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The Parliament of the Commonwealth of Australia

Report of the Australian  
Parliamentary Delegation to  
Sri Lanka and to the  
49<sup>th</sup> Commonwealth  
Parliamentary Conference,  
Bangladesh

1 – 12 October 2003

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ISBN 0 642 78448 5

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*Cover photo: 49<sup>th</sup> Commonwealth Parliamentary Conference – Visit to the National Assembly Building.*

Printed by the Department of the House of Representatives

November 2003



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## Foreword

In October 2003, an Australian Parliamentary Delegation made a bilateral visit to Sri Lanka before attending the 49<sup>th</sup> Commonwealth Parliamentary Conference in Dhaka, Bangladesh.

The visit to Sri Lanka was the first official visit by an Australian parliamentary delegation since 1995. In early November 2003, the President of Sri Lanka, HE Mrs Kumaratunga, invoked her constitutional powers to assume control of the defence, interior and communications ministries. She also prorogued the Parliament for two weeks. The President's actions followed the release by the Liberation Tigers of Tamil Eelam (LTTE) of counter proposals to Government power sharing proposals for the north east of the country. Some of the tensions underpinning the President's actions are discernible in this report.

At the reporting date for this report, the ceasefire agreement between the Government of Sri Lanka and the LTTE was holding. The ceasefire was the longest in almost 20 years of serious civil conflict in the country. During the conflict, almost a million people had been displaced, several hundred thousand people had left the country and over 65 000 people had been killed. The roots of the conflict lay in long-standing tensions between the majority Sinhalese and the minority Tamil peoples.

In reporting on the visit to Sri Lanka, the report aims to inform members of the Australian Parliament and Australians in general about the country, and specifically on the status of the peace process, the overall bilateral relationship and prospects for its further development, opportunities for enhanced trade and investment for Australia, and aid issues. Australia and Sri Lanka share warm bilateral relations. We have common membership of the Commonwealth, involvement in the Colombo Plan, strong people-to-people links and rivalry in

cricket. The civil conflict has been a tragedy for the country and its people – and it is important for the country's future that the peace process is sustained.

The overall theme for the 49<sup>th</sup> Commonwealth Parliamentary Conference was 'Partnerships for Global Peace and Prosperity'. The theme recognised the importance of national and international partnerships in many areas of endeavour in addressing the many challenges of the 21<sup>st</sup> century, including for peace and prosperity.


The delegation from the Commonwealth of Australia Branch of the Commonwealth Parliamentary Association (CPA) was pleased to represent the Australian Parliament at the conference. The CPA aims to promote the advancement of parliamentary democracy and the Annual Conference is a key activity of the Association. Parliamentarians from 47 countries were represented at the conference, and there were opportunities to hear diverse views on the conference theme in the workshop and plenary discussions and to enter into dialogue and discussion. Such conferences can be useful in fostering mutual understanding and encouraging greater international cooperation.

The delegation congratulates the Bangladesh Parliament for hosting the conference and for its hospitality. The conference and the visit to Bangladesh provided the delegation with an opportunity to appreciate the achievements of the country and to understand the challenges. There are indeed significant challenges – Bangladesh is one of the world's poorest countries and has 143 million people in a country two thirds the size of Victoria. The delegation noted in this regard that Australia has provided significant development assistance to Bangladesh since the country's independence in 1971 (more than A\$500 million, more than half of this in development food aid).

I thank my colleague members of the delegation for their efforts in ensuring its success, the Secretary to the delegation Robyn McClelland for her assistance, and my wife, Jocelyn, for accompanying me on the visit.

Senator John Watson  
Senator for Tasmania

Leader of the Delegation



# Membership of the Delegation

Leader of the Delegation

**Senator John Watson**

Senator for Tasmania

Deputy Leader of the Delegation

**Senator Mark Bishop**

Senator for Western Australia

Delegation Members

**Senator the Hon Robert Ray**

Senator for Victoria

**Mr Cameron Thompson, MP**

Member for Blair (Queensland)

Delegation Secretary

**Ms Robyn McClelland**

Department of the House of Representatives



## List of abbreviations

ACCP	Assistant Commissioner for Cooperative Development
ACRP	Sri Lanka-Australia Community Rehabilitation Program
AusAID	Australian Agency for International Development
Austrade	Australian Trade Commission
CFA	Ceasefire agreement
CPA	Commonwealth Parliamentary Association
DDA	Doha Development Agenda
DFAT	Department of Foreign Affairs and Trade
DPL	Department of the Parliamentary Library
EU	European Union
FCS	Fishing cooperative society
GDP	Gross domestic product
GOSL	Government of Sri Lanka
HSZ	High security zone
IDP	Internally displaced person
LTTE	Liberation Tigers of Tamil Eelam



NGO	Non Government Organisation
PA	People's Alliance
PNG	Papua New Guinea
SLA	Sri Lanka Army
SLFP	Sri Lanka Freedom Party
SLMC	Sri Lanka Muslim Congress
UN	United Nations
UNF	United National Front
UNP	United National Party
UNDP	United Nations Development Program
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
US	United States of America
WTO	World Trade Organization



## Introduction

- 1.1 This report is in two parts. Chapter 2 presents the activities and findings of a delegation from the Parliament of Australia to Sri Lanka from 1 to 5 October 2003. Chapters 3 and 4 report on the delegation's attendance at the 49<sup>th</sup> Commonwealth Parliamentary Conference in Dhaka, from 6 to 12 October 2003.

### Bilateral Visit to Sri Lanka

#### Background

- 1.2 This was the first official visit to Sri Lanka by an Australian Parliamentary delegation since 1995<sup>1</sup>. The visit came 19 months into a ceasefire between the Government of Sri Lanka and the LTTE, the longest ceasefire in almost two decades of war. The ceasefire has provided an important respite for the country and its people from the violence and security restrictions that have been the norm. The economy has improved and a degree of normalcy is beginning to return to the country.
- 1.3 The international community has strongly and generously supported the peace process. In June 2003, donors pledged US\$4.5 billion in loans and grants for Sri Lanka's reconstruction and development over the next four years. Following the LTTE's suspension of its participation in peace talks with the Government, aid funding is largely not flowing to the country.

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<sup>1</sup> *Report of the Australian Parliamentary Delegation to Sri Lanka, 3 to 6 October 1995.*

- 1.4 The LTTE's withdrawal from peace talks reflects its dissatisfaction with the pace and nature of regional autonomy in the northeast. Six rounds of talks were held between September 2002 and March 2003.<sup>2</sup>
- 1.5 As previously mentioned, in early November 2003, President Kumaratunga invoked her constitutional powers to assume control of the defence, interior and communications ministries. She also prorogued the Parliament for two weeks. The ceasefire agreement with the LTTE was holding at the reporting date for this report.
- 1.6 Sri Lanka is a low income country with about one quarter of its people living in poverty. A major cause of this persistent poverty has been the long-running ethnic conflict.
- 1.7 Australia enjoys warm bilateral relations with Sri Lanka, and the visit provided the delegation with an opportunity to assess the status of the relationship between the two countries, and the prospects for further development, in the context of the peace process.

### **Objectives and Program**

- 1.8 The delegation agreed on the following objectives for its visit to Sri Lanka which reflected advice from the Department of the Parliamentary Library (DPL) and the Department of Foreign Affairs and Trade (DFAT):
- renew and strengthen links between the two Parliaments and obtain an appreciation of the Sri Lankan parliamentary process;
  - gain an appreciation of the overall bilateral relationship and prospects for its further development;
  - gain an insight into the progress of the peace process;
  - assess the opportunities for enhanced trade and investment for Australia; and
  - visit and assess the performance of project/s funded under Australia's aid program.
- 1.9 Details of the program in Sri Lanka are at Appendix A.

### **49<sup>th</sup> Commonwealth Parliamentary Conference**

- 1.10 The theme of the Conference – Partnerships for global peace and prosperity – recognises the importance of partnerships for confronting the challenges facing the world in the 21<sup>st</sup> century.

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<sup>2</sup> Chronology of the 6<sup>th</sup> Peace Effort, [http://www.priu.gov.lk/Peace\\_Process.html](http://www.priu.gov.lk/Peace_Process.html)

- 1.11 The delegation was pleased to represent the Australian Parliament at the Conference.

### Briefings before Departure

- 1.12 The delegation met three times before leaving Australia. At the first two meetings, the objectives and program for the visit to Sri Lanka were considered, and oral briefings were provided by officers from the DFAT and AusAID. The Commonwealth Parliamentary Conference program and a one day visit program for Bangladesh, were also considered.
- 1.13 Written country briefs on Sri Lanka and Bangladesh were provided by DFAT, AusAID and Austrade. Briefs on the conference program were provided by DPL.<sup>3</sup> The conference briefs gave an Australian perspective on the workshop topics and supplemented the background papers provided by the CPA Secretariat.
- 1.14 The assistance provided by the relevant officials is acknowledged with thanks.
- 1.15 The third meeting was with Lt Gen M. Harun-Ar-Rashid, BP (Retired), High Commissioner of Bangladesh, at his invitation. The delegation welcomed the briefing provided and hospitality extended.

### Appreciation

- 1.16 The delegation records its appreciation to those it met in Sri Lanka for their views and insights, and to the Bangladesh Parliament for hosting the Commonwealth Parliamentary Conference and for its generous hospitality.
- 1.17 The delegation thanks the Australian High Commissions in Colombo and Dhaka for the excellent support provided before, during and after the delegation's visit. In particular, the delegation thanks:
- HE Mr David Binns, High Commissioner to Sri Lanka;
  - Ms Kate Logan, Deputy High Commissioner;
  - HE Ms Lorraine Barker, High Commissioner to Bangladesh; and
  - Dr Michele Forster, Deputy High Commissioner.
- The delegation also thanks our post in Malaysia for the opportunity to visit the new Malaysian administrative centre, Putrajaya, whilst in transit through Malaysia.

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<sup>3</sup> DFAT also provided written briefs addressing two of the workshop topics.

- 1.18 Thanks are recorded to the Director, Parliamentary Relations Office, Mr Chris Paterson for his assistance to the Leader of the Delegation during the Executive Committee meeting of the CPA<sup>4</sup>, and to staff from the Parliamentary Relations Office, in particular, Mr Max Kiermaier, for the administrative support provided to the delegation.

### **Impact of the Delegation**

- 1.19 The visit to Sri Lanka received a deal of publicity, with prominent and positive coverage in the local media. The meeting with the Prime Minister was given front page coverage.
- 1.20 The Australian High Commissioner to Sri Lanka considered that the visit had been successful:
- ... The visit helped to highlight and strengthen key bilateral links between Australia and Sri Lanka. It also underlined Australia's interest in, and support for, Sri Lanka's efforts to find a solution to its ethnic conflict and rebuild its economy.
- 1.21 The delegation's representation of Australia at the 49<sup>th</sup> Commonwealth Parliamentary Conference demonstrated Australia's ongoing support for the CPA and its aims. Delegation members were active participants in the conference, Senators Watson and Ray contributing as discussion leaders in workshop sessions.

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4 The Executive Committee met on 5 and 6 October 2003.

## Sri Lanka

### Background<sup>1</sup>

#### General

- 2.1 Sri Lanka is an island located in the Indian Ocean close to, and east of, the southern tip of the Indian subcontinent (see Figure 1, p 6). It has a land area of about 66 000 sq km, similar to Tasmania.
- 2.2 The population in 2003 is estimated to be about 19.7 million, similar to that of Australia. The population density averages about 300 persons per square kilometre (varying from 115 persons per square km in the North-Central province to 1 506 persons per square km in the Western province)<sup>2</sup>. The population growth rate is a modest 0.83% (2003 estimate).
- 2.3 Sri Lanka scores reasonably highly on the United Nations Development Program's Human Development Index (1999): 0.74 (Min: 0; Max: 1). Life expectancy at birth is estimated at about 72 years, and infant mortality at 15.2 per thousand live births. The adult literacy rate is estimated to be 91 per cent. Average GDP per capita is forecast to be US\$925 in 2003.

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<sup>1</sup> Major sources: DFAT Delegation Brief, October 2003; Facts and Figures ([http://www.peaceinsrilanka.org/insidepages/Facts and Figures/facts and figures.asp](http://www.peaceinsrilanka.org/insidepages/Facts%20and%20Figures/facts%20and%20figures.asp))

<sup>2</sup> Provisional estimates based on the Census of Population and Housing, 2001.



Figure 1 Map of Sri Lanka



- 2.4 Based on the 1981 Census, approximately 72% of the population are rural dwellers and 28% urban and estate dwellers. Colombo, the capital, is the largest city with approximately two million people.
- 2.5 The composition of the population by ethnicity (1981 Census) is 74% Sinhalese, 18% Tamil, 7% Muslims with Burgher, Malay and Vedda (aboriginal) peoples making up about 1%.<sup>3</sup> The population is predominantly Buddhist (70%) with Hindu (15%), Christian (8%) and Muslim (7%) minorities (1999 figures).
- 2.6 Sinhala and Tamil are the official languages<sup>4</sup>, with English designated as a 'link language'. It is commonly used in government and spoken competently by about 10% of the population.

## History

- 2.7 The Sinhalese are believed to have first arrived in Sri Lanka from northern India late in the 6<sup>th</sup> century BC and the Tamils from southern India, in the 2<sup>nd</sup> to 3<sup>rd</sup> century BC. Buddhism was introduced beginning in about the mid-third century BC and was adopted by the Sinhalese. A major civilization developed at the cities of Anuradhapura (kingdom from about 200 BC to 1000 AD) and Polonnaruwa (from about 1070 to 1200 AD). In the 14<sup>th</sup> century, a south Indian dynasty seized power in the north and established a Tamil kingdom. The Tamils largely continued to follow Hinduism.
- 2.8 The first colonial power in Sri Lanka was Portugal (1505–1658 AD), followed by the Dutch (1658–1815) and the British (1815–1948). Christianity came during the colonial period. Sri Lanka's Muslims emerged as an identifiable ethnic community under the Portuguese and the Dutch. Sri Lanka became independent in 1948.

## Conflict

- 2.9 The origins of the conflict are complex. After independence in 1948, relations between the Sinhalese majority and the Tamil minority deteriorated, with a series of incidents culminating in serious communal rioting in July 1983 targeting Tamils. The conflict escalated from there, despite several attempts to reach a settlement, until the current ceasefire signed in February 2002. More than 65 000

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<sup>3</sup> These figures would be expected to have changed somewhat with the large-scale emigration in the 1980's.

<sup>4</sup> Tamil was added as an official language under the Thirteenth Amendment to the Constitution.

people have been killed, 800 000 people have been internally displaced, and several hundred thousand Tamil civilians have left Sri Lanka.

- 2.10 Significant factors, post-independence, fuelling the ethnic divide were efforts to make Sinhalese and Buddhism the language and religion of the State. In 1956, the Government recognised Sinhala as the sole official language and in 1972, Buddhism was given pre-eminence in the Constitution (both these provisions have since been amended). Demographic changes were another factor.<sup>5</sup>
- 2.11 Anti-Tamil rioting occurred in Colombo in July 1983. The riots followed the killing of police in Jaffna and involved looting and burning of Tamil homes and shops, particularly in Colombo.
- 2.12 The riots proved a turning point in Tamil militancy. The LTTE, under the leadership of Velupillai Prabhakaran, became the largest and most powerful Tamil group. During the past two decades the LTTE has fought a military campaign against the rule of the Sri Lankan Government, with its main aim the establishment of a separate Tamil state, Eelam, in northeastern Sri Lanka. Notable aspects of the LTTE's operations have been the use of suicide bombers and child soldiers and not admitting responsibility for terrorist acts.
- 2.13 At the time of the delegation's visit, under the terms of the ceasefire agreement, the LTTE had control of the Vanni area in northern Sri Lanka and areas in the east inland from Trincomalee and Batticaloa.
- 2.14 Notwithstanding this history, and despite four previous unsuccessful attempts to negotiate a durable peace, the Sri Lankan Government (GOSL) and the LTTE signed an agreement for an indefinite ceasefire on 22 February 2002.<sup>6</sup> The two sides conducted six rounds of peace talks from September 2002 until April 2003, when the LTTE suspended its participation stating that it was not satisfied with the pace of progress on the ground. However, to date the ceasefire has held.

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<sup>5</sup> The peaking of the Sinhalese nationalist insurgency in 1970 and of the Tamil insurgency in the late 1980s coincided with the years when the fifteen-to-twenty-four youth bulge in those groups exceeded 20 per cent of the total population of the group. Gary Fuller, "The Demographic Backdrop to Ethnic Conflict: A Geographic Overview, 1995, cited in Huntington, S P *The clash of civilisations Remaking of world order*. NY: Touchstone, 1997, pp 259 - 260.

<sup>6</sup> For text of agreement, see: <http://www.gov.lk/pm/office2.htm>

- 2.15 At the time of the delegation's visit in early October 2003, the Government was awaiting counter-proposals from the LTTE to power-sharing arrangements that the Government had proposed for the northeast. The Government had put three proposals to the LTTE, the first two of which the LTTE had rejected. The Government's proposed structure would give the LTTE control over rebuilding and resettling refugees but not over issues relating to security or land. The LTTE's response seeking very wide powers and autonomy in the northeast was made public on 1 November 2003 (see later comments).
- 2.16 The international community has strongly supported the peace process. Most recently, at an international donors' conference in Tokyo in June 2003, donors pledged US\$4.5 billion in loans and grants for Sri Lanka's reconstruction and development over the four year period 2003 - 2006. The assistance is linked to 'substantial and parallel' progress in the peace process.<sup>7</sup> With the break-down of peace negotiations, many of these pledges cannot be drawn upon.
- 2.17 The Tokyo Declaration recognises the importance of urgent humanitarian assistance as well as medium to long term assistance to rebuild the conflict-affected areas in the north and east, and to assist in the development of the entire country.<sup>8</sup>

## Government and Politics

- 2.18 Sri Lanka is a parliamentary democracy with a presidential head of state given wide executive powers under the constitution.
- 2.19 Since independence in 1948 political power has been held by two main political parties – the leftist SLFP and the centre-right United National Party (UNP). The SLFP is the major party in the present People's Alliance (PA) coalition of President Chandrika Bandaranaike Kumaratunga, and the UNP is the major party in the present United National Front (UNF) coalition of Prime Minister Ranil Wickremesinghe.

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<sup>7</sup> For text of Tokyo Declaration on Reconstruction and Development of Sri Lanka, 10 June 2003, see:

<http://www.peaceinsrilanka.org/insidepages/Internationalsupporter/TokyoDonor/TokyoDec100603.asp>

<sup>8</sup> Source material detailing development needs were provided to the Conference. A needs analysis was undertaken by a United Nations Inter-agency Needs Assessment Team in mid 2002, at GOSL request. Statement by Prime Minister of Sri Lanka at the UN General Assembly, 18 September 2002.

- 2.20 A two-thirds parliamentary majority and referendum is required to change the Constitution. There have been several constitutional changes since independence.
- 2.21 In 1972, the SLFP-led government of the late Prime Minister Mrs Sirimavo Bandaranaike<sup>9</sup> converted Sri Lanka from a constitutional monarchy to a republic, with a Westminster system of government.
- 2.22 In 1978, the newly-elected UNP government of Mr J R Jayawardene introduced a presidential system in which executive power is exercised by a president who may serve no more than two six year terms. The President appoints a Prime Minister and, in consultation with the latter, other senior officials, the only restriction being that all ministers (except the President) must hold parliamentary seats. The name of the country was changed to the Democratic Socialist Republic of Sri Lanka in 1978.
- 2.23 In 1987, through the thirteenth amendment to the Constitution, provincial councils were established and elements of executive, legislative and judicial powers of the central government were devolved to them. There are nine provinces in Sri Lanka and seven functioning provisional councils.<sup>10</sup> Elections are held every five years, some are due later this year, the timing is at the discretion of the President.<sup>11</sup>
- 2.24 President Kumaratunga was first elected in November 1994 and was re-elected for a second six-year term in early presidential elections in December 1999 (with 51% of the vote). In 2001, she dissolved Parliament and the subsequent election was won by the UNP. The UNP, which gained 109 of the 225 parliamentary seats, formed Government in coalition with the Sri Lanka Muslim Congress (SLMC)<sup>12</sup> and two other small parties. UNP leader Ranil Wickremesinghe was sworn into office as Prime Minister on 9 December 2001, for six years. The PA gained 77 seats in the election,

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<sup>9</sup> The mother of President Kumaratunga.

<sup>10</sup> The Northern and Eastern provinces were initially temporarily merged into one under the Indo-Sri Lankan Accord (a 1987 agreement whereby Indian peace-keepers were stationed in Sri Lanka from 1987 to 1989). The North East Provincial Council ceased to function in 1989. (<http://www.priu.gov.lk/ProvCouncils/ProvincialCouncils.html>)

<sup>11</sup> In the context of issues of decentralisation and fiscal devolution, the financial framework for provincial councils is said to have inherent weaknesses and deficiencies. Institute of Policy Studies of Sri Lanka ([http://www.ips.lk/other\\_research/governance/governance.html](http://www.ips.lk/other_research/governance/governance.html)).

<sup>12</sup> In the previous Government, the SLMC had been a coalition partner of the SLFP.

down from 107 in the previous election. The Government currently holds office with a slender majority and relies on the support of the Tamil parties (who are part of the official Opposition).<sup>13</sup> A complicating factor for the Government is the widespread practice of political 'cross-overs', that is, members who change their party allegiances.

- 2.25 Mrs Kumaratunga remains President until 2005, retaining many executive powers, including the power to dissolve Parliament.
- 2.26 In early November 2003, the President invoked these powers. On 4 November 2003, while Prime Minister Wickremesinghe was out of the country on a visit to the United States and following the LTTE's release three days earlier of counter-proposals to the Government's proposed power sharing arrangements for the northeast, President Kumaratunga prorogued the Parliament until 19 November 2003, dismissed three ministers including the Defence Minister, and sent a small number of troops to some key installations in Colombo. The steps were 'taken after careful consideration in order to prevent further deterioration of the security situation in the country.'<sup>14</sup> On 5 November, the President reportedly declared a ten day state of emergency, although this did not come into legal effect. The state of emergency was 'withdrawn' two days later, with the President seeking a Government of national unity and reconciliation.
- 2.27 The ceasefire agreement with the LTTE was holding at the reporting date for this report.

## Economy

- 2.28 It is said that twenty or thirty years ago the Sri Lankan economy was on par with Malaysia, Singapore and other South East Asian countries.<sup>15</sup> However, the rate of economic reform in Sri Lanka has lagged behind that of neighbouring countries. The economy has also been badly affected by the ethnic conflict.

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<sup>13</sup> At the time of the delegation's visit, the Government had 114 members and the Opposition 111 (SLFP-led People's Alliance coalition – 79; Janatha Vimukthi Peramuna or JVP (Marxist) – 16; Tamil National Alliance – 15, People's Liberation Organization of Tamil Eelam or PLOTE – 1)

<sup>14</sup> Sri Lanka sacks Ministers, ups security. *The Lanka Academic*, 4 November 2003.

<sup>15</sup> Hon Prime Minister's Address to Japan-Sri Lanka Business Cooperation Committee, 5 December 2002, Tokyo, p 2.

- 2.29 The gross domestic product (GDP) is forecast to be US\$18bn in 2003. GDP grew by 4% in 2002 and is forecast to grow by 5.5% in 2003. This follows negative real growth of 1.5% in 2001<sup>16</sup>, during the global economic downturn and following the LTTE's attack on Colombo's Bandaranaike International Airport and the 11 September 2001 terrorist attacks in the United States. Expenditure on defence and security currently represents about 20 per cent of Government current expenditure. During the war, Sri Lanka's ratio of defence spending to GDP was in the top two or three in the world.
- 2.30 To put these GDP figures into context, the Government is seeking a sustained annual growth target of 10 per cent to address what it sees as four key challenges facing the economy:
- increasing employment;
  - bringing public debt under control;
  - providing resources for reconstruction; and
  - increasing income levels – higher productivity and increased investment.<sup>17</sup>
- 2.31 The Government's economic reform agenda is spelt out in a document: *The Future Regaining Sri Lanka*. The Government is aiming to foster private sector led growth.
- 2.32 The services sector accounts for over half of GDP. Manufacturing, which was the fastest growing sector for the last ten years, is dominated by the garment industry. Garments are a major export. There is a need, however, for structural adjustment in the manufacturing sector. Sri Lanka will lose guaranteed quota access to US markets with the end of the US Multi-Fibre Arrangement by 2005.
- 2.33 The agricultural sector, though of decreasing importance to the economy, accounts for more than 20 per cent of national output and employs more than a third of the workforce. A major question for the Government is what to do with agriculture.<sup>18</sup>
- 2.34 The public sector employs about 20 per cent of the workforce, with the state dominant in the financial, utilities, health and education sectors. Public sector reform is another Government priority.
- 2.35 There is an important regional dimension to these economic development figures: nearly half of the economic activity takes place

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<sup>16</sup> It was the first time since independence that negative growth had been recorded.

