

Senate, Monday 25 June 2001

COMMITTEES: Foreign Affairs, Defence and Trade Committee: Joint: Report

Senator FERGUSON (South Australia) (4.48 p.m.) —I present the report of the Joint Standing Committee on Foreign Affairs, Defence and Trade entitled *Australia's role in United Nations Reform*, together with the Hansard record of the committee's proceedings and submissions received by the committee.

Ordered that the report be printed.

Senator FERGUSON —I seek leave to move a motion in relation to the report.

Leave granted.

Senator FERGUSON —I move:

That the Senate take note of the report.

As Chairman of the Joint Standing Committee on Foreign Affairs, Defence and Trade, I present the committee's report entitled *Australia's role in United Nations Reform*. This is a report on the future of the United Nations, not an examination of its past. The committee had no illusions about the failures of the United Nations in peacekeeping, delivery of aid and in the management of programs, particularly in recent years as demands on the organisation burgeoned. We were very mindful of the criticisms directed at the United Nations for excessive bureaucracy, and even corruption, and the concerns expressed by a number of people that the organisation was causing the demise of the nation state.

However, the committee was concerned to examine the role and purpose of the United Nations in the future, evaluate the current reform program and develop recommendations or policies which might assist the government of Australia in its approaches to United Nations reform in the years ahead. The aim of the exercise was to suggest ideas to make the organisation more efficient and effective and to bring it back to the ideals upon which it was established. After all, the United Nations is us—that is, it is an association of all the nation states of the world. It is as good as we, the states of the world, make it. Its failures are, in the broadest sense, our failures.

During the inquiry, the committee received 150 submissions and 65 exhibits and held eight days of public hearings within Australia. It also had extensive discussions with the secretariat of the United Nations in New York, inspected the peace operations in East Timor and held discussions with the United Nations Secretary-General, Mr Kofi Annan. A question raised with the committee was whether the United Nations represented a force for globalisation that impacts adversely on the national interest. The committee did not find this to be the case. It found that globalisation is not a result of the existence of the United Nations. On the contrary, the United Nations offers the best possibility of ameliorating some of the most negative effects of globalisation, which is driven by economic interests and the nature and capacity of modern telecommunications and transport.

The committee found that more and more is being demanded of the United Nations as international problems increase, but resources do not match demands. Most of the United Nations' failures are the result of insufficient resources put into preventive measures and too little time and money, as well as too few people, to conduct peace operations when conflict arises. This problem is greatly exacerbated by the failure of some member states to pay their dues on time. The question of funding of the United Nations is a critical one. I should remind the Senate that Australia has always paid its dues in full and on time.

Peace operations have become more frequent, more complex and more urgent. Much has been learned through the nineties, but they remain underfunded, lacking in planning time and logistical support. Countries need to be reminded that the UN can only do what the member states are prepared to support and that the United Nations can only act as quickly as the

support is made available. Many decisions about whether to assist or not to assist are political, depending on the political willingness of the member states to become involved. In the last decade, the reform of the United Nations has been considerable, especially within its secretariat. Reforming key decision making structures, particularly the Security Council, has proved to be much harder, while other reforms have become necessary as the UN has grown in membership. Australia has always been supportive of the United Nations, and it is clearly in Australia's interest to be so. Middle powers enhance their influence on world affairs through the United Nations; they do not diminish it. As the report notes:

From the beginning, the model set by Evatt of 'the power exercised by the force of ideas, argument and intellectual effort' has continued and has paid dividends for Australia.

How Australia deals with the treaty body system has, however, been a matter of dispute. This has centred particularly on the decision of the government not to ratify the optional protocol to the Convention on the Elimination of all Forms of Discrimination Against Women. The committee was divided on whether this was the best way to approach treaty body reform. This has led to the dissenting report being signed by a large majority of coalition members of the committee, even though many of the signatories have come to this view without taking part in the inquiry process. As chairman, as signatory to the dissenting view and as a full participant in the inquiry process, I believe that it is reasonable to seek some reforms before this protocol is ratified.

