



COMMONWEALTH OF AUSTRALIA

JOINT STANDING COMMITTEE

ON

**FOREIGN AFFAIRS, DEFENCE AND TRADE
(Human Rights Subcommittee)**

Reference: Regional dialogue on human rights

MELBOURNE

Tuesday, 17 February 1998

OFFICIAL HANSARD REPORT

CANBERRA

JOINT STANDING COMMITTEE ON FOREIGN AFFAIRS, DEFENCE AND TRADE

(Human Rights Subcommittee)

Members:

Mr Nugent (Chair)
Mr Hollis (Deputy Chair)

Senator Bourne	Mr Brereton
Senator Chapman	Mr Barry Jones
Senator Harradine	Mr Price
Senator Reynolds	Mr Sinclair
Senator Schacht	
Senator Synon	

The committee is to inquire into and report on:

The effectiveness of Australia's regional dialogue on human rights, with particular reference to:

the current debate on the interpretation of human rights in this region;

the place of human rights (civil and political, economic, social and cultural), including the issue of freedom of speech and expression, in the relations between Australia and our regional neighbours;

the place of the debate on human rights in the debate on regional security and stability;

the extent of ratification of the UN human rights treaties in this region and the impact of this on the promotion and protection of the rights of children (including child labour issues), women, workers, indigenous people and minorities; and

the role of existing institutions, both government and non-government, other linkages and avenues for dialogue, and the means by which these might be improved.

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(Human Rights Subcommittee)

Regional dialogue on human rights

MELBOURNE

Tuesday, 17 February 1998

Present

Mr Nugent (Chair)

Senator Bourne

Mr Barry Jones

Senator Harradine

Senator Reynolds

The subcommittee met at 10.01 a.m.

Mr Nugent took the chair.

CHANDRAKUMAR, Mr Loga Prasanna, Member, Australian Human Rights Foundation, VCA Building, 130 Little Collins Street, Melbourne, Victoria 3000

PARAMANATHAN, Mr Murugesu, Member, Australian Human Rights Foundation, VCA Building, 130 Little Collins Street, Melbourne, Victoria 3000

WOOTTON, Reverend Richard Frank, Chief Executive Officer, Australian Human Rights Foundation, VCA Building, 130 Little Collins Street, Melbourne, Victoria 3000

CHAIR—I declare open this public hearing in Melbourne of the Human Rights Subcommittee of the Joint Standing Committee on Foreign Affairs, Defence and Trade. The subcommittee is inquiring into the effectiveness of Australia's regional dialogue on human rights and has held public hearings in Canberra and Sydney. We will hold further public hearings in Canberra in the next few months.

The inquiry addresses the ongoing human rights debate in the region as well as the institutions and processes which might advance that debate and improve dialogue. There are many government and non-government organisations with significant expertise and resources in this area. One of our tasks is to investigate whether there are ways of making better use of those capabilities in order to make Australia as effective as possible in its promotion of human rights in the region.

As the inquiry has progressed, the economic circumstances of some of our neighbours in the region have taken a downturn. The potential for that downturn to have a damaging effect on the protection of human rights is something that we will examine closely. This issue needs our attention not only because of the obvious dangers it may present to some groups of people in neighbouring societies but also because of the risk it could pose to the long-term stability of our region.

Our witnesses today represent a range of interests and backgrounds, including human rights and aid organisations and academia. They bring to the inquiry a valuable knowledge and an interest in human rights and Australia's role in the region. On behalf of the subcommittee, I welcome the representatives from the Australian Human Rights Foundation, who are our first witnesses this morning. The subcommittee prefers that all evidence is given in public, but should you at any stage wish to give any evidence in private you may ask to do so and the subcommittee will give consideration to your request. Although the subcommittee does not require you to give evidence on oath, I should advise you that these hearings are legal proceedings of the parliament and, therefore, have the same standing as proceedings of the House itself. I invite you to make an opening statement and we will then have questions.

Rev. Wootton—We are aware that the economic conditions in many Asian countries have changed considerably since we made our submission which, no doubt, you have read. In simple terms, we still believe that there is a place for the Australian

government to state its position relating to human rights issues in the region clearly and that this should not necessarily affect our trade relations.

Next week I am going to Seoul to be a guest at the inauguration of Mr Kim Dae-Jung. I have worked with him for 25 years in helping to save his life. I am a good friend of his wife, Lee Hee Ho. Kim Dae-Jung is a Catholic and Lee Hee Ho is a methodist, so I am greatly honoured. But it raises the issue that, after the early 1970s when there were several clear attempts to assassinate Kim Dae-Jung, at the very black times in Seoul in 1980 when he was condemned to death under Chun Doo Hwan, his life was able to be saved by a massive campaign around the world.

I can tell you that politically he looked like he was not going to make it and certainly his wife Lee Hee Ho thought he would not make it. When Carter was defeated and Reagan came in, one of the first guests who came to the White House was Chun Doo Hwan. So it is a time of great celebration there that a civilian—a genuine civilian now—has at last been elected to lead that country in a very difficult time.

Why I say that is that over the years of working on Korea—I worked in industrial missions some years ago—it was very hard to talk to the Australian government and, in particular, Foreign Affairs about such issues as human rights. The overwhelming push was that Australia had a two to one trade relationship with South Korea, that that should not be jeopardised in any way and that, if we went along and we raised these issues, they might not do so much trade with us.

I point that out because now we are in a new era in Korea. The person who we did not really do much about at the time is now the president. I think that that is typical of dealing with countries—we need to have a longer term view of the politics of all that. I can remember often visiting Kim Dae-Jung both after he was in Japan, before the assassination attempt when he was a prisoner in his home for many years, and in Washington when we finally got him freed and he was there.

Nearly every time you would go there to visit, someone from the US embassy or some political attache, as they used to call them, would be there talking with him. I say that because I think that it is vital in issues related to Asian countries that we realise that politics do change and that our people, while they may look like they support the governments, should also be very careful to keep lobbying those who are in opposition—those who it seems are at times dangerous to talk to.

We will talk more specifically this morning about a case related to Sri Lanka. Sri Lanka remains an enigma for me. I have worked on it since 1983 when the first major pogroms took place there. When we have tried to talk to the Australian government and Foreign Affairs, we really have never ever got anywhere. This is not political—Gareth Evans was as stolid in not wanting to listen much to what we said as Alexander Downer is now. It seems that with the issue of Sri Lanka everybody thinks that we have to go

along with the government that is in power because of our trade, and that we do not really want to raise with them some of the horrific human rights abuses that go on in that country and are considerable. Probably 100,000 people have been killed—50,000 of those are Tamils—in this war that now is raging up and down the country. There are maybe 650,000 refugees fleeing for their lives all the time, from one place to another, as they are bombed.

The army continues to gain in power. It takes a huge amount of the revenue of that country. We believe that about one-third of the budget of the country is in deficit and, of that, nearly \$US90 billion is spent on the army. To give you an indication of how that has grown—

Mr BARRY JONES—How many billion?

Rev. Wootton—The amount is \$US90 billion. It is a huge amount. That is 4,500 billion rupiahs. It is a massive amount that has grown. That is the amount that they spent on the first seven years of the war, but the army's appetite has got bigger and bigger. Now they are like many military regimes—and I know a little about that from living in Korea. After a while, they begin to determine the whole policies of the country, and that seems to be the case there now.

We can demonstrate, from Amnesty and other reports, that people are endlessly disappearing. There are summary executions and rapes carried out by the military that are not properly investigated, and this goes on and on. While we may pursue trade—and we put the trade figures in the papers that we sent to you; and some of them are rising, which in a way is a good thing—we believe that we should be more firm with Chandrika.

Chandrika Kumaratunga was elected to bring peace. She has not brought peace. She has increased the military budget and she has let the military run with what we think is a war of genocide against the Tamil people who are only seeking their own rights. Further, they then turn around and say to the people who would defend the refugees that they are terrorists. That is the label that puts them down, and that is the label that the US government, which has had military advisers in there recently, follows.

We believe that, if it is going to be at all good for trade, the Australian government also has the right and the power to say something about human rights. Sri Lanka is a glaring example of a place where journalists cannot go and aid people are gagged. It is a hidden war which goes on and on, and the atrocities are really terrible. I do not want to say much more about that. We are pleased to be here and we will try to answer any questions you have. We hope that we can change the policy of the Australian government in relation to what happens in Sri Lanka.

CHAIR—Just for clarification—and I do not want to get into an argument about who is right and who is wrong in Sri Lanka—you were not suggesting in your comment

just now that the LTTE do not engage in terrorist activities, were you?

Rev. Wootton—We are saying that they are defending the refugees against a huge force. At times they have done some things that we have obviously said to them they should not do; however, at the United Nations Human Rights Commission last year, the overwhelming evidence presented related to rape, killing, summary executions, murders, and torture that were overwhelmingly on the side of the army.

Who can tell the LTTE what to do, but I have tried to tell them that they should be very careful how they fight that fight. I had 25 years experience working with the ANC, and it was the same thing. For a long time people said, 'Oh, they do these atrocities all the time and that makes it okay the other way.' We have tried very hard to tell them that they should defend people and that they should not act like the military acts.

CHAIR—On a further question of clarification, you commented on how the new president came in with a charter for peace. My understanding was that she had actually undertaken peace negotiations and it was the LTTE that walked away from them.

Rev. Wootton—That was the information that we got in the media, but it was clear from the Tamil side that they knew that they were going around purchasing a new set of weapons and they were preparing for that sort of war. Also, Chandrika did not send key government people to the talks. They were not people who had authority in the government. The talks were fairly impossible if you look at the dialogue that went on.

The LTTE were very distrustful, and that is one of the big problems of peace. As you know, you have to have confidence building measures on both sides. I do not think much of that has gone on, and that is why we would like to think that the Australian government, the Commonwealth or the UN could provide some measure of confidence building so that genuine peace talks could take place.

Mr Paramanathan—I want to add that the *Canberra Times* editorial, paragraphs 4 and 5, clearly state how the peace negotiation broke down. Please take note of that. It is not my view, Reverend Wootton's view or the Australian human rights foundation point of view; it is an independent journalist from Australia who wrote this editorial.

CHAIR—As we have just been handed this, it is an appropriate juncture to formally accept this as an exhibit for the inquiry.

Resolved (on motion by **Senator Bourne**, seconded by **Senator Reynolds**):

That the document headed *The Canberra Times: Fatigue best hope of Sri Lanka peace—Editorial* be incorporated into the record of human rights subcommittee as an exhibit to the inquiry into the regional dialogue on human rights.

Senator HARRADINE—So as to make the *Hansard* read fluently, I was wondering if the two paragraphs adverted to could be incorporated in *Hansard* at this point?

CHAIR—Is it the wish of the committee that the document be incorporated in the transcript of evidence? There being no objection, it is so ordered.

The document read as follows—

President Kumaratunga is only the latest in a list of Singhalese leaders to have buckled under pressure in her attempts to broker a cease-fire. Indeed she came to power on the express promise of talks with the rebels. That was undermined by her own generals, a group of men whose incompetence is surpassed only by their capacity for self-determination. Their activities cost the country dearly when it became clear to the Tamil leadership in 1995 that the tentative negotiations for peace were getting nowhere. They sent four "Sea Tiger" suicide bombers to blow up two Sri Lankan navy vessels in Trincomalee harbour. From that moment President Kumaratunga dropped attempts to reach out to the rebels; the generals have achieved their aims.

Senator BOURNE—I have just got two questions—about Sri Lanka as it happens. I noticed in your submission, on page 3, that you say that there was a press release from Mr Downer claiming that third party mediation would harm the situation in Sri Lanka.

Mr Paramanathan—Firstly, in this package, I have attached Mr Downer's statement in Colombo.

Senator BOURNE—It is part of this package, isn't it?

Mr Paramanathan—Yes. Just after the trade figures, you will see where Mr Downer made that statement in Colombo. We met with the foreign affairs department in Canberra, including Mr Peter Nugent MP, who said, 'Australia is very keen to be a third party to help solve the conflict.' Alexander Downer went to Colombo and said, 'Third party mediation can hamper the peace process.'

Senator BOURNE—It is not just Australia, but any third party.

Mr Paramanathan—Exactly.

CHAIR—Can you just point that out to me?

Mr Paramanathan—Yes.

CHAIR—It is not actually a quote, is it?

Senator BOURNE—It would be interesting if we got information from Alex what he actually meant there.

CHAIR—I will ask the secretary to make a particular note of that and we will get clarification of that from foreign affairs, I think. Because, certainly, that would be counter to anything that I am aware of that the government has taken as a position.

Mr Paramanathan—Exactly.

Rev. Wootton—It surprised us.

CHAIR—It is a matter that I have discussed with the minister personally on a number of occasions and he has never expressed that view.

Mr Paramanathan—Exactly.

CHAIR—That press report—which for the benefit of Hansard is a part of the last exhibit, and we will probably have to give them all the titles of all these pages—is the one headed '*Violence and terrorism perpetrated by the LTTE totally unacceptable to Australia*'—*Downer*. The last sentence in the seventh paragraph in that particular document says:

But he said outside interference might even harm the peace process.

That is obviously an interpretation by somebody. I am surprised at that, but obviously we will need to check it out.

Mr Paramanathan—Thank you.

Senator BOURNE—I have one more question. It is from this exhibit with the export and import figures on it. I have asked this before, but I cannot for the life of me remember the answer: confidential items of trade—we just have no idea what is in there.

Mr Paramanathan—Exactly. I got this one from the foreign affairs department yesterday. I am surprised to see that there is some confidential trade going on; they cannot declare what item it is.

When we met last year with the Department of Foreign Affairs and Trade, they said they gave \$3.5 million in humanitarian aid especially to set up a human rights commission. That human rights commission went into the Tamil areas and they set up an office in the army camp and were expecting the victims to come and report to them. It is clearly stated in this Human Rights Watch world report. I can give you that. They were having the office in the army camp and asking the victims to come and report and of course the commission said, 'No complaints.'

Senator BOURNE—Fancy! I am amazed.

Mr Paramanathan—Yes, it is surprising and it is our money. The Australian government contributed a major part of the money to set up that commission.

Mr BARRY JONES—I am amazed that the government or Tim Fischer is not putting a heavy emphasis on confidential items of trade because it is obviously the biggest growth area.

Senator BOURNE—It certainly is—two to 83,000.

CHAIR—Whilst we are not going to debate it, I think one has to put it in perspective. For every country we trade with, there are always confidential items on the list of items, and a lot of that is nothing other than it is commercially confidential. So it does not necessarily mean that it is something terrible or whatever.

Mr BARRY JONES—But when you reflect that it is the biggest single item by far—

Senator BOURNE—By miles and miles the biggest single item.

CHAIR—Again, we will ask the secretary to ask DFAT to specifically address that when they come to talk to us in the next hearing.

Rev. Wootton—We would like to hear the answer.

CHAIR—It will be on the public record, we hope. It may not be if it is confidential.

Mr BARRY JONES—Dick, you said about \$90 billion for the army. Is that US dollars or Australian dollars?

Rev. Wootton—US dollars.

Mr BARRY JONES—Do you have any idea what percentage that is of either GDP or government outlays? My only reservation about it is that it just seems too big as a proportion of the total economic value of the Sri Lankan economy. Our GDP is about \$A580 billion, say about \$US450 billion, and obviously the Sri Lankan GDP would be worth a great deal less than ours. I do not understand how you could get a figure which involved, say, 60 per cent of total economic activity—the proportionality. Even if it is an extraordinarily high figure, I do not see how an economy could work.

Rev. Wootton—Can I quote from an Internet report:

The estimates of revenue and expenditure for 1998 are rupees 306.7 billion and 208.1 billion respectively, leaving a current deficit of rupees 98.6 billion. Recently the government increased the

defence levy from 3.5 to 4.5 per cent, generating an additional revenue of \$Can274 million. It also increased duty on imports to 20 per cent. The current budget allocation to defence totals rupees 4,490 billion. This is 23 per cent of the country's total revenue or 13½ per cent of the total expenditure for 1998. This expenditure is equivalent to the total defence expenditure for the first seven years of the war since 1983.

I think we are saying that it is bounding ahead, that the appetite of the military going around the world buying a whole lot of new arms is really there.

Mr BARRY JONES—Are you tabling that thing from the Internet?

Rev. Wootton—Yes, I can table that, or we will get it to you.

Mr BARRY JONES—If it is on the Internet, it must be right!

Rev. Wootton—I checked with Professor Eliezer, who is a very eminent mathematician.

CHAIR—I think *Hansard* should record some jocularly in Mr Jones's interjection. It would be useful if you could send the secretary a copy subsequently.

Senator HARRADINE—I would like to go to this question of enculturalisation which you mentioned in your submission to us. I was interested that you said:

One civilization's moral code can not be imposed on the rest of the world, if a moral code is to gain legitimacy with all those that adhere to it must identify with the cultural symbols and practices of those populations.

I could not quite understand that. It is the other way around, isn't it?

Mr Chandrakumar—And what was your question, I am sorry?

Senator HARRADINE—I thought it was the other way around. I thought you started off with certain agreed essentials—that a society's citizens, in order to remain cohesive, need to have a common understanding and agreement to certain essential values. Is that correct?

Mr Chandrakumar—Yes. We are putting forward the view that is expressed by many South-East Asian nations. Dr Mahathir and Singapore schools call it being at the forefront of this argument. What they are basically arguing now is that the UN charter which was set up 50 years ago is not valid any more, because so many of the nations that are now in the General Assembly were not there when it began. This is not a view that we share. We are putting the view forward. When you go around trying to impose that view, then you are going to run into problems, which is what we are say saying. If you try to these ideas which are enshrined in the UN charter, which are basically western European

ideals, if you like, then you are going to run into problems. That is what they are putting forward as their argument for not toeing the line. That is why they are saying, 'We can do this and get away with it.'