<sup>17</sup> *The Future Regaining Sri Lanka*, 2002, p 7.

<sup>18</sup> Delegation meeting with Prime Minister Wickremesinghe, 1 October 2003.

in the Western province (which also has the lowest incidence of poverty), and four provinces account for nearly 80 per cent of national GDP. The areas most affected by conflict have generally suffered the most economically.<sup>19</sup>

- 2.36 Across Sri Lanka, more than 25 per cent of households were estimated to be in poverty in 1995-96. These figures excluded the Northern and Eastern Provinces where figures were not available but were suggested to be as high as 60%.<sup>20</sup>
- 2.37 Average consumer price inflation is forecast to drop to 7.8 per cent in 2003, down from 14.2 per cent in 2001. The annual unemployment rate in 2003 is forecast to be 7.5 per cent, a small reduction from the annual average rate of 8.6 per cent for the previous five years. The Government has cautioned that there is significant excess capacity in the employment figures. It is seeking a minimum of two million new jobs – or approximately a third of the existing workforce – during the next few years for full and productive employment. (The total workforce in 2001 was 6.7 million, of which 6.2 million were employed and 0.5 million were unemployed).<sup>21</sup>
- 2.38 The volume of goods and services exports, as a percentage of GDP, is forecast to be 36.9 per cent in 2003, a similar percentage to the annual average applying for the previous five years. The balance on the current account is negative. It is projected to be -2.8% of GDP in 2003, ahead of the annual average of -3.1%, for the period 1998 to 2002.
- 2.39 The level of public debt is a major issue for the Government.
- The truth is that Sri Lanka is in the thick of an economic crisis – a crisis born of deep and deadly indebtedness.<sup>22</sup>
- 2.40 Total debt has been larger than the country's GDP. (In 2001, when there was negative GDP growth, public debt totalled Rs 1 450 billion or 105 per cent of GDP). The funding required annually to service the debt has exceeded total government revenue. (In 2002, debt service payments amounted to Rs 286 billion, compared to government revenue of Rs 262 billion).
- 2.41 In 2002, the budget deficit was 8.9% of GDP (against a target of 8.5%); in 2003, the target is 7.5% of GDP. Current Government policies are

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<sup>19</sup> Oslo Donor's Conference – Meeting Immediate Needs, 2002, pp 2 – 3.

<sup>20</sup> *ibid.*, p 3.

<sup>21</sup> *The Future Regaining Sri Lanka*, 2002, p 5.

<sup>22</sup> *ibid.*, 2002, p 2.

to bring debt under control, following significant debt growth in the 1990's.

## Delegation Objectives

2.42 The major focus of the delegation's visit to Sri Lanka was on the progress of the peace process. It was a dominant issue in most of the meetings held by the delegation. The delegation also focussed on economic issues including opportunities for enhanced trade and investment for Australia. It visited and assessed the performance of projects funded under Australia's aid program and addressed the other delegation objectives.

## Progress of the Peace Process

2.43 The delegation gained an insight into the peace process from a range of meetings in Colombo and in Jaffna and from reviewing background briefing and other material.

## Perspectives on the Peace Process

### Government

2.44 It was clear to the delegation that the Government is strongly committed to the peace process.

- It had an election mandate to end the conflict.
- It signed a ceasefire agreement with the LTTE.
- It authorised a number of confidence building measures.
- It entered into peace talks with the LTTE.
- It sees the peace process as essential for economic development and prosperity.

It is the philosophy of this Government that the best prospects for the peace process lie in our ability to combine an effective national security strategy with a commitment to political negotiations with the support of the international community.<sup>23</sup>

2.45 In meetings with the delegation, government interlocutors were cautiously optimistic about the peace process. They suggested it

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<sup>23</sup> Letter from Prime Minister Wickremesinghe to HE President Kumaratunga of 17 September 2003, <http://www.gov.lk/pm/forcespm.htm>



could take a further two to three years to complete a negotiated settlement, with a revised Constitution at the end of the period. An encouraging sign was that funding from abroad for the LTTE was decreasing. This reflected tighter enforcement measures following 11 September 2001 and the fact that with peace there was no longer a cause to donate to. Also, money was required for other purposes, for example, by relatives in the north to start new businesses.

- 2.46 The peace process was very significant as economic development flowed from it. This was the longest ceasefire ever (it was then of 19 months duration) and as far as investors were concerned, this was the main consideration. Foreign direct investment had increased three fold, and there was an opportunity to create jobs throughout the country, including in some of the more remote areas, because of the atmosphere of confidence. The Government was calling on the people to safeguard the fragile peace process because of the benefits resulting.
- 2.47 The main outcome of the peace talks to date was that the Government and the LTTE had laid the foundations for a final settlement. In the Oslo declaration of December 2002, the LTTE had been content to identify federalism as the preferred instrument for sharing of power, within a unified country. It had previously sought a separate state with internal and external self-determination.
- 2.48 In considering federal arrangements, the Government was examining the legal and the financial frameworks. Adequate financial underpinnings and financial management arrangements were essential. Government interlocutors commented that Australia's experience with a Grants Commission was potentially relevant.



Meeting with HE Mr Ranil Wickremesinghe, Prime Minister



Meeting with Hon Lakshman Kadirgamar, MP, Senior Adviser to the President

- 2.49 In response to questions on why the LTTE had suspended its participation in the peace process and whether people in Tamil areas were receiving a reasonable share of the peace dividend, the delegation was told that the LTTE was dissatisfied with the pace of development in their areas, and in particular, in their heartland, in Vanni. It was not lack of commitment but the fact that there was so much to be done that the impact was not immediately apparent. Institutions like the Asian Development Bank were constructing roads and schools and undertaking projects for clean drinking water.
- 2.50 In response to a question on the work done on a federal structure, the delegation was told that the Government was working towards a formal document, the basic features of which were:
- a clear division of powers between the centre and the periphery
    - ⇒ the allocation to take place under the aegis of a constitutional instrument;
    - ⇒ an asymmetrical approach to federalism, with the degree of devolution dependent on the gravity of the problem and extent of demand;
  - mediating techniques, in the event of disputes; and
  - funding arrangements.
- 2.51 The Government had drawn upon the experience of other countries and had consulted with experts in constitutional reform and federalism including Professor Cheryl Saunders from the University of Melbourne in this regard.
- 2.52 In response to a comment that an asymmetrical approach overlooked the internal dynamics – units with less power would eventually want more – the delegation was told that that particular problem was unlikely to arrive at least in the foreseeable future. The question was what institutional mechanisms were best equipped to deal with the situation.
- 2.53 Government interlocutors thanked the delegation for Australia’s commitment to the peace process.

### Opposition

- 2.54 The Opposition was also said to be committed to the peace process. However, Opposition interlocutors raised many issues and concerns in discussions with the delegation.
- The main problem would be how to handle the proposals that the LTTE may have. The LTTE were likely to make very tough proposals.

- They have wanted a 'homeland' for a very long time, and it is difficult to accommodate a 'homeland' in a federal structure.
- The ceasefire agreement is one sided in the LTTE's favour. The ceasefire has been used very effectively by the LTTE to build up its forces. The Government has tended to concede too much to keep the LTTE at the negotiating table.
- Whilst conceding that it was difficult to expedite matters, Opposition interlocutors stated that what was needed was finalisation of negotiations on a federal solution. 'You cannot give an interim administration when you have no idea where they are going for a final solution'.
- The LTTE wanted to control the disbursement of the aid funding. They had renounced all the benchmark measures in the Tokyo declaration.<sup>24</sup>
- It was likely that the Government would not be able to agree to the LTTE's counter proposals as a total package, and there were three possibilities – an indefinite stand-off, LTTE surrender, or war.
- The Indian Government was getting very alarmed about the situation in Sri Lanka, particularly in the past three to four months.

2.55 In responding to questions, Opposition interlocutors said that:

- while it is realistic to think that the Muslims may seek external assistance, that possibility could be exaggerated. However, some senior Muslim leaders were worried that they were losing touch with their young people;
- support for the LTTE in the north and the east was dropping away. The problem was time and there was a race against time. 'Perhaps the bulk of the Tamil people are silently cursing their lot';
- the prospects for implementation of a federal solution could change dramatically over night; and
- they did not think it likely that the LTTE would escalate acts of terrorism. The LTTE was sensitive to certain aspects of international thinking, and would modify some aspects of its tactics accordingly.

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<sup>24</sup> These are the benchmarks set out in paragraph 18 of the declaration, which link donor support and progress in the peace process.

### Sri Lankan Muslim Congress

- 2.56 The delegation met with a number of representatives from the Sri Lankan Muslim Congress. The SLMC has 12 representatives in the Parliament.<sup>25</sup>
- 2.57 The SLMC was concerned that the LTTE wanted control over an area covering both the Northern and the Eastern Provinces.
- 2.58 The SLMC said that the Muslims had suffered harassment and violence at the hands of the LTTE. In October 1990, 100 000 Muslims were driven out of the Northern Province and were now living in refugee camps. The SLMC wanted these people to be returned under protected conditions with full restitution of rights and property.
- 2.59 The SLMC representatives said that there had been three instances of organized violence against the Muslim community in the east since the signing of the ceasefire agreement in February 2002, resulting in large scale displacement.
- 2.60 While the SLMC wanted peace, it was concerned about devolving power where there was an imbalance of power, and in particular, giving interim administration to a group that was continuing to hold arms. It stated that there is no constitutional safeguard that can protect the people in this situation.
- 2.61 The SLMC wanted a three cornered peace process (which is opposed by the LTTE). It wanted a provisional administrative arrangement for the Muslims in the Northern and Eastern Provinces 'based on preservation of the separate and distinct identity of the Muslims', with appropriate devolution of authority to the Muslims. The Muslim majority divisions in the north and the east should be linked with those in the southeast (the Kalmunai, Pothuvil and Sammathurai electorates) as separate administrative and political units within the region.<sup>26</sup> (Tamil and Muslim villages were geographically interspersed in the east).
- 2.62 When asked about population projections for the future, the SLMC said they had not been done. The official census had been stopped in LTTE controlled areas.

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<sup>25</sup> Not all SLMC members formally include themselves in the coalition with the UNP.

<sup>26</sup> 'Resolution to the conflict in the North and East- the Muslim dimension', Paper given to delegation, 1 October 2003.

### Tamil National Alliance

- 2.63 The delegation met with members of the Tamil National Alliance (TNA).
- 2.64 The TNA said that an interim administration was needed to manage the urgent needs of rebuilding the northeast. There were one million displaced Tamils. The two hundred thousand civilians who were living with relatives or squatting illegally in empty homes, wished to resettle in their own homes. After two years, there was no actual progress on the ground.
- 2.65 An interim administration was also essential because there is as yet no consensus on the final solution. The Government was not in a position to achieve the two thirds parliamentary majority required to amend the Constitution.
- 2.66 In response to questions on what powers should be devolved and whether a central high court should be retained, the TNA said that only those powers required to ensure the unity and territorial integrity of the country should stay in the centre.



Meeting with representatives of the Tamil National Alliance

- 2.67 In respect of a central high court, the TNA said that the Tamils' experience with courts had been 'quite bad'. The issue was how the court was to be constituted. If each of the new federal units – potentially one Tamil region and several Sinhalese regions – was equally represented on the court, this would be a problem.
- 2.68 In response to questions on the views of the LTTE on the peace process, the TNA said that the LTTE remained committed to the ceasefire and a negotiated peace settlement.
- 2.69 Whilst the TNA did not dispute that the LTTE was still recruiting, it said that the level was certainly less than before the ceasefire. The LTTE had by and large stopped taxing Sinhalese and Muslims, except for traders. It still taxed the Tamils. The LTTE needed funding for its 15 000 to 20 000 cadres, homes for injured cadres and large structural requirements. The LTTE's view was that 'we are for peace, but if peace fails we are not going to be caught off guard.'

### The Military

- 2.70 The delegation discussed aspects of the ceasefire with senior military interlocutors and other observers.
- 2.71 Some defence commentators were cautious about the prospects for a durable peace settlement. They made a number of comments including the following:
- post the ceasefire agreement (CFA), the LTTE was still continuing to develop military capabilities
    - ⇒ they were still recruiting and had built up their forces from six to seven thousand militants before the CFA to 14 to 15 000 militants now. Conscription was occurring largely in the East, there was comparatively better control in the North;
    - ⇒ there had been numerous ceasefire violations by the LTTE. Violations in the Jaffna area, in the period 8 April 2002 to 25 September 2003, included: abduction of civilians (43), recruitment of minors (25), killings of political group members (3), attacks on political party offices (11), assault of political party members (13), violent activities carried out during protest campaigns (12), threatening of informants, sympathizers and supporters (27), and violations of law and order (61). The rate of violations had been not bad during the first six months; and during the last three months the military had been able to regain control to a certain extent, by reintroducing road blocks and night patrols;



- ⇒ heavy taxing by the LTTE continued, even three wheelers and hand tractors were being taxed; and
  - ⇒ there was no reduction whatsoever in the level of the permanent threat;
  - given the above behaviour, ‘confidence building’ was not a reality. Whilst the armed forces had tried to act with restraint, some interlocutors felt it was necessary to draw a clearer line against excessive breaches: ‘If we cannot tell the LTTE now to draw a line, at what stage will we be able to talk to them?’; and
  - LTTE propaganda in schools was an issue.
- 2.72 Military interlocutors said that in the Jaffna district the most significant issue in the short term was the issue of resettlement of internally displaced persons (IDPs) into High Security Zones (HSZs).
- 2.73 Essential and urgent rehabilitation work in the Jaffna peninsula included: resettlement of IDPs (10 000 families), development of essential services (medical, education, transportation, electricity, telecommunications, regularising the supply of food and consumer items), development of agriculture and development of industries.
- 2.74 In relation to the problem of land mines, the minefields were dispersed and the military’s capabilities for clearing them were very limited. There was basically a no-man’s land between the Government and LTTE forces, with mine clearing only behind border lines. (There are mines behind the lines as the lines used to move up and down very frequently). There is free movement only on the main (A9) road.
- 2.75 Military interlocutors commented that it was not possible to ignore the feelings and sentiments of the 17 million people in the south. People in the south were cautious about devolving power to a military force.
- 2.76 The delegation learned that few people in the Army and in the police now spoke Tamil.

#### Roundtable meeting with civil society representatives

- 2.77 The delegation had an interesting roundtable discussion of peace process issues with civil society leaders.

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Dr Radhika Coomaraswamy	<p>Chairperson Human Rights Commission of Sri Lanka</p> <ul style="list-style-type: none"> <li>- national institution monitoring human rights in Sri Lanka</li> <li>- has received grants (about A\$100 000) under the Australian Human Rights Small Grants Scheme to provide human rights training in regional police stations</li> </ul>
Dr Paikiasothy Saravanamuttu	<p>Executive Director Centre for Policy Alternatives</p> <ul style="list-style-type: none"> <li>- leading NGO working on peace process issues (federalism, reconciliation, restorative justice)</li> </ul>
Mr Rohan Edirisinha	<p>Head, Legal Unit Centre for Policy Alternatives</p> <ul style="list-style-type: none"> <li>- has done extensive research on possible frameworks for devolution of power in Sri Lanka</li> <li>- has received AusAID funding to participate in conferences in Australia on peace-keeping and constitution-making</li> </ul>
Dr Kumar Rupesinghe	<p>Chairman Foundation for Co-existence</p> <ul style="list-style-type: none"> <li>- engaged in peace-building activities across Sri Lanka</li> <li>- has recently received Australian funding (about A\$200 000) for a project to resolve disputes between the Tamil and Muslim communities relating to land ownership in the east.</li> </ul>
Dr Jehan Perera	<p>Media Director National Peace Council</p> <ul style="list-style-type: none"> <li>- conducts media campaigns in support of a peaceful settlement of the ethnic conflict</li> <li>- regular commentator on the peace process</li> </ul>

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2.78 Points made in response to questions from delegation members included:

- whilst community surveys indicate that there is overwhelming majority support for a negotiated political settlement (70%), the level of support drops when questions are asked about the shape of the settlement. The public does not know what federalism means, and there is a dearth of information available. Survey results on a 'peace confidence index' indicate a confidence level of about 50%. The results oscillate over time as incidents occur, particularly incidents at sea;
- the land question in the northeast is quite a critical issue. During the civil war, land passed from one community to another and a lot of grievances are to do with land. About 50 per cent of the 800 000 returning refugees do not have title to their land. Dr Rupesinghe outlined some of the work being done to attempt to resolve land disputes in the east between the Tamil and Muslim communities;

- there is some concern that while the LTTE used the term ‘federal’ what they mean in practice may be closer to a confederation or a loose federal alliance – for example, they want their own police force and judiciary;
- the legal system is a huge problem – judgments even in the last few months have shown little sensitivity to minority interests<sup>27</sup>
- one criticism (of the Government) is that the Government is not preparing for these issues; there is no public debate. The Government has a two-unit model with the northeast being special and it has not given too much attention to the rest of the country. In proposing an asymmetrical model, the Government was essentially addressing one problem at a time;
- Sri Lanka has a free media divided on ethnic lines and also a State controlled media, divided on political lines. There are separate Tamil and Sinhalese journalists and newspapers which cater separately for the Tamil and Sinhalese groups. The peace process needed to become more entrenched;
- in response to questions: ‘How do you cope with minorities who are content with the current situation?’ and ‘If there is not agreement on the outcome, how can you impose a federal solution?’, it was said that federalism in the latter half of the 20<sup>th</sup> century has been used as a framework to manage ethnic problems in various countries. (Such problems are not solved, only managed). The demands of minorities needed to be protected by a very strong human rights framework and a central judiciary. The Government needed to identify, strengthen and promote the core principles underpinning its ‘solution’, for example, the rule of law and protection of minorities;
- there is a perception in the community that impunity exists for violence. Human rights violations exist without the Government’s doing anything about them. The Sri Lankan representatives asked: ‘If the Human Rights Commission were strengthened with international advisers and assistants, would the will be there to prosecute human rights violations?’;
- a major problem is whether a solution can be endorsed under the existing constitutional framework. This will depend on the kind of proposals that the LTTE raises; and

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<sup>27</sup> The delegation notes that the Government sought on 4 November 2003 to impeach the Chief Justice Sarath Silva. *The Lanka Academic*, 4 November 2003.

- there is no substantial difference between the two major political parties, the People's Alliance and the UNP, on a way forward for the peace process – a single defence force, direct talks and devolution. The two parties command 80 per cent or more of the popular vote.

### Developments in November 2003

- 2.79 As previously mentioned, in early November 2003, President Kumaratunga invoked certain constitutional powers to take over the ministerial portfolios of Defence, Interior and Communications. She also temporarily prorogued the Parliament.
- 2.80 The President's actions followed the release by the LTTE on 1 November 2003 of counter proposals to a Government offer for a power-sharing plan for the northeast. In its counter-proposals, the LTTE sought a majority in a proposed interim self-governing authority for the northeast in which it would control economic investments in the northeast, the coastline and resources off the coast and access to the coast.
- 2.81 The President cited national security concerns as the justification for her actions. The President said she was willing to continue peace talks, but that any deal must be 'within the parameters of the unity, territorial integrity and sovereignty of Sri Lanka'.<sup>28</sup>
- 2.82 When the President took her action, a spokesman said that there would be no change to the CFA between the LTTE and the Government.<sup>29</sup>
- 2.83 The Government's response to the LTTE proposals (made before the President's actions) was that there were certain fundamental differences between the LTTE proposals and those of the Government, but the LTTE proposals constituted a basis for discussions.<sup>30</sup> The Government would be seeking early talks with the LTTE.

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<sup>28</sup> Sri Lanka clampdown, *Sydney Morning Herald*, 6 November 2003.

<sup>29</sup> *ibid.*

<sup>30</sup> LTTE proposals pose constructive challenges, National Peace Council of Sri Lanka, Media Release, 2 November 2003.

## Status of peace process in 1995

- 2.84 Delegation members noted that there were many similarities between the status of the peace process now and in 1995 when the previous parliamentary delegation visited.
- 2.85 At that time, the PA party was in Government and President Kumaratunga was endeavouring to achieve peace with the LTTE. A ceasefire had been negotiated, but the LTTE had withdrawn from peace talks. Conflict had resumed subsequently.
- 2.86 The 1995 parliamentary delegation's assessment of the situation was as follows:

The delegation ... came at a time of a considerable change and hope for a resolution to the long running conflict between the Government of Sri Lanka and militant Tamil groups. ...

With the change of Government in 1994, President Kumaratunga began a new round of talks aimed at achieving peace. A ceasefire was negotiated and a program of rehabilitation and reconstruction in the north and northeast promised. In parallel with these peace efforts the Government instituted a process of constitutional reform intended to address the questions of self-determination, human rights and a reduction in powers of the executive presidency. The drafting of the proposals was to be followed by consultation with political interest groups including the LTTE and other Tamil organisations. This was a promising opportunity for a peaceful settlement but in April 1995 the LTTE withdrew from the negotiation process and resumed hostilities. President Kumaratunga persisted with the constitutional reform process and in August released a radical and wide-ranging set of proposals dealing with devolution of power to the regions.

At the time of the delegation's visit in October 1995 many people still expressed optimism and support for a political solution but, in view of the refusal of the LTTE to participate in peace talks, the way ahead was uncertain. Since the departure of the delegation the Government launched a renewed military offensive to regain control of the northern area.<sup>31</sup>

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<sup>31</sup> Op cit., p 1, pp 4- 5.

## Comment

- 2.87 The delegation notes that the conflict in Sri Lanka reflects many long standing and complex issues. The civil conflict has continued for almost a generation and many people have had little experience of a country at peace. There are a range of interests and many are mutually exclusive. There are also many and significant grievances on both sides, and considerable distrust. The Sinhalese and Tamil communities are separated by language and, to an extent, geography.
- 2.88 In this situation, it is extremely difficult to advance the peace process, despite its being in the national interest and in the long term interests of all parties.
- 2.89 However, by comparison with the situation as reported by the previous parliamentary delegation in 1995, the present delegation was able to detect some progress.
- 2.90 In particular, the cease fire has now stood for some 21 months. The international community has provided a great deal of support for the peace process. The substantial funding pledged in Tokyo which is tied to progress on the peace process has been both helpful and generous. The assistance provided by Norway and Japan has been particularly significant.<sup>32</sup>
- 2.91 As is apparent, however, there are also many parallels between the status of the issue in 1995 and in 2003. An important parallel is that in both periods, the Government of Sri Lanka, from both sides of politics, was working very actively for peace. It is clear that the ceasefire and peace process continue to be extremely fragile and fraught with difficulty.
- 2.92 The delegation hopes that the recent intervention from the President will not impair community aspirations for peace.
- 2.93 Australia has listed the LTTE as a terrorist organisation whose assets in Australia can be seized. It is not considering softening its position.
- 2.94 The delegation urges the LTTE to return to the negotiating table to resume the peace talks and to do so in a spirit of concession and compromise. The people on the ground in the northeast have very real needs, and the aid funding needs to begin to flow.
- 2.95 The delegation also urges the Government of Sri Lanka and the Opposition to work together constructively for the good of the country and its people. Despite their many differences, the

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<sup>32</sup>Australia has supported the peace process through the Sri Lanka-Australia Community Rehabilitation Program (ACRP), see later comments.

fundamental positions of the two major political parties on the way forward for the peace process appear similar.

## Trade and Development

- 2.96 A secondary focus of the delegation's visit was on assessing opportunities for enhanced trade and investment for Australia.
- 2.97 Australia's trade relationship with Sri Lanka is substantial. Details are set out in Figure 2 and Table 1.