In addition to all the structural and procedural aspects of UN reform that are canvassed in this report, one area is of particular importance to the long-term acceptance of the UN's role—that is, its accountability. No level of government works well or retains its legitimacy for long without accountability. Given that the organisation is an association of member states, accountability must be through the Australian government and to the parliament. The committee believes that, as the United Nations becomes more important in the amelioration of some of the negative effects of globalisation, it is important that the work of the UN and Australia's role in the organisation should be understood by Australians. This will ensure that there is a sound and accurate knowledge among Australians of the work of the United Nations and that Australians more readily understand what is being done on their behalf and in their interests in the international arena. To this end, the committee is proposing that the work of the United Nations and Australia's role in it become the subject of an annual public hearing conducted by this committee. This will allow scrutiny, public discussion and a report to, and debate in, the parliament on a regular basis.

My Deputy Chairman, Mr Hollis, tabled this report in the House earlier today. I need to respond to a couple of comments made by him. He said that it was always up to the government of the day to accept or reject the government's recommendations and that he believed that pressure was put on government members not to agree with recommendation 19 in relation to CEDAW. I remind people of the process of the subcommittee, which presents its report to the full committee, the main committee, which may then amend the report and finally approve it. Any dissent from that final approved version by the main committee may then be submitted before a certain time on the following day or following days. In this case, that is exactly what happened. It was put in by members who felt strongly on a particular issue.

I urge senators and members to read the report fully. Too often we have pre-emptory reports from people who have perhaps read just the recommendations or the newspaper reports. It is a very positive report, and I urge people to read it carefully. There are only two recommendations out of 23 where there is any dissent, which leaves 21 unanimous recommendations, which are positive, forward looking recommendations. I urge members not to let these positive recommendations be lost in the political arguments that range around the signing of the CEDAW proposals and the ICC dissent. There were only four members, out of

a total 32 committee members, who dissented in any way from that recommendation with respect to Australia signing the Statute of Rome in relation to the International Criminal Court.

I wish to pay special tribute to the committee's secretariat staff. Ms Margaret Swieringa, the committee secretary; research officer, Mr Jon Bonnar; and administrative officer, Mrs Lesley Cowan—to name but three of those who have worked in that office—have worked under very trying and pressing conditions over the last couple of months in order to bring these reports to fruition before the parliament rises for the winter recess.

Mr Hollis also suggested that it was a pity that this report would not have the positive impact that it could have had because of dissenting reports. There are so many positive aspects of this report, and we should not lose sight of them when considering the report in total. I commend the report to the Senate.

Senator SCHACHT (South Australia) (4.58 p.m.)—I rise to speak to the motion moved by Senator Ferguson, the chairman of the Joint Foreign Affairs, Defence and Trade Committee, in tabling the committee's report entitled *Australia's role in United Nations Reform*. As a member of the committee, I first of all admit that I did not play as active a role as I would have liked to in the preparation of the report at the subcommittee level and then at the full committee level. My duties as a shadow minister, amongst other commitments, meant that I was not able to play the role that I should have or could have. I have always been a strong supporter of the United Nations, despite its many faults. It is a bit like Winston Churchill's quote on democracy: 'It is the worst form of government, but it is better than any other that has been invented.' The United Nations is the worst form of international organisation, but it is better than any other that has been invented, and without it the world would have been in a sorrier state at the security level, the peace level and the development level over the last 50 years.

I want to associate my remarks today with Senator Ferguson's in congratulating the staff of the committee for the work they have done. In view of a controversial report on privileges in the lower house, I want to express my support of the secretary, Margaret Swieringa. As the secretary of the committee overall, she has done a fantastic job, with the support of all the other staff. My colleague in the lower house Mr Hollis, the deputy chair of the committee, made a statement earlier today with which I concur. It said:

Those who actively worked on the report put many hours into this work. I must also say that the Labor members of the committee feel extremely frustrated with the final outcome of this report. We worked very much to get a consensus report and as such were not as critical of Australia's role, especially in treaty making processes, most notably with regard to human rights, as we would have been had we known earlier that many members of the government would have put in a partisan dissenting report.