Senator HARRADINE—But are you saying that the right to life, the right to form and found a family, for example, are Western ideas? Surely you are not saying that.

Mr Chandrakumar—We are not saying that. The Australian position, in our opinion, seems to be shifting. We are talking about the pragmatics of it in everyday life—where you can go in to east Timor and get away with it. They are saying that is the way it is; that is the Asian way, if you like. We do not agree with that. We are Australians. We agree that that view it is not right. We are not putting that forward as our argument. We are saying that is what they are saying and we feel that the Australian government is slowly pushing towards that view.

Rev. Wootton—In Korea in the Confucian society there is an obvious abhorrence of the stated rights of individuals, whereas people will sacrifice anything for the family or the group. Yet we always say, 'Well, it's the rights of the individual that matter more than anything.' Or that is in the UN, anyway.

Senator HARRADINE—Are you really suggesting that that is what the Universal Declaration of Human Rights is all about?

Rev. Wootton—Not in simplistic terms, no. It appears to many Asians that we seem to be on about individual rights first and not so much concerned with family or communal rights as they are.

Senator HARRADINE—That may in fact be correct, but there are certain fundamental human rights, as we all know, aren't there?

Mr Chandrakumar—That is an assumption that they question. That is the academic debate between fundamentalism and universality. They argue—

Senator HARRADINE—I am aware of that debate.

Mr Chandrakumar—Yes. They would argue that no, there are not sort of *carte blanche*, there are certain—but the right to life is not really being questioned by anyone seriously, I would argue.

Senator HARRADINE—Oh yes?

CHAIR—Before I invite Senator Reynolds to ask questions, I want to pursue something I think you said and I want to be clear; that is, given that there may be in some parts of Asia a questioning of the international values that have been accepted under the

UN definition for 50 years, there may be some different views about that. Mahathir, for example, may have a different view from what we might have, but I think you then went on to say that you believe the government is actually accepting those views.

Mr Chandrakumar—It is not—

CHAIR—No, I want to be clear about whether you are saying that the government is accepting those views or whether you are saying that the government is actually not being firm enough, if you like, in putting its views. Are you saying the government agrees with those views or that it is not actually pursuing its own views vigorously? I want to be clear about that.

Mr Chandrakumar—We feel the government is not pursuing it as strongly as it should. If you look at it, it would appear that maybe we are shifting by not affirming those views, by turning a blind eye to certain actions.

Mr Paramanathan—A good example last year was the United Nations Human Rights Commission. They know that when all the other Western countries voted, Australia abstained in the motion condemning China's human rights record. That was a good example. We had to have an Australian government sacrifice human rights/ethical views in favour of economic and trade interests.

CHAIR—My point is that the government would suggest that that is a matter of tactics of how you handle the human rights argument, if you like. If you are saying the government is actually subscribing to a different standard, where is your evidence for the fact that the government is subscribing to a different standard as opposed to perhaps pursuing tactics that you may disagree with but, nevertheless, it is a matter of tactical approach from their point of view?

Mr Chandrakumar—We would like to get this point absolutely clear. We are not saying the Australian government is subscribing to those views. We feel, however, that by not upholding the views that we as Australians find acceptable—

CHAIR—And give de facto support.

Mr Chandrakumar—Yes, to us it seems that maybe there is a shift in the thinking.

Senator REYNOLDS—Reverend Wootton, your submission is called *Human Rights: pragmatism or principle?* but in actual fact you are arguing in what you said that, if we take a principled stand, that may well be the most pragmatic in the long term.

Rev. Wootton—I think that if we do it often it will not be seen as something that is repelling. We are not sort of playing like a big policeman in the region in a self-

righteous way.

Senator REYNOLDS—So you are not really asking us to choose between pragmatism or principle?

Rev. Wootton—No, but I think we should often be seen to be raising the issue maybe more often than we do. If we did it often, then it would not seem so repugnant.

Senator REYNOLDS—This committee has to make some very specific recommendations to government. We may well all have our views about whether or not this and indeed previous governments have done enough on human rights. You have obviously been around the area. You know the department well. Looking at the structures of the Department of Foreign Affairs and Trade, how would you see that human rights could be better integrated into all areas of activity?

Rev. Wootton—My argument would be that we should do it more often. For example, the other day in Sri Lanka, some prisoners were killed in the prison. Obviously the Sinhalese prisoners were encouraged to do it. I thought when that happens, in a merciless situation like that, the Department of Foreign Affairs and Trade should say: ‘That is unacceptable to us.’

Senator REYNOLDS—I know what you are saying but I am looking at the practical administration of DFAT—who and where. It would seem that if particular desk officers are responsible primarily for promoting trade, they are going to be much more likely to say, ‘We don’t like this, but we won’t do anything just now.’ There are various sections of the department concerned specifically with human rights, but are they marginalised? What I am looking at is how, from an administrative point of view, we can integrate human rights—if those are the words we are going to use—into the thinking of the entire department.

It seems from anecdotal information that human rights is seen as ‘out there’: as warm, fuzzy. It is ‘what we would like to do in a perfect world but my job is to be practical in terms of bringing home the bacon of trade.’ So how do you integrate human rights into the thinking of the entire department? Do you have any suggestions there?

Rev. Wootton—I think what I have said is that when such issues come up we should indicate to the Sri Lankan government when it is insufficient, when it should be better investigated—whether it is a rape or prison killings or whatever. I would do that often, not that we are harping about it, but because they are standards that we, as a people, find abhorrent. We still do trade. We show we are on for trade. I guess with someone like Mahathir, it would be seen as something that they would get considerably angry about.

Senator REYNOLDS—I think the issue is: if we lined up every foreign affairs officer here today, how many of them would have a thorough grasp of Australia’s human

rights obligations under various UN treaties and conventions?

Rev. Wootton—Our information is, when I have been there and when we have Tamils from Canberra, Ravi Chandra for instance, yes they do know what we are talking about. But it seems the decision is not to raise it. In fact it was said to me once by a woman there that she would not raise that issue. The only issue she was ever going to raise was when there was some evidence that the LTTE had committed so-called terrorist activities. She was not going to raise something that was critical of the armed forces as she knew that would annoy the authorities in Colombo. She was very clear about that. We had a fair sort of a dust-up about it.

Mr Chandrakumar—You said human rights was an ‘out there, warm and fuzzy’ sort of thing. I think it is not really ‘warm and fuzzy’ any more. It is becoming a real issue in international affairs.

Senator REYNOLDS—I do not think that. But I worry that this government and sections of the previous government—that was for Peter—had this view. I am certainly not saying that. But I think if you look at the attitudes expressed—yours is a perfect example—it is not part of the real game. It is a matter of it being terribly regrettable and we all feel very sorry about it, but it is not our prime responsibility. What I am looking at is: how do you get, in a department that is supposed to be concerned with international standards, diplomacy and trade, a better integrated commitment to human rights?

Mr Chandrakumar—I think one suggestion I would like to make would be to look at Britain’s new foreign policy. I am not 100 per cent sure about the minute details of it but, broadly speaking, it has been refocused to incorporate human rights. You asked about how to incorporate into the administrative structure. We would possibly look and see what they are doing. Their views are probably more entrenched. If they can change and refresh to that, then I am sure Australia should not have that much trouble trying to catch up.

Mr Paramanathan—One good example is the trade figures. We feel that they are giving arms to Sri Lanka, where there is a genocidal war going on and where they are not allowing the journalists or any other independent reporters to witness what is going on. Even the local journalists are not allowed into the area. For 3½ years the war has been going on. Here we are selling some items, and it cannot be told what they are. That is, the direction should come from the top. I do not think ordinary officers can decide the order of priority.

Senator REYNOLDS—But they provide the advice to the minister.

Mr Paramanathan—Exactly. I think the minister has to take a stand and say to the subordinates, ‘This is our foreign policy and these are the priorities. We must look after our interests and be mindful of others’ interests. At the same time we cannot just

ignore human rights as well. We cannot drink other people's blood.

CHAIR—We will have a chance to debate it on another occasion, Senator Reynolds. I would have to say that it seems to me that, if the policy is not set from the top, it does not matter what structures you put in the bureaucracy you will not go in necessarily the right direction.

Senator REYNOLDS—If you do not get the right advice, you may not get the right policy.

Mr BARRY JONES—I want to make a couple of comments and then ask a couple of questions. I should point out on page 5 of your submission there is a wonderful misprint. At line 3 you say:

Gareth Evans declined to 'contenance the view that comes out the US so often . . .

I think that is a completely new concept for Gareth. It has to be 'countenance'. Then at the bottom of that paragraph there is a Paul Keating statement. I have no idea what it means. It says:

. . . the more the US can leave its imprint on the institution of the pacific—

I never thought of the Pacific of being an intuition exactly—

the better we'll be.

I have no idea what that means. Has something been left out of the actual text? There is a small 'p' for Pacific too. The real comment I wanted to make—

CHAIR—Maybe that is meant to be institutions meaning institutions or countries in the Pacific.

Mr BARRY JONES—Institutions. Yes. It seems to me that—

CHAIR—It is nice to have one where I got it before you did.

Mr BARRY JONES—Your paper starts off with a pretty tough line on the importance of human rights and then it seems to me that it gets very wimpy towards the end in saying that we have to take into account the point of view of the people who are running things in the various countries. In the first part you say that the right to free speech, the right to free elections, the right to leisure, the right to health, are all very important human rights. And then you say, 'Oh well, but in a country like Myanmar, if you have an outfit like SLORC in control, well, it would be prudent not to be pushing these lines.' Really, you cannot have it both ways, I think.

As the paper goes on, it gets softer and softer. You say, for example, that 'We will have to modify our position and become more sensitive to the difference between our Asian neighbours and us.' Is that, as John Howard would say, a reciprocal obligation? Does it mean that the leaders of Malaysia or Singapore or Myanmar say, 'Oh well, we have got a reciprocal obligation to take into account the Australian view and therefore we moderate the way in which we behave'? It seems to me to be quite absurd to say that we have an obligation and the obligation is completely one way.

Mr Chandrakumar—Firstly, with the SLORC, I do not think we ever suggested that we should back off there. We are putting the point that Gareth Evans—

Mr BARRY JONES—But you do not exclude them. What you refer to in the last paragraph on page 5 of your document is absolutely general. If you do not mean it to apply to the SLORC in Myanmar, then you should have said that the previous sentence does not apply to them. That then, presumably, suggests that it applies to all the others. You cannot have it both ways.

Rev. Wootton—I hesitate to raise this issue, but to some extent—and it goes against some of what we have written—you can in a way, and I will use an example. I have a friend who is now working in Pyongyang with the World Food Program because of the drought. I have daily information from him about what is happening.

It seems to me that—and one issue is huge and the other is not so big—with Saddam Hussein and the Americans, there has been evident hatred there that has got us to where we are today, but when it comes to Kim Il Sung and Kim Jung Il, who are communists and who abhorrent to the American situation, they have, in a very careful way, built two reactors and sent in a huge amount of food to Pyongyang—and so have we, incidentally. Senators, congressmen, government people and others are going there all the time.

They do not like Kim Jung Il, and I do not think many people do, but they have started to realise that Koreans want to see that country united and we must break down that wall of hatred. They are doing it at this time because of the drought and floods and other difficulties. That really amazes us—and I am talking about the American human rights people that I work with too—but it is happening and it is a breakthrough chance that we have not had before. The talks are difficult, but here we are.

I think there is a time for talking, there is a time for dialogue, but they do theirs right above the table—although there may be some secret talks going on too. South Korea has always said that if you want to know anything about North Korea we will tell you what you should know! That has changed and we have talks running there now. I think it is an exciting piece of international relations and will do more for human rights in North Korea—which, from talking to folks who have gone there and had a look around, are pretty bad—than just ignoring them. I hope the Australian government looks to having an

office related to North Korea in the future, as we had back in the Whitlam days.

Mr Chandrakumar—I would like to clarify the point about the paper starting off really strongly and then becoming wimpy. When it was written, as the paper went on we felt it was necessary not, if you like, to be too far out with a sort of radical view that we think that human rights is the be-all and end-all. We are not suggesting that. We understand what Australia's national interests are. We understand that it is in Australia's national interest to trade with the region.

Therefore, we are not saying that we should commit economic suicide by going in and harping on about human rights and arguing with everyone else about it. However—and this point is made at the end—we must not bend over backwards to please them at the same time. It is having a bob each way. It is a negative aspect, but we could not see any other way that it would be possible to get this government, or any government, to include human rights in its policy statements. To be taken seriously we felt that we had to countenance the other view as well. We could not just harp on about human rights the whole time and be seen as some radical group.

Mr BARRY JONES—Australia will have to learn to accept them as given and learn to accommodate them. The difficulty is that you have the argument where the people who are actually in power are saying, 'There's only one way to run things, and that is the way we run them around here—like it or lump it.' You then get to a stage—I do find it extraordinary—where a number of the Asian leaders are really, in a sense, promoting a kind of a neo-colonial position, where they say, 'With all this stuff about slavery, the rights of women, free elections and so on where international treaties are applied, you have to put in a clause that says: these do not apply to Asians or Africans.' If the west imposed those values and said, 'Those values don't apply to Asians or Africans,' it would be thought of as being an outrageous thing. But when they do it themselves and say, 'Don't try to apply human values. Everyone has the right to speak. Everyone has the right to a religious belief. Everyone has the right. It does not apply to our people,' we set the scene. We determine what rights they have.

Rev. Wootton—The classic case is child labour.

Mr BARRY JONES—Absolutely.

CHAIR—Thank you for that, Mr Jones. We have run out of time. Thank you for coming here and talking to us today. If there are any matters on which we might want to ask further questions or need additional information, the secretary will write to you. We will send you a copy of the transcript of your evidence, to which you can make corrections. Thank you very much for coming this morning.

[10.59 a.m.]

AVDI, Mr Faruk, Representative, PLAN International Australia, 533 Little Lonsdale Street, Melbourne, Victoria 3000

CHAIR—Welcome. Is there anything you would like to add to the capacity in which you are appearing?

Mr Avdi—I am a former media and policy coordinator of PLAN International.

CHAIR—The subcommittee prefers that evidence be given in public, but should you at any stage wish to give any evidence in private you may ask to do so and the subcommittee will give consideration to your request. Although the subcommittee does not require you to give evidence on oath, I advise you that these hearings are legal proceedings of the parliament and, therefore, have the same standing as proceedings of the House itself. I invite you to make an opening statement, and we will then ask questions.

Mr Avdi—I do not really have an opening statement to make, except to reiterate some of the points that we made in our submission. Basically, as far as PLAN International is concerned, children's rights usually fall to the bottom of the heap and the bottom of the political agenda—no matter how fine the words or intentions are of many members of our community, including those in government and business. We think that any effort that individuals and committees such as yours can make to bolster and strengthen the institutional support for children's rights in Australia, in as far as Australia's activities overseas are concerned, would be of great service not only to the children of Australia but also to children overseas.

CHAIR—In the work that PLAN has done in recent years in our region of the world, has the organisation seen any significant changes in terms of improvements in the human rights situation in respect of children or women or in other areas?

Mr Avdi—Certainly, in terms of children's health, there have been some fantastic and dramatic improvements over the last two or three decades after concerted international efforts, including those coordinated and initiated by the United Nations. The incidence of nutritional deficiencies and the physical side effects that these exact has fallen dramatically, and thus the infant mortality rate has fallen accordingly around the world.

There have definitely been improvements in access to education and to a degree of training about gender awareness. I am not qualified to give a global overview of whether or not the scales have tipped comprehensively in favour of children's rights and are continuing that way, but my personal suspicion is that as soon as one sore has healed, 10 others open up.

Despite the promotional efforts of aid agencies and governments alike to suggest

that things are improving in a very profound and broad way, my personal suspicion is that they are not improving terribly much across the board. In countries like Africa—and now in South-East Asia with the current financial crisis over there, and even before the economic crisis in South-East Asia—hundreds of millions of people are living on less than a dollar a day. They have no access to clean water and basic nutritional requirements on any given day.

Commonsense and logic would tell you that the longer this continues in any given area or region, the less chance people have of pulling themselves out, the longer it will take them, because they have not developed the skills, they have not nurtured the children, and they have not developed the educational capacities to keep themselves out of the cycle of poverty.

CHAIR—I was in Pakistan a year or so back, and one of the issue there is child labour. You raised the subject, perhaps in an oversimplified form, but in essence the response you give is that we acknowledge that it is an undesirable situation, we would like to do something about it, we are trying to do something about it, but the reality of life is that if you outlawed child labour tomorrow, you could not police it and, even if you could, you would find that it would have such a devastatingly adverse economic impact on the families of the children who are working that you would not be thanked for it anyway. What do you suggest Australia can do in practical terms to address that sort of situation?

Mr Avdi—Australia is already doing quite a bit—certainly PLAN is grateful for that—in terms of basic programs through AusAID in the areas of education and health in particular, and also through supporting or contributing to various other international efforts such as the World Congress against Sexual Exploitation of Children. There are certain open doors or a sense that doors are open to discuss issues of children's rights and child labour within government, which is all very good.

There also seems to be a good degree of support from within government departments, at least for the proposed new ILO convention on child labour which is due to be discussed in Geneva in June this year. This will be a very good thing because of the way that convention will be organised—rather people are discussing the way it will be, because nobody has agreed on a draft yet. This convention will be the first comprehensive convention outlawing in particular the most hazardous and dangerous forms of child labour, including child prostitution.