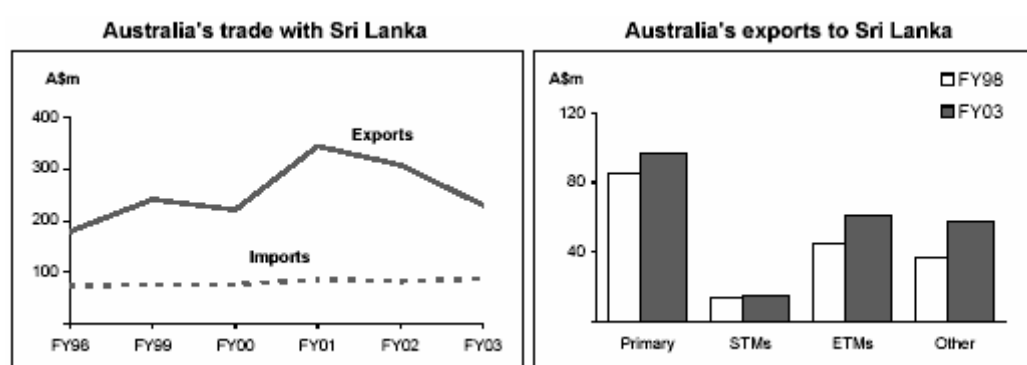


Figure 2 Australia's trade with Sri Lanka—Value of annual exports to Sri Lanka and annual imports from Sri Lanka, FY1998 – FY2003.

### Australia's trade relationship with Sri Lanka:

Major Australian exports*, 2002-2003 (A\$m):		Major Australian imports, 2002-2003 (A\$m):	
Milk and cream	44	Tea and mate	26
Copper	19	Clothing	21
Fresh vegetables	11	Rubber tyres	8
Fruit and nuts, fresh or dried	7	Clay construction materials	4
Other food products	6	Pearls and gems	3

\*Includes A\$55m of confidential items, 23.7% of total exports.

Australian merchandise trade with Sri Lanka, 2002-2003:				Total share:	Rank:	Growth (yoy):
Exports to Sri Lanka (A\$m):	230			0.2%	41st	-25.3%
Imports from Sri Lanka (A\$m):	87			0.1%	51st	6.0%
Total trade (exports + imports) (A\$m):	318			0.1%	47th	-18.7%
Merchandise trade surplus with Sri Lanka (A\$m):	143					

Table 1 Australia's trade with Sri Lanka—Major Australian exports and imports, 2002-2003; Merchandise trade with Sri Lanka, 2002-2003.

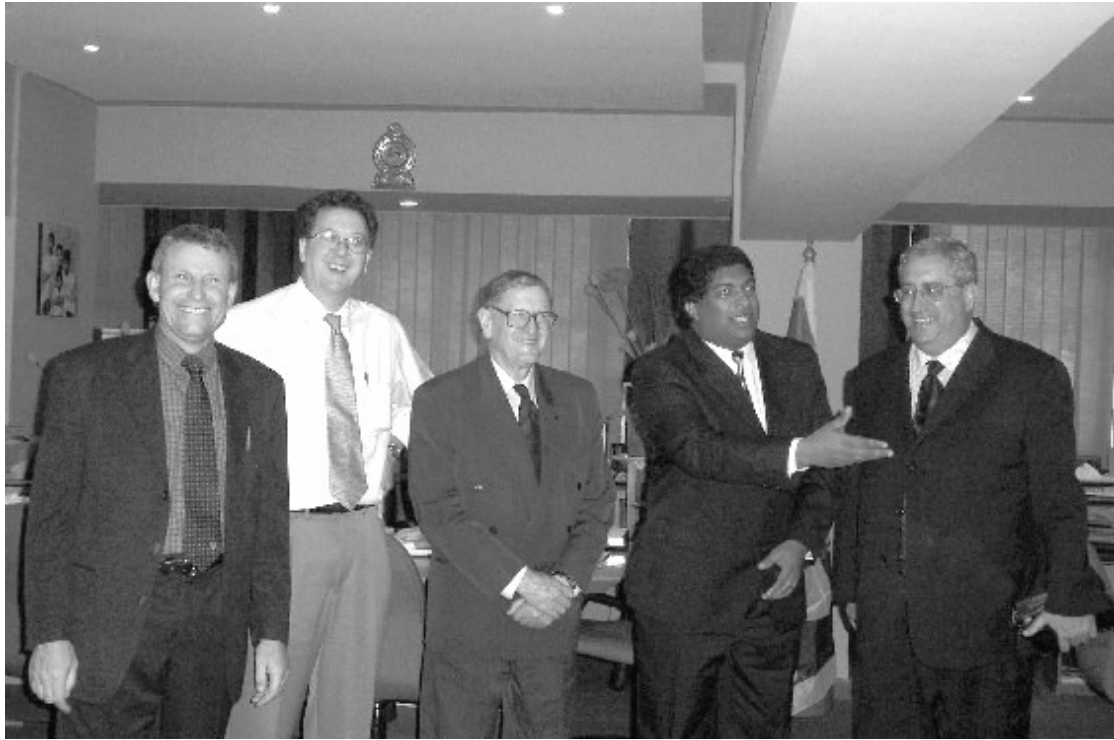
- 2.98 Due to the recent drought in Australia and the cessation of non-monetary gold exports, Australian exports to Sri Lanka have fallen for the last two years. Total Australian merchandise exports to Sri Lanka were A\$230 million in 2002-03 (representing 0.2 per cent of Australia's total merchandise exports), while Australian merchandise imports

from Sri Lanka were A\$87 million (representing 0.1 per cent of Australia's total merchandise imports).

- 2.99 Education is significant, with over 3 000 Sri Lankan students studying in Australia. The Australian College of Business and Technology has opened a campus in Colombo and the University of Southern Queensland has launched a distance-education facility in Sri Lanka.
- 2.100 Australia is said to be the second largest foreign investor in Sri Lanka. The total stock of Australian investment in Sri Lanka as at July 2002 was A\$600 million. The Ansell Lanka rubber products plant in Biyagama, which was visited by the delegation, is the largest foreign investment in an industrial plant in Sri Lanka, and the largest single industrial enterprise in the country.
- 2.101 The delegation discussed economic issues with the Prime Minister; the Hon Karu Jayasuriya, Minister of Power and Energy and Deputy Leader, United National Party; the Hon Ravi Karunanayake, Minister of Commerce and Consumer Affairs; and Mr John Cooney, Head of the Asian Development Bank in Sri Lanka. The delegation also had a roundtable meeting with Ceylon Chamber of Commerce Chairman, Tilak de Zoysa and other business leaders and visited Australian commercial interests in the country.
- 2.102 It was clear to the delegation that the country faced major economic issues. The weakest area was said to be in infrastructure development, particularly in the key transport and power sectors. As to transport, it was put to the delegation that Sri Lanka had not built a significant road for 50 years. The road sector departments needed to be restructured from traditional civil service providers to contract managers.
- 2.103 The Prime Minister stated that the next budget would target rehabilitation of existing roads, to serve for the next five years until new expressways came on stream. The Government was aiming to fund major road projects off budget on a build-operate-transfer basis and through a highway fund, with a levy on diesel and petrol and tolls.
- 2.104 The Prime Minister stated that economic development to date involved the filling of under-utilised capacity. More investment was needed and there was scope for growth in tourism, construction, and in the information technology sector.
- 2.105 The power sector is organised under the Ministry of Power and Energy. The delegation met with Minister Jayasuriya. Nearly 93 per cent of the total installed capacity in Sri Lanka (both hydro and thermal) is under the government owned Ceylon Electricity Board



- (CEB). The Government was proposing to restructure the sector. The CEB would be divided into seven separate units (for electricity generation and transmission, and into a number of regional distribution companies).
- 2.106 In relation to power, there was said to have been a power supply crunch in 1996 and again in 2001-2002, and further problems were likely in 2005 unless more power came on stream. Whilst approximately 60 per cent of the population has access to electricity, access is concentrated in the south. Access to electricity in the north is estimated to be less than 20 per cent, and in the east, 40 per cent. Minister Jayasuriya said that through a current project funded by the Asian Development Bank and the People's Republic of China, the Government was aiming to supply electricity to a further 12 per cent of the population.
- 2.107 The delegation was told that successive governments have been unable to make decisions about larger scale energy projects, for environmental and political reasons.
- 2.108 Minister Karunanayake referred to the Government's policies for economic development including trade liberalisation and the establishment of an investment friendly country with an efficient public sector and thriving private sector.
- 2.109 Sri Lanka has a relatively open trade policy and protective tariffs have been progressively dismantled. A free trade agreement has been entered into with India (an agreement was signed in 2000, and renegotiated in May 2003), and an agreement with Pakistan was nearing completion. Trade agreements with a number of other countries (Bangladesh, Egypt, Thailand and Singapore were mentioned) were being considered.
- 2.110 In response to a question, Minister Karunanayake said that existing labour laws were archaic. New legislation has been passed but a social safety net for redundancy payments needed to be in place before implementation.
- 2.111 Other significant issues drawn to the attention of the delegation were:
- water supply and sanitation – only 60 to 70 per cent of the population has access to safe drinking water;
  - the education system – only a small percentage of students who qualified for tertiary education, both university and technical,



Meeting with Hon Ravi Karunanayake, Minister of Commerce and Consumer Affairs



Round table meeting with Mr Tilak de Zoysa, Chairman and members of the Ceylon Chamber of Commerce

undertook further study. Many graduates were not equipped with skills needed by the economy today<sup>33</sup>; and

- the state of the environment – ‘over the years population increase, urbanization, industrialization, un-planned development, lack of proper laws to safeguard [Sri Lanka’s] water, air and land resources ... and the improper implementation of existing laws has increased environmental degradation in Sri Lanka.’<sup>34</sup>

- 2.112 At meetings with representatives of the Ceylon Chamber of Commerce and the South Asia Gateway Terminals and Ansell Lanka corporations, delegation members discussed the business environment in Sri Lanka and opportunities and challenges for business. At each of the meetings, the delegation received a warm welcome and held useful discussions.
- 2.113 South Asia Gateway Terminals is a consortium of local and international companies (including P&O Ports) and aid agencies. It has recently redeveloped the former Queen Elizabeth Quay in Colombo on a 30 year build-operate-transfer basis at a cost of US\$240 million. The wharf construction project was managed by Bovis Lend Lease, led by a project manager from Australia. The ongoing operation of the new container terminal is run by P&O Ports. The facility is considered to be the island’s largest private-sector investment to date.
- 2.114 The Ansell Lanka factory manufactures surgical and industrial gloves for export using locally produced and imported latex. It is a large-scale (2000 employees, annual turnover US\$50 million, gross investment US\$80 million) and profitable operation, that has been in place for many years (since 1990).
- 2.115 Both these companies demonstrate successful commercial operations in Sri Lanka.
- 2.116 The delegation agrees with the following comment in the Chamber of Commerce’s annual report:

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<sup>33</sup> Institute of Policy Studies of Sri Lanka, op cit.

<sup>34</sup> *ibid.* ([http://www.ips.lk/other\\_research/environment/environment.html](http://www.ips.lk/other_research/environment/environment.html))

It is not unusual to hear Sri Lankans describe this time as an important moment for this country. We have heard it before and we will hear it again. Many people, at many different moments, have observed 'this moment is an important one'. Yet today there is a large degree of unanimity that this is indeed an important time for the country. Having enjoyed the fruits of a fragile peace for 18 months, Sri Lanka is at that proverbial turning point: do we seize the opportunity and go forward, or throw it away and lament over another lost opportunity?<sup>35</sup>

### Comment

- 2.117 The delegation agrees with the Government's assessment that Sri Lanka has significant economic challenges, and that a sustained peace process is critical if the country is to continue improving its economic situation and improving the lot of its people.
- 2.118 The delegation found the Government's economic development policies to be necessary and sensible. The measures will be difficult to implement and not easy to sustain. Long term environmental sustainability also needs to be ensured.
- 2.119 Continued entrepreneurialism and investment from the private sector will be very important.

### Opportunities for Expanding Trade and Investment Links with Sri Lanka

- 2.120 On the basis of its visit, and review of background briefing material available to the delegation from DFAT and Austrade, there are opportunities in a number of sectors for expanding trade and investment links with Sri Lanka, and these are set out below. However, there are significant risks for foreign investment in Sri Lanka, without greater certainty about the prospects for peace and the continuation of the ceasefire.
- The upturn in the economy and an increase in donor-financed infrastructure projects provide prospects for inputs to construction such as steel, as well as Australian contract management and engineering expertise. Areas of particular potential for infrastructure development are power, water and sanitation, ports,

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<sup>35</sup> The Ceylon Chamber of Commerce, Annual Report 2002-2003, p 1.

airports and aviation, roads and information and communications technologies.

- Sri Lanka's expanding supermarket sector will continue to provide export prospects for Australian processed foods, dairy products and fruit and vegetables. Opportunities also exist in the areas of agribusiness and cold storage facilities.
- The development of the Sri Lankan mining sector (for example, iron ore and bauxite) will provide opportunities for the export of Australian mining equipment and expertise, particularly in the areas of processing and value-addition.
- Opportunities exist for increasing Australian educational exports to Sri Lanka, particularly in the area of vocational training. Affiliations and joint ventures with Sri Lankan educational institutions are an area of growth.
- The privatisation and restructuring of state-owned enterprises may open opportunities for Australian consultants.
- Investment prospects exist in the areas of tourism, manufacturing, infrastructure and information and communications technologies. There are also prospects for investment in small-scale energy projects. Sri Lankan Government planning of larger scale energy projects has been very slow moving.

## Australian Development Assistance to Sri Lanka

### Background

- 2.121 Australian development assistance to Sri Lanka in 2003-04 is estimated at A\$16.2 million. This represents a fifty per cent increase in Australian aid since the beginning of the peace process in February 2002. The increase recognises the link between development and peace and the importance of rebuilding the country's north and east.
- 2.122 Australia's commitment to supporting the peace process is demonstrated both through longer term development activities with the objectives of promoting good governance and contributing to improved basic service delivery in the areas of nutrition, waste management, natural resource management and justice; and in responding to humanitarian and rehabilitation needs.
- 2.123 In relation to humanitarian and rehabilitation assistance, the Sri Lanka-Australia Community Rehabilitation Program (ACRP) provides assistance to NGOs and multilateral agencies for community rehabilitation, housing, resettlement, micro-credit projects, landmine clearance, food security and livelihood recovery. The program

supports communities of all ethnicities affected by the civil conflict, in both the north and the south. The delegation visited aid projects in Jaffna funded through the ACRP.

- 2.124 Australian funding for humanitarian and rehabilitation activities in 2002-03 was A\$10.4 million. In May 2003, during a visit to Sri Lanka, Foreign Affairs Minister Downer announced funding of A\$4.6 million over two years for 30 new projects under the ACRP. Australian aid funding for Sri Lanka is in the form of grants.
- 2.125 The delegation noted that Australia has not contributed to the Tokyo donor fund, adopting a wait and see approach at this stage. While the Tokyo funding is appropriately tied to progress on the peace process, and is largely not able to be accessed following the LTTE's withdrawal from that process, Australian humanitarian funding is delivering real assistance to people who need it now.

### Delegation Visits

- 2.126 The delegation's development assistance visit program in Jaffna began with a roundtable meeting with the Jaffna heads of the UNHCR, UNDP, UNDP Mine Action team, UNICEF and a NGO (Action contre la faim).
- 2.127 The delegation then visited a UNHCR welfare centre and a UNDP micro-finance activity, both of which received funding through the ACRP. It also visited the Jaffna Government Agent, Mr Pathmanathan, and the Office of the Assistant Commissioner for Cooperative Development.

### UNHCR

- 2.128 The UNHCR advised that more than 300 000 IDPs had returned to the northeast during the period January 2002 to July 2003, including 170 000 to the Jaffna district. At June 2003, almost 10 000 people were in 85 welfare centres in the Jaffna district. Most of the people in the welfare centres used to live in what are now HSZs and they could not return to their land. A concern for the UNHCR was that the welfare centres were largely situated on private land owned mostly by Tamil diaspora. The overseas Tamils had started to ask for their land back. There is very little crown land in Jaffna.
- 2.129 The focus of UNHCR activity post the cease fire had been promotion of human rights and the rights of IDPs and provision of integration assistance – shelter, sanitation and primitive income assistance. For the seven months January to July 2003, budget funding for UNHCR ongoing projects in the Jaffna district was of the order of A\$100 000, with total beneficiaries being 12 359 families and 47 799 individuals.

- 2.130 The rate of returning people was decreasing, and the UNHCR would phase out its operations in 2004. (It had been in the district for 15 years). This would create a gap in that year. Funding on the ground was needed to assist the 300 000 people who had already returned. Many returnees were living with friends and they were coping because they had already been displaced once or twice during the conflict. Should the ceasefire not hold, it was likely that they would be displaced once more.
- 2.131 At its visit to a welfare centre, the delegation saw that people were living in basic conditions (see photograph). Work was being done before the wet season to improve the roofing of the family huts. There was little for people to do, although some people were working as day labourers. Australian funds were being used to upgrade the centres, providing better access to water, shelter and health facilities.
- 2.132 The delegation also visited housing where the inhabitants owned the land and would be able in time to do some modest planting and become more self sufficient. There appeared to be a more positive atmosphere.

#### UNDP

- 2.133 The UNDP had begun its work in Jaffna in 1998. The delegation was briefed on a micro-finance project and a fisheries recovery project. Fishing was largely banned in the area for most of the period from 1984 to 2002. Fishing and agriculture are the two primary livelihoods in the region.
- 2.134 The micro-finance project involves provision of small loans to enable people to become more self sufficient. The project began in 1999 and is in its third phase. The third phase funding is of the order of A\$130 000, AusAID being the primary donor (A\$110 000). The target beneficiaries are resettled and recently returned families, and six hundred people will benefit directly in the first year.
- 2.135 The delegation noted that loans to women were encouraged in the project by focusing on the sectors where women traditionally worked. (Women then comprised one third of the loan beneficiaries in the first two phases). Young people graduating from vocational and technical trade colleges were also a priority group.
- 2.136 The fisheries recovery project involves the provision of locally built boats to local fishing cooperative societies (FCSs) on a loan basis for fishermen in the Jaffna district. The fishermen paid a deposit for their boats. The project included training for the FCSs in the management of loans and strengthening the relevant government agency, the Fisheries Department, by providing a computer and staff training.





Delegation visit to UNHCR welfare centre, Jaffna



Delegation visit to fibre-glass boat building premise, Jaffna

- 2.137 The first fisheries project in 1998 supported 26 village level FCSs. The second will provide 113 boats, directly benefiting 339 families. The budget for the second project is A\$51 000, AusAID being the primary donor (A\$46 000).
- 2.138 Project financial monitoring and evaluation (for both projects) is undertaken by the government Department of Cooperative Development. Australian funds have computerised the office of the Assistant Commissioner for Cooperative Development (ACCD) and provided motorbikes for staff monitoring of the micro-finance projects. The delegation visited the ACCD office in Jaffna, and was extended a very warm welcome by the Assistant Commissioner and staff.

#### UNDP mine action team

- 2.139 The delegation was briefed on the work of the UNDP Mine Action team and the landmine problem in Sri Lanka. It is estimated that about a million land mines have been laid in Sri Lanka, most in the past decade. The highest concentration is on the Jaffna peninsula where more than 640 civilians have been injured by mines and unexploded ordinance. The number of incidents has been decreasing, from 25 incidents per month in 2002 to five or six per month in 2003. According to Sri Lanka Army (SLA) statistics, 95 officers and 2 377 other ranks had been injured by mines.
- 2.140 The delegation noted that the SLA had provided the UN its minefield location maps for all but the HSZs. The records had been entered into a computerised information system, and would greatly facilitate the mine clearance process. The delegation also noted that LTTE records had not been made available as yet.
- 2.141 The delegation was informed that the mine problem in Sri Lanka is containable. Good progress has been made to date with international donor assistance, and the general consensus is that the country would be effectively free of mines by the end of 2006. This forecast is subject to continuation of the ceasefire and to continued and even increasing help from the international donor community.
- 2.142 The delegation was also informed that signature of the Ottawa Convention prohibiting use of land mines is a pre-requisite for assistance from many international donors. If Sri Lanka were to sign the convention, it would encourage wider support from donors.
- 2.143 Delegation members noted that Australian funding resulted in the removal of 2 113 landmines and 1 985 exploded shells to clear more

than 38 000 square metres of land for resettlement by displaced communities in 2002-2003<sup>36</sup>.

#### Government agent, Jaffna District

- 2.144 The delegation also met with the government agent for the Jaffna District, Mr Pathmanathan.<sup>37</sup> The Jaffna District population as at 31 July 2003 was almost 590 000, a reduction from the population before the war of about 850 000 (800 000 Tamils, 35 000 Sinhalese, 65 000 Muslims). The role of the government agent is to oversee the provision of government services in a district.
- 2.145 Mr Pathmanathan said that there were three main constraints on the resettlement of people – HSZs, landmines and access to clean drinking water. The problems with water were the salinity of the water and its pollution by nitrates and sewerage.



Delegation meeting with Mr Pathmanathan, Government agent, Jaffna District

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<sup>36</sup> AusAID *Annual Report* 2002-2003, p 62.

<sup>37</sup> A district is the administrative unit below the level of province. Districts, in turn, are divided into divisions.

- 2.146 Initially there was no assistance for returnees except for an Asian Development Bank project (\$400 million) and provision of 25 000 Rs assistance for each family from a World Bank fund for North East Community Rehabilitation and Development. Only 9 000 families had been assisted from the World Bank fund. UN agencies and NGOs had come forward to fill the gap.
- 2.147 Mr Pathmanathan said that his main priority at the moment was to provide roofing for 30 000 houses. There was a pilot project to put roofs on 800 houses.
- 2.148 In relation to the issue of access to clean water, delegation members asked about the potential for installation of rain water tanks. The delegation was advised that there are some cultural issues in terms of drinking rain water and a potential problem of theft of light tanks. The delegation considers that the potential for installation of concrete tanks should be examined.

### Comment

- 2.149 The delegation noted the widespread devastation and destruction on the Jaffna peninsula. It also noted, however, that there was rebuilding and commerce was returning with some vigour.<sup>38</sup> The delegation was informed that the situation in Jaffna had greatly improved.
- 2.150 The delegation was impressed by the quality of the UNHCR and UNDP projects to which Australia was contributing, and by the talent and commitment of the people involved. The projects appeared to be well targeted and to be achieving useful outcomes from small levels of funding. The delegation had no doubt that the people returning to Jaffna had significant needs.
- 2.151 The delegation was pleased to learn that the landmine problem in Sri Lanka was considered to be containable. It supports ongoing funding assistance, subject to continuation of the ceasefire.
- 2.152 As to the Jaffna Government Agent's problems with house roofing, the delegation found it to be both absurd and tragic that such an issue could be viewed as the major issue for the Jaffna District, when there

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<sup>38</sup> Some of the multiple agendas in operation were apparent to the delegation during its visit. For example, the LTTE had prevented the reopening of the rebuilt Jaffna Library. The library, before its destruction in the early 1980s during the fighting, was a repository of Tamil literature and learning. A planned national sporting competition for young people, involving a visit to Jaffna by several thousand children from the south, was cancelled at the request of the north. The competition was to be held on a newly built stadium and oval in Jaffna.

were funding pledges of US\$4.5 billion outstanding for the country. The issue highlighted the need for the LTTE to return to the peace negotiations to allow the aid to start flowing.

- 2.153 The delegation agreed with the aid workers that it was important that the funding begin to flow to the many people with basic needs on the ground.
- 2.154 In relation to the issue of access to clean drinking water, it seemed to the delegation that there was a good deal of potential to install rain water tanks in the Jaffna District.