I want to acknowledge that Senator Ferguson did not gloss over the fact that that occurred in the dissenting reports on two of the recommendations that are in this report.

It is unfortunate that there are dissenting reports. As a former chairman of the committee—and I know Senator Ferguson agrees with this—I think it is always to the advantage of the committee and the parliament to have agreement on these recommendations, which always means some give and take for us all. With our disparity of views, we have to compromise on a number of recommendations to have a unanimous report. But, once a report is tabled that is bipartisan, tripartisan and unanimous, we know it has much greater weight when governments consider it and, even more importantly, when the community consider the report. They can see that, despite our partisan differences, we have reached agreement on what are often very controversial matters.

All but two recommendations are unanimous. That is a very good outcome. There is dissent in two areas: the optional protocol on the discrimination of women. It is disappointing that there

has been a dissenting report signed by quite a few members; however, it is not an outright rejection. They are arguing that there should be further improvements in processes. I hope we can achieve that. I am very disappointed that a number of senators have expressed dissent about the International Criminal Court. I am a member of the Joint Committee on Treaties and I have heard some of the people coming forward to explain why we should not sign up to the ICC, and I have never heard such a broad range of prejudice as I heard in most of that evidence. My colleague Senator Ludwig would agree.

My colleague from the committee Senator Harradine has put in this report a lengthy comment on matters that are close to his heart, particularly family planning. He did not actually dissent from a particular recommendation. He made a comment that disagrees with the trend of some of the report. All I can say is that we know Senator Harradine's view. My view on family planning is diametrically opposed to his. I believe we should be doing more for family planning, and that does not mean I support in any way coercive family planning arrangements anywhere in the world. But it is an absolute necessity that this country does more to promote family planning as a women's health issue more than any other. I will continue to strongly argue that.

The report is a very reasonable report. I am very disappointed we could not be unanimous. Like Mr Hollis, I would have put some strongly dissenting comments in a couple of spots if I had known that there were to be these other dissenting reports. I agree with the final comment of Senator Ferguson and the recommendation that the joint committee should hold hearings on an annual basis and should have an overview of progress being made in the reform of the administration of the UN. I do not think any of us would disagree with that.

Senator BOURNE (New South Wales) (5.04 p.m.) —As a whole, this is a very good report. We should not lose sight of the fact that all of us who worked on it agree with the vast majority of it. We did start working on it in November 1999, which is quite a while ago. I would like to mention here Peter Nugent, whose good work on the committee should not go unrecognised. The chairman has made a note of it in the report. Peter Nugent did come to New York with us and he went to East Timor, and he attended most of the meetings that I was at as well. He did a lot of good work. I would like to mention also the committee secretariat—Margaret Swieringa, Jon Bonnar and Lesley Cowan, in particular—who have worked so hard under frequently very difficult conditions.

I would like to highlight a couple of points about the report. We are all in agreement on finance. If you go to see the UN headquarters in New York, you could not disagree with the suggestion that they are desperately in need of more money. As the chair said, this is not Australia's fault. This is substantially the fault of the United States. We are all absolutely in agreement that they desperately need the money that they should get from the US. Australia's place in the UN is still pretty good. In particular, Penny Wensley has been an excellent Australian ambassador to the UN in New York. She has been very good, she has been assiduous and she has made sure that we have maintained a very strong position within the UN. This is probably despite the kerfuffle that was made with that first press conference, I recall, on the Australian government's attitude—in particular, the attitude of three ministers in the Australian government—to treaty reform. The timing of that was very sad, because that substantially led to the fact that we have huge dissenting reports.

I would like to make one further recommendation. If you are on the Joint Committee on Foreign Affairs, Defence and Trade and you disagree with some recommendations of a subcommittee report, you do not want your name put on that, and it will be. What I have considered doing in the past—I think I have done it once—is just to put in a qualifying comment saying, 'I'm not on this subcommittee, I wasn't able to go to any of the hearings, I didn't read the information, I wasn't able to question the witnesses, and therefore I can't associate myself with this report.' I think that is a much better way of doing it.