All that said, what we tried to indicate in our submission and what PLAN International believes is that the Australian government can contribute in further ways without too much effort but with a very significant effect. These areas of potential contribution fall into three categories. Firstly, there is the establishment of some sort of office or commissioner or, maybe, a minister, to deal specifically with children's rights and children's affairs in Australia. That kind of corralling of responsibilities would also serve as a forum to discuss international human rights issues as far as children are

concerned. Secondly—

CHAIR—Sorry to interrupt you, but on that particular issue, would that imply that you believe that the work that has been done in that area specifically by organisations like HREOC is inadequate or not up to standard?

Mr Avdi—We would not presume to comment on the work of HREOC, but certainly the impression is that the underresourcing of that particular body has made it very ineffective in the broader sense. I am sure they have done the best that they could with what they have been given, but they have had neither the power nor the resources—that I could tell, from a superficial distance—to achieve. There is a lot of work to be done, as you would no doubt be far more aware than I. There is so much work to be done in terms of getting children's issues, children's rights and discussions about what affects children into the core of discussions about all sorts of other things, including trade, economics, foreign policy and even our decision to contribute to the current Iraqi situation.

Under circumstances where there is a children's commissioner or a minister who deals with children and who has some input into cabinet—and please do not take this the wrong way; I am not making any judgment one way or the other about Australia's contribution to the gulf situation—certainly it would be a good thing from PLAN's perspective, I am sure, to think that there was a very strong critical voice for children's rights in such discussions. Of course, the Iraqi children have suffered greatly over the last six to seven years of sanctions.

CHAIR—So, in the same way that the government has a minister who is responsible for the status of women, you would like to see a minister who is responsible for the status of children?

Mr Avdi—That would be great.

Mr BARRY JONES—With even more power.

Mr Avdi—Yes, perhaps.

CHAIR—Mr Jones is well known for his fripperies.

Mr Avdi—How priorities are established is a matter of tradition as well as the current guard on deck. In my view, there is every argument to suggest that children are the basic primary resource and, without that, you have got zero down the track. It does not matter what else you have got going for you; if you have not built those basic foundation blocks in people, then the rest really will not mean much. I had better not digress too far down that track. I was actually talking about three different areas where the government might be able to help the current situation.

One is the Ministerial Commissioner for Children's Issues. The second would relate to possible areas of legislation, regulation and education, or a combination of all three, to do with educating, in particular, businesses that are going to work overseas or that are even importing goods into Australia from overseas destinations and may be, consciously or otherwise, operating their businesses in developing countries in ways which are damaging the environment or the labour rights or wellbeing of children, with or without knowing that they are doing such.

We have the general conventions, and even when the new convention to outlaw child labour in its most hazardous forms eventually gets up—of course, the convention will do nothing in itself—it will certainly help the legal efforts around the world to bring people to book, I am sure, and to get governments to change their legislation and, hopefully, their funding priorities accordingly.

I see real hope in areas such as that being pursued by the Myer group. Their carpet division, which imports hand-woven carpets, decided at some stage that they did not want to be a part of any potential child labour or fostering of that, so they started to expend a minimal amount of resources to identify the particular factories where the carpets were coming from. They gave the factories a time-frame with a cut-off date under which they should change their practices, at which time Myer would cease to buy carpets from them. I cannot remember the exact figures, but, as an example, Myer had 52 suppliers from India, Pakistan and Turkey, and they cut off 17 suppliers after having done their research, investigation and given the deadline. That seemed like a terrific effort, and Myer are now assured that where their carpets are manufactured, they are only manufactured by adults or sufficiently paid and well-treated labour above the minor ages.

CHAIR—Has somebody taken the next step—and this is the point I was trying to make before—to see whether the workers, including the child workers, in the factories of those 17 companies that were cut off are actually better off as a result of what Myer have done, or are they actually starving to death. I do not support child labour, but unilateral limited action can sometimes cause worse consequences.

Mr Avdi—That is a perfectly legitimate question. For instance, there was a lot of fall-out and potential damage created by the situation when the US passed the Harken bill in 1992. There were reports, and some evidence, that children had been forced out of the garment-making factories in Bangladesh and onto the streets into more hazardous positions such as prostitution, brickmaking and things like that. Obviously one cannot take just one approach.

Basically, PLAN would suggest that any approach that is taken, and this is consistent with PLAN's own approaches in aid agencies working around the world, should be on a holistic level. That is the only way to achieve sustainable outcomes.

IPEC has done a lot of work in this area and so have a number of other agencies.

In fact, there was a new program announced late last year in Bangladesh for those same ex-garment workers. Basically, children would be taken out of the factories but they would also be given some sort of stipend to attend school whilst at the same time ensuring that their families and themselves had enough to eat. The circumstances change so dramatically from area to area, from region to region, from country to country. The culture and the economics are all different. It seems that the sort of small pocketed approach and tailoring individual solutions to individual needs is the right direction.

In this area the government, from PLAN's perspective, can do two things. Firstly, it can create similar laws or it can consult about creating similar laws to its sex tourism act of 1994, which makes it possible for Australia to punish her citizens if they sexually abuse children overseas. Likewise, if Australians punish or abuse children via labour practices or terrible environmental practices overseas, logic suggests there is no reason Australia should not do the same thing—although, certainly with the environment, it does seem to be a much more sticky issue and very difficult to negotiate. So Australia can consider legislation. Secondly, it can consider education programs for companies working overseas or importing from overseas. Judging on the conversation with the previous witnesses, there are education programs within relevant departments as to the letter, the verse and the spirit of particular conventions and treaties that Australia is signature to.

Thirdly, the government might like to look at increasing its aid program—you get that call all the time, no doubt. The truth is that increasing the aid program would really help; it could possibly help millions more children around the world. Quite apart from providing the basics and the staples like education and health, which are very important, Australia could also consider targeting more of the aid towards very immediate and emergency type situations for children, such as children in bonded labour situations or situations of actual and real slavery under any technical definition. So additional funding for those sorts of courses would also help.

Mr BARRY JONES—I want to take up something. In your submission you said that Brunei and Singapore had not ratified the CROC, whereas we have a submission from the Department of Foreign Affairs and Trade that says that all the nations in the region, leaving aside the Pacific islands, have. Are you absolutely sure about that?

Mr Avdi—At the time this was written and submitted, I am sure it was correct. Our researcher Scott Crighton from PLAN International was very thorough and talked to people in the department and the Attorney-General's office as well. So I would be near 100 per cent certain that was correct, but that can be double-checked.

Mr BARRY JONES—If you would, because we will, of course, have to take it up with DFAT as well.

CHAIR—I will suggest that the secretary primes DFAT to specifically have that answer before they appear before us.

Mr BARRY JONES—More to the point, I can understand, perhaps, why Brunei would be a hold-up, but I do not understand why Singapore would be, because my impression is that it is not significant—is there child labour in Singapore?

Mr Avdi—No, the reasons that nations do not sign treaties can obviously vary immensely from nation state to nation state. Certainly I have never heard of any difficulties with child labour in Singapore. I would imagine that there may be some difficulties as far as Singapore is concerned with its own legislation and how it reads the impact of CROC on that legislation. Maybe there was some difficulty there or possibly there still is, but we will check it out. For instance, Australia has not signed ILO Convention 138, which stipulates a minimum age for labour and several other things. When you look at the implications, the loopholes and the complexity of ILO Convention 138 and you look at other treaties or conventions that Australia has ratified, you can understand why Australia has sort of sidestepped that one for the time being. It is not because child labour is necessarily a big problem in Australia, although the outworker situation is very real and I am sure you will have submissions on that.

Senator REYNOLDS—You make the comparison with the child sex tourism bill, and you mention a number of international companies. I am not asking you to name Australian companies now, but do you have any anecdotal information about Australian companies that might be the target of an education campaign?

Mr Avdi—Yes, we do. That information has largely been supplied to us through organisations such as the Anti-Slavery Society. I do not have our original submission here with me, but I thought that we attached to our original submission a copy of a list from the Anti-Slavery Society, which did not necessarily name companies but named sectors where Australians are importing goods that are known to be made by child labour, and in some cases the worst kind of child labour.

Senator REYNOLDS—But you have not named specific companies. Do you know them?

Mr Avdi—I will take that on notice, but I believe they are known by the Anti-Slavery Society, in particular, in Australia and that those names could be—and possibly already have been—provided in one form or another to the Department of Foreign Affairs and Trade. Maybe it has just been done in private talks. I am not sure. I will take that on notice if you would like to understand more about the Australian companies that are involved in importing goods produced by child labour.

Senator REYNOLDS—If we know which companies they are and you are recommending both an education campaign and something akin to the child sex tourism legislation, what should be the first step?

Mr Avdi—The usual industry response, going from examples in other sectors and

other problems, is that if there are potential problems they suggest a voluntary code of practice or some sort of similar instrument by which members can voluntarily and individually police themselves. You would have to think that the first step would be to get industry, NGOs such as PLAN and others, and government figures around the table to suggest to each other what may be the best way of moving on this particular issue.

I think the first step would be education of these companies to make certain companies are clearly aware of the fact that, for instance, their goods have been produced by child labour in country X, by X number of children who are working in such and such conditions, and this is what they look like when they go home after being beaten or whatever, and thus to try to shock companies out of importing the goods. This is from a personal perspective, as opposed to an articulation from PLAN itself, but I have no trouble with deeming goods produced by extreme forms of child labour with the same abhorrence and outrage that people in our community view child pornography.

Certainly a lot more education needs to occur about the history of this and the circumstances of the production of an object. A picture of child pornography is very clearly what it is. A manufactured object is innocent until you understand the history of it. If companies were fully aware that they were importing goods made by child labour where children were treated abysmally and toiling to the detriment of their health and future then I do not see, as an Australian citizen, why we shouldn't punish our fellow country men and women for continuing to engage in such dangerous behaviour.

Senator REYNOLDS—On your recommendation about a children's commissioner you said the idea of a commissioner or minister and also a children's ombudsman have been floated. Are you looking at something like an office of children's rights in, say, the Prime Minister's department with a minister; are you looking over in Human Rights and Equal Opportunity at having a particular advocate; or are you looking at something completely new with an actual ombudsman?

Mr Avdi—There are many in the NGO community who would like an independent watchdog for children's rights—like an ombudsman, or that sort of function.

CHAIR—You do not trust the government?

Mr Avdi—Perhaps I do not trust budgets more than anything else. I guess from PLAN's perspective the preference would be ultimately for both, that you have a place for children's issues, perhaps within the Prime Minister's office, and a watchdog.

Senator HARRADINE—How does that recommendation fit within our terms of reference?

Mr Avdi—I would have to take another look at the terms of reference.

CHAIR—I think it was probably primarily in response to a question from Senator Reynolds. Senator Reynolds said, ‘What do you think the mechanism should be which is put in place?’ So he was trying to respond to a question.

Senator REYNOLDS—But you did advocate a children’s commissioner in your submission and I presume—

Mr Avdi—That is correct. It would fall under the points dealing with the role of existing institutions, both government and non-government; other linkages and avenues for dialogue and the means by which these might be improved; the place of the debate on human rights; and the debate on regional security and stability. I think it actually relates to all of the terms of reference as stated on this sheet in that, from the international point of view on children’s rights overseas in developing countries, the need is for a very clearly defined area of debate on children’s rights, and a bolstered debate, one that can have some weight.

Senator HARRADINE—It is more than that; isn’t it monitoring that you want? Forget about debates. We know what the situation is and you have placed it here in your second attachment which was very powerful. But the time for debate surely has gone hasn’t it? The time for monitoring and action has come—for example on the child sex tourism act. What is the effect of the sex tourism act? How many people have been charged and found guilty under that particular act? What sort of monitoring is being undertaken? What should the government do in its discussions on human rights with other countries? What should the government do? That is what we are wanting your advice about, with respect.

Mr Avdi—From PLAN’s perspective, there is enormous optimism in CROC and its ratification throughout our region, in the sense that it is the most ratified convention of its type. So, as a point of beginning, PLAN would think that that would bode very well for discussions about children’s rights in these countries. We are very well aware of the Realpolitik that once certain issues are breached—for instance, child labour, environmental rights, gender rights and awareness in certain issues—the terrain gets very sensitive very quickly.

We have taken a cautious approach with the government, but what we believe to be very important is to suggest that the government can and should lead by example in Australia. It is, to a degree, already leading by example, but it has got further to go. By establishing these mechanisms, by bringing the discussions about children’s rights in a meaningful way into foreign trade and economic discussions and discussions about participation in overseas conflicts, such as is occurring at the moment—if children are seen to be considered in these discussions—this, we believe, will actually help the dialogue throughout the region on the issue of children’s rights.

The second thing is that if we increase the scope of our legislation and education beyond the current sex tourism act to include labour and environmental rights, we will

also be sending similar, very firm signals. In terms of monitoring of the impact of the sex tourism act, I refer the committee to ECPAT Australia, which would be able to give the best run-down on that. My impression is that it has actually been very effective and quite successful, despite the fact that there is a resource and funding issue to do with the federal police and other areas—quite a serious issue of funding and resourcing.

I return to our submission. We believe that Australia can do much more by example in dealing with other countries and can use the optimism that is inherent in the ratification, of the broad support of CROC, to act perhaps as a lever into all sorts of other human rights issues beyond children as well—who knows? It seems to be something that many countries are very interested in and interested in talking about at the moment.

Senator BOURNE—I have one question. I think that what you were thinking of when you said that that list had come from the Anti-Slavery Society was that it did go to the Treaties Committee, because we are looking at CROC at the moment in that committee and they did send us that list. So we do have that list—at least I have got it from that committee's papers.

Mr Avdi—I still think that is a sectoral list; I do not think that any Australian companies are actually named in that.

CHAIR—In terms of your submission, on page 26 you refer to attachment 2.2 as lists from the Anti-Slavery Society, but actually in attachment 2.2 there is no list there.

Mr Avdi—I am confused about that, my apologies to the—

CHAIR—It makes a passing reference to a number of overseas companies on page 25, but there is nothing in 2.2. So, if you are able to give us something on that, we would be grateful.

Mr Avdi—I could provide you with that.

Senator BOURNE—Do you have any thoughts on where we could improve dialogue government to government and also outside that area where you think it would be most useful for us to recommend that we increase our activities?

Mr Avdi—I cannot think of too much more, bar what I have said in various forms so far this morning. I know that from PLAN's perspective that PLAN really believes that the way to go is a very holistic way—that you have to tackle everything at once or else nothing moves. So you have to tackle the basic health of children and their families—their livelihood concerns, their shelter concerns—you have to look at their education and deal with that, and you have to provide alternatives for income generation, which can replace very destructive forms of child labour, for instance.

Again, as broad as it seems, it still is very true to say that increasing the amounts and the focus of dollars in our current aid program to specifically target the welfare of children would be a good and very useful thing, possibly benefiting millions of children and their families around the world, and would be a great and enduring gift from Australia to these people and to our own future in terms of stability, et cetera.

Senator BOURNE—That was a bit unfair. If you can think of anything else, can you let us know?

Mr Avdi—Yes. We will look over the *Hansard* records and consider that question.

Senator BOURNE—That would be good. Thanks.

CHAIR—There being no other questions, thank you very much for coming in and talking to us today and for the submission.

Mr Avdi—Thank you for the opportunity.

CHAIR—Apart from that which you have already taken on notice to send in, if there are other things which we might want additional information on, the secretary will write to you. We will send you a copy of the transcript of your evidence to which you can make corrections of grammar and fact. Thank you very much indeed.

[11.41 a.m.]

BUTLER, Ms Alexandra Mary, President, Australia Tibet Council, PO Box 1236, Potts Point, New South Wales 2011

LAFITTE, Mr Gabriel John, Research Officer, Australia Tibet Council, PO Box 1236, Potts Point, New South Wales 2011

CHAIR—On behalf of the subcommittee, I welcome representatives of the Australia Tibet Council. The subcommittee prefers that all evidence be given in public, but should you at any stage wish to give any evidence in private you may ask to do so and the subcommittee will give consideration to your request. Although the subcommittee does not require you to give evidence on oath, I should advise you that these hearings are legal proceedings of the parliament and therefore have the same standing as proceedings of the House itself. Before I invite you to make a short opening statement, we have a supplementary submission and an exhibit, so I will get those formally introduced.

Resolved (on motion by **Senator Bourne**, seconded by **Senator Harradine**):

That the supplementary submission from the Australia Tibet Council, which is entitled *The Asian crisis: Asian values and human rights*, be received as evidence to the inquiry into the regional dialogue on human rights and authorised for publication.

Resolved (on motion by **Mr Barry Jones**, seconded by **Senator Reynolds**):

That the document *Tibet: human rights and the rule of law*, summary of the report from the International Commission of Jurists, be incorporated in records of the human rights subcommittee as an exhibit to the inquiry into the regional dialogue on human rights.

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

Ms Butler—Thank you for giving us this opportunity to appear. My understanding is that this is primarily an opportunity for you to ask us questions and that we should keep our opening statements very brief. So, rather than go through the body of our original submission, we would prefer to just speak quickly about two important developments that have occurred since August when we put in the submission and that we thought—

CHAIR—Sorry to interrupt. I think it would be useful, given that you have just given us that and obviously we will not have read it, if you could perhaps skim over what is in that as well.

Ms Butler—Yes, Gabriel will do that.

Mr Lafitte—I will speak to that.