## Bilateral Relationship and Parliamentary Links

- 2.155 As previously mentioned, Australia enjoys warm bilateral relations with Sri Lanka. The relationship is underpinned by common membership of the Commonwealth, involvement in the Colombo plan, strong people to people links and rivalry in cricket. There is a 70 000 strong Sri Lankan community in Australia and many more Sri Lankans have visited Australia for business, study or travel.
- 2.156 In the past twelve months, there has been progress in bilateral relations with visits to Australia by the Sri Lankan Minister for Constitutional Affairs and Chief Peace Negotiator Mr G L Peiris for the signing of a bilateral Investment Promotion and Protection Agreement. The Minister for Foreign Affairs, Mr Downer, and the then Minister for Immigration, now Attorney-General, Mr Ruddock have also visited Sri Lanka.
- 2.157 Members of the Australia-Sri Lanka Parliamentary Friendship Group, Messrs Randall and Charles and Senators Forshaw and Hutchins visited Colombo and central Sri Lanka in May 2003.
- 2.158 The visit by this parliamentary delegation also served to highlight and strengthen key bilateral links between Australia and Sri Lanka. It received good coverage in the local media.
- 2.159 The Speaker of the Sri Lankan Parliament, Mr J M Perera, MP, was overseas during the delegation's visit and members of the delegation subsequently met with him at the 49<sup>th</sup> Commonwealth Parliamentary Conference in Dhaka. The delegation leader, Senator Watson, presented an invitation from the Presiding Officers of the Australian Parliament for a delegation from Sri Lanka to visit Australia. Mr Perera has subsequently accepted the invitation.
- 2.160 During its visit to the Sri Lankan Parliament building, the Leader of the House and Minister for Justice, the Hon W J M Lokubandara hosted a lunch for the delegation with the Sri Lanka-Australia

Parliamentary Friendship Group. The delegation was most appreciative of the warm welcome extended, the hospitality provided, and the opportunity afforded by the lunch to strengthen links between the Sri Lankan and the Australian parliaments. There was a large attendance at the lunch, and many Members had travelled some distance to attend.

- 2.161 During its visit to the Parliament building, the delegation was briefed on matters relating to the Parliament, parliamentary and committee processes and the electoral system in Sri Lanka, by the Deputy Secretary General of the Parliament, Mr W B D Dassanayake. Delegation members were interested to learn that there is currently a Select Committee inquiring into electoral reform in Sri Lanka. Sri Lanka currently uses a modified proportional representation system, and greater constituency links are under consideration.

### Comment

- 2.162 The delegation is confident that the overall bilateral relationship between Australia and Sri Lanka is sound and that there are good prospects for its further development, with continuation of the peace process.
- 2.163 The delegation was impressed by the very able contributions made in Sri Lanka by the many Australians it met during its visit.

## 49<sup>th</sup> Commonwealth Parliamentary Conference

### Conference Overview

#### Introduction

- 3.1 From 4 to 12 October 2003, the 49<sup>th</sup> Commonwealth Parliamentary Conference was held in Bangladesh. The conference comprised:
- three plenary sessions and six workshops;
  - the annual General Assembly of the Commonwealth Parliamentary Association (CPA);
  - the 15<sup>th</sup> Meeting of Commonwealth Women Parliamentarians;
  - meetings of regional groupings of the CPA;
  - the 23<sup>rd</sup> Small Countries Conference, attended by representatives of Commonwealth jurisdictions with populations of less than 400 000 people;
  - a meeting of the CPA Executive Committee; and
  - the 40<sup>th</sup> General Meeting of the Society of Clerks-at-the-Table, comprising parliamentary officials.
- 3.2 The Commonwealth of Australia Branch of the CPA was represented at the conference by a parliamentary delegation comprising three Senators and a Member of the House of Representatives (see page vii for the membership of the delegation).

## Conference topics

- 3.3 The theme for the 49<sup>th</sup> Commonwealth Parliamentary Conference was 'Partnerships for Global Peace and Prosperity'. The theme recognised the importance of effective partnerships between nations and international bodies to safeguard peace and prosperity in the world today.
- 3.4 The conference was divided into six workshops to allow discussion of a number of dimensions of the conference theme. The workshop discussion topics were:
- Parliament and the Executive: Building a more effective partnership;
  - Do we have adequate peacekeeping mechanisms for preserving world order?;
  - Are the Millennium Development Goals achievable?;
  - Reconciling human rights with cultural diversity;
  - How can the Doha Round contribute to increasing trade and investment opportunities for developing nations?; and
  - Anti-terrorism legislation: Have we achieved any tangible results?
- 3.5 In the Opening Ceremony for the Conference on 7 October 2003, HE Begum Khaleda Zia, MP, Prime Minister of the People's Republic of Bangladesh, encompassed a number of these subjects when she linked democracy and development and the importance of equality of opportunity between developed and developing countries to ensure world peace, stability and progress on a longer term basis.<sup>1</sup>
- 3.6 The Commonwealth Secretary-General, the Rt Hon Don McKinnon, in his address to the conference indicated that the conference theme is reflected in the agenda of issues being pursued by the Commonwealth of Nations. The theme for the conference was central to his conception of the Commonwealth. He said:
- A partnership approach is vital if our association is to be successful. Indeed the Commonwealth consists precisely of layer upon layer of the kind of international partnerships on which our world will have to rely if it is to meet the challenges of the 21<sup>st</sup> century.

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<sup>1</sup> The Prime Minister's speech is provided at Appendix B.



My appeal – to you and to the whole of our association – is, first, that those partnerships must have the maximum practical impact on the ground.

Second, our partnerships must be partnerships of principles.<sup>2</sup>

- 3.7 During the Conference there were calls by parliamentarians throughout the Commonwealth for measures to link governments, parliaments, intergovernmental agencies and civil society groups to help preserve peace, provide an environment conducive to economic and social development and reinforce a commitment to democratic governance.<sup>3</sup> Close to 300 CPA members of over 160 national, state, provincial and territorial parliaments and legislatures attended the meeting.
- 3.8 Members of the Commonwealth of Australia Branch delegation participated actively in the conference discussions. Senators Watson and Ray were discussion leaders at two of the workshop sessions.
- 3.9 The issues debated at the conference are outlined in more detail in Chapter Four. The workshop reports from the conference are provided at Appendix E to this report.

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<sup>2</sup> The Commonwealth Secretary-General's address is provided at Appendix D.

<sup>3</sup> 'Parliamentary Conference cements Commonwealth partnerships', CPA website.



## Business of the Conference

### Introduction

- 4.1 The work of the 49<sup>th</sup> Commonwealth Parliamentary Conference included three plenary sessions, six workshops, and meetings of the CPA Executive Committee, the Small Countries Conference, Commonwealth Women Parliamentarians, the General Assembly of the CPA,<sup>1</sup> and Commonwealth parliamentary officials.
- 4.2 The plenary sessions and the workshops provided members of the Commonwealth of Australia delegation with the opportunity to present an Australian perspective on the main conference theme – partnerships for global peace and prosperity. At the various workshop sessions, delegation members were able to speak about Australia’s contribution to regional and international peace keeping forces, and provide an Australian perspective on legislative measures to combat terrorism. Delegation members also took the opportunity to raise other issues of concern to Australia including the need for the United Nations to be more proactive in advancing democracy and protecting human rights.

### Plenary and workshop sessions

- 4.3 The first plenary session addressed the conference theme and helped to set the framework for discussions at the workshops. It was divided into two sessions, each of 90 minutes’ duration. The first three workshop subjects were addressed at the first plenary session, and the

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<sup>1</sup> The agenda for the 2003 General Assembly of the Commonwealth Parliamentary Association is provided at Appendix F.

second set of workshop subjects at the second session. Each plenary session involved presentations by lead speakers on each of the workshop subject areas, followed by 'interventions' from the floor. The lead speakers were then the Moderators for the workshops.

- 4.4 The topic for the second plenary session was: 'Partnerships in nation building: The role of women parliamentarians in achieving the Millennium development goals.' Three speakers led the discussion: the Hon Syringa Marshall-Burnett, Jamaica, Ms Kerrie Tucker, MLA, Australian Capital Territory and Hon Begum Ershad, Bangladesh.
- 4.5 The subject for the final plenary session was: 'Balancing multilateral support and national sovereignty: Managing the interface between the international community and local interests.' The two lead speakers were Hon Akhtar Hamid Siddiqui, Bangladesh and Hon Peter Milliken, Canada.

## Parliament and the Executive

- 4.6 The first workshop addressed the topic of building a more effective partnership between the Parliament and the Executive.
- 4.7 Conference delegates agreed that there generally had been a growing dominance of the Executive over the Parliament in recent years, and referred to some of the contributing factors:
- the increasing complexity of policy and legislation today, requiring specialist expertise and resources, and mitigating against policy development and legislative drafting by the Parliament;
  - the increasing incidence of delegated legislation;
  - Executive control of the legislative agenda and timetable;
  - the emergence of tightly controlled party systems;
  - the greater resources available to the Executive; and
  - the influence of the media.
- 4.8 The workshop moderator, the Hon Michael Tshpinare, Minister of Local Government, Botswana, suggested that Parliaments must meet some basic criteria to be effective. They must:
- be clearly representative of their citizens;
  - be proactively engaged in law making;
  - have both the institutional capacity and the political will to exercise oversight of the Executive. The Executive in turn must provide up to date information to the Parliament; and

- be engaged with the public. This was best achieved by some form of constituency link, otherwise parliamentarians are beholden to their parties rather than to the public.
- 4.9 Conference delegates pointed to potential dangers if there were too great an imbalance of power between the Executive and the Parliament, including the possibility of corruption and loss of community confidence in the institutions of government.
- 4.10 While there were no easy solutions in the building of a more effective partnership between the Executive and the Parliament, Conference delegates suggested that:
- parliamentarians needed to take a strong and questioning role within their parties;
  - well resourced and focused parliamentary committees were very important;
  - there could possibly be codes of governance for parliaments and for executives; and
  - there was a need to involve the public in the workings of parliaments.

### **Adequacy of peace keeping mechanisms for preserving world order**

- 4.11 Recent international developments including in Iraq ensured that there was considerable interest in the second workshop. The general conclusion of the workshop was that existing peace keeping mechanisms were no longer adequate for the international situation in the 21<sup>st</sup> century, and some suggestions for change were made.
- 4.12 The workshop moderator, Mrs Cheryl Gillan, MP, United Kingdom, had set the scene for the discussion in her presentation to the plenary session earlier in the day, suggesting that the workshop consider lessons learnt from successes and failures of the peace keeping initiatives to date.
- 4.13 The discussion began with a historical overview of UN peacekeeping operations. The conclusion was that the UN needed to change to meet the very different international situation applying today compared to when the UN was established. There was a need for:
- streamlining of Security Council processes;
  - a unified command structure for peacekeeping; and
  - reform of the Security Council to include wider international representation.

- 4.14 Delegates then considered the contribution of regional approaches to peacekeeping. Regional peacekeeping was said to be different in style and authorisation to international peacekeeping. Whether at the regional or international level, building the peace was much more than opposing war. Peace-building required:
- reintegrating former combatants into civilian society;
  - strengthening the rule of law (for example, through training and restructuring of local police and judicial and penal reform);
  - improving respect for human rights through monitoring, education and investigation of past and existing abuses;
  - providing technical assistance for democratic development (including electoral assistance and support for free media); and
  - promoting conflict reconciliation techniques.
- 4.15 The third discussion leader, the Leader of the Commonwealth of Australia delegation, Senator Watson continued the theme of winning the peace. He stated that ‘the lasting effects of peace-keeping must be on winning the hearts and minds of both sides.’ More needed to be done to restore the peace, infrastructure and community rebuilding after conflict, and Senator Watson suggested establishing some form of international reconciliation arm of the UN or a similar organization with a role not unlike Moral Rearmament following World War 2 or the Peace and Reconciliation Commission in South Africa. There was also a need for substantial funding for rebuilding.
- 4.16 Senator Watson also referred to Australia’s contribution to international peacekeeping. In addition to its contribution to the regular budget of the UN, in the past two years, Australia has contributed to thirteen international peacekeeping operations at a total additional cost of A\$137.0 million<sup>2</sup>.
- 4.17 Following the presentations by the discussion leaders, many delegates acknowledged that peace cannot be maintained without attacking the causes of conflict, including poverty, racism, intolerance and a ‘might is right’ attitude.
- 4.18 While most delegates agreed that peacekeeping mechanisms were not adequate, none suggested abandoning the UN model and some thought that existing mechanisms were satisfactory. A delegate from Sierra Leone expressed the thanks of his country to the UN for the

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<sup>2</sup> Department of Foreign Affairs and Trade *Annual Report 2001-2002*, p 345; DFAT *Annual Report 2002-2003*, pp 338-339.



Workshop on adequacy of peace keeping mechanisms – Moderator and discussion leaders



#### Workshop on anti-terrorism legislation – Moderator and discussion leaders

peace and stability ensured by the presence of UN peacekeepers in his country.

- 4.19 The views of workshop participants were similar to the words of the President of the CPA, Hon Jamuruddin Sircar, MP, Speaker of the Bangladesh Parliament at the opening ceremony of the Conference:

Thus with all its success and failures it (the UN) remains the only body in which mankind has an enormous amount of trust and hope. To rekindle that hope it is perhaps high time that suitable amendment or review of the charter to strengthen the UN may be undertaken.

#### Millennium development goals: are they achievable?

- 4.20 The Millennium Development Goals (MDGs) first emerged in September 2001. They followed the UN Millennium Summit in September 2000, where member states reaffirmed a commitment to achieving sustainable development and eliminating poverty. They grew out of the UN conferences over the previous decade.
- 4.21 The goals are to eradicate poverty and hunger; achieve universal primary education; promote gender equality and empower women; reduce child mortality; improve maternal health; combat HIV/AIDS, malaria and other diseases; ensure environmental sustainability; and develop a global partnership for development. Most goals are to be achieved by 2015. There are detailed targets and indicators.
- 4.22 The UNDP's most recent Human Development Report (2003) summarised progress against the goals. If progress continued at the same pace as in the 1990s, the MDGs of halving poverty and halving the proportion of people without access to safe water had a realistic chance of being met at the global level, mainly as a result of progress in China and India. However, very little progress is expected in some regions, particularly in sub-Saharan Africa. The report suggests that the goals relating to health, education, gender and environmental sustainability are at risk unless countries adopt far more ambitious policies for development.<sup>3</sup>
- 4.23 Conference delegates discussed the various goals, their achievability, and measures and policies to encourage attainment of goals. They

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<sup>3</sup> DFAT Delegation background briefing material, October 2003.



considered national ownership of the goals – by governments and communities – to be very important for their achievement. Access to information was necessary in this regard. People needed to know about the actions that their governments were taking, the problems that their countries were facing, and what individuals could do to ensure achievement of the goals.

- 4.24 Delegates also pointed to the importance of broadly-based economic growth for achieving poverty reduction.
- 4.25 The general consensus of the workshop was that the goals were achievable, but different views were expressed on how they could be achieved.

### Reconciling human rights with cultural diversity

- 4.26 The Moderator for the third workshop, the Hon Lady Carol Kidu, Papua New Guinea (PNG) introduced the subject of ‘reconciling human rights with cultural diversity’ by referring to the complexity of PNG society, where there are many different cultures and languages in a population of five million people.
- 4.27 The discussion then began with a historical perspective to the issues of human rights and cultural diversity. The term ‘human rights’ covers the series of often disparate rights and freedoms asserted by many to be universally accepted and essential prerequisites for people to enjoy a life based on the centrality of human dignity. Proponents of such basic human rights regard them as being inherent, inalienable and universal.<sup>4</sup>
- 4.28 The UN has played a major role in developing human rights standards with universal applicability, key developments being the Universal Declaration of Human Rights, and the International Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights.
- 4.29 Conference delegates contributed to the workshop subject from a range of perspectives. They suggested that:
- without a universal standard of human rights, interpretations may undermine the concept; and
  - cultural diversity can bring chaos to a multi-racial and multicultural society, if not handled properly.

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<sup>4</sup> Human Rights Manual Chapter 1, cited in DPL Delegation briefing papers.

- 4.30 In concluding the workshop, the Moderator stated that parliaments, governments, organizations and citizens needed to work together in protecting human rights and respecting the diverse cultures inherent in each nation.

### **Can the Doha Round contribute to increasing trade and investment opportunities for developing nations?**

- 4.31 The Doha Round is a set of multilateral trade negotiations at the WTO which were mandated by Trade Ministers at a meeting at Doha in November 2001. The Round is scheduled to be completed by 1 January 2005 and is to focus particularly on issues of importance to developing nations as indicated by the 'Doha Development Agenda' (DDA) being a major part of the Round.
- 4.32 The DDA is a partial recognition that developing nations gained little from the previous, Uruguay, Round that created the WTO. The failure to reach agreement at the recent Trade Ministers' meeting in Cancún (from 10 - 14 September 2003), which was essentially a mid-term review of the Doha Round, will slow negotiations.<sup>5</sup>
- 4.33 Discussion leader Mr Patrick Rata of the WTO informed the workshop that the Doha Round can work for development if developing countries increase their access to developed countries' markets. Opportunities for developing countries to export agricultural products without needing to compete with products subsidised by developed countries is an important way developing countries can increase their wealth.
- 4.34 Mr Rata stated that the Doha Round has the potential to add another \$520 billion per year to world trade by 2015 and two thirds of this will accrue to developing countries. He expressed an optimistic view about the recent failure of the Cancún meeting noting that it is a setback and not a final result.
- 4.35 By contrast, the other two discussion leaders, the Hon Datuk Dr Yusof Yacob, MP of Malaysia and Senator the Hon Constance Simelane of Swaziland expressed a more pessimistic view about the prospects for success in the Doha Round.
- 4.36 They said that the development aspect of the Round had been ignored by the developed countries, namely the US, the EU, Japan and Korea. Developed countries had frequently not met deadlines in areas of interest to developing countries and had pursued matters which

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<sup>5</sup> DPL Delegation briefing papers.

clearly did not have the agreement of developing countries. Issues such as investment, competition policy, transparency in government procurement and trade facilitation were not important to developing countries yet they had been pushed to the forefront in the negotiations.

- 4.37 Conference delegates echoed these differing perspectives in their contributions.
- 4.38 Conference delegates agreed that parliamentarians needed to become more involved in trade issues. Friendships with their counterparts, particularly in the US and the EU, should be used to advocate change on trade issues.

### **Anti-terrorism legislation: Have we achieved any tangible results?**

- 4.39 The ongoing international focus on combating terrorism ensured that there was considerable interest in and much discussion at the sixth of the conference workshops.
- 4.40 The workshop Moderator, Professor the Hon G L Peiris, Sri Lanka, introduced the workshop with a number of observations, including that anti-terrorist legislation and other measures needed to be adapted to the particular circumstances of individual countries.
- 4.41 The first discussion leader, Senator the Hon Robert Ray, Australia observed that legislation by itself would not prevent or wipe out terrorism, at best it would make others a softer target for terrorism.
- 4.42 He outlined a number of issues to be considered in the development of anti-terrorism legislation:
- definition of terrorism – difficulties arose with the many definitions. In his view, the key to defining terrorism lay with the methods used and the victims included rather than the motivation behind the act;
  - the assignment of responsibility for determining who was a prescribed group before terrorist laws were invoked – should this lie with the parliament, the executive or the judiciary;
  - the need to cut off funding sources for terrorism;
  - the loss of the legal right to silence for those suspected of having knowledge of terrorist activity – acknowledging that there were civil rights issues here; and
  - the need for accountability of intelligence agencies to parliaments, and for scrutiny by parliaments.

- 4.43 Senator Ray said that it was vital to put in place mechanisms whereby the causes of terrorism could be checked. Nations which promoted and sponsored terrorist activities through funding and other means had to be brought to account.
- 4.44 The second discussion leader, Mr Harry Cohen, United Kingdom observed that the accepted Commonwealth objectives and principles of peace, promotion of democracy, justice and welfare of all people were directly opposite to terrorism and what it stood for. He observed that the Commonwealth had taken measures to assist in combating terrorism through the production of model legislation and the promotion of good governance projects. Mr Cohen said that there had to be a balance between security legislation and human rights. He also said that there was a need to distinguish between international terrorism and national struggles for freedom.
- 4.45 The third discussion leader, Senator the Hon Raynell Andreychuck, Canada commended the importance of the Commonwealth Human Rights Initiative and UN Resolution 1373 as a good basis for individual countries to deal with the issue of terrorism. She observed that the UN was having difficulty in defining terrorism, not as a lack of will but because terrorist activity and methods were ever changing.
- 4.46 Senator Andreychuck agreed that terrorism would not be defeated by legislation alone. There needed to be institutional will to address the causes of terrorism. Since 11 September 2001, gains had been made – there was more international cooperation amongst the intelligence and security communities.
- 4.47 In her view, parliamentarians should not and could not avoid their emerging responsibilities to ensure the appropriate balance between the right to security and other civil and human rights. Legislation should have review and/ or sunset clauses and oversight mechanisms to ensure parliamentary scrutiny of anti-terrorism measures, and such scrutiny needed to be actively exercised.
- 4.48 After the presentations by discussion leaders, conference delegates made a number of wide-ranging contributions.

## General Assembly

- 4.49 The 49<sup>th</sup> Commonwealth Parliamentary Conference included the 2003 General Assembly of the Association, the organisation's annual general meeting, held on 10 October 2003. The main business for the meeting was the consideration and adoption of the annual report and financial statements of the CPA and the election of office bearers.

- 4.50 The General Assembly elected the Hon Peter Milliken, MP from Canada as the new President, with the invitation from Canada to host the 50<sup>th</sup> Commonwealth Parliamentary Conference next year.
- 4.51 Mrs Cheryl Gillan, MP of the United Kingdom was elected as the Association's Treasurer for a three-year term.
- 4.52 New regional representatives from the eight CPA Commonwealth Regions were also elected. Senator the Hon Paul Calvert was elected as a regional representative for Australia, succeeding the Hon Margaret Reid. The General Assembly also approved a new five-year Strategic Plan to guide the Association's activities.<sup>6</sup>

### Australian Delegation - Concluding Comments

- 4.53 The Australian delegation once again extends its thanks and congratulations to the Bangladesh Parliament for the magnificent work done in hosting the 49<sup>th</sup> Commonwealth Parliamentary Conference.
- 4.54 In relation to next year's 50<sup>th</sup> Commonwealth Parliamentary Conference in Canada, the Australian delegation encourages the CPA to develop an agenda and a format for discussion that may promote more focussed discussion. In this regard, it suggests changing the format of some of the plenary and workshop sessions to include an opportunity for delegates to put questions to the lead speakers. This could be achieved by shortening the times for statements from the floor. Many of the contributions to discussion at the 49<sup>th</sup> Conference appeared to involve pre-prepared statements which were not necessarily relevant to the issues being discussed. Rather, they may have served more to justify the delegates' presence at the Conference, or as a basis for press releases to their constituencies. A remodelling of the discussion groups is desirable.
- 4.55 The delegation notes that the opportunity for questions following the addresses by the CPA Secretary-General and the Commonwealth Secretary-General at the 49<sup>th</sup> Conference, worked well. The Australian delegation to the 48<sup>th</sup> Commonwealth Parliamentary Conference in Namibia last year also made a related suggestion.<sup>7</sup>

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<sup>6</sup> A copy is available from the CPA website.

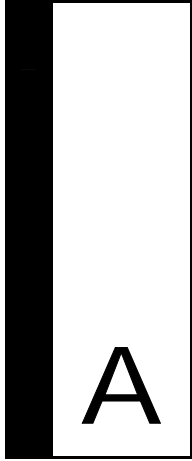
<sup>7</sup> 48<sup>th</sup> Commonwealth Parliamentary Conference. Report of the delegation from the Commonwealth of Australia Branch of the Commonwealth Parliamentary Association, September 2002, p 13.