As it is, we have a few people who do know what they are talking about who put in dissenting reports, and we have a large number who do not and who cannot know what they are talking about because they did not go to the meetings, they did not read all the submissions, they did not go to New York, they did not go to East Timor and they do not understand it. There are a few who do understand what they are talking about, and I respect their right to put in dissenting reports. If you do not know and if you were not there, you should just consider dissociating yourself from the report rather than putting in a dissenting report.

Senator HARRADINE (Tasmania) (5.08 p.m.) —I wish to speak on the tabling of the report *Australia's role in United Nations Reform*. Dissenting reports, by nature, are necessarily negative because of their need to point out perceived problems in the main report. This requirement should not be taken as a reflection on the positive aspects of the main report. The main report acknowledges the need for further reform of the United Nations and in particular its treaty body system structures, accountability and cost effectiveness, yet it urges increased funding and merely records without critical analysis the statements made by the UN bodies to the committee members who visited New York. To assist in Australia's role in UN reform, a far more rigorous analysis of its performance is required than is reflected in the Joint Committee on Foreign Affairs, Defence and Trade report *Australia's role in United Nations reform*.

I was disappointed that the report failed to properly address the failure of some UN operations. The few relatively minor criticisms of the UN made in the report do not get to the heart of the reforms needed. For example, the report failed to mention the violence against women and children by peacekeeping personnel. There are some reports about this. A recent report by the special rapporteur, for example, last year on violence against women has expressed concern about the growing number of reports of rape and other sexual abuse committed by UN peacekeeping forces and staff and UN refugee camp and border guards. Another report exposed a rapid rise in child prostitution associated with the arrival of peacekeeping troops. The author said:

These and other acts of violence committed by peacekeeping personnel against women and children are rarely reported or investigated.

That was from a UN report of last year. These matters need to be rigorously pursued not only for the protection of the women concerned and to bring to justice the perpetrators but also for the good name of United Nations forces in general.

The report also fails to mention the recent corruption scandals involving United Nations High Commissioner for Refugees officers against vulnerable refugees, for example in Kenya. It fails in reporting on the area of aid and development. For example, there was a meeting on 23 May 2001 in New York, and a UN report was made on the panel discussion on the coordination of United Nations work in Africa. That report made the extraordinary statement that the coordination of UN work in Africa had produced non-development in Africa. It dealt with the question of structural adjustments. I would like to remind the Senate that in 1970 there were some 25 least developed countries, or LDCs. Now that has almost doubled: there are 49 LDCs at the present moment, and 70 per cent of them are in Africa. The report of the meeting that I have referred to said that the coordination of UN work had produced non-development in Africa. That is a terrible indictment of UN agencies. You do not just throw money at them, you find out what is wrong and what should be done about it.

There is clearly a need to reform CEDAW and ensure that it works within its mandate. The report was remiss in failing to acknowledge the government's reasons for refusing to support the ratification of the CEDAW optional protocol. I would have thought that at least the government's view might have been put in the report as to why the ratification of the optional protocol for CEDAW is not appropriate for Australia at this point in time. It is an unfortunate fact that the CEDAW committee is actually reinterpreting the CEDAW convention without

the consent of member states, who signed the convention in good faith. For example, the committee strongly criticised Belarus for reintroducing Mother's Day, saying it promoted sex role stereotyping. It also pursued the United Kingdom, saying its laws were defective on abortion in that in Northern Ireland the laws are more restrictive.

The report was also lacking in its failure to mention the complicity of the United Nations Population Fund, UNFPA, in the dreadful coercive population programs—particularly those in the PRC. Even in the area that they are working in, there is coercion. There are fines imposed, and that is ignored. Senator Schacht comes in here and talks about family planning. Let us talk about what is happening to the women who are coerced into that situation and fined if they do not toe the line of the PRC government. Because of these inadequacies I was unable to concur with the report as a whole, despite supporting a number of its recommendations. I seek leave to continue my remarks later.

Leave granted; debate adjourned.