Ms Butler—What I have given the subcommittee is a summary of the International Commission of Jurists's new report on Tibet, *Tibet: human rights and the rule of law*. I do not know whether anybody has tabled the full report. I am happy to leave this for you. Those of you who have followed the Tibet issue for some time will be aware it is quite significant because the International Commission of Jurists was the first human rights organisation to take up the issue of Tibet back in 1959. They produced two seminal reports in 1959 and 1960 which led to resolutions at the General Assembly of the United Nations. Now they have taken up the issue of Tibet again and they have produced this report which came out, fairly poorly timed, a couple of days before Christmas. Nevertheless, it is very important and it does represent several years work by ICJ.

With reference to our submission to your inquiry, particularly with regard to the need for Australia to take a more active in terms of dialogue in the region about the situation in Tibet, I would like to particularly draw your attention to the conclusion with regard to the issue of self-determination on page 11 of the summary, which states that, according to the ICJ:

Tibetans are a 'people under alien subjugation', entitled under international law to the right of self-determination, by which they freely determine their political status. The Tibetan people have not yet exercised this right, which requires a free and genuine expression of their will.

Then on page 14, under the recommendations of the report, I particularly draw your attention to the recommendation to the UN Commission on Human Rights that it should 'appoint a special rapporteur' and to the UN Secretary-General that he should use his good offices to 'appoint a special envoy to promote a peaceful settlement of the question of Tibet and United Nations-supervised referendum to ascertain the wishes of the Tibetan people.' I think they are both recommendations that it would be appropriate for individual parliaments and governments to take up.

I might just mention too that I think that since we made our original submission the Senate passed a resolution asking the Australian government to appoint a special coordinator for Tibetan issues, which, I guess, could run parallel with the idea of a special envoy from the UN. So really that is all I wanted to say about the ICJ report.

We now want to turn your attention to the broader issue of human rights in the region and the debate about 'Asian values'. Before I introduce Gabriel, I thought I should mention, although Chhime Rigzing from the Tibet Information Office may already have done so, that Professor Samdhong Rinpoche is coming to Australia in April. Among the exiled Tibet community, he is politically the second most important leader after His Holiness the Dalai Lama. He is the speaker of the Tibetan parliament in exile, and he is also the Vice-Chancellor of the Institute for Higher Tibetan Studies in Varanasi, which is a recognised university in India. In fact, he is coming here to lecture at the University of Hobart.

Perhaps more importantly from your subcommittee's point of view, he is really the intellectual leader of the movement among the Tibetan community to try to develop a way of integrating Gandhian principles of satyagraha, of peaceful non-violence, with Tibetan philosophy and the Tibetan situation on the ground in Tibet. He has done a lot of work and thinking in this area, and has tried to work out a way in which those principles could be applied in practice in the Tibetan situation. He really is the leading thinker in this area. I do not know when you are hoping to wrap up this inquiry, but in any event I think it would be very interesting for the subcommittee and possibly for the whole committee to invite Samdhong Rinpoche to speak, because he is—

CHAIR—We would like to wrap up this inquiry before the election in July.

Ms Butler—Well, he is coming in the middle of April. He would be a very interesting person to speak to.

CHAIR—We have taken note of that. Thank you very much.

Mr Lafitte—Since we made our submission in August last year, so much has changed. Human rights has suddenly assumed an urgency which it did not apparently have as recently as July-August last year. We only have to look at every day's headlines of what is happening in Indonesia, for example, to see that there is a saliency, an urgency, to human rights. Our suggestion is that Australia's stance on human rights is about to be tested in ways that it has not been tested quite so directly for a very long time.

That means that maybe it is time to start asking some questions about whether human rights has not been somewhat marginalised in Australian public discourse and also in the actual structure and organisation of the Department of Foreign Affairs and Trade; about whether a Chinese wall—to use the current bureaucratic jargon, somewhat ironically in our case—has not been erected between human rights and the whole dialogue, delivery and discourse of human rights and Australia's national interests. Human rights and national interest have tended to be regarded as not direct opposites but certainly there has been some distance between them.

We only have to look to yesterday's statements by Australia's foreign minister Mr Downer that Indonesia really needs to comply with the International Monetary Fund's requirements in Indonesia to see that the doctrine of sovereignty, which has always been held as the primary reason why the dialogue on human rights must be restricted—because we must not interfere in the internal affairs of other countries—has now gone out the window in Asia. Australia is actively interfering in the internal affairs of Indonesia when our foreign minister says that Indonesia needs, as a matter of urgency, to comply. I personally think it is a healthy and salutary intervention. I am not saying it is an intervention into Indonesia's internal affairs by way of raising a criticism, not in the least.

If anything, the conclusion that we would like to draw is that there are fresh

arguments which can be used by those in the parliamentary sphere who do hold human rights dear and who perhaps would like to see it no longer ghettoised, marginalised or separated by a Chinese wall from the mainstream discourse. We need to look not only at the rhetoric of the Asian crisis and disintegration of the economies of several of our neighbours but also specifically at the measures for their reconstruction because, in the measures for that reconstruction, it is not just a financial bailout. There is a tremendous amount of talk about good governance being absolutely crucial—which is why those various Asian economies have suffered such of their difficulties and what is needed in order for those countries to recover.

There is also the possibility that it is not only the specific four or five countries that are suffering immediate difficulties but there are other Asian countries as well, many of which have authoritarian governments—one of which is China in our immediate area of concern—that could also be affected.

Good governance means, in terms of the current IMF bailouts, transparency, accountability, an end to cronyism, openness of contractual obligations and a separation of powers so the government is not in the pocket of big corporations. Our suggestion is that it goes beyond that and that human rights is intrinsic to good governance. Human rights is an absolutely essential part. Our reasoning—and this is really the heart of what is contained in this supplementary submission of ours—is that unless civil society, the ordinary population in any country, has the rights, the education, the means and the ability to monitor the actions of their governing elite and hold them accountable in some shape or form, then the sorts of crises that we have seen can occur and will occur in the future in other countries.

Even though the International Monetary Fund, with Australia's active participation, is energetically flouting the rule of sovereignty and non-interference in internal affairs of other countries, nonetheless the IMF, with all of its power, can still act only after things have gone badly wrong.

If we are serious about preventive diplomacy, then I would suggest that human rights is an intrinsic part of preventive diplomacy because only a mobilised civil society, a mobilised citizenry, is capable of preventing such disasters from occurring. That is the essence of our suggestion as to why perhaps the time has come for those of us who hold human rights dear to speak up a bit more.

Resolved (on motion by **Senator Reynolds**, seconded by **Mr Barry Jones**):

That the full document *Tibet: Human Rights and the Rule of Law* from the International Commission of Jurists, December 1997, be incorporated into the record of the Human Rights Subcommittee as an exhibit to the inquiry into the regional dialogue on human rights.

Senator REYNOLDS—I was particularly interested that you picked up on the

marginalisation of human rights but, specifically, you seemed to be looking at the organisation of the administrative structures within the Department of Foreign Affairs and Trade. I think we can agree that the structure has remained pretty much as it is today for some years, so we are not partisan about who may or may not do it better. If you are right, and I hope you are, that human rights is very much at the forefront of international debate, I would like to know: how would you recommend that human rights be integrated much more fully into the current structure of the Department of Foreign Affairs and Trade?

I think there is no doubt that those units that deal with human rights are on the fringe, and this has always been so as long as I can remember, which goes back some years. How would you see us integrating human rights so that, wherever you were in the Department of Foreign Affairs and Trade, you had to be as much an expert on human rights as you were an expert on whatever your other special field was?

Mr Lafitte—I think we would very much like to see that. You used the word ‘integration’; ‘mainstreaming’ is possibly another term that one might use. I think, structurally, if human rights were recognised as an essential element in Australia’s preventive diplomacy, then the sorts of institutional procedures—for example, in the administration of Australia’s aid program—require that any aid project, if it is to get up, if it is to receive approval, be funded and be implemented, must demonstrate its benefit to women and its impact on the environment. Those are formal requirements. One could argue that, in practice, those requirements are sometimes met more on paper than in reality, but at least there is a procedure.

With human rights, we have not got as far as there being some sort of actual formal procedure that does mainstream them. For example, in the Asian bail-out packages, as they are commonly called, human rights has not even had a look-in. It has not reached the agenda. There has been very little recognition that, while various Asian governments need to achieve higher standards and world best practice standards of good governance, maintaining and even extending the rights of the citizenry to monitor the performance of their government and of business elites be included.

Australia is an active participant in the design and financing of those various bail-out packages. Australia contributes both bilaterally and multilaterally in a very proper recognition that these are our neighbours and this does impact on us. If human rights had a stronger voice, there ought to be ways in which it could be institutionally recognised that an integral component of such a bail-out package must include ensuring the civil and political rights of a populace, who are the long-term guarantee that such a bail-out package can in fact be administered, and we do not go back to the old days of crony capitalism. That is not a very specific answer, but I hope it suffices.

Mr BARRY JONES—I am not quite sure where to begin. I really would like some idea about what kind of strategy is likely to work in some way. In the case of the

bailout of Indonesia and so on, you can see that you have a direct intervention, government to government. The government need the intervention, they need the assistance and, to some extent, they are open to ideas.

China and its relationship with Tibet are not exactly in that position, so you do not have a comparable kind of leverage. For example, in not voting for the UN resolution about China, Australia has said, 'Oh, well, it means we can have bilateral talks and the quiet word and then we get much more access to information.' Is that a technique that is likely to work? Could you say the fact that you have the United Nations resolutions thundering away about China and its human rights is demonstrated to work? When Jiang went to Washington and talked to President Clinton, did anything come out of that? I do not want to make it a counsel of despair, but what sorts of techniques are likely to be effective?

Mr Lafitte—We are suggesting two elements: one preventive and the other curative. When we are talking about an economy that is experiencing acute difficulties, obviously the scope for the whole international system to intervene is far greater. But on the preventive side, when it comes to a country which is not manifestly experiencing acute difficulties in its external balance payments and flight of capital and so on, such as China, then the question becomes: in what ways can one influence such a country?

Obviously, the scope is far less, although, in preventive terms, I would point to things like the National Endowment for Democracy, a government funded institution in the United States which funds the International Republican Institute, which happens to be the party that got China in the carve up of countries between the Democrats the Republicans. In the United States, the International Republican Institute is actively promoting village level democracy in China.

The institute is actively promoting the extension of elections at a village level that are not just token old style communist elections in which there is only one candidate and everybody is corralled into a hall and told, 'Everybody in favour of the candidate, raise your hands,' and everybody has to raise their hands. That is at least a small step in the sort of preventive work that I am suggesting is possible.

I also think that the sort of old-fashioned, up-front straightforward language that Australia and other Western countries historically have used in relation to China does have an effect. China historically likes to present itself as absolutely implacable and unmovable and that no mere fleas like Australia can conceivably dent its hide. And yet, if one looks at the record, China is acutely conscious of its record on Tibet.

If one takes as a simple yardstick the output of Chinese English-language publications of all stripes that routinely devote 20 to 25 per cent of their entire coverage to a population that is less than one per cent of China's population—the Tibetan people—there is clearly an acute sensitivity. I think there is still a place for a bit of old-fashioned

forthright dialogue, rather than being drawn into an elegant but utterly fruitless process—which I fear is what is happening to the institutionalised dialogue that China proposed and Australia agreed to. I would include that in preventive diplomacy.

Mr BARRY JONES—But do you think anything came out of the Jiang-Clinton discussions?

Mr Lafitte—The primary outcome of that was the rehabilitation of China in the eyes of the American policy elite. That was the main objective of it, but I think in the long term it also gives leverage in the other direction. If the US Administration shows a resolve which it has not always been noted for, then that leverage is there, the connections are there, and more could be done without doubt, but I think the primary difficulty has been that the US administration has not had a consistent stance towards China and has found it difficult to concentrate on China, given its other preoccupations, but the scope is there.

Senator BOURNE—I agree with you about China saying, ‘We will not talk about human rights,’ but then they do react very significantly when you talk to them about human rights, and it has to have an effect eventually—I agree. That white paper on human rights I am sure was a reaction to Australia’s big delegation in 1991, because we then had to react to it again when we went back in 1992, and they would not have put it out otherwise. You are right there.

On the bloke from the US State Department—Greg Craig—whose specific mandate is to look at affairs in Tibet, do you think he has been effective, or do you think there is any possibility of his being effective? As you know, the Australian Senate based its resolution on something that would be similar to him. Should we be pushing for Australia to be doing the same?

Ms Butler—I think there is a potential either way with those positions. There is some cynicism. People have said, ‘He has another job anyway,’ and they just give him a title and so on. And of course that can happen. But, equally, if the resources and the resolve are there, I think it could be a very important position. We have really yet to see in the US how it will work. It may depend on the political dynamics around him, although I understand that he is advertising for staff at the moment. So it is not going to be just him, because he would not be doing it full time. I think it is an important breakthrough, it is an innovation, it is a new idea that no-one has tried before.

We are very enthusiastic about the possibility of creating similar positions both within the UN—maybe in, say, the European Community, which has now passed a resolution along the same lines as yours. Individual countries doing it means that in that venue you would build up a network, wouldn’t you, of people in foreign affairs departments, state departments, who had a special responsibility for Tibet and for the Tibetans, and for trying to encourage some movement between China and the Tibetans. It

is something we feel quite optimistic about the potential for, but we realise that of course these people could just become figureheads unless there is some real, forceful—

CHAIR—I think one of your recommendations is that the Australian government should create such a post. If the Australian government created such a post in DFAT and gave you the job, what would you do. It is one thing to say, ‘We need a post and we need to work on this problem’—nobody is going to argue about that—but what do you actually do? I have actually talked to the Dalai Lama and to Zhu Rongji in Beijing, and I have to say that I have come away from both those discussions totally nonplussed at a personal level as to how I would proceed if I had that job. That is being absolutely brutally honest about the situation. It is one thing to create the post, be nice and feel warm and comfortable about it—and I am not saying that is why you put it in there—but you do not create a post unless you have some idea of how you can proceed and what you can achieve. That is what I would like to know. How can you proceed? What is capable of being achieved?

Ms Butler—I think that such a post might include talking to the Dalai Lama on the one hand and Zhu Rongji on the other, but of course it would not be confined to that, and any kind of political change is a very complex process, isn’t it? I think that you could look at the position like that—starting from the most basic level of trying to increase the knowledge and awareness about Tibet within the department, which, in my experience over the years, is not great. It is no-one’s job to understand the Tibetan situation. And even if people are in the human rights section for a little while and pick up a little bit of information, then they get promoted to greater things. In my experience, there is no body of knowledge in the department.

CHAIR—The last two people with specific human rights responsibilities in the department have actually left the department. I do not think they got promoted.

Senator BOURNE—They are doing a good job outside.

Ms Butler—So even that would be a step forward. There is a whole raft of other things that could be done between that very basic work and, if you like, conferring with the principals in the dispute or the principal spokespeople in the dispute—both multilaterally and bilaterally through non-government organisations. There are numerous opportunities to take more action, to take more steps about Tibet, if the resources were there, if the willingness were there to do it. But at the moment in the department that does not seem to be the case.

Mr BARRY JONES—I listened carefully to what you were saying. I still did not have a fair idea of what your working say would be. The No. 1 thing for the day would be what?

Mr Lafitte—I think there is scope for Australia to extend the dialogue that the

chairman has begun by being one of the few people who can talk to both the Dalai Lama and Zhu Rongji, because after all neither of them is going to talk to each other under the present circumstances. The Tibetans want dialogue, the Tibetans want to establish some sort of direct contact. It definitely, for the foreseeable future, needs somebody in the middle—an honest broker, parties who are not bound to one side or another and who have good standing with both sides—in order to even begin that process, because the gap that separates China and Tibet today is, I think, actually far less than it appears. On the Tibetan side, the Tibetans have, under the Dalai Lama's leadership, long since completely put aside any question of national independence.

There is actually very little in Tibetan demands. One cannot see that there is anything there the Chinese could not live with or which would, in any sense, compromise their national sovereignty, maintaining troops in Tibet, having complete say over Tibetan foreign affairs, et cetera. The Dalai Lama's demand basically boils down to saying, 'We want to preserve Tibetan culture, language and identity in the heartland of Tibet.' That is really what his demand has come down to. On the face of it, that is exactly what Chinese official policy is in any case. I would imagine that there is scope for that to be negotiated.

If and when China and Tibet do start a serious dialogue and some serious negotiations occur, my hunch is that probably there is very little role for honest brokers and third parties, particularly countries that are partly in Asia but still somewhat on the fringe. I do think the position is that the Dalai Lama is very much hoping that the American appointee to the state department, Greg Craig, will fulfil that role. It is a very interesting opportunity.

Senator HARRADINE—You mentioned the opportunities that the economic stringencies in this area are presenting to us. You say in your submission that the IMF is busily rearranging the lives of hundreds of thousands—millions—of people. Am I correct in saying that the IMF does not have a human rights focus? I must say that I have not detected it over the period of time that I have been involved.

Mr Lafitte—I think it is a very good question. 'Good governance' is a term rather like 'sustainable development'—everybody can subscribe to it, but everybody has their own definitions of it. It is certainly true that, while one can find any number of writers on the subject of good governance who very clearly see human rights as integral to good governance, one would be stretching the truth to say that the IMF has such a broad definition. The IMF does tend to concentrate almost exclusively on the behaviours of policy elites in the countries that they deal with and not be frightfully interested in the fate of the ordinary populace, except in so far as to include minor measures to cope with the negative impacts such as unemployment and inflation that are often consequent on structural adjustment packages.