**JOHN WATSON**  
**Senator for Tasmania**  
**Leader of Delegation**









## Appendix A

Visit of Australian Parliamentary Delegation to Sri Lanka  
Program

Wednesday 1 October

- 0015 Arrive Colombo
- 0900 Briefing with High Commission staff
- 1030 Meeting with Minister of Constitutional Reform (Chief Government Peace Negotiator)  
Professor the Hon G L Peiris
- 1215 Meeting with Deputy Secretary-General of Parliament,  
Mr W B D Dassanayake
- 1230 Lunch at Parliament hosted by the Hon W J M Lokubandara,  
Leader of the House and Minister of Justice, and meeting of the  
Sri Lanka-Australia Parliamentary Friendship Group
- 1430 Leave Parliament
- 1500 Call on Prime Minister, HE Ranil Wickremesinghe
- 1600 Meeting with representatives of the Sri Lanka Muslim Congress
- 1830 Reception at HOM residence with business representatives,  
Australian community, Sri Lanka-Australia Parliamentary  
Friendship Group, civil society and senior journalists

Thursday 2 October

- 0630 Travel to Jaffna
- 0830 Arrive Jaffna
- 0845 Meeting with Commander, Security Forces, Jaffna  
Major-General Sarath Fonseka and Deputy Commander,  
Major-General Ratnasabapathy
- 1030 Round table meeting with UN agencies and NGOs:  
UNHCR, UNICEF, UNDP, UN Mine Action team and Action  
contre la Faim
- 1130 Visit UNHCR displaced communities welfare camp  
(AusAID funding is being used to upgrade conditions at the  
camp)
- 1230 Lunch with UN agencies, NGOs and Government agent for  
Jaffna District
- 1330 Visit UNDP micro-finance project (funded by AusAID) - boat-  
building

- 1430 Visit office of the Assistant Commissioner for Cooperative Development
- 1500 Meeting with Government Agent, Mr Pathmanathan
- 1700 Depart Jaffna
- 1850 Arrive hotel

#### Friday 3 October

- 0900 Visit Australian commercial projects in Colombo Port: container terminal run by P&O Australia and wharf construction project managed by Bovis Lend Lease
- 1030 Meeting with General Secretary of the Tamil National Alliance, Mr R Sampanthan, and other TNA parliamentarians
- 1130 Meeting with Minister of Commerce and Consumer Affairs, Mr Ravi Karunanayake
- 1300 Meeting with Mr John Cooney, Head, Asian Development Bank
- 1500 Meeting with the Hon Lakshman Kadirgamar, Opposition MP, Senior Adviser to the President, and former Minister of Foreign Affairs
- 1630 Meeting with Ceylon Chamber of Commerce
- 1730 Round-table with NGOs and civil society leaders active in discussions of possible federal solutions to the ethnic conflict
- 2345 *Senator Watson and Mrs Watson leave hotel for Bandaranaike International Airport*

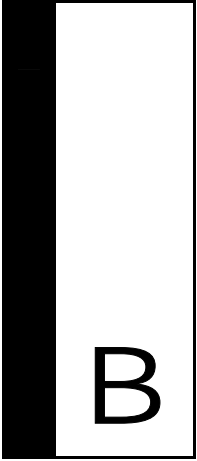
#### Saturday 4 October

- 0140 *Senator Watson and Mrs Watson depart Sri Lanka*
- 0830 Travel to Biyagama
- 0930 Visit Ansell rubber glove factory in Biyagama
- 1200 Depart Biyagama
- 1300 Return to hotel

#### Sunday 5 October

- 0500 Depart hotel
- 0705 Depart Colombo





## Appendix B

### Speeches from the Opening Ceremony

## Speech of Honourable Prime Minister of Bangladesh and Vice-Patron of CPA, Begum Khaleda Zia

Honourable President of the Commonwealth Parliamentary Association and Speaker of Bangladesh Parliament,

Honourable Speakers, Presiding Officers and Leaders of Delegations,

Honourable Chairman and the Members of the Executive Committee of CPA,

Honourable Secretary-General of the Commonwealth,

Honourable Secretary-General of CPA, Honourable Conference Delegates, Observers and Members of Parliament, Secretary Generals,

Members of the Diplomatic Corps, Ladies and Gentlemen,

It is my proud privilege to welcome delegates and Parliamentarians from 47 Commonwealth countries on behalf of the Parliament, Government and the People of Bangladesh. Never before have we welcomed so many distinguished law-makers of the world together in our country. This august gathering, indeed, provides us with great impetus to our political journey through the parliamentary democratic path.

Bangladesh achieved its independence after great sacrifices made by millions of people during our War of Liberation. I gratefully acknowledge the support and encouragement that we received from the Commonwealth countries in those difficult days of our struggle. I also recall the support that Bangladesh received when the multi-party democratic system was established in our country by our great leader and proclaimer of independence, Shaheed President Ziaur Rahman.

The brave, resilient and peace-loving people of Bangladesh rebuilt a war ravaged economy. Over the years, they have made great strides in developing the country with determination and steadfastness, despite many difficulties. The runaway population growth has been brought down significantly. The adult literacy rate has been raised substantially. The percentage of children attending schools has increased remarkably. The immunization program has been a resounding success. So has been our micro-credit program, which won world-wide acclaim. We have also provided free education to girls up to the twelfth grade. We have made considerable progress in establishing the rights of women and children in our country. Bangladesh is now poised for a victory over poverty and deprivation. We are confident that we will continue to receive your support and cooperation in this regard in the years ahead.

Our association with the CPA is long and close. Over the years, this has provided us with a unique means for regular consultation with Members of Commonwealth Parliaments. It has also fostered cooperation and understanding among the commonwealth countries. We, in Bangladesh, greatly value the membership of the CPA. The Commonwealth Parliamentarians irrespective of gender, race and

religion, are united, based on a commonality of interest, respect for the rule of law and individual rights and freedoms, and the ideals of parliamentary democracy. We, as a nation, share these ideals. We are determined to promote knowledge and understanding of the constitutional, legislative, economic, social and cultural systems within the parliamentary democratic framework through the CPA and such other organizations. The hosting of the 49<sup>th</sup> CPA conference in Bangladesh manifests this commitment of ours.

### **Honourable Delegates,**

Democracy is a continuing process. It is a part of human development. It ensures progress of civilization and provides equal opportunity to all. This is something that we aspire for. However, for us in the developing countries, equality of opportunity is as important as creating opportunity for development. In this regard, organizations such as the CPA can provide immense beneficial inputs.

The world has become a small place. With the rapid development of science and technology, it is getting even smaller everyday. The great strides in science and technology certainly promote development. However, these can also further increase the already existing enormous disparity between the developed and the developing world. This could very well be the cause for disrupting the nascent democratic process in developing countries. It is thus imperative that the developed world takes up proactive measures in this regard. This is necessary so that this disparity may be reduced and hopes are instilled for an equitable development of the human race. This is a must for ensuring world peace, stability and progress on a long term basis. It is high time that we move in that direction. I hope this learned gathering of parliamentarians will arrange this issue.

### **Ladies and Gentlemen,**

Parliamentarians are the conscience of Nations, and CPA is an excellent forum to exchange views and learn from one another. You have a unique opportunity, an important task before you for the next few days. I hope, you will deliberate well and suggest effective solutions to tackle various problems facing the world today. I am sure, people of all our countries will benefit from the outcome of this great conference.

I wish you all a happy and enjoyable stay in our country. I now declare the conference open.

Thank you Ladies and Gentlemen.

**Speech of Honourable Speaker of the Bangladesh Parliament and President of  
CPA Barrister Muhammad Jamiruddin Sircar**

**Bismillah-ar-Rahman-ar-Rahim**

1. The Honourable Prime Minister of Bangladesh and Vice Patron of the Commonwealth Parliamentary Association, Hon. Begum Khaleda Zia;
2. Chairman of the Executive Committee of the CPA, Hon. Mr Bob Speller;
3. Secretary-General, CPA, Honourable Mr Denis Marshall, QSO;
4. His Excellency, Honourable Mr Don McKinnon, Secretary-General Commonwealth;
5. Honourable Ministers;
6. Excellencies, Members of the Diplomatic Corps, the High Commissioners of Commonwealth countries;
7. Delegates, Observers and Spouses;
8. Honourable Members of our Parliament;
9. Ladies and Gentlemen:

As President of the Commonwealth Parliamentary Association, it gives me immense pleasure to welcome you to the first ever CPA Conference in Bangladesh.

**I am very happy to announce that I have received a message from our patron, Her Majesty the Queen Elizabeth.**

She says:

**“Buckingham Palace**

The Hon. Muhammad Jamiruddin Sircar, MP,  
Speaker of the Parliament of Bangladesh, and  
President of the Commonwealth Parliamentary Association.

On the occasion of the forty-ninth plenary court of the Commonwealth Parliamentary Association being held in Bangladesh, I send my best wishes to all the members present.

Your theme of “partnerships for global peace and prosperity” is a valuable one, focusing on the importance of deepening democracy and the prevention of conflict in all groups of society.

I was grateful for your kind message of congratulations on the occasion of the fiftieth Anniversary of my Coronation and as your patron, I warmly reciprocate your warm good wishes for a successful series of meetings which begin today.

Elizabeth R.

4<sup>th</sup> October 2003.”



### **Excellencies/Honourable Delegates/Ladies and Gentlemen**

1. On behalf of the members of the CPA and on my own behalf I express my heartfelt thanks to Her Majesty the Queen Elizabeth, Patron of CPA for the valuable message. I also thank The Honourable Prime Minister of Bangladesh and Vice Patron of the Commonwealth Parliamentary Association, Hon. Begum Khaleda Zia for opening the conference.
2. I whole-heartedly welcome you to Bangladesh. We receive you with utmost cordiality and traditional Bangladeshi hospitality. I believe you will enjoy your stay here happily. If there is any lapse or omission in any respect during your stay please consider, it has happened inadvertently and look at it with your magnanimity.
3. Founded in 1911, CPA is the oldest Commonwealth Organisation. It is an Association of Commonwealth Parliamentarians who, irrespective of gender, race, religion or culture, are united by community of interest, having respect for the rule of law and individual rights and freedoms. They pursue the positive ideals of parliamentary democracy. Coming to the theme “Partnerships for Global Peace and Prosperity” I must say, it is a most timely one. As our patron has rightly pointed out it focuses on the importance of deepening democracy and the prevention of conflict in all groups of society. In the international arena, this focuses on mutual cooperation and understanding for development, peace, and prosperity of mankind.
4. Since the subject is a global one, the activities of the United Nations in respect of Global Peace and Prosperity touch our minds. United Nations as a body has proved its worth during the last six decades. During the recent times its efficacy has been put to test. One cannot but remember the complicated issues like Korean crisis, Suez crisis, Palestine issue, Congo problem, Cuban blockade, Vietnam crisis, Iran-Iraq conflict, Bosnia, Somalia, Rwanda, Angola, Eritrea, Liberia, Mozambique, Haiti, Cambodia, Lebanon, Tajikistan, Georgia-Adkhazia, Yugoslavia, Kosovo and Iraq-Kuwait problems which were threats to international peace and security. In all those issues, problems and conflicts, the UN has responded. Peace was established permanently or temporarily and the UN has acted as a deterrent.
5. Had there been no UN the world would have suffered more and the old proverb ‘**might is right**’ would have subjugated the poor and the weak. The world would have been the paradise of the mightiest power without any check. No debate, discussion, persuasion, negotiation or expression of public opinion for or against would have been possible, not to speak of peaceful settlement of international dispute through the process of “**Rule of Law**” as is available in the International Court of Justice. Thus with all its successes and failures it remains the only body in which mankind as a whole has an enormous amount of trust and hope. To

rekindle that hope it is perhaps high time that suitable amendment or review of the Charter to strengthen the UN may be undertaken.

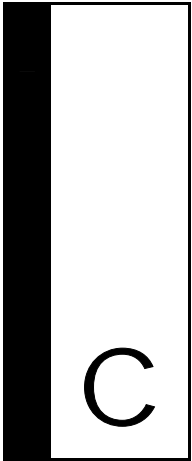
6. I believe my slight digression on the matter of UN may be taken in the spirit of maintenance of global peace. For we have four of our workshops that deal with these issues directly.
7. This is a great gathering representing the achievement of the People's representation. Democracy reminds us of the Athenian Law Giver Solon (640-560 B.C.) who was called the founder of democracy. He reordered the Constitution that four classes including the debtor, who could not pay debt and became slave, could have say in the Government. It was the beginning of democracy. The history of fight against the arbitrary rulers by Socrates (470-400 B.C.), Plato (427-347 B.C.), Aristotle (384-322 B.C.), Rousseau (1712-1778), Locke (1632-1704), Magna Carta 1215, Petitions of rights 1628, Execution of Charles I in 1649 in England, Louis XVI 1793 in France, Czar Nicolas II in 1918 in Russia are examples that the People's verdict prevailed and were final.
8. We have assembled from 47 countries of the Commonwealth. Our faith in the efficacy of the Parliament and the democratic way of governance is unshakable. Parliamentarians represent the people and fight for their rights by way of debate, discussion, persuasion, negotiation, facilitation, concession and tolerance. They enact laws for Good Government, Good Governance and Rule of Law. Democracy is not a mathematical deduction proved once and for all time. Democracy is just a faith fervently held, to be tested again and again for the welfare of the People according to the need for decent living as good citizens in an atmosphere of peace, progress and prosperity. Democracy practises tolerance upholding the ideal of "**Live and Let Live**". The democratic way of life must persevere in the world to bring humanity to a greater height of achievement and to that end, we need to exert - together. For that, CPA is an important forum. The parliamentarians will provide a sense of direction to the International Community against aggression and war. Aggression and war are against the theme of this conference. For that, admittedly the arms race must be brought to an end.
9. We stand today in a country, that achieved its independence in 1971 through our Glorious War of Independence. It started with Democracy though it stumbled for sometime. The country established multi-party democracy under the Presidential form of Government in 1979 and Parliamentary democracy since 1991. We have had three fair and impartial elections since than under the Neutral-Care-Taker Government, which is part of the Constitution. We have an attractive magnificent Parliament Building with very nice, rich and remarkable architectural view completed in 1981. The MPs uphold and fight for the rights and causes of the people. They have laws passed through debate and discussion for happiness of citizens according to the Constitution and Rules of Procedure.

10. Your presence today in this 49<sup>th</sup> CPA conference will inspire all of us to strengthen the nexus of Partnership for Global Peace and prosperity. It is not the peace and prosperity of the North or the South, it is the peace and prosperity of mankind all over the globe.
11. The future will be more challenging for all of us to meet the basic needs. And these needs are food, medicare, education, clothing and habitat for human beings on the earth, which is the gift of God. The countries of the CPA have a vital role to play through mutual cooperation and understanding to fulfil the basic needs.
12. The conference will discuss and devise the ways and means for “Partnership of Global Peace and Prosperity” keeping in view deepening democracy and prevention of conflict in all groups of society. Strong and sincere commitment of all Parliaments and Parliamentarians to that end is a **sine qua non** for establishing “**Partnership for Global Peace and Prosperity**”. And for this, we, the Parliamentarians of the CPA should be the torchbearers focusing on the importance of deepening democracy and adopting appropriate measures for prevention of conflict of all groups of Society. I am an optimist of its success, more so, assured by the CPA’s commitment to peace, progress and prosperity of mankind irrespective of race, religion, colour, creed and culture.
13. This is the first time that a conference of this magnitude with a theme of Partnerships for Global Peace and Prosperity is going to be held in Bangladesh. I believe that this Conference can make enormous contribution to achieve the theme by effective deliberations so that the theme of “**Partnership for Global Peace and Prosperity**” comes true.
14. Before I conclude, I must express that my heart rejoices to see that you have taken so much of trouble to travel to Bangladesh from all corners of the globe to make this conference a success.

I thank you, Excellencies, Honourable Delegates, Ladies and Gentlemen.

Allah Hafez.





## Appendix C

Speech by the CPA Secretary-General, Hon. Denis Marshall, QSO

Mr President, Hon. Muhammad Jamiruddin Sircar, MP, His Excellency the Rt Hon Donald McKinnon, Hon. Delegates, ladies and gentlemen,

It is a real pleasure to be in Bangladesh for the 49<sup>th</sup> Commonwealth Parliamentary Conference. This is the first time that Bangladesh has hosted the Conference and Mr President we are looking forward to a productive week. Some meetings have already been completed and I would like to thank the Parliament of Bangladesh for the arrangements put in place for the Executive Committee Meeting, the Small Countries Conference, the meeting of the CWP Steering Committee and, of course, the Opening Ceremony this morning.

Once again we are grateful to a host Branch for organizing a full social program to complement the business sessions. Bangladesh has one sixth of the world's water resources and the boat tour on the Jamuna and Meghna Rivers tomorrow promises to be a highlight of the Conference. Hosting the CPA Conference is a major undertaking, and let me thank the local Branch and all those involved in the conference for their huge efforts.

There are always challenges when accommodating such a large number of delegates. Please be patient. There are cultural, social and economic differences between Bangladesh and your own countries. Please respect them and have patience. CPA conferences are not a competition in organisation. They are an opportunity to experience the hospitality of a generous host and the cultural diversity of the Commonwealth. This conference is also an opportunity to celebrate achievements of the host country and to understand the challenges. This is particularly relevant for Bangladesh with 130 million people in the country the size of England and Wales, most of whom live on a dollar a day.

Cricketing enthusiasts – and I know there are many in the Commonwealth – will have noticed the arrival of the English cricket team in Dhaka for a two-test series against Bangladesh. For my part, I am delighted to be joined at the crease again by Don McKinnon, Secretary-General of the Commonwealth. Following our addresses there will be an opportunity for Delegates to ask questions. We will try not to be caught out by your queries and, as the senior batsman, Don will handle all the difficult deliveries. Furthermore, I can promise there will be no "spin".

As a Kiwi, it is impossible not to mention the Rugby World Cup which starts in Australia later this week. It has amused me to see the English so confident about becoming world champions for the first time. The Australians of course are always confident whatever the sporting occasion.

Allow me as an All-Black supporter to relay some wise words to England and Australia: "confidence is that quiet, absolutely assured feeling you have before you fall flat on your face".

Mr President,

My first meeting as a regional representative for the Pacific was in Mauritius in 1997. It was then that the late Hon. Hamayun Rasheed Chowdhury first made the invitation for the CPA Bangladesh Branch to host the annual Conference. It is disappointing that the party then in power and now in opposition felt they are not able to attend and contribute their own perspectives in the spirit of CPA non-partisan participation. The CPA does not get involved in domestic politics, but I was glad the Chairman of the Executive Committee and I received assurances from both major political parties that they strongly support the work of the CPA.

Mr President,

Many delegates will be attending their first CPA event and I would like to briefly say a few words about the Association. We are composed of Branches formed in parliaments in Commonwealth countries which subscribe to parliamentary democracy. For a Branch to qualify it must be a legislative body, thus both national and state or provincial Parliaments as well as the Legislatures of dependent territories may be members.

The Association does not pass resolutions and is often described as a "solution-seeking" body. One memorable piece of advice given by Sir Humphrey Appleby in the TV series *Yes Minister* was not to begin a meeting or conference before you have agreed the final communiqué. Well our communiqué is to promote the advancement of parliamentary democracy by enhancing knowledge and understanding of democratic governance. The CPA's aims are to build an informed parliamentary community; to deepen the Commonwealth's democratic commitment; and to further co-operation among the Commonwealth's Parliaments.

The relationship between the CPA and the Commonwealth Secretariat is much stronger than it once was. Since the last Conference in Namibia, the CPA and the Commonwealth Secretariat have collaborated to organize a Workshop defining the challenge of political participation, in particular the need to engage young people. The CPA has also continued its co-operation with the Commonwealth's legal profession to assist in drafting the "Commonwealth Principles on the Accountability of and the Relationship between the Three Branches of Government" which is before Law Ministers.

Our Members have participated in Commonwealth Election Observation Missions, most notably in Kenya and Nigeria. A gender workshop for new Parliamentarians is planned as a satellite session to CHOOGM in Abuja in December. In June this year the Commonwealth Secretary-General addressed the annual CPA/Wilton Park Conference as the keynote speaker.

Secretary-General we are grateful to you for your personal support for the Association – as demonstrated by the interest you continue to show in our work and this Conference; and, above all, for the opportunity to work in partnership with the Commonwealth Secretariat.

Our Members greatly value this cooperation. It is an example not just of how two inter-dependent Commonwealth organizations can work towards common goals as required by heads of Government, but also how the Executive and parliamentarians can work as equal partners to strengthen the democratic values of the Commonwealth as expressed in the Harare Declaration.

It is clear that current issues require the kind of broad partnership that exists between the CPA and Commonwealth Secretariat. Although we are a parliamentary rather than an intergovernmental organization, the CPA is an important point of reference. The Commonwealth has access to governments via the – Commonwealth Secretariat and to NGOs through the Commonwealth Foundation. The CPA gives the Commonwealth democratic representation from beyond the governmental Commonwealth, therefore enhancing the reputation of the Commonwealth among the wider community.

Mr President,

The past year has been a very eventful and fruitful year for the Association. A Working Party established by the Executive Committee has met to consider some changes to the Association, including the levels of regional representation and other major issues facing the Association such as reform of the Commonwealth Women Parliamentarians to ensure it plays a larger role in the Association and the role of Regions and regional development. I am pleased the Executive Committee has endorsed their report, which will be circulated across the Association shortly.

I spoke last year about the CPA being prepared to adopt new ideas, goals and approaches as well as draw on its past experience and success. This, in fact, forms part of the new draft Strategic Plan for the Association which will be placed before the General Assembly on Friday for ratification. The draft plan seeks to map a path for the Association to follow in the next five years using successful programs and practices already tested by the Association in combination with innovative methods and techniques appropriate to the CPA's mission.



In short the Plan has been designed to ensure the Association remains relevant in the eyes not just of Governments and Parliamentarians but also to the wider Commonwealth. Almost every Parliament, and certainly every Government, subscribes to a number of international organizations through bi-lateral and multi-lateral relations.

We must strive to ensure that one of the most important relationships for our Branches continues to be the key role it plays as a member of the Commonwealth Parliamentary Association.

The ability to communicate effectively with our large membership of over 16,000 Parliamentarians is a major challenge. Meeting this in a manner that maintains interest and participation in the organisation is essential if CPA aims and objectives are to be met. This is why the CPA Executive Committee asked the Secretariat to develop a new web-based electronic information system that will enable headquarters to improve its capacity to use technology to communicate with Members.

I believe the new website will contribute to a heightened awareness of the role of the organisation and assistance to Members available through the CPA and, we hope, to a deeper understanding among working in the governance field and within civil society. We expect more Members will use the website as well as parliamentary officials and others interested in parliamentary democracy. The site will be developed further in the coming months to provide online news, event management and communication facilities.

As the theme of this conference stresses the need for partnership, I would like to refer to some of the projects we have implemented with other organisations.

International organisations such as the World Bank Institute, World Trade Organisation, and UNDP, are increasingly recognising parliaments as the principal institution of democracy, and are engaging with parliaments and parliamentary organisations, such as the CPA, as well as governments, in programmes aimed at good governance, accountability, and most importantly poverty reduction.

In February this year, the CPA joined with the World Bank Institute and the Parliament of Western Australia to identify ways to improve legislation and parliamentary procedures so they do not obstruct the free flow of information and inhibit relations between Parliaments and the media.

Also with the World Bank, the CPA has organised two Regional seminars as part of the CPA's continuing work in the area of scrutiny and oversight as well as of financial discipline and the budgetary process. In addition, the CPA and the World Trade Organization have joined forces to arrange two workshops for Parliamentarians on the international trading system. Members attending these workshops were extremely grateful to firstly let off steam and express their candid views about the WTO and secondly for the opportunity to obtain greater understanding of the issues and how to participate in the trade debate.

I believe in terms of value for money, membership of the CPA produces the greatest possible benefit for parliamentarians - not only in professional development, but also in contributing to the social and economic development for millions of people through greatly strengthened democracies.

In these turbulent and uncertain times, I am very pleased that the Executive Committee agreed the central theme of Partnerships for Global Peace and Prosperity for this conference. Over the course of this week, delegates will be discussing a variety of topics including how countries can best contribute to global peacekeeping; whether the Millennium Development Goals are achievable, and how to reconcile human rights with cultural diversity. That is quite an agenda and I am sure that the knowledge and experience we will gain this week from the frank and friendly discussions will be of enormous benefit to delegates.

Of course many of the issues are inter-related - for it is in times of conflict that human rights and democratic processes are most obviously abused. Similarly the most potent symbol of a divided world is poverty and in such conditions, the chances of conflict are always great.

From the perspective of the CPA, there can be no doubt that vibrant and effective democratic institutions enable growth development and more effectively prevent conflicts from developing. I hope the Commonwealth therefore continues its efforts to preserve and advance democracy and human rights as well as to prevent conflicts. Peace may cost as much as war, but it's certainly a better buy.

