr HOLLIS—Have you ever had a look at the Parliamentary Entitlements Act?

Mr Robinson—No.

Mr HOLLIS—You ought to have a look at that, because that is very, very discriminatory and is something that should be looked at and rectified. If the parliament itself cannot even bring in legislation to cover discrimination as it affects its own members, you might ask how the parliament can bring in appropriate legislation to affect the general population.

Dr Jonas—We will be happy to look at that.

Mr JULL—This could be close to our hearts.

CHAIR—There being no further questions, thank you, Dr Jonas, Mr Robinson and Mr Dick. If there is any additional information, could you please forward it to the secretary for our perusal. You will get a copy of the transcript of evidence, to which you can make corrections for grammar or fact.

Resolved (on motion by **Mr Hollis**, seconded by **Mr Baird**):

That, pursuant to the power conferred by paragraph 16 of the committee’s resolution of appointment, this subcommittee authorises publication of the evidence, other than that taken in camera, given before it at public hearing this day.

Subcommittee adjourned at 12.14 p.m.