However, good governance is an idea. Precisely because it is broad it does embrace a wide range of ideas. It is not exactly a new or a radical idea to suggest that human

rights are integral to it. I think possibly the way to advance a slightly broader approach is to say that we need to not only deal with crises once they have already occurred but also try to prevent them. That, to me, is the entry point—the thin end of the wedge, possibly—for human rights to re-enter the mainstream.

Senator HARRADINE—You are recommending, of course, that Australia use whatever influence it has on the IMF to address that situation in its packages. What about the United States? Of course, they have vastly greater say and sway than we have.

Mr Lafitte—Indeed. This may well be an area where some innovative thinking originating in Australia could conceivably extend elsewhere. It is not by accident that the International Monetary Fund has its headquarters in Washington, and Washington certainly has a very predominant say there. I think there has been a similar ambivalence in the current US administration as to whether human rights is to be walled off or whether it is central to American foreign policy discourse. Human rights probably figures more prominently in American discourse, such as in the current situation with Iraq, and I think there is a deeper tradition of Americans speaking in such moral terms about what America ought to be doing in terms of intervening in other countries. So it is conceivable that such rhetoric might actually strike a chord in America.

Senator HARRADINE—At the top of page 14 of your submission you say:

From the point of view of the human rights dialogue in this region, and Australia's role in it, it would be difficult to point to a more damaging setback than the closure this year of several of Radio Australia's language services (including Cantonese), and the shutdown of its Darwin transmitter.

Would you expand just slightly on that, please? It is a fairly strong statement.

Ms Butler—It is a deliberately strong statement because it is something we feel quite strongly about. Possibly because Gabriel and I are both ex-broadcasters, we have an appreciation of the incredibly important role of radio still in many countries of the world, including Tibet. My understanding is that the shutdown of the Darwin transmitter now means in many parts of Asia where theoretically Radio Australia is still broadcasting that you just cannot hear it. It seems to me, if you are talking about what a country can do in terms of human rights dialogue, not to use the potential of radio and to go backwards is an extraordinary step to take. I think, if they do not already look at it in horror, people will look back and be aghast at what Australia has done over the last 18 months with regard to Radio Australia.

I would have thought, if anything, Australia would be thinking in terms of extending its reach. It is very interesting to note that that is precisely what the US has done, having set up Radio Free Asia in addition to Voice of America. In addition, we do nothing as a country. There is no funding source for us to do anything in terms of supporting public community broadcasting in the region. The Voice of Tibet, which

broadcasts from Oslo, is a human rights radio station. There is no funding source which we can go to here in Australia to say, 'Could we be an Australian correspondent?' That is a very important initiative to which we make no contribution at all, which I think is fairly extraordinary.

Senator HARRADINE—The International Commission of Jurists report *Tibet: Human Rights and the Rule of Law*, the summary of which you kindly provided to us, expresses its concern about population control measures of the PRC in the TAR and defines abortions and sterilisations, violations of numerous legal rights, sometimes with adverse health consequences, and how unauthorised children commonly suffer discrimination in access to schooling and other benefits and rights. I know that there has been a considerable amount of work done on this and that your organisation is also extremely concerned about it, as is the Tibetan Women's Association. The document that you have given us from the International Commission of Jurists says:

Although the Tibetan population is small and Tibetan territory sparsely inhabited, China limits the number of children which Tibetan women may have, although these limits are not as severe as they are for Chinese women.

Nawang Lhamo of the Tibetan Women's Association has said:

Tibetans as minorities are legally permitted to have two children if they live in larger towns and three children in rural areas. But in practice, Tibetans are allowed only one child, and extremely coercive methods are used to enforce this rule.

The inference there is that there is also a racist element to the practice of population control in the TAR. Do you have any further and better information than that which was supplied by the Tibetan Women's Association?

Ms Butler—This is a very complex area, and I think the ICJ have come to a conservative conclusion—which is what you would expect the ICJ to do, I guess. I suppose, whether there is or is not a racist intent, one of the things that strikes me, talking to Tibetans, is that they believe there is a racist intent. It seems to me that has quite serious implications for, for example, the way in which Tibetan women view government health facilities in Tibet and their willingness to use those facilities. I am not saying it does not matter, but, in that way, it almost does not matter what the intent is—the belief is there among the population. It makes people very frightened about, say, going to a hospital if they have any kind of gynaecological or obstetric problems. So, without going into great detail about it, I think that is an important point.

When Nawang Lhamo talks about people in practice only having one child, my understanding is that often what happens is you get permission to have one child and then you put in for permission to have the second child—who you are theoretically allowed to have—and, of course, the years go by and you keep putting in for permission and you never get the permission, so, in the end, you have only one child. At least in the cities and

large towns and particularly among government employees, that is the common experience that has been recounted to me.

CHAIR—Can I just pursue very briefly a couple of things before we close. You, I think, make recommendations that the subcommittee should travel to key parts of the region to take evidence. Let me just say that the subcommittee would agree with that proposal wholeheartedly, but, having made the request to government, which funds us, it is not going to happen. In fact, the committee in another inquiry last year went to Hong Kong, and those committee members who went actually paid for themselves in order to do that. There is a limit to the depths of one's pockets. That is the problem. One of the other subcommittees of the main committee, the subcommittee on trade, is looking to go to India and it is faced with the same problem. In fact, it has just cancelled the trip to India that it was going to take this week and next week because the financial resources just were not there.

I would just like to probe you a little bit more, Alex, on your statements about Radio Australia. I do not wish to be unkind, but I think your comments were somewhat declarative in terms of saying, 'Almost by definition, Radio Australia is a good thing and it is a bad thing to have cut back.' That may or may not be the case or the right conclusion. Have you actually got any evidence that it makes a difference?

Ms Butler—Do you mean the particular evidence about Radio Australia?

CHAIR—Yes. We make the assumption—and from a particular perspective one might say that we think it is a terrible thing, and a lot of people do—but there is the view, and I have heard it expressed at senior levels of government, that Australia's little Radio Australia really does not make very much difference and it is just a waste of money. I am not necessarily subscribing to that view, but I am trying to get on the record whether we have some hard evidence that it does or does not make a difference.

Ms Butler—I would think anybody who has travelled in Asia—and I guess that everybody on this subcommittee travels in Asia all the time—

CHAIR—So does the Prime Minister, and he would not agree with it.

Ms Butler—would have plenty of anecdotal evidence of people actually talking about issues and saying to them that they heard it on Radio Australia.

Senator BOURNE—Exactly. I have.

Mr Lafitte—Between 1982 and 1987, I was a current affairs producer at Radio Australia producing material in English which was then translated into all of the languages that Radio Australia used. In relation to China, for example, in that period, there were two or three purges, crackdowns and waves of student protests in which international

broadcasting was absolutely crucial for people in China to know what was happening elsewhere in China—just simply for people to know as informed citizens what was going on in their own country.

Radio Australia's signal in those days was not as strong as it might have been, so one could not say that Radio Australia, even at the best of times, was the primary source of information, but Radio Australia definitely ranked third after Voice of America and the BBC as the primary source of information for people inside China who wished to exercise their full range of human rights to have the information necessary for them to do so. I could cite quite detailed evidence on that and give you specific case studies.

CHAIR—The contrary view is that if they are getting Voice of America and the BBC, why do they need Radio Australia?

Mr Lafitte—Voice of America is under far greater constraint to follow the dictates of the State Department in a very set format. One could even be so crude as to say that there is more than a touch of propaganda in its output. Radio Australia really did have a distinctive voice, particularly in Asia, given that its strength was specialising in the Asia-Pacific, a strength on the ground.

I was commissioning and energetically recruiting stringers, reporters in remote areas where no other broadcaster has somebody on the ground capable of actually delivering in real time some sort of an account across a very bad phone line, whereas most other broadcasters were trying to maintain a global coverage and also had a global sense of what sort of news is fit or suitable for Asian audiences. Radio Australia really did have a distinctive approach that gave people information in greater depth than you would get elsewhere, and sometimes that information would make all the difference between whether you knew what was going on 50 or 100 kilometres away, let alone across the other side of the country or across the other side of the world.

CHAIR—Thank you for that, that was good. It is important that we get these things on the record in a practical sense. I think sometimes in the human rights area, whilst many on this side of the table as well as most on that side of the table might share an opinion, it is important if we are to put cogent recommendations to government that we have the substance to back it up. That is the sort of thing I was looking for. Thank you very much for coming here today. If there are other things that we want to ask you, the secretary will write to you. We will send you a copy of the transcript of your evidence, to which you may make corrections of grammar and fact.

Proceedings suspended from 12.29 p.m. to 2.02 p.m.

CAMILLERI, Professor Joseph Anthony, 13 Mascoma Street, Strathmore, Victoria 3041

CHAIR—I welcome Professor Joseph Camilleri on behalf of the subcommittee. In what capacity are you appearing before the subcommittee today?

Prof. Camilleri—As a private citizen.

CHAIR—Thank you for coming to see us today. We prefer that all evidence be given in public but should you at any stage wish to give any evidence in private you may ask to do so and the subcommittee will give consideration to your request. Although the committee does not require you to give evidence on oath, I should advise you that these hearings are legal proceedings of the parliament and therefore have the same standing as proceedings of the House itself. I invite you to make an opening statement and then we will proceed to questions.

Prof. Camilleri—Thank you very much and thank you for the invitation to appear before the subcommittee. I have appeared before several committees in the last two or three years but I think this issue is one of the most important issues that is going to capture the attention of governments not only in this part of the world but also internationally, and more and more as time goes by. The first point I want to make, and I make it quickly, is that I believe human rights has now assumed a central role in international affairs and international diplomacy. Let me state the obvious before I move on. It now literally dominates the news. I am not saying it is the only issue that dominates the news but it is certainly one of those that does.

We need only think of President Jiang Zemin's recent visit to the United States, the Pope's visit to Cuba, current events in Indochina, the question of Burma's membership of the Asian-European meeting, the future of Hong Kong, the future of Cambodia and discussions that have eventuated in recent times even within the ASEAN regional forum. Human rights—is a key issue. It seems to now concentrate the mind of the public, of key institutions and, increasingly, of governments, though I hasten to add governments are finding the issue extremely difficult to handle—perhaps with good reason. But that is no reason for not trying to do better as time goes on. That is the first point I want to make. In other words, whether we like it or not, governments, and that includes very much the Australian government, will have no option but to pay increasing attention to human rights as a major aspect of policy, both domestic and international.

The second point I would like to make is that, unfortunately, one way in which this issue has been treated by many, both within government and by the critics of government, is to say, 'Look, it is just one aspect.' So, for example, governments often defend their human rights policies by saying, 'Look, we have to look into many other aspects; in the case of Australia, Australia's interests, Australia's relationships. There is trade, there is security—there are so many other questions. We cannot afford to allow human rights to

dominate how we structure our relationship with the rest of the world.’ Then the opposing views say, ‘Oh, no, human rights are absolutely dominant. Everything else has to play second fiddle. Even issues of economics and trade must, at the end of the day, be subordinated to human rights considerations.’

The point I want to make, and I want to make it very strongly, is that both are wrong. Absolutely wrong. It means they understand very little about human rights or trade or security or diplomacy. The point I am making is they are all interconnected. They are all basic ingredients that go towards the baking of one single cake. You cannot just say, ‘There’s A, B, C and D,’ and give A 80 per cent, B 15 per cent and whatever. We have to see it as an overall approach which governs our relations with the rest of the world and with Asia-Pacific in particular. You cannot separate them and put them in neat little boxes.

Thirdly, I believe that human rights will in fact be how we address that interconnected aspect of our relationship with Asia or our so-called policy of engagement with Asia. How well we do it, how well we connect it with all the other aspects of policy will, to a large extent, determine the success or failure of this so-called policy. As I understand it, the engagement with Asia is now common ground between all parties large and small in the Australian parliament.

I think Australia, let us face it, brings to this issue or set of issues three factors which we somehow have to combine. To begin with there is our history, both Aboriginal history—about which I will not say very much—and white Australian history or what has predominantly been white Australian history, and therefore our roots, our cultural roots, in Europe; our geography, which situates us very close to Asia and certainly part of Asia-Pacific; and then the increasingly multicultural composition of our own society, which is much more substantial than the sheer number of so-called Asians in Australian society. It is worth reflecting, for example, that the two largest, fastest growing religious groups in Australia currently are Islam and Buddhism. So that is part of the context. Somehow we have to marry history, geography and our own multicultural composition of our own society.

Let me tell you in a few brief sentences what I think the underlying concept is behind the paper, before I say something in more practical terms. It is this: I take exception, in a sense, to the way some governments, including Australian governments, have tended to handle the question, and similarly I take issue with the way some of their critics have responded to it. I think, again, they are both wrong in this one respect that I want to emphasise: that is to say, putting the emphasis on the bilateral relationship.

The government position is that bilateral relationships are very important, which of course they are, and therefore in dealing with a problem of human rights, particularly when we see violations of human rights, we cannot but take into account—and they are right—the sensitivities of this relationship, particularly on a government to government basis. Of course, the critics say, ‘What a lot of nonsense. We should be concerned about

the people of Indonesia or the people of East Timor, the people of Burma. And if we need to be very tough and critical, vehement and, if necessary, vitriolic against those governments, so be it.' In my view, both are dead ends.

In my view, you cannot expect governments to try to deal with a human rights question by trying to have, for argument's sake, President Suharto or Mr Alatas sit down somewhere in a comfortable room and by saying to them, 'Excuse me', and starting to wave a finger. Out of that is supposed to come an extraordinary improvement in the plight of these Timorese. That is the first point.

So, in a sense, governments are right in saying, 'Look, there is a limit to what can be done in that way.' And critics are wrong in placing an awful lot of emphasis as to what a lot of very strong statements—public or, for that matter, private—will do in a bilateral way. The issue of human rights, at the end of the day, will not be determined bilaterally. This is not to say that our bilateral relationships cannot play a useful and sometimes necessary role, but I am not sure that that is where we would want to put the emphasis. So I do not in a sense share the view that some governments of both complexions have put out nor indeed of a number of their NGO critics. Nor do I think it is a question of splitting the difference: don't be quite as critical as some of your NGO critics would like you to be but be a bit more forthright as some governments are willing to be. I do not think that is the key.

So I hope I am putting to you a rather different approach, which up to this point in time has been insufficiently explored. I am not going to say that it has not been explored at all. I am saying that if we are going to handle the human rights question in a way that has any long-term prospect of success—and there is nothing we can do that will solve the matter tomorrow, next day, next month or the next year—we would have to have at least a 10-year if not a 20-year vision of what might be possible.

The first point I am making is that it has to be a mix of unilateral, bilateral and multilateral approaches carefully blended together. It has to be a mix of approaches that involves both governments at an official level and various groupings in society, and as cooperatively as that is possible. In some places, obviously, this might be much easier to handle in Australia than in China—at least at the moment.

As far as Australia is concerned—because this is what we are talking about; we are not talking about how Australia might handle the Northern Ireland question, not because it does not at any stage have a useful contribution to make but this is not where the committee is at—and Asia-Pacific in particular, we have to put human rights very high on our agenda, but we have to do it with a sense of humility. I do not think terribly many of our policy makers or our leaders are very good at that.

What do I mean? I mean that we have to be culturally sensitive. In some respects the Asian arguments that have been raised—and I discussed some of these in my paper—

have something to be said for them. After all, these societies have a very long history and they represent religious traditions which are at least as long in their history as ours and sometimes longer.

There is the question of cultural sensitivity, meaning where are these other societies' religious, ethical and philosophical traditions coming from? Cultural sensitivity is very important. If I may be excused for this comment, in the policy of engagement with Asia I fear that neither the previous Labor governments nor the present government have really paid enough attention to the question of cultural sensitivity. Sometimes it may be used as a throw-away phrase but what does it mean? It does not just mean that I—a minister, policy maker, official, NGO representative or whoever—ought to be aware that there are cultural differences and I should go out of my way, if I can help it, not to say anything which might cause offence; in other words, my intentions should be good.

That is certainly very important, but to want to be culturally sensitive is one thing; to be able to be culturally sensitive is another. You cannot be culturally sensitive if you are not equipped, if you do not have knowledge. Prime Ministers, trade ministers and foreign ministers have told us tremendous amounts about the importance of Asia for the future of Australia, but they have not said to us that that means knowing a lot more about Confucianism, Buddhism, Hinduism and Taoism and that without that the whole project is doomed. You cannot really begin to talk about human rights, which are really concepts and philosophies underlying those principles, unless you enter into some kind of dialogue with representatives of those important Asian traditions—to which one needs to add Islam to the list I have just made.

We in the West, and we in Australia, believe in universal human rights; and I do too. But universality is sometimes defined in a very narrow way. It is as if, somehow, in the West we, at the end of the 18th century—between then and now—have come up with a certain set of principles which are universal and which will hold good forever until the end of time, whereas what I think we are talking about is an evolution of how societies and the international society understand human dignity that is worth preserving and that will evolve over time.

Our human rights standards, as developed primarily in the West over the last 200 years, could not possibly be the last word on the subject for the next 1,000 years. The point I am making is: it is not just the principles that have to be universal; the participation in defining those principles and how they might be applied ought itself to be universal. In other words, we have to bring Asian societies and their elites and representatives much more into the process.

To give you an example of how little attuned we are to this: Dr Mahathir, in one of his many provocative public comments—not at this year's but last year's ASEAN Regional Forum meeting—said, 'It's time to review the Universal Declaration of Human Rights.' We might guess why he might want to do that—as a way of provoking the West,

as a way of qualifying certain principles that we are very strongly attached to. But I thought the reaction was so foolish of the West in general, and this included Australia, 'How dare you even suggest it; out of the question; finished,' whereas this would have been an interesting opening, 'You say we should reconsider the Universal Declaration of Human Rights. Shall we set up a committee amongst the region? We say we have not been able to get a regional dialogue off the ground.' Why not use what may have turned out to be a blunder on Dr Mahathir's part to get precisely such a dialogue, to establish a regional forum of some kind, presumably to reconsider the Universal Declaration of Human Rights but to actually pin down a number of governments as to what exactly the changes are that they would like to make.