Yet the economic situation in many Commonwealth countries makes the maintenance of functioning democracies increasingly difficult. There are many causes and symptoms of poverty, but I want to briefly refer to the way lack of trading opportunities caused by protective tariffs in developed nations inhibits economic growth in developing countries. I share the widespread disappointment at the outcome of the Cancun WTO Trade Ministerial Meeting; a positive outcome to the Doha Development Round is essential to improve the economic prospects of developing countries.

It is hard to be positive in the aftermath of Cancun. But for the first time in my experience of closely following these issues, agricultural protectionism by the USA and Europe has received global recognition and is being discussed as general topic of conversation. I also detect a new willingness on the part of developing countries to use the structures of the WTO to press their case for a pro-development outcome. Talks are continuing in Geneva, but there can be no doubt that developed countries must start showing leadership to the world's poor by repealing farm subsidies and eliminating punitive tariffs. I suspect that Don will speak more about the failure of Cancun as he has been a vocal critic of trade injustice or, to use the phrase he used on the eve of the recent WTO Ministerial Conference, "trade apartheid".

Mr President, I ended my speech in Namibia last year with a light-hearted story about a US Senator which demonstrated how the media are not always helpful in improving the image of politicians. This year I want to relay a presumably apocryphal story about Tony Blair who, as you may know, is presently having great difficulty obtaining good press coverage. The story goes that he called his press secretary and demanded that all the press be assembled under London Bridge for a major announcement at noon the next day. The due time arrived and all the state's media were assembled wondering what the Prime Minister was going to say.

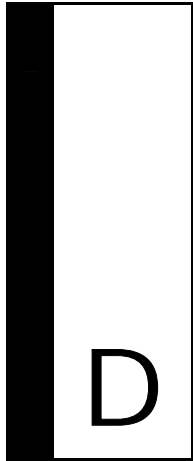
The Prime Minister arrived and announced, 'I'm sick and tired of all this bad coverage, so I'm going to do something that nobody here can complain about.' He then proceeded to walk on the water across the River to the astonishment of the crowd of excited onlookers.

The Prime Minister awoke the next morning feeling optimistic that at last he could put the last few months behind him. He asked his aides to bring him the newspapers. The Prime Minister was pleased to see his photograph on the front page, but rather less pleased to read the headline proclaiming: Blair can't swim. The second newspaper was little better: the front page was emblazoned with the banner: Blair avoids vehicle tax.

Mr President, I look forward to a very successful and enjoyable conference in Bangladesh.

Thank you very much.





## Appendix D

Speech by the Commonwealth Secretary-General, Rt Hon. Don  
McKinnon

Mr Chairman,

It is a special pleasure to be able to meet again with so many CPA friends and to have the privilege of addressing the Commonwealth Parliamentary Conference for the third time in my capacity as Commonwealth Secretary-General.

I try never to miss a CPA Conference because, as I often say to my colleagues, every parliamentarian is a potential President or Prime Minister.

The CPA is a very special Commonwealth institution. It is also one of the oldest. As elected representatives, you more than anyone else represent the voice of the people of the Commonwealth. I would like to take this opportunity to commend the CPA members and staff for 'making a difference'.

I want to pick out, in particular, once again, the continuing contribution made by my friend, compatriot and - with the Rugby World Cup in mind I must add fellow 'All Blacks' supporter - Denis Marshall.

Since we moved to London to become Secretaries-General of our respective organisations, I think we've agreed more frequently than when we were members of the same Cabinet.

I don't know whether that is more a negative reflection on the nature of Cabinet government in New Zealand or a positive reflection on the collaborative culture of the Commonwealth.

Either way, our close working relationship and good understanding has - I believe, in all modesty - been to the benefit of our association. Thank you, Denis.

I also want to acknowledge the contribution made by Raja Gomez, Director of Development Planning in the CPA International Secretariat, on the eve of his retirement. Before he joined the CPA Secretariat, Raja spent several years as the Head of Youth Affairs at the Commonwealth Secretariat. I thank him for his services to the Commonwealth and wish him well for the future.

As for our two institutions, there continues to be close co-operation between the Commonwealth Secretariat and the CPA.

In the last year that has resulted in a most worthwhile conference on young people and politics, the continued participation of leading Commonwealth parliamentarians in the Election Observer Groups which I constitute, and events such as the Wilton Park conference earlier this year on ways of 're-engaging' people and their politicians, which I opened.

Now you and we are working together to prepare for a further major workshop in Mozambique in the New Year. All this co-operation is an excellent example of an effective Commonwealth partnership in practice.

That brings me to your theme, "Partnerships for Global Peace and Prosperity", one that is absolutely central to my conception of the Commonwealth.

A partnership approach is vital if our association is to be successful. Indeed the Commonwealth consists precisely of layer upon layer of the kind of international partnerships on which our world will have to rely if it is to meet the challenges of the 21<sup>st</sup> century.

My appeal - to you and to the whole of our association - is, first, that those partnerships must have the maximum practical impact on the ground.

Second, our partnerships must be partnerships of principles. What distinguishes the Commonwealth from many other international bodies is precisely that it is an association, which is based on principles. Others promote a particular interest or perform a specific function. Our *raison d'être* is to uphold human dignity, to further economic development and - crucially - to promote democracy and good governance.

In that respect, one of our great challenges is to ensure that Government and Opposition work together responsibly, for the good of all.

It is such a pressing challenge that the CPA and the Commonwealth Secretariat are, as I mentioned, planning a major conference on this subject, to be held early next year in Mozambique.

As Denis' predecessor, Art Donahue, said in opening the joint CPA-Commonwealth Secretariat workshop on the *Role of the Opposition* in London in 1998, "governing and opposition parties should see themselves as partners in the development of the democratic process".

As that workshop made clear, this in turn requires:

- a shared commitment to the essentials of parliamentary democracy and to making parliament work properly;
- agreement on the 'rules of the game' and the development of 'behind the scenes' and other channels of consultation so that both Government and Opposition can keep in communication, however heated the political debate;
- recognition on the part of the Government that the Opposition has an important part to play in making the Executive accountable and in adopting, amending and repealing legislation. Indeed, an effective and responsible Opposition is essential for the success of parliamentary democracy; it therefore needs to be provided with the necessary resources, parliamentary time, information, fair access to the media and opportunities for scrutiny;
- recognition on the part of the Opposition that the government should be allowed to govern, that Opposition should be 'constructive' and that it should present itself as a credible, responsible and respected 'alternative government', with a responsibility not just to reflect but also to lead opinion; and
- recognition by all that occasionally politicians will reflect purely partisan attitudes and that this can sometimes reflect unfavourably on the institution of democracy - but that's politics.

It is all about adopting the right approach regarding the respective roles, rights and responsibilities of Government and Opposition, recognising certain limits and agreeing on the consensus within which the political parties function.

Unfortunately, in many Commonwealth countries, Government and Opposition completely fail to reach an understanding on what might be called the 'collaborative context' for their work.

There is no agreement on roles, rights and responsibilities, on limits and consensus, on what the idea of a 'constructive and responsible opposition' means in practice and, for instance, on when and how Government and



Opposition should work together to promote national consensus. Very often there is no real dialogue at all.

In short, very often there is no sense in which "governing and opposition parties see themselves as partners in the development of the democratic process".

Instead, there is a 'winner takes all' approach on the part of Government. One expression of that is the tendency to regard victory at the polls as an invitation to capture all democratic and state structures and to treat the institutions of state as no more than extensions of the ruling party.

Another, and the most important in this context, is a determination to completely sideline the Opposition rather than to work with it. It is still difficult for many in the Commonwealth to recognise that the Opposition has a legitimate role and that it must be given a formal place in parliamentary and other political arrangements.

However, to be even-handed in one's criticism, the Opposition can often take on the role of a spoiler, exploiting all opportunities to damage the governing party and, in the process, very often failing to distinguish between harm done to its opponents and harm done to the country.

In some countries, there is extensive use of the crude and desperately damaging weapon of the political strike, endless no-confidence motions or boycotts.

Mr Chairman, that is the denial of parliamentary politics. As a former MP myself, I can say that this is what parliamentarians are elected to avoid and make unnecessary. People want benefits, not blasphemy. People want responsibility, not chaos.

Previous Commonwealth Parliamentary Conferences have heard me lament the way in which political parties in the Commonwealth very often fail to meet their wider responsibilities to deepen democracy. I know every CPA branch wishing to host a CPA Conference will always wish to showcase the ruling party's achievements and not miss a good headline or a sound bite.

But from my discussions with Bangladeshi leaders and the headlines I have read, the lesson must be that all major parties, whether in or out of

government, should participate from day one in developing the programme and agenda for a CPA Conference and domestic political issues must be buried for the occasion.

I urge everyone here today, and whatever wider audience we are able to reach in Bangladesh and beyond, to put this conference's theme into practice.

There is another important challenge the Commonwealth is faced with today: to ensure that democratic progress is underpinned by sound, sustainable economic development.

This challenge is the subject of a major Expert Group under the Chairmanship of Dr Manmohan Singh, former Finance Minister of India, which will report to the Commonwealth Heads of Government Meeting in Abuja in December. Indeed, the theme of CHOGM will itself be 'Development and Democracy: Partnership for Peace and Prosperity'.

CHOGM will, of course, have other concerns too. Zimbabwe and Pakistan are both suspended from the councils of the Commonwealth, and Heads of Government will have to decide what should be done to ensure that we play a full and effective part in helping to ensure that democracy flourishes in those two countries. There are other key items on the agenda too.

However, we do not want any of these matters - important though they are - to diminish the significance of the discussion about development and democracy.

The recommendations of the Expert Group are being finalised as we speak. But the problems they have needed to address are clear.

Everyone now recognises that development is about much more than the growth of GDP. Equally, everyone appreciates that democracy is more than simply a matter of universal suffrage and the holding of regular multi-party elections, essential though they are. So the first question is 'exactly what should we mean by development and democracy today, in the 21<sup>st</sup> century'?

Then, there is the second key question. While we rightly say that development and democracy are goals in their own right, we also say that they are interdependent and mutually reinforcing.

The question is, what should that mean in practice, and what should that mean for our practice? What needs to be done at national level by the State, by business and by civil society - and by these three sectors in partnership with each other - to promote pro-poor development, to deepen democracy and to strengthen the link between the two? And what are the priorities internationally for those who want to remove obstacles to that process?

These are the central issues with which the Expert Group's report is expected to address. These are also the key issues which our Heads of Government will discuss in Nigeria in December.

Mr Chairman, whatever the outcome of their discussion, it is clear that no one in the Commonwealth can afford to be complacent, about either democracy or development.

As the United Nations Development Programme pointed out in its Human Development Report last year, many countries, which have taken the first steps towards democracy, have failed to consolidate and deepen that process. Some of them, unfortunately, are Commonwealth countries.

Freedom of expression, in particular, is an area in which we must make progress. As I have said when I addressed the Commonwealth Journalists Association Conference in this very city last February, a free press is a key feature of any democratic system. It is also an effective tool for driving social and economic change.

As for development, while I warned just now about crude measures one such is very much worth quoting: our figures show that one third of the Commonwealth's 1.8 billion people live on less than one dollar a day, and nearly two-thirds on under two dollars a day.

Poverty and human misery persists, even in the countries, which are members of our own association, on an appalling scale. And when it comes to achieving the Millennium Development Goals, many of our member countries have a long way to go.

That, of course, is why we continue to press the Commonwealth case - as Commonwealth Finance Ministers did just last month - for instance, for securing sustainable debt relief for highly indebted poor countries.

So far that initiative has provided debt relief of \$62 billion for 27 countries, thereby releasing resources for vital expenditure on health and education. Three Commonwealth countries - Mozambique, Tanzania and Uganda - have reached completion point.

However, the current approach is not resulting in long-term debt sustainability even for countries such as these. In that context, we strongly support the World Bank's shift to a broader approach to promote sustained growth and development.

The breakdown of the trade talks in Cancun, the failure to ensure sufficient support for the proposal for an International Finance Facility to increase aid, and the lack of progress in giving developing countries more of a say in international economic arrangements are setbacks which we need to work collectively to reverse.

We all stand to lose from that breakdown at the WTO meeting. There is a further meeting, in Geneva in December, so we have another chance. It is important that we take it, because a deal to open up the rich countries' markets to poor countries can add US \$520 billion to global incomes by 2015, lifting 144 million people out of poverty.

I hope that the shock of failure in Mexico will spur all involved to cooperate more closely and show greater flexibility when they meet in Switzerland.

The issues will be the same. A British politician once said that the role of those who want to frustrate change is to mystify. Conversely, those who want progressive change must clarify. So let me clarify.

The international trading system is unjust. To achieve justice, political leaders need to show leadership. And, while much has been made of the coalition of developing countries at Cancun and its impact in shifting the balance of power, the most powerful group of countries remains that of the EU, the US and Japan.

You are probably all familiar with the telling comparison I often make, but let me repeat it again. While the average European cow receives US \$2.20 a day in subsidies, no less than 2.8 billion human beings live on less than \$2 a day. In other words, for half the world's population the brutal reality is this: "you'd be better off as a European cow".

The broader point, of course, is that as long as the US, Europe and Japan continue to subsidise their farmers at the rate of US \$1 billion a day while their aid budget is a mere US \$ 1 billion per week, developing nations stand no chance of trading their way out of poverty.

It is true, of course, that the world needs an international body to provide a structure for trade. The WTO is the only game in town right now. If it disappears, a state of anarchy will take over, and that is in no one's interests - particularly not in the interests of the weak and vulnerable and the smallest of Commonwealth countries. To coin a phrase, life will be 'nasty, brutish and short'.

Equally, developing countries need to recognise the benefits of trade liberalisation and the managed protection afforded to them by a rules based multi-lateral trading system.

But the onus now is on developed countries. The simple truth is that they have not lived up to their commitments. It is they and their leaders who now need to show the sort of leadership, which will deliver justice.

A deal in Geneva which phases out trade-distorting subsidies will reduce the real cost of products to consumers in the developed world and provide developing countries with the means to transform the environment of poverty in which so many global problems are rooted - from terrorism, to drugs, to illicit migration, to environmental degradation and disease. That is an outcome for which the Commonwealth will continue to work.

I should at this point commend the lead that the CPA has itself provided in organising its series of workshops for parliamentarians on the way in which the WTO works.

Knowledge on that score is essential if member countries are to be able to have an informed debate and to intervene effectively to advance the common interest. I hope those workshops will continue, whatever happens in Geneva.

So far as the Commonwealth Secretariat is concerned, we will continue to provide experts to assist developing countries, both in formulating and in implementing national trade policies and in helping them to pursue their interests more effectively in international trade negotiations.

Currently, for instance, working with the Francophonie and with support of 11 million Euros from the European Commission, we are establishing a system of national and regional trade advisers - what we call the 'Hub and Spokes' programme.

Mr. Chairman, the challenge that unites the issues I have raised with you is the need for responsibility on the part of those political leaders who have the power to bring about the required change.

It is also the challenge of putting aside our differences and working together for a brighter, fairer future.

At all levels, we must work in partnership if there is to be peace and prosperity.

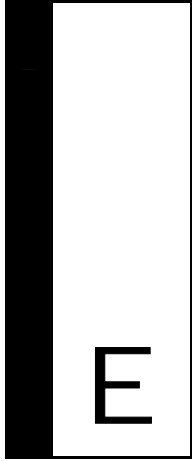
We must call a halt to the politics of antagonism and conflict and begin to work together for the good of all.

That is the way our people want.

It is the principled, mature and responsible way.

It is the Commonwealth way.

Mr Chairman, in the 21st century it is the way we must all go.



## Appendix E

Workshop reports from the 49<sup>th</sup> Commonwealth Parliamentary Conference

## Workshop A: Parliament and the Executive: Building a more effective partnership

Moderator: The Hon. Michael Tshipinare, MP, Botswana

Discussion Leaders: The Hon. Bill Baxter, MLC, Victoria  
Deputy Roy Le Herissier, Jersey

Rapporteur: Christopher Paterson, Australia

The workshop moderator, Hon. Michael Tshipinare, Botswana, introduced the session. In doing so he made reference to a paper that he had delivered during the plenary session earlier in the day. In that paper he noted that the Westminster system both mandates and facilitates the operation of a close partnership between the Executive and Legislative branches of government. However, the role of the legislature is to form and control government and Cabinet is collectively responsible and can be removed by the Legislature.

Critics maintain that the system fails to provide an effective counterbalance, while supporters maintain that centralised effective leadership is a positive feature. While the paper supports the fusion of power that has evolved over time, the point is made that, where an Executive that is too strong or too weak, partnership can give way to deadlock.

A Parliament must meet some basic criteria to be effective; it must be representative of all citizens, be proactively engaged in law making and be fully empowered and committed to exercising its functions. Engagement with the public is a critical factor which may be best achieved by some form of constituency representation rather than pure proportional representation. This ensures contact with voters and limits the ability of parties to influence parliamentarians.

Parliamentarians must also be properly resourced to carry out their responsibilities and exercise oversight of the Executive. However, resources alone do not guarantee oversight. The Executive must also provide current and accurate information to the Parliament about its activities, that information must be analysed effectively and any outcome of the scrutiny process must be acted upon.



Individual parliamentarians must also be able to make effective use of parliamentary questions and this requires that the process is not abused by individual parliamentarians or by ministers.

The value of the system should be measured in terms of quality of outcome rather than process. This is the test of the partnership.

*The decline in parliamentary cooperation*

The Hon Bill Baxter, MLC, Victoria, opened by saying that he held a pessimistic view about partnership in the Westminster system, indicating that the adversarial nature of the system militates against cooperation.

Mr Baxter noted that when he entered parliament 30 years ago, the Chamber was well attended, it was a debating forum and that there was a constant exchange of ideas. That he believes has declined over the years and there is now little meaningful debate and exchange of ideas and attendance in the Chamber is poor, with the exception of Question Time.

This increasing dominance by the Executive may be partially the result of the increasing complexity of society, time constraints on ministers and a move to the middle ground of politics by major parties which has made it difficult to distinguish themselves from each other.

Dominance reflects the vast resources of the Executive to sell the government's position which effectively widens the gulf between the Executive and the Legislature and some times serves to raise suspicion with regard to motives and truth.

This dominance can also be seen in a decline in the frequency of Ministerial Statements in the Chamber in favour of press releases in a controlled environment, thus limiting debate. A further example is second reading speeches which have changed from being basically informative to being largely propaganda. There have also been numerous time constraints placed on debate which deny opportunities for parliamentarians to pursue issues and effectively participate on policy making and scrutiny.

What can be done about redressing the decline? Mr Baxter maintains that it is essentially up to parliamentarians themselves to act as parliamentarians and

to stand up in their party rooms and put their views clearly and unambiguously. Committees need to be strengthened; Chairs should be talented younger parliamentarians not old hands who have little left to contribute. Committees need to be adequately resourced so that committee work can be a genuine partnership. Finally, Questions on Notice should be genuine, not simply used as a fishing expedition which achieves nothing and wastes resources.

Supervision does not mean control and consensus does not equate with partnership. When parliament continues to be marginalised then conditions are ripe for corruption to flourish, the result being that people wither.

*From the perspective of a small legislature*

Deputy Roy Le Herissier, Jersey, opened by saying that Jersey is a small legislature where political parties have not yet formed but that it may offer some useful lessons for larger parliaments in the changes that are taking place.

Traditionally the Legislature makes laws, passes legislation, represents the views and interests of the people and holds the Executive to account. The role of the Executive is to initiate policy and drive implementation. In the traditional Westminster system the Executive is embedded in the Legislature and has tended to become dominant through party discipline.

The key issue is the means by which more autonomy can be created. Mr Le Herissier suggests that a broader notion of scrutiny needs to be developed. In Jersey they have developed scrutiny panels which will carry out a rolling review of policy and may even propose alternative policy as well as scrutinising existing policy. This is expected to assist in more rapid policy responses to issues which have in the past been a slow and incremental process. It is also important that the panels move outside of the Legislature and outside of the formal constraints of committee style evidence gathering. This more informal relationship with the public is an element of re-defining scrutiny.

Ultimately, in a strong party/Westminster style system, improvement can only come from curbing or modifying the power of the Executive. Separation of powers is often cited as the way forward such is in a US style system. However, such an approach can also lead to a dilution of policy and open the Executive and Legislature to the influence of special interests.

Parliamentarians should consider the question of whether a strong party system, a strong executive and more autonomy for the parliament can co-exist.

The workshop heard from 17 delegates representing Samoa, Uganda, Canada, India, South Africa, Malaysia, Ghana, Trinidad and Tobago, Bangladesh, Swaziland, Cyprus, Tanzania, Turks and Caicos and Cameroon.

Much of the discussion centred on the various definitions of the respective roles of the Parliament (Legislature) and the Executive. It was generally accepted that the function of a Parliament is to make laws, represent the views of the community and to scrutinise and control the Executive. Satbir Singh Kadian of Haryana made the point that the strength of parliament is its ability to scrutinise the political and administrative functions of the Executive. Aeau Peniamina from Samoa considered that the function of the Executive is the management of civil and military affairs, initiating legislation and implementing policy.

It was generally agreed that there has been a growing dominance of the Executive over the Parliament and that this had evolved over many years. It is not simply a case of turning the clock back but it is necessary to develop new approaches to ensure that the Parliament and the Executive can function more effectively and cooperatively to meet the challenges of this rapidly changing world.

There was a suggestion from a number of delegates that particular electoral systems will tend to favour electoral dominance. The Samoan delegate suggested that first past the post systems tend to produce large majorities which then allow the Executive to push through legislative proposals with little reference to parliamentary scrutiny or debate. The solution it was suggested was for a proportional representation system which would guarantee the need for cooperation because of the reduced majorities or minority government. Although that clearly had not happened in Trinidad and Tobago where the Carolyn Seepersad-Buchan outlined the impasse arrived at with a tied election which allowed the Executive to continue governing unimpeded by the Parliament.

Another perspective stressed by many delegates was the desirability of single member constituencies in order to maintain the relationship with the electors

through the life of a parliament. It was suggested that it is only through such a process that the parliamentarians could effectively form the link between the Executive and the community.

A theme pursued by numerous delegates was that the Parliament and the Executive are not equally equipped to do their work. The Executive has access to the financial and technical resources that it needs to develop and sell its policies and programs. The Parliament on the other hand usually lacks access to such resources and expertise and is thus severely disadvantaged in its ability to scrutinise, review and modify legislative and policy proposals. It was considered that a key issue is Parliament's ability to oversight and control the Executive.

The point that Parliament needs adequate resources to do its job was stressed by many speakers. The Rt Hon Edward Ssekandi from Uganda was supported by the Hon Conrad Santos from Canada in the proposition that parliament needs to be financially independent of the Executive and that a lack of independence will inevitably lead to subservience. While the concept of total financial independence was considered essential, activities that were highlighted included: the ability to establish a strong and competent research service to support parliamentarians; the critical need for a well resourced committee system; the ability to provide for the professional development of parliamentarians; and the desirability of a budget office within the parliament to provide independent advice to parliamentarians in the consideration of budget bills.

It was considered that financial independence for the Parliament would allow the Parliament and the Executive to be more equal as partners and that this would facilitate improved cooperation.

Another issue raised was that the lack of separation of powers had undermined making a process of partnership a viable proposition and that perhaps the Executive being part of the Parliament was the problem. A variation was suggested by Thomas Neawaiya from Tanzania who maintained that we should not lose sight of the role of the Judiciary which had also tended to encroach on the role of parliamentarians ie, that there has been a blurring of roles between not only Parliament and the Executive but also with the Judiciary.

There was general agreement on the point made by Professor Mangalbai Patel that transparency through scrutiny by the Parliament and through Committees should be an essential objective if a more effective partnership is to be achieved.

As noted earlier, the crucial role of Committees in ensuring a balance between Parliament and the Executive attracted much discussion. There were a couple of specific areas that were noted as priorities. Gurmant Gruwal from Canada highlighted the increasing incidence of delegated legislation and the need for regulatory reform to ensure that all legislation received scrutiny. The role of Committees in overseeing the bureaucracy was also considered significant; it was emphasised by the Speaker of Bangladesh, the Hon Barrister Jamiruddin Sircar, that the bureaucracy is a permanent feature of government and requires particular attention. It was suggested that this could be assisted through the scrutiny of annual reports by committees and through the encouragement of an apolitical public service.

Another point suggested by some delegates was the desirability of an increased use of free votes on significant issues; this was seen as a possible counter to the influence of the rigid party system that applies in many countries.

The delegate from Eastern Cape made an interesting point in varying from the scrutiny theme, suggesting we should not put too much emphasis on scrutiny at the expense of involvement at the actual policy planning and development stage, a point which accorded with the scrutiny panel proposal put forward by Roy Le Herissier.

Dato Lau Yin Pin made the observation that consideration should be given to the development of a code of governance for Parliaments and Executives, perhaps with key performance indicators.

The concept that parliamentarians must work within their parties to maintain their relevance was also raised by Felix Kwasi Owusu-Adjapong from Ghana who suggested that parliamentarians do not do enough and can become a subservient partner within their parties and that for partnership to develop there must be mutual trust. Parliament represents the people to the Executive and the Executive to the people and parliamentary procedures and processes must facilitate this reality.

In summing up Mr Baxter noted that the discussion had indeed reflected the diversity of the Commonwealth parliaments, noting the observation that democracy and parliaments differ from country to country and that the relationship must be dynamic and able to change to meet the challenges of the 21<sup>st</sup> century. The question of whether partnership does have to be between equals was also discussed at length and that perhaps cooperation should instead be the aim.

It was proposed that the challenge is to develop roles and mechanisms that will bridge the gap between the expectations of the electorate with what Parliaments and Governments can realistically deliver.

The delegate from Swaziland emphasised the need for the development of cooperation and effective partnerships is necessary if only because the immense problems facing the world can only be solved through a unified and cooperative effort.

Roy Le Herissier noted the point made in the discussion that there must be some tension between the Executive and the Parliament before cooperation can become effective and that for that tension to exist the resources of the Parliament must allow it to properly carry out its responsibilities. He also questioned the appropriateness of the notion of consensus in a system dominated by parties, noting that there is no perfect system; parliamentary arrangements will be dependent on the society from which the parliament derives.

Mr Baxter noted from the discussion that it is apparent that a well resourced and focussed committee system is the vehicle where partnership is most possible even with the short-comings inevitably associated with political point scoring. It was also noted that while it is generally claimed that Parliament reflects the will of the people, this is only true immediately after an election unless parliamentarians maintain and foster contact with their constituencies.

## Workshop B: Do we have adequate peace keeping mechanisms for preserving world order?

**Moderator:** Mrs Cheryl Gillan, MP, United Kingdom

**Discussion Leaders:** Hon. Odonga Otto, MP, Uganda  
Dr the Hon. Wayne Mapp MP, New Zealand  
Senator John Watson, Australia

**Rapporteur:** Mrs Gwenn Ronyk, Clerk, Saskatchewan

**Session Secretary:** Mr C. M. Patel, Clerk, Gujarat

The workshop moderator, **Mrs Cheryl Gillan, MP (United Kingdom)** set the scene for the discussion in her presentation to the plenary session earlier in the day. Citing events in the last year that have shaken the world and threatened to destabilize and challenge democracy, the moderator highlighted the significance of this discussion on the adequacy of peace keeping mechanisms. While recognizing that other international agencies play important roles in preserving world order, Mrs Gillan noted that the United Nations (UN) serves as the primary focus for peace keeping discussion, a view which was reiterated by other participants.

Participants were invited to explore the problems of the traditional peace keeping approach of the UN and the need to move to a culture of conflict prevention. The terrifying phenomenon of terrorism on a world-wide scale, the unilateral invasion of Iraq by the United States and Britain and the growing aversion to the risks associated with peace keeping by member countries highlights the need for reforms to the United Nations said Mrs Gillan. Delegates were challenged to consider structural, cultural and financial reforms given that “the bill for peace come with a bottom line made up of both money and blood.”

### History and Challenges

**Hon. Odonga Otto, MP (Uganda)** opened the discussion with a measured review of the development and purpose of the United Nations, putting the

current difficulties in the context of some notable successes. He went on to identify challenges that must be addressed. The UN has not implemented a mechanism to establish an effective collective security system. It has failed to take decisions to enforce peace. The Dag Hammarskjold model of peacekeeping only by consent is no longer adequate for today's world.

Mr Otto then suggested a number of solutions including reforms to the Security Council to streamline its process to speed up decision making and make its decisions binding. It is necessary to strengthen the capacity of the Development of Peace Keeping Operations (DPKO) to plan and manage multiple operations and to provide for a UN rapid reaction force. And it is essential for member states to fulfil their financial responsibilities for the organization to be effective.

### **A Regional Model**

The second panellist, Dr Wayne Mapp, MP (New Zealand), identified that peacekeeping today is conducted at both a regional and the wider international level. Regional arrangements have been encouraged by the UN and have the advantages of using local input and knowledge with fewer layers of bureaucracy. Dr Mapp described several good examples of co-operation between South Pacific neighbours to ensure regional stability. The Bougainville crises in Papua New Guinea, the conflict in the Solomon Islands, and the creation of the state of East Timor show how regionally deployed forces can stabilise conflict zones to enable solutions to be achieved.

Whether at the regional or international level, peacekeeping has evolved to recognize that supporting peace requires institutional stability, not only the separation of the warring parties. Peace support operations now should include preventive diplomacy, conflict prevention missions, peacekeeping, traditional peacekeeping, humanitarian aid and refuge assistance.

According to Dr Mapp, what is required in building peace is much more than opposing war. Thus peace-building includes reintegrating former combatants into civilian society, strengthening the rule of law (for example, through training and restructuring of local police, and judicial and penal reform); improving respect for human rights through monitoring, education and investigation of past and existing abuses, providing technical assistance for democratic development (including electoral assistance and support for free media) and promoting conflict resolution and reconciliation techniques.



## Winning the Peace

The third panelist, Senator John Watson (Australia), began by reiterating the statement of the Prime Minister of Bangladesh, the Hon. Begum Khaleda Zia, at the opening of the 49<sup>th</sup> CPA Conference when she said that “Parliamentarians are the conscience of Nations.” Sen. Watson reviewed Australia’s involvement in peace keeping both regionally and around the world. In this regard, the September 11 terrorist attacks in the United States has opened up a new dimension too peace-keeping, that is, an attack by a terrorist organization whose exact location is not fixed and therefore its base of operations is difficult to locate and destroy. New approaches are required to deal with threats from non-state entities including the development of a new body of international law to deal with these criminal threats.

He expanded on the peace-building theme. He observed that the United Nations (UN) has been likened to a fire brigade but a fire brigade that arrives after the house has burned down is of no use.

Peacekeeping must have a wider dimension than a purely military approach because the military culture, the military mind set, is different from winning the hearts and minds of oppressed people. And it is in winning the hearts and minds of both sides that a lasting peace can be achieved. This approach includes steps to reduce poverty, hardship, famine, dislocation and suicides.

Senator Watson identified a void that must be filled to achieve the restoration of peace – infrastructure and community rebuilding after conflict. He suggested some form of an international reconciliation arm of the United Nations that has a role not unlike Moral Rearmament following World War II or Nelson Mandela’s Peace Reconciliation initiative in South Africa.

## Workshop Discussion

In addition to the discussion leaders, the workshop heard from nineteen delegates representing Cyprus, Canada, Namibia, Malaysia, Botswana, Kenya, Australia, South Africa, Gibraltar, Bangladesh, Malta, Jersey, Fiji, India and Sierra Leone. In addition to the increasing numbers of conflicts and the new dimension of terrorism, delegates added to the enumeration of challenges that the United Nations must address. Several delegates including Thasos Michaelides, MP (Cyprus) raised concerns regarding the undermining of UN authority by the US taking unilateral military action against Iraq. The moderator, Cheryl Gillan, also raised the question of unilateral action by the

United States in the context of the UN needing to deal with the weaknesses that caused frustration and thus encouraged unilateral action.

Speaker Hashim Abdul Halim (West Bengal, India) questioned what the proper peacekeeping mechanisms should be and suggested that they should include methods to prevent the fomentation of conflict by superpowers. He gave the example of the United States providing funding and arms to the Taliban during the Iran war and stated that states should check first before supporting dangerous groups in one conflict that later become the source of more conflict.

There were many suggestions on the need for the development of preventative measures by the United Nations. Mr Bijoy Handique, MP (India) called for preventive diplomacy. Mr Cameron Thompson, MP (Australia) said that the UN needs to more strongly advance democracy and human rights. Dictators and their status in the UN should be looked at and addressed with sanctions or other measures. Many delegates acknowledged that peace cannot be maintained without attacking the causes of conflict, including poverty, racism, intolerance and a "might is right" attitude.

Hon. Alexander Linggi, MP (Malaysia) argued that reforms were necessary to restore and maintain the confidence of all nations in the UN organizations. A common theme was structural reform – particularly of the Security Council to provide for more balanced representation including more from smaller countries. Delegates from Canada, Malaysia and Fiji pointed out that a clearer mandate is required for troops on UN peacekeeping missions.

While some called for a highly trained rapid response team to deal quickly with emerging crises to save lives, others called for a standing global police force to deal with terrorism as a global criminal activity.

Many interveners recognized the need for the UN's financial problems to be addressed by member nations. Mr Juan Carlos Perez, MHA (Gibraltar) pointed out that if a more forceful and effective United Nations was wanted, then it would have to be better funded. And if the dominance of the United States was a concern, then other nations would have to fund it.

## A Role for the CPA, the Commonwealth and Parliamentarians

In keeping with the statement that Parliamentarians are the conscience of the nation, delegates noted the need to promote a mind shift against war as an option in disputes and that this should be a popular crusade across all nations. Hon. Abdul Alim, MP (Bangladesh) suggested that there could be a role for the CPA and the Commonwealth in establishing a branch to promote reconciliation and peacekeeping. Hon. Mario Galea, MP (Malta) said that intervention by the Commonwealth, being less controversial and not dominated by the US, would be more acceptable to both Government and Opposition in a country in conflict.

## Are Peace Keeping Mechanisms Adequate?

Most delegates agreed that peacekeeping mechanisms were not adequate and consequently many suggestions for change were made. However, none proposed to abandon the United Nations model and some suggested that the mechanisms were fine. Rather what was needed was a stronger commitment by member states to support and obey United Nations resolutions. A delegate from Sierra Leone, MP, Hon. Hardy Sheriff, MP, expressed the thanks of his country to the United Nations for the peace and stability ensured by the presence of United Nations peacekeepers in his country. The findings of the workshop participants coincided with the words of the President of the CPA, Hon. Jamurudddin Sircar, MP, Speaker of the Bangladesh Parliament when he said the following at the opening ceremony of the Conference:

*“Thus with all its success and failures it (the UN) remains the only body in which mankind has an enormous amount of trust and hope. To rekindle that hope it is perhaps high time that suitable amendment or review of the charter to strengthen the UN may be undertaken.”*

## Workshop C: Are the Millennium Development Goals Achievable?

Moderator: Hon Farouk Lawan, MP, Nigeria

Discussion Leaders:

Mrs Hazel Hannan, MHK, Isle of Man

Dr the Hon Kedrick D Pickering, MLC, British Virgin Island

Ms Anuradha Seth, UNDP

Rapporteur: Mr Jabu Nkabinde, Western Cape, South Africa

The workshop moderator, Hon Farouk Lawan, MP, Nigeria welcomed all participants and introduced the session. The Hon Farouk Lawan delivered a presentation on the achievability of the Millennium Development Goals (MDGs) during the first plenary session. Measures that should be in place in order to achieve the MDGs were highlighted and the goals were listed. In his presentation, Hon Lawal concluded that a coordinated strategy would not be achieved without greater coordination among international institutions and agencies, including the United Nations. Other groups such as the private sector, non-governmental organizations, etc, also needed to be mobilized. Resources would have to be found and an appeal was made to the more fortunate countries to assist the poorer countries in improving their situations. Success in achieving the MDGs requires solidarity.

Ms Anuradha Seth, Policy Advisor on Poverty and the MDGs in UNDP, opened the discussion by mentioning the reasons why it was decided in 2000 Declaration in New York to set up the targets when the U N Millennium Development should be achieved. She mentioned that these goals were binding countries to do more in fighting against inadequate incomes, widespread hunger, gender inequality, environmental degradation, lack of health care, education and clean water.

Although the development of developing countries was increasing, Ms Seth pointed out that human development was proceeding very slowly. Many people were going hungry and the mortality rate in some countries had increased.

For the MDGs to be achieved, Ms Seth mentioned that this depended on factors such as the nature and pace of economic growth, the effectiveness of public service delivery and adequate resources, amongst others.

According to Ms Seth, the following issues should be looked at to achieve the goals, namely the nationally owned goals, the pace of progress, the investment in basic education and health, increase in productivity of small farmers, the support of basic infrastructure, the development of industrial policy, the promotion of democratic governance and the assurance of the environmental sustainability.

She emphasized the need for the developed countries to assist developing countries. This would hinge on the developed countries changing their policies, especially policies on tariffs and subsidies that restricted the exports/imports and technological markets. She enumerated more effective aid, new approaches to debt relief, the expansion of market access to assist countries diversifying and expanding trade and the better access to global technological progress as policies that needed change.

Ms Hazel Hannan, MHK (Isle of Man) opened by voicing her concern at the lack of time left to achieve the Millennium Development Goals successfully. She referred to other similar organizations which have not been able to achieve their goals. Reference was made to the lack of ability of the United Nations to deliver peace, human rights and international justice. Ms Hannan argued that, as the control of the United Nations is in the hands of the US, the UK, Russia, China and France, the situation was unlikely to change. Decision-making presently seems to benefit powerful nations and only sometimes assist the countries most in need. According to Ms Hannan, the World Bank and the International Monetary Fund have not fulfilled their mandates, which are to assist impoverished countries. She questions the seeming democracy of these organizations as the USA can block any resolution due to the fact that it owns more than 15% of the stock in both organizations and a majority of 85% is needed to pass a resolution.

Other organizations who have failed to assist poorer countries were mentioned such as the General Agreement on Tariffs and Trade or now known as the World Trade Organization. These organizations are controlled by the EU, the USA, Canada and Japan. The Big Four have, in the past, used threats to achieve their own goals. Developing countries have for instance been threatened with withdrawal of aid. She argued the policies of these organizations had resulted in the stagnation of growth and the increase of

debt which has reached an all time high of \$2.5 trillion. The repayment of these enormous debts left developing countries with no money to supply their people with essential services such as adequate health care.

According to Ms Hannan, the solution would be to democratize these organizations and to establish alongside that, a Democratic Parliament, representing the ordinary people of the world. The mandate of this parliament would be to oversee justice for all. She suggests the empowerment of people through parliamentary democracy and not just simply the handing out of aid. She concluded that the Millennium Development Goals are achievable with the help of a revolution.

Dr the Hon KD Pickering, MLC, British Virgin Islands: -

Dr Pickering started his presentation by mentioning that, because of the existence of the body of knowledge and technical expertise, the MDGs were attainable. He stressed that leaders had to reflect on the fragility of our lives and the constant feeling and reminder of our own mortality.

For us to attain the said goals, Dr Pickering highlighted the basic issues, namely committed leadership, the issue of education (especially sex education) with specific attention to the education of elders and the strengthening of families.

Dr Pickering felt that sex education would go a long way towards the eradication of poverty and hunger as people, well educated in sex and the outcome of irresponsible sexual behaviour, would make more informed decisions in respect of the number of children they can afford to have. Modified sexual practices as a result of education would help with the combating of diseases such as HIV/AIDS which will also have a positive reaction in respect of the improvement of maternal health and the reduction of child mortality.

Delegates representing Tanzania, Bangladesh, Malaysia, Australia, Kenya, Papa New Guinea, Jersey, South Africa, Uganda, Cook Island, Botswana, Ghana, Nigeria, the United Kingdom and Lesotho voiced their opinions on the various Millennium Development Goals and their achievability.

Participants highlighted ownership of the goals by the various role-players as an important factor in the achievement of the goals and felt that a plan had to

be adopted to help impoverished countries and that any help given to the more unfortunate countries should be unconditional. The commitment of governments in order to achieve these goals was unanimously emphasized.

The illiteracy issue and the fact that compulsory education for all children does not exist everywhere and that free education is almost non-existent were mentioned. A participant suggested that education need not necessarily be to university level but should rather take the form of community based learning which is more likely to result in people finding work. Formal education does not necessarily result in obtaining a job but it does create such an expectation. Hon. Dr James Memit, MP (Malaysia) mentioned that the country is well on its way on achieving most of the Millennium Development Goals but needed assistance with the combating of HIV/AIDS. The delegate suggested that guidance was needed to determine an acceptable universal living standard. This would help with the alleviation of poverty and hunger.

The delegate from Nigeria asked that parliaments in developing countries be involved with the formulation of policies concerning MDGs. He mentioned that the process where only the executive and agencies formulate policies would be disastrous if parliaments as representatives of their communities were not involved. He also mentioned that debts might result in the non-achievement of the MDGs and it was suggested that these debts had either be written off or interest not charged on them to allow these impoverished countries to grow economically and to allow them to use these funds to provide adequate health care, education, and so forth. Another suggestion was that no further penalties for non-payment of debts should be imposed on the already heavily burdened debtors and that a reasonable period of repayment (30-40 years) should be set to service these debts. An appeal was made to the CPA to support these suggestions.

A further point made in the discussion was that poorer countries should show efforts to help themselves; it was felt aid would then be more readily forthcoming. A delegate from South Africa pointed out that various developing countries such as Malawi had made inroads in the self-help processes. In Malawi, 100% of children are receiving primary education and Lesotho was currently in its 5<sup>th</sup> year of providing free primary education and had also embarked on a school feeding programme. Gender equality was being heavily promoted and textile-manufacturing companies were providing jobs to many women. Each ministry donates 2% of its budget to the combating HIV/AIDS.

The lack of accessibility to markets is a major stumbling block for developing countries. Participants agreed that greater assistance with the export of goods would help to enrich the poorer countries. The delegate from Botswana suggested that developing countries should be assisted to manufacture products from their raw produce and that finished products be exported as this will be more profitable than simply exporting raw products. The need for drugs to combat HIV/AIDS was mentioned.

Reiterating what Dr Pickering had said in his speech, the delegate from the Cook Islands pointed out that in her jurisdiction, people were encouraged to have more children as the current birth-rate was very low. She mentioned that education with regard to irresponsible sex and the possible results thereof had proved successful as there were no incidences of HIV/AIDS. The percentage of primary education was also very high.

The importance of access to information, as implemented in South Africa and other countries, was highlighted. Delegates mentioned that results had shown that if the people were made to know what their governments were doing and had an access to that information, it became easy for them to identify themselves with the problems their countries were facing and what each and everyone one of them had to do to ensure that the MDGs were achieved.

Corruption was mentioned as hindering the achievement of the MDGs. Suggestions were made that democracy and the eradication of corruption would result in richer countries being enticed to invest in poorer countries and this would in turn result in urban employment which would help with the eradication of poverty and hunger.

In closing, Ms Seth said the MDGs were not owned by the United Nations and stressed that global partnerships were not about handouts. Ms Hannan reiterated that richer countries should no longer exploit poorer countries and argued again that either a democratic organization should be brought to life or existing organizations, as previously mentioned, be democratized. Dr Pickering used South Africa as an example to illustrate a government's commitment to help the people of the country. He emphasized the importance of self-help.

Mr. Lawan concluded by saying that there was a consensus that the Millennium Development Goals were achievable. However, delegates



differed on how these goals would be achieved. He thanked the presenters and delegates for an interesting and thought provoking work session.

## Workshop D: Reconciling Human Rights with Cultural Diversity

Moderator: Hon. Lady Carol Kidu, MP, Papua New Guinea

Discussion Leaders: Prof. the Hon Narayan S. Pharande, MLC, Maharashtra  
Hon. Louise Pratt, MLC, Western Australia  
Ms. Maja Daruwala, Commonwealth Human Rights Initiative

Rapporteur: Craig James, Clerk Assistant and Clerk of Committees, British Columbia

The workshop moderator, the Hon. Lady Carol Kidu, MP, Papua New Guinea began the session by describing the complexity of Papua New Guinean society where there existed hundreds of languages and many different cultures in a country of five million people. She noted that human rights and cultural diversity in her country featured prominently in the legislature where representatives from the numerous segments of society were represented. This manifested itself in a parliament which was sensitive to the needs of the people of Papua New Guinea and appropriate programs and government policies were designed around enhancing the rights of all individuals in light of the diverse cultures that existed throughout the country. She qualified her presentation however but illustrating how the theoretical constitutional enshrinement of rights and freedoms has not yet translated a changed reality for many for a variety of socio-economic and cultural reasons, in itself, can be an impediment to achieving basic rights.

Professor the Hon. Narayan S. Pharande, MLC, Maharashtra reviewed the philosophical and political components of human rights and the connection with cultural diversity. He referred to the Preamble of the United Nations Charter, which had affirmed that human rights were a fundamental right of all people in the world. Specifically, he made reference to Article 1 of the UN Charter, which encourages respect for human rights and for fundamental freedoms for everyone. In providing an historical perspective to the issue of human rights and cultural diversity, Prof. Pharande discussed the adoption in 1948 of the Universal Declaration of Human Rights which proclaimed a common standard of achievement for all people incorporating not only traditional civil liberties but also social, economic and cultural rights. Together with the International Covenant on Civil and Political Rights, these

agreements have resulted in the concept of human rights, as it is commonly known now.

The struggle to preserve, protect and promote human rights is as old as civilization itself Prof Pharande argued, which continues to this day. It is very pronounced in India where the tenant “let all people be happy, healthy and prosperous” is a vision, which is being pursued by the national and state parliaments. He stated that the Indian Constitution provides for a basic framework to safeguard the basic fundamental principles of human rights.

The connection between human rights and cultural diversity is a question that has been asked repeatedly over the years and in this respect Prof. Pharande concluded that he sees a definite connection but one which is not being recognized by many countries around the world.

In particular, he referred to the International Conference on Human Rights at Vienna in 1998, which declined to draw the connection between human rights and cultural diversity.

In the modern era of globalization Prof. Pharande argued that cultural nationalism seemed to be overshadowing the notion that cultural diversity supplanted the latter through the economic virtues of the former.

Without the acceptance of cultural diversity he stated that violence would continue to mould the state into the nation envisaged by the intolerant majority.

Prof. Pharande closed his remarks by say that reconciling cultural diversity with human rights is an issue confronting all nations of the world and to strike an equilibrium is the most difficult task.

Hon. Louise Pratt, MLC, Western Australia opened her discussion on the topic by stating that the notion of human rights is that it be universal and accessible by all people, irrespective of culture.

She said that there is a lot of inspiring and useful philosophy and analysis written about human rights – especially in the international arena – but her experience in her legislature has resulted in debates which seem to be very protracted and far removed from the practicalities of seeing tangible progress

on human rights issues. Hon. Pratt mentioned that for her, it was important to focus on the matter of human rights at the local level rather than the global level because it was more relevant to her immediate community.

Nevertheless, she said that there is an enormous amount of work to be done throughout her communities to better educate people as to the concept of human rights and the connections that might exist between it and the diverse cultures residing in her state.

Reference was made to the abuses of human rights where proper protocols have not been established and adhered to. As members of parliaments, the Hon. Pratt stated that it was imperative that members fully understood the concepts of human rights and cultural diversity and that they shed any prejudice they might have toward the two issues.

Drawing on Australian examples, the Hon. Pratt stated that her country is a nation that has a racially divided history but has been working to overcome this facet of Australian life and places significant value on cultural diversity and human rights. She said that, consequently, Australia is generally a very inclusive and successful multicultural society.

The Hon. Pratt stated that the acceptance by every one of common standards and values are the basic structure of social inclusion. She said that the acceptance by everyone of the right to express their own particular cultural views including their religious heritage respected the concept of cultural diversity. The removal of barriers relating to discrimination provided a more sound social equity for everyone. The recognition that diversity can be turned into an advantage and the talents of people utilized is a major step toward entrenching human rights in the country.

But to achieve these goals requires enormous commitment of the political and ethnic leaders not to mention all citizens of the state.