In passing let me say one other thing. I think there is something to be said for a certain Asian emphasis—sometimes reflected in Asian governments which, admittedly, may be hypocritical at times—on the argument that we should consider both rights and responsibilities.

I think again that is a very interesting opening and, without wanting to tread on too many toes, I think there is a former Prime Minister—it happens to be Malcolm Fraser—who, as co-chair of an international body which includes leading intellectuals and former politicians from this part of the world, has been doing excellent work on the question of establishing a new charter of rights and responsibilities which is very cleverly crafted. Most people have not even seen it let alone absorbed some of its implications. We could do well to do that, as just one example.

CHAIR—Just for your information, Mr Fraser has been to talk to our committee about that.

Prof. Camilleri—I am pleased about that. It does not mean I agree with everything in the charter, but it is an interesting approach that is worth looking at. I have tried to prepare the ground with certain concrete proposals which are to be found from page 14 onwards of my submission. I would like to make just one point. It is not something I have thought of overnight in preparation for this submission. It is something I have been working on for the last ten years. It is the result of very substantial discussion, not only with other people in Australia, but with academics, policy makers, religious leaders and political leaders in various parts of South-East Asia and, to a lesser extent, North-East Asia.

I would want to argue that this is a unique moment. A number of things of very far-reaching importance are taking place and will continue to unfold in our part of the world over the next several years. The region is in real ferment economically, socially and politically. This is a period of very considerable opportunity. We have seen some very interesting areas of progress: in the Philippines, in South Korea—most recently illustrated by the election of the new president—and in places like Taiwan. We have seen a great number of other movements where there are still rather repressive governments suggesting

that the democratic impulse is very strong—alive and kicking.

You may also be interested to know about one very recently formed organisation called the Asia-Pacific Forum for Democracy, formally sponsored by Kim Dae-Jung, Cory Aquino and Mrs Gandhi. There are now chapters in about fourteen countries of which Australia is one. One of the key focuses of that organisation is very much the development of human rights.

Finally: unilaterally, I think Australian governments—I know this is going to be very difficult, but perhaps a committee that does not have all the same pressures of a government might be willing to consider this idea seriously—have to take unilateral initiatives to bring ourselves under the international spotlight, even if the result is highly critical on certain issues. So let me make a preposterous suggestion—I do not think it is so preposterous or I would not be making it, but it might seem so to others. We know that we have some weak links in our chain of human rights observance. We are not perfect. I think most people across the board would regard the Aboriginal situation as one such. In the past we have had innumerable inquiries on different aspects of the Aboriginal question in Australia—deaths in custody, health issues and so on. When we go to do this again in the future, make its composition international. By international I mean include senior jurists, policy makers, philosophers and religious leaders—highly respected—from the Asia-Pacific region.

Let us establish the principle that we see nothing terribly wrong in others helping to articulate a view as to how we do it. If we think our treatment of refugees can be open to some scrutiny or criticism, let us subject that to international scrutiny. Let us include highly respected figures—across a variety of backgrounds and professions from the Asia-Pacific region—in our reviews. Let us go further and make sure these reviews are subjected to public and parliamentary debate and discussion. Without any quid pro quo, we could say, ‘We have done it for ourselves, so would you mind establishing such an inquiry in Indonesia over East Timor, and we want to be included.’ Let that just drift. That is the first thing I would want to say.

The second thing that I would like to suggest is this: we know that establishing a regional human rights organisation at the official level, which will include governments in the Asia-Pacific region, will take some time. It is not for today or tomorrow. That does not mean that we cannot have it as an objective. But what might be useful transitional strategies? The point I am making is that there are several such proposals. One I would like to propose particularly, which is included in what I have said in my submission, is the idea of what is called, ‘Track two,’ which is that awful bit of jargon which is supposed to contrast with track one—track one being the official government level.

Yes, it is going to be very difficult to bring certain Asian governments onside towards such a formation first-up. But I think they may be more open to the suggestion of a track two regional forum, which operates more informally, in which you have experts,

academics, scholars, professional people, business groups, religious leaders and a whole lot of other people who have interesting and important things to say about human rights, some of whom might well have the ear of their government and who might even be able to include at least a number of senior bureaucrats who are representative of government, but not in an official capacity. My understanding is that that is sellable within the next two to four years right now and that some governments, at least in South-East Asia and Japan, would be willing to countenance such a proposal. It would be best, of course, if it did not come as an exclusively Australian proposal but in cooperation with some of them.

The final thing I want to say is that I think there is some very good work being done as of now, but it needs to be given a bit of a push. There are two ideas that are more or less already under way. One is the notion of national action human rights plans and the other is the idea of human rights institutions from the region—and there are several already—coming together to see how they can assist each other. I understand that AusAID is already financially assisting some of these projects.

I think two things could be done. I think it is time that the national action plans were firmed up because, at the moment, all that a national action plan requires you to do, if the government is so willing—and many are not even willing to do this at the moment, but some are—is to write something about what you have done on the human rights front in the preceding year and what you hope to do perhaps in the next year or two in the national action plan.

If you look at page 17, you will see that I am suggesting—again, I would not recommend that Australia does this on its own, but with some others who might be willing to support it—that we have something with a little more teeth to it, that the national action plan specifically asks each government that is preparing it what it sees as the main weaknesses in the current observance of human rights in the country as well as the strengths. Let them eulogise their performance as much as they would wish, but let them state also what they see as the key weaknesses where progress is required. Let them then state what remedial action over the next year, two years or five years they propose to take to deal with those weaknesses that they themselves have identified, not someone else on their behalf. Then let us see what regional mechanisms might be possible to assist them to deal with the remedies and deficiencies which they have identified. If that principle becomes established but only two Asian governments and Australia do it in the first year or two, that is all right; there might be four or five in five years time. I think that would be a proposal worth pushing.

Finally, I think the notion of a regional charter of human rights, which I would see as a process rather than an end result, is worth considering. It will take a long time. It might be a five-year process. But I think we could begin to engage in considering what such a regional charter might look like with a number of other governments. It may not be all the governments of the region. Why should it be? If we can find only two, three or four that are willing to participate from the beginning, that is fine. Others might join at a

later date.

So far as the very first point is concerned, and here I conclude—namely, developing greater educational awareness and sensitivity within our own country—I think the time has come to establish in Australia a centre for inter-civilisation dialogue, for lack of a better term. I only use the term because there is one in existence in South-East Asia as it happens and it is one of very few in the world. That is to say a centre which would promote at every level, from academic to popular, to schools and other educational institutions, greater awareness of the insights, traditions, preferences, whatever of the major civilisations of Asia, in particular Asia-Pacific. As a first, it would be good if one such centre could be established perhaps attached to one university somewhere in Australia. It could be through some kind of tendering process once a government becomes committed to such a project.

There is one other such institution. It is quite lavishly funded in Malaysia. It would not take too much guesswork to detect where the backing might come from, but Anwar Ibrahim has decided that that is one of the major areas in which Malaysia will have to push both internally and its relations with the region. It is a very impressive centre. It is headed by someone who was in fact gaoled for several years for protesting for human rights abuses in Malaysia. So things are changing. I think it would be a pity if we were not to be in the forefront of all these initiatives and activities not on our own but together with as many others as we can find to join us in this enterprise.

CHAIR—Thank you very much. Just as a comment, in terms of the subject of subjecting ourselves to outside review, in passing I might just say that my understanding is that in the dialogue with China our side very specifically put to the Chinese that, while we wanted to go and look at some of the things in China, and they were welcome to come and look at things here—we were prepared to expose ourselves in that sense—there was absolutely no interest from the Chinese side whatsoever. The motivation for that you can attribute to a number of things, but one would hope that those sorts of things would be taken in good faith. Clearly, in that sense, it was a waste of time.

I would like to put a question to you in terms of this regional charter that you talk about. It is an idea in not dissimilar form that has been put by other people. There have also been a number of people who have put to us that specifically a regional charter could be counterproductive in the sense that, to get up a regional charter, you would probably finish up with almost effectively the lowest common denominator, if you like, with regard to standards and certainly something that would be below the standard of the United Nations, which is the universal charter at this point. Therefore, although regional charters have worked in other parts of the world, given particularly the controversy about Asian values and so on, you actually would have a less credible document and it could, in fact, therefore be used to back slide from the broader definitions and the higher standard definitions. Would you like to comment on that?

Prof. Camilleri—Yes. I am of course very aware of this argument. I think it has some force. I think you would be foolish to dismiss it as being a nonsense. But, on balance, I am not persuaded by it, again, because I think there are some ways of getting around the problem. Firstly, I think I have suggested, at least by implication, that I do not believe that any of the instruments that the United Nations has come up with—all of them collectively—represent even as of now the last word on the subject. There is room for improvement.

Secondly, with many of the Asian governments, as you know, one of their arguments is, ‘Well, the West is preoccupied, fixated, obsessed with civil and political rights, yet for us the key issues are social and economic rights and cultural rights.’ But their bluff has never been called. Let us start the discussion with social and economic rights and put civil and political rights second just for the time being. Let us sit down with the Chinese, the Malaysians, the Singaporeans and whoever else and discuss social and economic rights. What exactly do they mean by it? We know that it is the right to food, the right to this, the right to that and so on. But what if, say, I am Singaporean, Chinese or Malaysian—it does not matter who—and I feel that my right to development or to food or to employment has been breached or not sufficiently attended to? I am trying to say that, at the end of the day, social and economic rights have to be, in part, individual rights as well. So let us engage them in discussion about the things that they keep pushing so strongly—social and economic rights. How will the Asia-Pacific promote the social and economic rights of its people? Let that be part of the charter.

Thirdly, if anything, on the civil and political rights front the tide really is moving in favour of those who wish to give higher priority to human rights. I have mentioned a number of countries; you can look at the Philippines, Taiwan, South Korea and even Malaysia. We have to say that the progress has been there towards more democratic forms, towards freer societies, towards more open societies. Where that has not happened—as in China, perhaps Burma and Indonesia, and one or two others—we know that that is a subject of very considerable debate and tension within those societies. So the issue is there and they cannot pretend that it is not there. The other thing is that, at the end of the day, if we can get a regional charter of human rights that encompasses half a dozen to eight countries and leaves the door open to a number of others for a later date, that is okay too.

CHAIR—You will be aware of the work that HREOC was conducting, at least via HREOC: the funding and the structure of an Asia-Pacific forum—human rights commissions, effectively—in a number of regional countries. What is your view on the concept and execution to date?

Prof. Camilleri—I think it is a step in the right direction. Anything we can do to promote and assist the development of human rights commissions or their equivalents and ancillary bodies in as many of these societies as possible is useful. It establishes a network of connections that is terribly useful. It establishes interchange across a wide range of

groups and individuals between the countries concerned. To the extent that we can do some funding for some of these projects, that is good too, but I still think it is a bit on the limited side. I would like to see something which is much more encompassing. That is why I think there may well be an argument for having a forum which goes beyond the representatives of these more or less official human rights bodies in the various countries, side by side, parallel. Do not let us be too worried about four or five projects getting off the ground, provided they are talking to each other and they are not at loggerheads with each other. If we compare this with Europe they are in the dozens, so to have four or five in the Asia-Pacific would not be a major problem. So, yes, it is a useful initiative but I would not want to put all my eggs in that basket.

Senator BOURNE—I have two things. It seems from what you said that you have some sympathy at least with Stephen Fitzgerald's book, *Is Australia an Asian Country?: Can Australia Survive in an East Asian Future?*

Prof. Camilleri—Very much.

Senator BOURNE—Do you think it would follow that, if we had more education and did understand the culture of Asia as well as we understand Europe and, in particular, North American culture, we would have a better chance of coming to agreement on human rights and regional human rights? Is education starting in school, starting in kindergarten, a basic part of what you see as being important?

Prof. Camilleri—Yes. In fact, you may be interested to know that I have spent a lot of time—some would say too much time—dealing with schools and educational agencies on this very question that we are discussing. While it is true that some reasonable progress has been made in the improved teaching of Asian languages, in some cases more than others, what I have found—and it is something that I think is just beginning to be corrected—is that, again, the way it is being sold is sometimes demoralising. 'You need to know Japanese; you need to know Indonesian. Why? Because that would improve your career prospects. Why? Because Australia is going to trade more and more with these countries and be more and more financially and economically interconnected with these economies. To have this language would be a plus, and that means basically technical competence. You should be able to engage in conversation and perhaps, if you are particularly good, read the newspaper.'

They do not expect you to know anything about the history, never mind about the politics of that society, never mind about its social composition and its cultural make-up—that is not important. I have been waging a big battle, with some success, making it clear that, if we are going to introduce Asia into the curriculum, it has to be across the board, not purely in a highly technical sense—'Let's know some Japanese.' I think that is going to be terribly important.

Senator BOURNE—You mentioned, and so did the Chair, the Australia-China

groups that go from Australia to China. We are hoping that they will be sending a group to Australia this year, which will be the first time since 1991 when we started asking. I understand they have been invited to see prisons and Aboriginal communities. I do not know whether they will take it up this time but, as the Chair said, I think it is unlikely. Do you think that that system is now starting to work a bit better, since they are coming out here? Do you think it is worth trying to expand that arm of our human rights dialogue, to go to other countries as well and invite them to come back here?

Prof. Camilleri—Yes. On balance, I think it is a useful step forward, but I would like to see it while this bilateral approach is being pursued with two other things in mind, both of which I have referred to in passing. One is that the time will come when it is not purely an Australia-China relationship. Why could it not be Australia, New Zealand, China and Malaysia, or as many as we could get into that kind of arrangement with criss-crossing exchanges and visits? The reason for that is this. You have some discussion going on between China and Australia. Let us say a major incident occurs, which often happens—it could be between Australia and Indonesia—and it is very delicate, very sensitive and difficult to know how you are going to handle it. Suppose it is a Tiananmen, to be extreme, or suppose it is the shooting of 10 East Timorese in East Timor.

When you sit down one to one, however politely or tactfully you do it, you are going to say, 'I've got a reproachful little session to have with you.' What else can you do? Should you say, 'How wonderful it was that you did it. Do more of it'? Therefore, whoever gives the little lecture, however tactful and polite, he, she or they cannot but be influenced, and rightly so. 'What will this do to our total relationship, however tactful you are?' If there were three or four doing it, it would be very difficult for the Chinese, the Indonesians or five or six others, to say, 'You're out to use this as a stick.' You could not do that to a regional initiative, but you could do it one to one.

So whilst doing the bilateral thing, if that is the easiest thing to do in the first place, we must try to move towards a multilateral situation where the one-to-one problems and the implications—what will this do to our trade, et cetera?—are less likely to be so paramount.

The second thing, I think, is: let's do more of what I call the track two—more gatherings, more forums, more exchanges in which highly respected people in the communities of the various countries come together, in which there may be some government officials, but they are not there in their official capacity. That might reduce the sensitivities and make them more amenable to frank discussion.

Senator BOURNE—Stephen Fitzgerald does a bit of that too, of course.

Senator REYNOLDS—I am interested in the seven key initiatives you have put forward. But, knowing that governments do not readily respond to so much initiative, I am wondering if you could give us some idea of how you see the priorities if we could only

get two in the next couple of years? Have you tried to develop these? Are they in any order of priority or should we be looking at the ministerial meetings as the top priority? Could you comment on your priorities?

Prof. Camilleri—There are two things I regard as critical. I regard anything we can do which would subject Australia's human rights performance to international scrutiny in Asia-Pacific as terribly important because it will break the ice. It will break the impression that: here we are, standing in judgment of Asia; we are the teachers and they are the learners. I know that that has already been done in a number of small ways, but of course if you ask the Chinese, 'Why don't you come and visit our prisons if you are interested, or do this, that and the other,' it gives them a way out to say, 'I don't know anything about this, et cetera, maybe not.'

I would tend to proceed differently. I would tend to proceed by us inviting highly respected individuals from a number of countries. China might be difficult because everything seems to have to go—at this stage at least—through the government, but not so in Malaysia, Indonesia and many other places. Invite highly respected jurists, former judges, retired politicians, who we know will speak their mind, who won't come here because they have been invited and very politely say, 'What a wonderful job you are doing.' They are known for their independence of mind, perhaps they are even known for having been critical about certain aspects of the way we do things in Australia. Let them be part of some kind of discussion, exchange, forum, inquiry, et cetera—more of that. I would regard that as terribly important.

Of course, governments do not have control over that, but there are other ways in which it can be promoted. Let us bring to the attention of the Australian public the things that are critically commented upon in the Asian media about our own record on human rights here in Australia. I would regard that as one high priority.

If you are asking me to mention a single other initiative that would be very important, I would say, while doing a whole lot of things at the government level, if governments were willing—and the Australian government in particular—to fund what I would call a major track two—meaning non-official, but with officials able to participate in their non-official capacity—human rights regional forum, which they could do preferably with some support, but perhaps not equivalent funding from at least one other Asian country. As hosts first time around, if it is then a success, you may want to then say that it will happen every two years or something. I think that would be very useful for getting the kind of discussion and exchange at a franker and more transparent level than is possible between governments at this stage in the process. If you are trying to pin me down, that is how I would be pinned down.