The Hon. Pratt indicated that recent terrorism has curtailed in the eyes of many human rights initiatives and in fact, set back the ongoing efforts to promote human rights. In Australia she said, the system of asylum seekers being held in detention is a clear example of the infringement of human rights as they apply to these people desperate to leave their country for prosperity elsewhere. Tough anti-terrorism laws throughout the countries of the world have limited the ability to push forward the ideals that human rights stands for. Unfortunately, in many countries the curtailment of human rights under the guise of restricting terrorism has become popular among the citizenry. As

parliamentarians she said, it is important to reconcile the differences between protecting our citizens and infrastructure and defeating the terrorists. The question then raised is how do parliamentarians reconcile their roles in parliament with the need to protect the rights of cultural minorities who seldom have the electoral clout that the majority has.

For culturally diverse groups law reforms were not necessarily politically popular but they have grown in acceptance in the wider community supported by a majority of citizens as is the case in Australia. In Australia, the governments have been successful in their dialogue with the citizenry about the importance of advancing the public's understanding of these issues.

Although human rights abuses against minorities can be motivated by racism and xenophobia in the wider community, it is sometimes very difficult to convince the electorate of the inter-relationship between human rights and cultural diversity.

The Hon. Pratt concluded by saying that the human rights mantra is not perfect – it evolves in different local cultural contexts far removed from international debates – but its universality that all people are entitled to human rights is the key. Maintaining the profile of the human rights ideal helps maintain visible debate in our society about these issues and makes substantive gains in improving the lives of people. In the current global climate it is crucial that Commonwealth Parliamentarians be vocal advocates for human rights and the significance of cultural diversity.

Ms. Maja Daruwala of the Commonwealth Human Rights Initiative began her comments by stating that the Commonwealth is built upon cultural diversity, which is its basic paradigm. She said that dignity and human rights are synonymous: culturally diverse groups live within the boundaries of their states but abide by international conventions, which reach well within their countries.

Everyone recognizes the value and need for diversity: constitutions throughout the world promote this concept in an effort to protect minorities.

Accommodation is one major element fundamental to democratic practice and citizenship rights Ms. Daruwala described. It does not end in being simply tolerant of one another or charitable but it is the accommodation of the difference and celebration of diversity between all of us.

Recognizing cultural diversity casts a duty on the state to promote and protect the rights of all citizens. It means maintaining a continuing dialogue between diverse communities fostering a sense of commonality.

She said that minorities are often amongst the poorest so that rights, freedoms and the notion of equity require governments to remain sensitive to the cultural history.

All of the debate that exists today is borne out of the many world conferences and international declarations regarding human rights and the recognition and respect of cultural diversity. Culture itself must promote human rights even as human rights protect cultural practice but neither must retain unfairness.

Ms. Daruwala drew a connection between the rejection of human rights and the assertions of vastly different systems of values, which have never been properly articulated. In this respect, it results in the failure to realize that all governments require human rights. Without it, it is a failure of democracy, she said.

People argue that the new globalization is pushing the world involuntarily toward standardization and a universalism, which is not generally accepted by the world community. The example she used was that of isolated communities, tribes and social systems where the state has not intervened or has little influence and the community is culturally "pure".

Ms. Daruwala raised a number of questions including who is speaking to assert that one segment of society is more important than another and what makes up an identity for cultural purposes.

Implementing the ideal human rights conduct intertwined with the vast cultural diversities in the world is the provenance of parliament. The solutions lie in creating regimes that foster a strong and proactive state, constitutional protections, electoral systems sensitive to cultural diversity, affirmative action programmes, incentives to business to hire minorities, and the integration of government policies to protect human rights and preserve cultural identities.

The workshop heard from 20 delegates on the relationship between human rights and cultural diversity. Comments emanated from Australia, India, Malaysia, Guernsey, Namibia, Bangladesh, New Zealand, Tanzania, Sierra Leone, Nigeria, Cameroon, South Africa, Ghana and Uganda.

Ann Robillard of Guernsey discussed cultural diversity in the context of identity and the right to have your cultural heritage recognized and respected. She also alluded to the fact that culture is not static but constantly changing and thus it can be difficult to define. Bismillahir Rahmanir Rahim of Bangladesh reviewed human rights and the nature of cultural diversity in Bangladesh and stated that irrespective of religious, cultural, social and linguistic diversities in the country there is exemplary social harmony. Everyone's basic human right is guaranteed.

He stated that countries need to remain vigilant and guard against lawlessness in the name of human rights and appealed to Commonwealth parliaments to respect each other's human rights and values.

The Hon. Sandata Sariu of Nigeria descried the poor state of respect for women in her country and said that cultural diversity if not handled properly can bring chaos to a multiracial and multicultural society. She said that women's rights need to be identified as human rights. The Hon. James Mamt of Malaysia described the link between human rights and cultural diversity: the first denies the relationship between human rights and a cultural context while affirming that human rights come exclusively from international legal instruments and can be preserved without cultural variation. On the other side, cultural relativism and the assertion that human values far from being universal, vary a great deal according to different cultural perspectives. Thus, human rights are sometimes dismissed as a western notion, which is imposed upon countries whose independence was achieved only recently. Without a universal standard of human rights interpretations exist to undermine the concept. Consequently, developed countries should acknowledge developing countries' insistence on the right to development and access into the global markets, as an economic solution.

Paul Adams of New Zealand commented that the culture of a nation is not often recognized by the people that live in the nation as their culture is what they do naturally. Musel Kundel of Sierra Leone said that education is the key to promoting and understanding human rights.

Mr. Joe Scalzi of South Australia drew a parallel between cultural diversity, human rights and citizenship wherein the success of one does not mean the success of the other. Total commitment to the entire issue is essential.

In summary, the moderator, Hon. Lady Carol Kidu, MP stated that theory and reality are often different and the matter of reconciling human rights with cultural diversity is a prime example of this axiom. Parliaments, governments, organizations and citizens need to remain steadfast in protecting their human rights and respecting the diverse cultures inherent in each nation. She referred to the statement made by the Hon. Prime Minister of Bangladesh when she stated, “parliamentarians are the conscience of nations”. As such, parliamentarians are entrusted with the unique opportunity to create a better future for the peoples of the world.



## Workshop E: How can the Doha Round contribute to increasing trade and investment opportunities for developing nations ?

Moderator: Ms Sarmite Bulte MP, Canada

Discussion Leaders: Senator the Hon Constance Simelane, Swaziland

Datuk Dr Yusof Yacob, Malaysia

Mr Patrick Rata, World Trade Organisation (WTO)

Rapporteur: Mr Graham Hill, New Zealand

### **Main views**

The two main views about how the Doha round can contribute to increasing trade and investment opportunities for developing nations that emerged from this workshop were an optimistic view and a pessimistic one. They both start with a somewhat depressing view of how the world lives. Mr Patrick Rata acknowledged that of the six billion people in the world one billion live on one \$US per day and 1.8 billion live on \$US 2 per day. Reducing the resulting hunger and poverty is important. Mr Rata noted that at least \$US 50 billion per year until 2015 will be needed to alleviate this situation but where it will come from is an open question. More aid from developed countries and debt relief are critical issues to be addressed.

Mr Rata observed that trade access to developed countries' markets by developing countries is another way of addressing poverty. Trade opportunities to export agricultural products without needing to compete with products subsidised by developed countries is an important way developing countries can increase their wealth. One of the current absurdities of world agriculture production is that about \$300 billion per year is spent on subsidies which equates to five times the world total spent on aid to developing countries and seven times the amount needed for debt relief.

Mr Rata noted the Doha round of trade negotiations being conducted by the WTO has the potential to add another \$520 billion per year to world trade by 2015. Two thirds of this will accrue to developing countries. If the Doha round succeeds developing countries will benefit the most. He expressed an optimistic view about the recent failure of the WTO meeting at Cancun noting that it is a set-back not a final result as the Doha round has not yet finished.

Dato Dr Yusof Yacob and the Hon Constance Simelane expressed a more pessimistic view of the current DOHA round of negotiations. They noted that the development aspect of the round has been ignored by the developed countries, namely USA, EU, Japan and Korea. Developed countries have

frequently not met deadlines in areas of interest to developing countries and have pursued matters which clearly do not have the agreement of developing countries. Issues such as investment, competition policy, transparency in government procurement and trade facilitation (the Singapore Issues) are not important to developing countries: yet they have been pushed to the forefront. Datok Dr Yusof Yacob observed that developing countries need to take into account the views and needs of other members, particularly developing members. Developed countries should not demand that the WTO go into areas of contention to developing countries, which encroach upon domestic rule-making, such as competition and government procurement. He argued that developed countries must recognize that these areas provide opportunities and a vehicle for developing countries to achieve their development objectives.

Although agriculture is of particular interest to developing countries as two-thirds of the world's poor work in agriculture, Datok Dr Yusof Yacob noted that market access for non-agricultural products is also an issue as there are often high tariffs in developing countries that discourage developing countries exporting higher value added product. Developed countries also have non-tariff barriers (environment or technical standards) which present compliance costs and difficulties to developing countries.

The Hon Constance Simelane argued that it is possible for the Doha round to benefit developing countries if certain prerequisites are put into place. There needs to be an equitable two way street for trade. Market access needs to be assured. Anti dumping needs to be eliminated and the issue of subsidies needs to be addressed. She concluded that although something can be done to improve the current situation it is a long time coming.

### **Other views**

The optimistic and the pessimistic points of view were explored and amplified by the delegates. Adul Alim (Bangladesh) emphasized the need for free movements of persons and better transfer of technology in addition to products. Jacqui Huet (Jersey) advocated using the full name 'World Trade Organisation' rather than the acronym WTO to emphasize that the expansion of trade, particularly in agriculture, was highly important to developing countries. Felix Kwasi Owusu-Adjapong (Ghana) noted the need for developing countries to meet good governance criteria and trade more with each other.

Naledi Pandor (South Africa) noted that while developed countries had improved their access to markets in developing countries the reverse had not occurred. Provisions to stop dumping of agricultural products in developing

countries were needed. She concluded that the Doha round was likely to continue this dominance by the developed countries.

John Mutinda Mutiso (Kenya) noted the importance of institutional memory in the leadership of the WTO. Frequent ministerial changes do not facilitate negotiations. Another issue John Mutinda Mutiso highlighted was the developed countries' insistence that Government procurement in developing countries should be by open tender before aid was given. He also noted the importance of parliamentarians in WTO issues. The CPA has worked with the WTO to provide seminars on these issues and the Secretary-General of the CPA should consider organizing some more workshops.

Wayne Mapp (New Zealand) described New Zealand's experience as a developed country that was nevertheless very reliant on agricultural exports. He noted New Zealand's economic liberalization programme in the 1980s and 1990s. Free trade had become fair trade as both consumers and producers benefited. Reducing barriers to investment also assisted the transfer of technology.

Dato Napsiah Binti Omar (Malaysia) pointed out that farmers comprised 68 percent of her constituency but did not attend the conference at Cancun. She noted that three billion farmers world-wide will benefit from the Doha round if it succeeds. As parliamentarians believed in democracy she advocated that they should actively seek to reduce hunger and poverty through trade reform. Carolyn Seepersad Balihan (Trinidad and Tobago) argued for the need for legislatures to be more active in treaty making issues rather than leaving them to the executive as legislatures represented people. She maintained that the CPA could help educate and empower parliamentarians to do this. The moderator proposed a seminar to do this.

Masiko Winifred (Uganda) pointed out that non-tariff barriers, such as phytosanitary requirements, were impeding developing countries export their products to developed countries. Thomas Neawaiya (Tanzania) noted that developed countries when giving aid did not allow it to be spent on subsidizing farmers when some of them subsidized agriculture production in their countries.

## **Conclusion**

In summarizing the contributions from the delegates the discussion leaders noted the need for parliamentarians to become more involved in trade issue processes. Parliamentarians needed to be more positive and proactive. Parliamentary friendships with other parliamentarians, particularly in the US

and the EU, should be used to advocate change on trade issues. The discussion leaders also noted that developing countries could do more for themselves, such as pursuing trade arrangements. Datuk Dr Yusof Yacob cited the examples of the Association of South East Asian Nations (ASEAN) and the Asia Free Trade Agreement (AFTA).

Patrick Rata noted that the WTO had been formed over the past 50 years by a restricted number of countries, which pursued its own interests and is now reflected in its rules. The Doha round is an opportunity to change these rules and attitudes. The mandate to negotiate still exists. The slow pace of negotiations should not cause participants to reject further action. The discussion leaders observed that negotiations will only be effective if they get back on track. The moderator concluded that the current impasse is simply a half-way point in the current Doha round of negotiations. One thing that developed countries had learnt from the failure of Cancun was that developing countries were a new voice that cannot be ignored.

**Workshop F:           Anti-terrorism legislation - have we achieved any  
                                  tangible results**

**Moderator:**                   Professor the Hon. G.L. Peiris, MP., Sri Lanka

**Discussion Leaders:**        Senator the Hon. Robert Ray, Australia  
                                  Mr Harry Cohen, M.P., United Kingdom  
                                  Senator the Hon. Raynell Andreychuck, Canada.

**Rapporteur:**                 Mr Russell D Grove, Clerk of the Legislative  
                                  Assembly, New South Wales, Australia.

Before calling upon discussion leaders the panel Moderator Professor the Hon. G.L. Peiris, MP (Sri Lanka) made some observations to set the scene for the ensuing discussion. He observed that it was important to recognize that legislation and other anti-terrorist measures needed to be adoptable from country to country as at no time were two circumstances were the same. He also suggested that it was important that civil society be included in initiatives taken by Governments to encourage a feeling of ownership and security in the measures adopted by Governments.

Prof. Peiris observed that in the area of national terrorist activity the political response has been to take a federalist approach to overcome minority stress by developing power to regions with a country whereby separate majorities were recognized as having legitimate views. He also observed that the roles of international communities had to be accepted and that their needs had to be recognized.

The first leader discussion Senator the Hon. Robert Ray, (Australia) commenced his remarks by observing that legislation by itself would not prevent or wipe out terrorism, at best it would make others a softer target for terrorism. He suggested that difficulties arose with the many definitions of terrorism. In his view the key to defining terrorism lay with the methods used and the victims included rather than the motivation behind the act.

Another aspect of the issue which he considered to be important was who should determine who was a prescribed group before the law was invoked-

parliament, the executive or the courts. He informed the workshop that in Australia the United Nations list of prescribed groups had been accepted and that to go beyond this group special legislation would need to be enacted.

Senator Ray also observed that other areas of importance included the need to cut off the money supplies and the loss of the legal right to silence for those suspected of having knowledge of terrorist activity. He acknowledged that issues of civil rights in relation to this aspect of terrorist legislation were important but on balance it was essential. In his view legislation was needed to control the powers given to intelligence agencies with provision for scrutiny of abuses of these powers by parliament. He said that it was vital to put in place mechanisms whereby the causes of terrorism could be checked. Finally he observed that the world must recognize that there were nation states which actually promote and sponsor terrorist activities through funding and other means and that those countries had to be brought to account.

The second discussion leader, Mr. Harry Cohen, MP, (United Kingdom) observed in his opening remarks that the accepted Commonwealth objectives and principles of peace, promotion of democracy, justice and the welfare of all people were directly opposite to the terrorism and what it stood for. Having said that he made the point that there had to be a balance between security legislation and human rights. On the one hand it was important to have in place appropriate policing authority, intelligence measures and emergency powers to be used as and when required but to be balanced on the other hand, to protect human rights with investigations not being simply "fishing exercises" with all actions having legitimacy through specific well documented procedural requirements. He states that all actions should be in accordance with the law and if that proved insufficient the law should be changed.

In Mr Cohen's view there was a need to distinguish between international terrorism and national struggles for freedom. He called for tolerance in regard to religious freedom and was of the view that there was a need for a separation of the Church from the State. He observed that the Commonwealth had taken measures to assist in combating terrorism through the production of model legislation and the promotion of good governance projects. In his view the International Criminal Court should be encouraged to play a more active role in the fight to prevent and contain terrorist activity.

Finally he observed that, in his view, the key to success lay in the need to ensure that all states had in place proper democratic processes to ensure that all action taken was legitimate and within the bounds of the law.

The third discussion leader Senator the Hon. Raynell Andreychuck, (Canada) commended to all in her opening remarks the importance of the Commonwealth Human Rights Initiative and United Nations Resolution 1373 as a good basis for individual countries to deal with the issue of terrorism. She observed, however, that the United Nations was having difficulty in defining terrorism. She proceeded on to say this was not a criticism in that there was not a lack of will but rather the problem was that terrorist activity and methods were not static but ever changing. In her view it was unfortunate that “profiling” had become part of terrorism prevention whereby minority groups were unfairly put in the spotlight for attention simply because some sections of that group were involved in terrorist activity.

Senator Andreychuck suggested it was a mistake to place dependence on legislation alone. There had to be political will for implementation increased financial resources and organizational structures were essential to identify the root causes of terrorist activity as a preventive measure. In her view parliamentarians should not and could not avoid their emerging responsibilities to ensure proportionality between the right to security and other human and civil rights was observed at all times. The questions parliamentarians had to answer were - how far do you go in the quest for balance between security and human rights and with legislation passed after 11 September 2001, have we gone too far in eroding existing criminal principles. In her view she believed it was vital that legislation have review and/or sunset clauses and oversight mechanisms to ensure proper parliamentary scrutiny of anti-terrorist measures. Finally she observed that in her view the right balance was maximum security with minimum intrusion and that every parliamentarian has the duty and responsibility, as elected representatives, to be involved in all aspects of the fight against terrorist activity.

The discussion was then opened to all delegates attending the workshop. Mr. Gareth Thomas, MP (United Kingdom) was of the view that sometimes it was necessary for democracies to take strong action, which may be criticized, and not make excuses for terrorist activity. He said it should be recognized that global terrorism does exist and that while some might say that the United Kingdom had placed itself out on a limb it was the responsibility of an elected government to ensure freedom and security for its people. He also made

reference to Northern Ireland where strong action such as imprisonment of terrorist had given way to a peace process and opening up of channels of communication.

Mr Satbin Singh Kadian (Haryana, India) observed that terrorism is now a global issue since the early 1980's in its relationship with Pakistan over disputed borders. He informed the workshop that with the passage of the Prevention of Terrorism Act, 2002, which hopefully dealt with any deficiencies of earlier legislation. He was of the view that together with various United Nations resolutions and international conventions, India was well placed to deal with emerging terrorist issues.

Mr Sophocles Fittis, MP (Cyprus) brought to the attention of the workshop the ongoing territorial dispute in Cyprus where the possibility of terrorist activity was even present and as such there was a need for vigilance.

Mr Karim Ghani, (Malaysia) reminded the group that Malaysia had been criticized when it introduced the Internal Security Act many years ago - now those countries who were critical are introducing similar legislation. He believed that there was a need to look for the source of global terrorism and in his view that source was the Middle East and the Palestinian question of sovereignty.

Mr Robert Molefhanbangu, M.P. (Botswana) strongly put the view that democracies should not have to apologize for taking serious and unprecedented steps in the fight against terrorism and its sources. He believed there was a danger that some democracies may over react and engage in terrorist activities themselves. He did make the point that suspected terrorist could be found in countries like the US and the United Kingdom.

Mr Sadanand Singh, MPP (Bihar, India) believed that India had to a large degree met the challenge of enacting legislation to address the increase in terrorism. He did express concern that all parliamentarians should be conscious not to impinge on basic human rights. Despite national attention to these issues without increased international co-operation success could not be assured.



Mr Charles Bakkabulindi, MP (Uganda) expressed a view that world powers should not overstep the mark and fall into the class of terrorists themselves in their fight to prevent themselves from what they perceived as terrorism.

Mr Ruhanie Ahmad, MP (Malaysia) expressed a strong concern about US involvement in the containment of global terrorism. He asked who and what gave the US authority to be a policeman of the world.

He felt September 11 was seen as a second Pearl Harbour which in the US view legitimised subsequent action but his view was that action should not interfere with sovereignty.

Mr Edward Cowan, MP (Sierra Leone) felt that legislation was not working because in some cases it lacked justice. He felt legislation had to be truly enforceable and uniform and should not be used as a threat by powerful nations. He saw engagement and consultation as the true way forward to meeting the challenges.

Mr Bob Hill (Jersey) informed the group of the effect terrorism on a small island community particularly one which acted as a financial centre. In these circumstances preventative measures needed special attention, as legislation was not enough by itself. It was the root causes of terrorism that needed to be identified in the first instance.

Mr Kandy Nehova, MP (Namibia) observed that in his view the Middle East question was the crux of the issue of global terrorism with the unwillingness of the US to intervene against Israeli terrorism.

Mr Anadi Sahu, MP (India) focused his remarks on the need for the United Nations and other international bodies to continue to address the issue of global terrorism and adopt conventions and develop strategies to support individual nations to their quest to define and confine terrorist activity internally. In the case of India the legislative approach had met with some success. He also expressed concern about the danger of religious fundamentalism.

Ms Kerrie Tucker, MP (ACT Australia) expressed concern that the use of the word "war" against terrorism had the effect of co-opting the community through fear and encouraged the notion that anything is justified in the name

of “war”. It was her view that the importance of communication and engagement of the community could not be underestimated. The impact of terrorist activities and of it on the environment should also be taken into account.

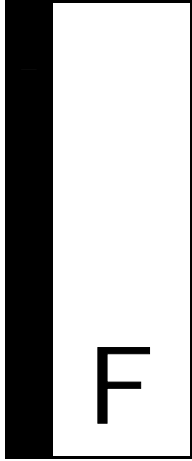
Mr Faruk Lawan, MP (Nigeria) was of the view that the lack of an effective definition of terrorism has led to selective reaction to acts of terrorism which results in a feeling of injustice and inequality by those suffering the collateral damage of terrorist activity.

Mr Robin Deb, MP (West Bengal, India) felt that terrorist activities were principally related to economics and finance and the continuation of economic advantage was a reason for fighting the spread of terrorism.

Mr Sue Yani Gandhi, MP (Nigeria) agreed with other contributors that better definitions of terrorism needed to be put in place. He also expressed the view that those currently engaged in fighting terrorism, in particular the U.S.A., should accept some guilt given that in the past they supported and trained people and organizations subsequently engaged in terrorist activities.

The final speaker Mr Keshari Nath Tripathi, MLA (Uttar Pradesh, India) felt that it was not correct to call a terrorist a freedom fighter.

The moderator closed the workshop by thanking all participants for their thoughtful contributions.



## Appendix F

**Agenda of the 2003 General Assembly of the Commonwealth  
Parliamentary Association**

1. Welcome and opening remarks by the President
2. Apologies for Absence
3. Minutes of the General Assembly meeting held in Windhoek, Namibia, on 9 and 12 September 2002 - to approve
4. Matters Arising from the Minutes
5. Reports of the Executive Committee - to receive
  - i) Annual Report of the CPA for 2002 (as printed)
  - ii) Interim Report for the period 1 January to 30 June 2003
6. Audited Accounts and Balance Sheets for year ended 31 December 2002 - to receive
  - i) CPA Headquarters Secretariat Accounts
  - ii) CPA Working Capital Fund Accounts
  - iii) CPA Conference Assistance Fund Accounts
7. Budgets, Estimates and Projections for 2003-2005 - to note
  - i) CPA Headquarters Secretariat Income and Expenditure Accounts: 2003 (budgeted); 2004 (estimated) and 2005 (projected)
  - ii) CPA Working Capital Fund Income and Expenditure Accounts: 2003 (budgeted) and 2004 (estimated)
  - iii) CPA Conference Assistance Fund Income & Expenditure Accounts: 2003 (budgeted) and 2004 (estimated)
8. Membership Report - to note
  - i) Membership Fees
  - ii) Branches in abeyance
    - a) Pakistan and its Provinces
    - b) Zimbabwe
    - c) Northern Ireland
  - iii) Branches coming out of abeyance
  - iv) Application to form Branches
  - v) Applications to change delegate entitlement
  - vi) Branches in arrears
9. Appointment of External Auditors for 2003 - to approve
10. Membership Fees for 2005- to approve
11. Other Recommendations from the Executive Committee to the General Assembly - to consider
12. Strategic Plan for the Association 2003-2007

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13. Report of the 23rd Conference of Members from Small Countries
  14. Commonwealth Women Parliamentarians:
    - i) Report by the Secretary-General
    - ii) Report by the Steering Committee
  15. Election of Officers and Regional Representatives
    - i) President
    - ii) Vice-President
    - iii) Treasurer
    - iv) Regional Representatives
  16. Future Venues - to note
  17. Any Other Business