Senator REYNOLDS—I do not want to particularly pin you down. You mention, in that establishment of track two, the importance of human rights education strategies and that one of the elements of human rights education seems to be right here on our own

doorstep. Do you have any comment about the current state of play, as it were, in terms of human rights education at home, because if we are going to subject ourselves to scrutiny from the region, we must all be much more aware of where we stand, what we have done and what we have not done?

Frankly, I have only just discovered how we have been so seriously lagging in our international obligations, both under the present and previous governments, so I would like you to comment a little on the scope of human rights education today in Australia and to give any suggestions that you have for government, so that Australians themselves are better informed. Before we start going out and telling the rest of the region what they should do, we really need to be informed ourselves. This includes state governments, the community at large, and indeed, within the government and the opposition itself.

Prof. Camilleri—Let me just express a couple of thoughts. First of all, I agree with you entirely about that. I think Australians on the whole have very good gut feelings about human rights. On the whole they would be on the side of improved human rights performance, but on the detail—and I do not mean fine legal detail but the key questions—I would say that most Australians are very poorly educated, so there is a big job to be done.

There have been, in the last four or five years with the previous government and the present government, a much greater commitment to improved education in civics. I would regard that as an integral part of such a curriculum because, after all, what is civics but the rights, entitlements and responsibilities of both individuals and groups in society and how it all works out? That would mean, amongst other things, the international obligations that Australia enters into when it becomes party to this or that covenant, convention or what have you. I think it has been said by the present government and former opposition that lots of treaties have been signed and ratified, but with very little discussion either in the parliament or in the community. They are dead right—that is true. There needs to be widespread education and discussion not only in the parliament but in the community at large, and that requires some funding. It is not going to come out of thin air. If we are serious about that we will have to fund it at all levels of primary and secondary education.

I am appalled at how little there is by way of courses on human rights questions in most Australian universities. It is just unbelievable. There is one extremely poorly funded such centre really in the whole of Victoria, that I know of, with tiny little bits happening in other universities. I would have thought, because I know money is very tight, that we should be able to afford one decent human rights studies centre in each state. It is not saying an awful lot, particularly in a state where we have seven or eight universities, to have one university with one high quality centre that feeds into schools, communities and so on.

I think there has to be more on continuing education for the adult population,

whether it is through things like the Adult Education Council or other institutions, and I think we need to have more bodies established, and perhaps better resourced, at the NGO human rights level. I would have thought that respectable human rights organisations that do not have a political barrow to push could be much better funded by government—even by small amounts which for them would mean an awful lot of difference. All of those things would make a bit of a difference over time.

CHAIR—Could I jump in there before I pass to Mr Jones and follow that up? You made a very interesting comment about NGOs that do not have a political barrow to push. I am almost inclined to ask, isn't that a contradiction in terms?

Prof. Camilleri—When I say they had a political barrow to push, I mean they do not have an identification with this political party or that political party. They might be very vocal about their positions. They might be very strong—I do not know—on East Timor or political prisoners in this or that country. But they are not really carrying a brief for any of our political parties. They are just pushing their issues, irrespective of which party happens to be in government—I mean party political—and governments will use their judgment. If they think, 'Look, this is too hot to handle. This particular group is calling for the overthrow of President Suharto. We are not going to fund it,' okay. It is a perfectly legitimate reason. Some might dispute it, but if that is the government's judgment, so be it. But there are plenty of other groups that I know of that work at the human rights level which do not enter into those kinds of very extreme or highly sensitive areas. Their funding could be reviewed. After a year, if it does not measure up to criteria, it does not get funded the following year.

Mr BARRY JONES—I wrote down a whole series of issues that I wanted to raise with you and systematically you have covered all of them.

CHAIR—It is called 'fix up Barry day'.

Mr BARRY JONES—Let me take a devil's advocate position for a minute on a kind of throwaway line of yours earlier on. Think of the conflict of cultures and so on and the fact that we in some ways feel ourselves inadequately versed in some of the cultures around us. It is very striking, for example, that if you take the question of Ireland where you would have to say that we are not very far removed from the cultural milieu with a common language, a common tradition and, in many cases a common religion, this committee has not really addressed the issue at all. I do not think that in a sense we feel we have anything very useful to say about it. That is something where the culture is right in our backyard, where we have millions of people—we have more Irish than Maltese, it has to be said—and yet somehow we are not quite there.

The difficulty is in coming to grips with, say, the problem of having something useful to say about Sri Lanka, for example. The culture there—the language, the traditions and so on—is very remote from ours. The thing that has been a matter of increasing

concern to me over recent months is that when Australians are pushed we realise what a very dim grasp we have of our own culture, our own history. Look at the sheer numbers of people who carry on with history to year 12. I have forgotten the percentage now, but there is a very dramatic falling off. In a way I wonder, unless we have that grounding in civics, that grounding in language, that grounding in history, how credible we are going to be if we go to the countries of our region and say, 'Look, we want to engage in a very serious dialogue in which we want to understand your language, your culture. Oh, by the way, we'd like to engage in a dialogue on human rights at the side.' Sorry, that is not much of a question—it is more of an expostulation. But you see the difficulty with it.

Prof. Camilleri—Yes, I do. There is no simple answer to the problem you raise. I think it is a real problem. The only way to begin to handle it is to remind ourselves that everything is connected with everything else, which is rather daunting. Let me explain what I mean. For the last 20-odd years or more—I do not know how long—we have made multiculturalism a big objective in Australian politics and Australian society. I think some very good things have come out of it, but the one thing by which I would be most interested to judge the progress of multiculturalism is something that is not much talked about really: the way we have interpreted it. I refer to this because this is part of our society.

We are supposed to be a multicultural society, bringing together a whole range of groups, traditions and so on. If we cannot do it very well within Australia, what authority do we have to talk about it in the region? This is where multiculturalism comes in and where I think the critics of multiculturalism have a real point. I think it is because its advocacy has been rather feeble that there can be some rather telling criticisms. By and large—I know there are exceptions—we have tackled these by saying, 'Look, we have a number of Arabs in our society; we have a number of Italians and Greeks and now Filipinos, and this that and the other. We are a pretty tolerant people and, yes, we will give them some support to retain knowledge of their own language and perhaps practise some of their own cultural activities and so on. We will be extra generous even and have a broadcasting system that broadcasts in their own languages and brings films in their own languages and so on. We will be very tolerant and multiculturalist. What more could you ask for?' Whereas I think the real test of multiculturalism—perhaps that is the first step—is the extent to which those who are primarily of Anglo-Saxon or Celtic extraction are willing to be enriched by what all these others have to offer—and vice versa, of course. I am only saying it this way because there are so many more of Anglo-Saxon or Celtic extraction, and I know that is difficult.

What I am saying is: we have such resources within Australia and we are not using them. We have 200,000 people, give or take, who can tell us an awful lot about Islam and the various shades of opinion, and approaches and theological and cultural attitudes within Islam. But are we using it to become more knowledgeable about Islam in our part of the world? We have so many Buddhists and so many of this that and the other. What I am saying is: we have within our own society enormous resources which would help us in our

dealings with difficult questions and cultural questions—which human rights questions are—in our region if we were to make much better use of the multicultural traditions in our own society, and that means education and a whole lot of other things.

It also means, for example, involving much more those who come from different backgrounds in key issues of political discussion. I looked very carefully at the Constitutional Convention. I saw two Christian bishops—an Anglican and a Catholic—and at least one other minister. I think there were three. I do not think there were any Islamic religious leaders.

Mr BARRY JONES—No.

Prof. Camilleri—But there could have been.

Mr BARRY JONES—There were four, if you include Tim Costello.

Prof. Camilleri—Four, I beg your pardon. That is right. I did not see any who would be known—

Mr BARRY JONES—There were three in drag.

Prof. Camilleri—Yes. I think we can be much more sensitive to that. What would be their ideas about a republic in Australia? Let us bring their traditions and their insights into the process, particularly since we had the advantage or disadvantage of half of them being appointed. They might not have won an election, but they could have been appointed. There is that part to it.

You mentioned Sri Lanka. By and large, even though there are some Tamils and some others from Sri Lanka in Australia, we would not have a great deal of insight or resources to put towards the resolution of that conflict amongst the population at large. However—and I think that is the irony—it is said that, outside of the United States, Australia is the second country that has the greatest level of academic expertise about Asia. There is more academic expertise about Asia than you will find in Malaysia or Indonesia—I am sorry, Australia is the third after the United States and Japan.

I do not think we bring these people sufficiently into the debate and the discussion and preparation of ideas. In other words, we have—certainly not the public at large—a substantial elite made up of academics, of other intellectuals and of professional people who have had great exposure to Asia. I think we could bring them much more into the debate and the discussion about how we should structure our relations with Asia, particularly on these very difficult questions.

CHAIR—This is more a comment than a question, I suppose. I did a fair amount of travelling overseas last year. I was particularly struck, compared with previous years,

by the number of our diplomats in posts overseas who are non-Caucasian. It was quite noticeable compared with, say, five years before. So, in an Asian country, two or three of the diplomatic staff would clearly, in racial terms, be Asian. They then speak—

Mr BARRY JONES—Are they A based?

CHAIR—A based. They would open their mouths and speak with an Australian accent. Also, a lot of them spoke the local language. It was quite interesting when, in meetings with the host governments or whatever, our escort came along and was clearly one of their own, if you like, in terms of visual impact. When we sat down and introduced our delegation and the escort person, they spoke with an Australian accent. The hosts would sort of perk up a bit and be quite surprised. But then, of course, they would proceed to speak in Chinese or Malay or whatever. It seems to me that that is something that makes a particular impression in a lot of places. I think we are actually drafting into DFAT a lot more of that expertise and that background, which is quite interesting. Anyway, that is an observation.

Mr BARRY JONES—Unless, of course, it has the counteraction where people say, ‘We have got staff somewhere in the outfit who understand it. We do not need to be directly involved.’ That is why the reproach is often made, ‘How many Australian ministers have got a grounding in any of the cultures of the region?’ Virtually none. But they say, ‘Ah, but somewhere we can tap into it.’ But do they? How many university vice-chancellors have we got who say, ‘Oh, well, I do not need to do it. I have got somebody I can tap into. I don’t need to be personally involved.’ You say, ‘How many have you got at the ambassador level?’ They say, ‘Hardly any.’ ‘How many have you got at the consular level or the third secretary level or something?’ They say, ‘Oh, a few.’ It is better than nothing, but—

CHAIR—The point I am making is that I think it is a recent change. They do, by and large, tend to be at the junior to middle ranking level. Although, for example, our No. 2 man in India was an Indian, and India is quite a major post.

Mr BARRY JONES—Yes.

CHAIR—Our No. 2 man in Beijing was somebody who, although his ancestry was Russian, was actually born in Shanghai. But it seems to me that, yes, they are fairly junior now but it is a relatively recent innovation. It is a trend. I think it is a reflection on our multicultural society that we are now seeing people who came here as migrants—maybe not them, but their children—going into the professions, and that sort of profession. In 10 years time, you will see them in the No. 1 job.

Prof. Camilleri—I think it is a very welcome trend, and it has got to be. But I think it is most important that it not be seen as being the preserve of the Department of Foreign Affairs and Trade; other major government departments should be doing it too,

and state government departments. Many of them have dealings with a whole lot of Asian countries. They should be looking for those kinds of people and those kinds of resources in a much more systematic fashion than perhaps they are doing now. But it is a trend to be welcomed and encouraged.

CHAIR—Absolutely. Thank you very much indeed for coming and talking to us today. If there is any additional information we will, of course, write to you. We will send you a transcript of the evidence, to which you can make corrections. It was a very interesting submission, and we are most grateful.

Prof. Camilleri—Thank you for having me.

Proceedings suspended from 3.09 p.m. to 3.19 p.m.

HEWETT, Mr Andrew, Director, Public Policy and Education, Community Aid Abroad, 156 George St, Fitzroy, Victoria 3065

KENT, Ms Lia, Policy Coordinator, Community Aid Abroad, 156 George St, Fitzroy, Victoria 3065

CHAIR—We would like to welcome Andrew Hewett from Community Aid Abroad. We may have an additional person joining us. Thank you very much for coming here today. It is always a pleasure to see you, Andrew, and to hear from representatives of Community Aid Abroad. We prefer as a sub-committee that all evidence be given in public, but should you at any stage wish to give any evidence in private, you may ask to do so and the sub-committee will give consideration to your request.

Although the committee does not require you to give evidence on oath, I should advise you that these hearings are legal proceedings of the parliament and therefore they have the same standing as proceedings of the House itself. I invite you to make an opening statement and then we will get down to questions.

Mr Hewett—Thank you very much. Community Aid Abroad very much welcomes the opportunity to speak to you today and to back up our written submission. There are a number of points that we would like to highlight from the submission. First I would like to establish our credentials. Since its foundation in 1953 Community Aid Abroad has worked in Asia. We currently work in some 11 countries. We have also worked for many years in the Pacific region. Through our Oxfam connections, we are probably represented in virtually every developing country in the Asia-Pacific region. We believe we have developed very extensive connections through the region, and we hope that we have also developed an understanding of some of the dynamics in the region, particularly as they affect human rights.

Increasingly, we have adopted a human rights approach to development. We recognise that human rights are an entitlement explicitly recognised in the international human rights instruments. That comes through in our development program but also increasingly through our public policy work. We are concerned that NGOs—non-government organisations—in the Asia and Pacific region have been under-represented in human rights discussions; that far too much of the discussion has focused on the pronouncements of one or other leader of a particular nation. We believe it is important that the debate is widened out, and we hope that the committee's deliberations will ensure that they come in contact with those sorts of views.

Our submission notes what we regard as a very disturbing trend towards a cultural relativist or Asian values perspective to human rights. We take a contrary position to this. We believe that that perspective is a narrow one, coming as it does from a number of elite representatives and probably most notably represented by Dr Mahathir from Malaysia. It is a challenge to international human rights standards which places a particular onus on those

countries such as Australia, which has a generally very good record in promotion and protection of those rights.

We believe it is important that the Australian government takes a firm stance on this Asia relativist argument, based on the stated commitment to international human rights instruments. More generally, we argue that the Australian government needs to take a whole of government approach to human rights. It is not something that can be isolated in one box separate from other issues and other policy arenas. That whole of government approach requires a consistent promotion of international human rights instruments aiming to protect those human rights norms but to also ensure that it is seen in all areas of public policy. We particularly instance not just the foreign policy area, which obviously is critical, but also the trade and investment policy area, the aid program in the domestic sphere and in arms transfers or defence cooperation programs.

I just give an instance on the trade and investment policy, which has been an issue of some controversy over the years. We think there is a need to look at issues such as a social clause in international trade and agreements. We would also argue that the government has a particular role to play in encouraging codes of conduct for Australian companies operating in the developing world.

Increasingly, one of the key ways that Australia is seen in the region is through the operations of Australian firms. Unfortunately we have come in contact too frequently with local communities who have criticisms, who have come into conflict with Australian companies, whose actions are seen to be not consistent with international human rights norms and where the basic rights of local communities are far too frequently overridden. They are the key issues that we would particularly emphasise from our submission. We would hope that you find them of interest.

CHAIR—Ms Kent, do you want to add anything to that?

Ms Kent—No, I will wait till question time, thanks.

CHAIR—One of the things that we have found some difficulty getting a handle on in this inquiry—we are constrained to a certain extent because we cannot travel overseas; we go around the country, but we are not going overseas—is solid evidence of or information on whether human rights in the region are getting worse or improving in some areas, just what movement may or may not be there, what is particularly effective, and so on. We are getting a lot of people who come and make statements of declaration but, in terms of hard, on the ground evidence, that is something that we found difficulty getting. Is your organisation able to give us anything on that score?

Ms Kent—Our organisation believes that it is not really a one-way street in terms of human rights improvements. In some areas there definitely have been improvements in human rights and economic development has brought about higher standards of living in a

number of countries in which we work—we admit to that—but we are concerned. In some areas, for instance, the trade and investment area, there may be an improvement in the economic and social rights for some sectors of the community, but at the expense of other sectors of the community. This is a trend which is being increasingly documented. We also admit that we have a lack of information in this area, but we are starting to do research, particularly on the operations of Australian companies overseas and how they affect human rights in developing countries.

One of the reports I would like to refer the committee to is a report entitled *Sweating for Nike: labour conditions in the sports shoe industry*, which is about the labour conditions in Nike shoe factories in Indonesia. In this report we go into some detail about, for example, forced overtime conditions, long working hours of workers and harassment of organisers. Particularly for women in these companies, human rights are definitely not improving. We believe that this could be somewhat remedied by introducing a social clause in trade agreements.

While we believe that, in general, the international community is supportive of the universality of human rights, this is often not recognised in the case of indigenous communities with which Community Aid Abroad has a large degree of contact. Particularly, we have noticed that large-scale resource developments—for example, dams, mining operations, et cetera—that encroach on indigenous peoples' land have led to a decrease in their rights that is often disguised under the banner of 'national interest'. We are not arguing against the idea of 'national interest'—of course, countries do need economic prosperity—but particularly marginalised sectors of society such as women, indigenous people and workers are often not included in the mainstream of this development. Do you want to add anything to that Andrew?

Mr Hewett—We do have additional copies of that report.

CHAIR—Do you want to give us one of those and we will take it as evidence?

Ms Kent—I will hand out copies. We have also just released a report on Australian mining companies' operations in Indonesia, which I have one copy of—it is very large. If the committee would like more then we can—

CHAIR—No, one copy is enough.

Mr Hewett—Given the size of the Australian mining industry, it is one of the main ways in which the Australian commercial sector is interacting with the region. For instance, in Indonesia, there are something like 50 Australian mining companies operating, and they also operate in Papua New Guinea, the Philippines and elsewhere. While I think there is quite a lively debate happening within the Australian mining industry about their social and environmental impact—that is probably best evidenced by the promulgation of the Minerals Council of Australia's code governing their environmental impact—it is also

true that many companies do not seem to have learned the lessons of Ok Tedi. Our most recent report, of which we have got a copy, particularly highlights the situation in Kalimantan in Indonesia and the operations of a couple of Australian firms there. I think things are changing, but it is clear that, for the local communities, things have not changed quickly enough. The companies need to up their performance in that regard.

CHAIR—Thank you. Is it the wish of the committee that the document entitled *Sweating for Nike: labour conditions in the sports shoe industry* by Jeff Atkinson and Tim Connor be incorporated in the records of the inquiry as an exhibit? There being no objection, it is so ordered.

Senator Reynolds, if you are going to rush off and get a plane, perhaps you should ask the next question.

Senator REYNOLDS—Thank you, Mr Chairman. I note that you have put forward some 24 recommendations. They cover a diverse range of issues. Given that committees like this and governments generally never take up all the recommendations, if you had to choose, say, half a dozen, what do you see as being your priorities in terms of those recommendations? I do not like doing this, but I just think it is—

Mr Hewett—I think it is one of the curses that face NGOs: we want the world, we want it in many ways and we want it yesterday.

Senator REYNOLDS—There are 24. If you were to phase them over five years, what would be the priorities for this year?

Mr Hewett—I would particularly highlight recommendation No. 2. It states:

That the Australian government take every opportunity to promote publicly the universal, indivisible and inalienable nature of human rights within Australia and the Asia and Pacific region.

We particularly highlight particular aspects of that. I think that is the cornerstone. If we have that, that then leads to the whole of government approach that we are advocating. It then guides the way in which Australia should relate to different forces in the region—to governments, to civil society and the like.

I think from that flows a range of recommendations. One is particularly to do with industry, trade and investment, looking at the WTO, the World Trade Organisation, where we would call for the establishment of a working group on trade and labour rights in the two recommendations on APEC. We believe that it would be very useful for the government to try to broaden out both the nature of the advice that it gets on APEC, which is, by and large, a forum where government business and some academics have an entry. But, despite some recent moves from the government which are very welcome, NGOs and human rights and environmental issues are not on the agenda. So we would

suggest a broadening out of advice there.

I think there is also a need to highlight the ILO recommendations and the ones on the aid program, which includes, obviously, the work in relationship to the World Bank, the International Monetary Fund and the Asian Development Bank in particular.

CHAIR—So that is four with about 15 sections.

Ms Kent—I would also like to highlight a very achievable recommendation, which is that this is the 50th anniversary of the Universal Declaration of Human Rights. It would be a very timely opportunity for the government to make some statement about this by holding a national conference. This has been recommended by HREOC, and they have applied to the government for funding to run a national conference on education. This is something that would be very achievable. Similarly achievable is the setting up of a national contact group on human rights education to look at ongoing human rights education in the Australian community, which will, of course, have a large impact further down the track. These are already initiatives that have been suggested on the—

Senator REYNOLDS—You mentioned human rights education. This is, in fact, the third year of the human rights education decade and we are still just talking about what we might do this year.

Ms Kent—Yes, that is right.

Senator REYNOLDS—So it seems that, if you are going to be looking at priorities, if people do not know about human rights it is very difficult for a priority to be put on it by government because governments only ever respond to pressure from the community.

Ms Kent—That is right.

Senator REYNOLDS—What about structures within the Department of Foreign Affairs and Trade? Do you have any comment about integration, mainstreaming—the way in which human rights is dealt with within the department itself?

Ms Kent—I do not think we have actually highlighted that particular issue in our report, but I could say that I attended the DFAT-NGO consultations in Canberra yesterday and this morning, and there is a feeling there that there needs to be a broadening and a larger amount of consultation with the NGO community. At the moment it has been scaled down to only two consultations a year with NGOs. We believe that NGOs have a great deal to contribute and would like to input into that process.

CHAIR—When you say there is a feeling there, do you mean on the part of the NGOs and/or on the part of DFAT?

Ms Kent—On the part of the NGOs. I do not know what DFAT's opinion is on that but I am assuming that the government is putting less priority on that. The other issue is that a national committee has been set up on human rights education which is involving NGOs at the moment. Unfortunately, this has not got ministerial backing yet. We believe one way to go would be to set up a joint committee, including DFAT representatives and NGOs, in order to facilitate greater consultation. Another issue that came up at the DFAT consultations was that at the moment there is a very broad sweep of issues that is covered in the DFAT consultations. There is not really a chance to get into very much depth in terms of issues and we would welcome, perhaps, a contact group as well, set up for greater liaison between NGOs and DFAT.

Senator REYNOLDS—A contact group within DFAT or—?

Ms Kent—Within DFAT, with NGOs, to actually look at some of these issues in greater depth. At the moment consultations are covering everything under the sun basically and while there is half an hour for each issue, there is not a great deal of depth.

Senator REYNOLDS—The way human rights is dealt with within that great bureaucracy—I do not know how many there are in the departments now—have you given any thought for recommendation to this committee about how, instead of human rights being over there and their business for that particular unit or units, it could be more integrated and interspersed so that wherever you are working in the department—not just in DEETYA or DFAT, but in other government departments—there is a greater awareness of Australia's international obligations.

Ms Kent—Perhaps I could refer to AusAID briefly here. AusAID originally took part in the DFAT human rights training programs but they are no longer taking part. Apparently AusAID staff said that these courses did not fulfil their needs. However, we believe there is some need for all AusAID staff and all DFAT staff to take part in human rights training so that they are aware of the international instruments and how to use them in their work. Currently, DFAT have a human rights and indigenous affairs issues section. It is fairly small but it exists, whereas AusAID does not even have a section on human rights.

The other worrying trend in AusAID and DFAT is this usage of the term 'good governance' which is an all-encompassing term which is supposed to include human rights under it. Our concern is that human rights is being overlooked by the use of the term 'good governance'. No-one really knows exactly what it means: often it refers to efficiency in government management practices rather than creating a human rights culture. So we would argue that human rights should form the framework for good governance to fit into. There should be more focus on human rights within the AusAID program and part of this could involve setting benchmarks based on human rights standards for the aid program.

Mr BARRY JONES—I am glad to see that you have drawn a bead on that dreadful term ‘good governance’ which is a classic piece of IMF-speak and UN-speak. I was at a UNDP conference in July and August and, like David and Goliath, I tried to take on the others. But the point is, when you push people on it, they have no idea what it means, because you get 57 different varieties of definition. We have found that ourselves.

We had somebody here from DFAT, and we pushed for a definition of what they thought good governance meant. You could see heads wagging and hear people saying, ‘No, no that is not what we mean by good governance.’ It is a broad portmanteau term. Some will say it is synonymous with human rights and others will say that it has nothing to do with human rights; it is to do with transparency of government processes and so on. The term has spread like herpes to such an extent that it is difficult to know how one is really going to turn it around. It came as a bit of a shock to me realise that. I do not know whether you knew, Mr Chairman, that AusAID did not have anyone involved in human rights.

CHAIR—On that, perhaps we might ask the secretary to do something about that. When DFAT appears before us in Canberra in the next hearing they said that they specifically did not want to appear without AusAID in tow. In the light of questions we have culled from today and from other hearings that we wanted to put to DFAT before they come to continue giving evidence, I think we might flag that issue as well. Is that all right with you, Mr Jones?

Mr BARRY JONES—Absolutely.

CHAIR—Sorry to interrupt—please, continue.

Mr BARRY JONES—In your recommendations—and I do not know whether you want to renumber them or add another one—you have not expressly said that AusAID ought to have that. Would you like to put that in as recommendation No. 20? It rounds it off.

Ms Kent—I think it better go in. In fact, they used to and I was not aware when I wrote this report that they no longer have that.

Mr BARRY JONES—You might like to make a little revision and put it in as No. 20.

Ms Kent—Okay. Could I also briefly flag the issue of the CDI which DFAT is setting up. Yesterday, I listened to DFAT talking about what the Centre for Democratic Institutions would be training on. The basis of the training will be on good governance and democracy. Someone asked, ‘What type of democracy would be that be involving—what brand, or whatever?’ The response was that it would be a neutral course on democracy and good governance and there would not be any specific sessions on human rights. We think this is a missed opportunity.

Basically, the human rights framework is a universal one that has universally agreed to standards. It has been around for 50 years, whereas 'good governance' is a new term which was coined by the World Bank and which does not have clear standards that can be referred to. It would be far more useful to use it to bring in human rights training. That is something that you might like to make a note of to talk to DFAT about.

CHAIR—We have noted that.

Mr Hewett—On the CDI, it is worthwhile mentioning that we were an unsuccessful junior partner, with Joe Camilleri of La Trobe University, in an application for the tender. So we did have an interest, just in case that arises.

Senator BOURNE—On this Nike 'Just stop it' campaign, am I right in thinking that in the end Nike did sign an agreement or something to stop child labour, and that we are still working on the slave labour that is going on around the place. Is that right?

Ms Kent—There is an appendix in the back of this report which is Nike's memorandum of understanding. The problem with this is that it does not include issues such as freedom of association that are contained in ILO conventions. It is fairly vague.

Senator BOURNE—But at least you forced that on them, which is better than they had before.

Ms Kent—Yes, it is a good start, and we need to build on it.

Mr Hewett—We have finally been able to get Nike to the discussion table within the last three weeks—and that is after about two years of requests for meetings. We met a senior representative of Nike at the end of January. That is the first time we have had that sort of discussion. I think there has been some movement there. We do not want to say that Nike is the only problem in the sports shoe industry. Many of the other firms have a similar record. But we still do not have a code which is independently monitored by people who have an expertise in the particular things that we are seeking to monitor, as well as being as wide ranging as we would advocate.

Senator BOURNE—Yes, but I guess it shows that you can achieve something, especially, as you say, if they decided to discuss what is going on.

Ms Kent—We have also mentioned in our report that Levi Strauss has instituted a code of conduct which says they will not deal with child labour. Also Myer Grace Bros have adopted a policy of not buying rugs or carpet made by illegal or child labour. So this idea is in circulation. We encourage this. We note though that the Australian government has not been incredibly involved in the development of these codes. They have generally been developed by the industry themselves. We would appreciate a government position of taking part in these discussions.

Senator BOURNE—In relation to a voluntary code of conduct—and I think I have this right—in 1994 we had a paper written by Eric Sidoti of the Human Rights Council, which was sort of a basic framework for a voluntary code of conduct. You have not seen that, have you? It is on the Internet under Human Rights Council, so it would be worth having a look at.

Ms Kent—I will look it up.

Senator BOURNE—I would be interested in your view on that, because I do not think it is an idea whose time has not yet come. I think we could probably use that again and have another look at it. The last thing is that I was really interested when you said there was a national committee set up on human rights education. Can you tell us who is involved and what is happening with that?

Ms Kent—At this stage, the decade has not been officially launched by a government, but as a result of the pushing of a number of NGOs, including the Australian Council for Overseas Aid and the Human Rights council, a contact group has been set up. I think there are also a number of government agencies involved in that contact group, including the department of immigration and DEETYA. Do not quote me on the DEETYA—I am not sure if they are still involved. But this contact group has been set up to look at developing human rights education, doing a survey of human rights education materials that are in the community and looking at what needs to be done. HREOC have also have also agreed to be the secretariat for that contact group.

Senator BOURNE—Excellent.

Ms Kent—Unfortunately, the government representatives that are part of this committee have not had ministerial backing, so at this stage they have not been imputing a great deal into the contact group. At this stage we believe there is a need for the government to officially launch the decade and agree to setting up an official group that is going to implement some strategies for the decade.

Senator BOURNE—AusAID is no longer doing human rights training. Is that what you said?

Ms Kent—No, not at this stage. They are apparently looking into setting up a training program that would most suit their needs, but at this stage there is no human rights training in AusAID.

Senator BOURNE—Thank you.

CHAIR—I want to take you back to the comment you were making about some companies having changed their modus operandi in terms of dealing with overseas suppliers. For example, Myer no longer buys carpets from sources that would pursue unacceptable practices in terms of child labour and so on. We have had this evidence put

to us by other witnesses as well. I understand, for example, that Myer chopped off about 17 companies when they went down that line. Whilst superficially nobody would argue that that is a good thing to do, nevertheless when you travel to some of these countries and have a look at the economic realities of life, I wonder whether any work has been done by your organisation or if any work has been done by others that you may be aware of that might say whether, for example, with the 17 companies that were chopped off or with others in a similar situation, the situation of the children who were supplying the child labour may in fact have got worse as a result of Myer's action. Therefore, while it may make us feel warm and comfortable in this country it may not be achieving the real objective of improving their situation. It may force them on the streets for child prostitution or whatever. Have you got any information on that?

Mr Hewett—We do not have any information about what happened to those 17 firms. Generally the approach we have been taking to child labour is that import bans are not the way ahead. What is needed is more a greater focus on things such as basic education, alternative forms of employment creation and the like. The reality is most products produced by child labour do not end up on the export market. They are for domestic consumption.

Mr BARRY JONES—Is that right?

Mr Hewett—Yes. So, even if you were to judge import bans to be an effective mechanism, they are not going to affect most children who are in child labour. It does require that all rounded approach. It requires the implementational enforcement of often quite good legislation that is on the books in these countries. It has been one of the welcome things that AusAID has put a greater focus on basic education in recent years, particularly in South Asia. We wish that that became an even stronger focus in their aid program, and it has been a particular focus that we have been urging on them and in our own work as a development agency.

Mr BARRY JONES—I notice on pages 6 and 7 of your submission, paragraphs 2.16—in fact, you have two 2.16s—that you say that human rights have been used by Western governments to promote a particular political ideology. I was not exactly sure what you meant by that, whether you really simply meant capitalism or individualism or materialism or all of the above. Do you want to spell that out a bit?

Ms Kent—I think we were referring to basically the politicisation of the use of universality of human rights or the indivisibility of human rights.

Mr BARRY JONES—Meaning what specifically?

Ms Kent—That civil and political rights may have been championed over the right for education or the right for—

Mr BARRY JONES—I do not know exactly what it means, because it seems to

me that it creates a false dichotomy. You are promoting individual rights over the rights of education. My initial reaction is to say, 'Hang on, there is an inherent contradiction in that.'

Ms Kent—Yes. I think basically that was a response to a number of NGOs in Malaysia in particular that have been very critical of the Western approach to human rights in terms of the imposition of structural adjustment programs—for example, through the World Bank or the IMF—which, indirectly, have had an impact on the government's ability to promote economic and social rights of communities.

So while democratic governments may be espousing human rights in theory, in practice we have not been responsible. Our trade practices have been having an impact on human rights; our investment practices have been having an impact on human rights, as we have outlined. Structural adjustment policies are by no means neutral in terms of human rights either. So it was acknowledging that perspective has some validity. However, we do not agree with their politicisation of human rights and believe that we need to depoliticise the concept and start from a basic understanding that human rights are inherent in all societies and can encompass all cultures.

CHAIR—Given that there are a number of regions in the world that have breached human rights charters and forums and groups, do you think something similar in the Asian region might be helpful?

Ms Kent—I think ultimately that is definitely the way to go. However, I think it is early days yet and we have to be rather cautious in implementing a regional human rights instrument in the Asia-Pacific region, particularly given Dr Mahathir's comments recently about renegotiating the Universal Declaration of Human Rights. It would be premature. We believe—and I think this is a view held by Chris Sidoti as well, of the Human Rights and Equal Opportunity Commission—that the way to go is actually to set up national human rights institutions initially and to encourage the ratification of the covenants within the region before we move to a regional human rights body. Ultimately, I think that is where we should be heading.

CHAIR—We have taken evidence from Chris Sidoti on this point. I put it to you that it has been suggested to us that, if at this time or within the reasonably near future, given the argument from people like Dr Mahathir about changing the basic definition of the universally accepted human rights definitions and the UN treaties and so on, if you were to go to a nation charter or some such at this point in time, it would inevitably be one based on the lowest common denominator. Therefore, the standards would be set at a lower level than you currently have in the United Nations. Therefore, you would be giving official sanction, if you like, to less than acceptable standards.

Ms Kent—That is right.

CHAIR—Those standards, whilst they may have been approved 50 years ago by a

smaller United Nations, were, nevertheless, approved by a United Nations that did contain countries from literally every continent of the world, so they were universal standards. Perhaps the Mahathir line is nothing more than a political line.

Ms Kent—That is right. On national institutions, which you just raised: that was a concern of a number of people when the Indonesian KOMNASHAM, a national institution, was set up. It has done remarkably well in investigating human rights abuses, which has surprised the international community: in investigating the Freeport mine, for example, and investigating the Jakarta riots, in which it put the blame on the Indonesian government. There is greater scope within a national institution, if it is properly independent, to uphold human rights standards. But, if it was to be a regional organisation, it would inevitably come under the control of regional governments and be dramatically watered down. We are very impressed with the work of KOMNASHAM.

CHAIR—Thank you very much for coming here today. If there is anything else we need, the secretary will write to you. We will send you a copy of the transcript of your evidence to which you can make corrections of grammar. I adjourn the hearing until a date to be set.

Resolved (on motion by **Mr Barry Jones**):

That this committee authorises publication of the proof transcript of the evidence given before it at public hearing this day.

CHAIR—I close the hearings. Thank you *Hansard*, thank you staff, thank you members of the committee as well as the witnesses.

Subcommittee adjourned at 3.57 p.m.