



COMMONWEALTH OF AUSTRALIA

JOINT STANDING COMMITTEE

ON

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

Reference: Regional dialogue on human rights

CANBERRA

Monday, 30 March 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 Barry Jones
Senator Chapman	Mr Price
Senator Harradine	
Senator Reynolds	
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.

WITNESSES

BIRD, Ms Gillian, First Assistant Secretary, International Organisations and Legal Division, Department of Foreign Affairs and Trade, R.G. Casey Building, John McEwen Crescent, Barton, Australian Capital Territory 2600	259
COURTNEY, Mr John, Acting Assistant Secretary, East Asia Branch, Department of Foreign Affairs and Trade, R.G. Casey Building, John McEwen Crescent, Barton, Australian Capital Territory 2600	259
COX, Mr Allaster, Director, Indonesia Section, Department of Foreign Affairs and Trade, R.G. Casey Building, John McEwen Crescent, Barton, Australian Capital Territory 2600	259
DIETZ, Ms Susan, Acting Director, China General/Mongolia Section, Department of Foreign Affairs and Trade, R.G. Casey Building, John McEwen Crescent, Barton, Australian Capital Territory 2600	259
DONAGHUE, Dr Kieran, Acting Director, Governance Group, Australian Agency for International Development, GPO Box 887, Canberra, Australian Capital Territory 2601	260
GLASSER, Dr Robert, Acting Assistant Director General, Mekong Branch, Australian Agency for International Development, GPO Box 887, Canberra, Australian Capital Territory 2601	260
HEYWARD, Mr Peter, Director, Refugees, Immigration and Asylum Section, Department of Foreign Affairs and Trade, R.G. Casey Building, John McEwen Crescent, Barton, Australian Capital Territory 2600	259
HUNING, Mr Ernst, Assistant Director General, Indonesia, China and Philippines Branch, Australian Agency for International Development, GPO Box 887, Canberra, Australian Capital Territory 2601	260
LEE, Dr Sun-Hee, Director, South Asia Section, Australian Agency for International Development, GPO Box 887, Canberra, Australian Capital Territory 2601	260
MARGINSON, Ms Michelle, Assistant Secretary, Mainland South East Asia Branch, Department of Foreign Affairs and Trade, R.G. Casey Building, John McEwen Crescent, Barton, Australian Capital Territory 2600	259
McCAWLEY, Dr Peter, Deputy Director General, Program Quality Group, Australian Agency for International Development, GPO Box 887, Canberra, Australian Capital Territory 2601	260

McCONVILLE, Mr Ian, Acting Director, South Asia and Regional Issues Section, Department of Foreign Affairs and Trade, John McEwen Crescent, Barton, Australian Capital Territory 2600	259
MORIARTY, Mr Greg, Assistant Director, Papua New Guinea Section, Department of Foreign Affairs and Trade, R.G. Casey Building, John McEwen Crescent, Barton, Australian Capital Territory 2600	259
PHILP, Mr Jon, Director, ASEAN, Regional Issues and Burma Section, Department of Foreign Affairs and Trade, R.G. Casey Building, John McEwen Crescent, Barton, Australian Capital Territory 2600	259
PROCTOR, Mr Murray, Assistant Director General, Papua New Guinea Branch, Australian Agency for International Development, GPO Box 887, Canberra, Australian Capital Territory 2601	260
RABEL, Ms Jacqui, Desk Officer, Indonesia Section, Department of Foreign Affairs and Trade, R.G. Casey Building, John McEwen Crescent, Barton, Australian Capital Territory 2600	259
WATTS, Ms Nicola, Desk Officer, Thailand/Vietnam/Cambodia/Laos Section, Department of Foreign Affairs and Trade, R.G. Casey Building, John McEwen Crescent, Barton, Australian Capital Territory 2600	259

JOINT STANDING COMMITTEE ON FOREIGN AFFAIRS, DEFENCE AND TRADE
(Human Rights Subcommittee)

Regional dialogue on human rights

CANBERRA

Monday, 30 March 1998

Present

Mr Nugent (Chair)

Senator Harradine

Mr Hollis

Senator Reynolds

The subcommittee met at 10.06 a.m.

Mr Nugent took the chair.

CHAIR—On behalf of the Human Rights Subcommittee of the Joint Standing Committee on Foreign Affairs, Defence and Trade, I declare open this public hearing. Today's hearing forms part of our inquiry into the effectiveness of Australia's regional dialogue on human rights. The subcommittee held public hearings in Sydney and Melbourne in February this year and will hold further public hearings in Canberra next month.

Throughout the inquiry our aim has been to assess the nature and direction of the local debate on human rights, as well as to examine the institutions and processes which might advance that debate and improve dialogue. Our attention has also been focused on the role that human rights assumes in Australia's relationships with other states in the region.

Clearly, there are many government and non-government organisations, as well as individuals, with significant expertise and resources in the area of human rights. While some people might express concern at the lack of resources which are committed to the promotion of human rights in our region, we must also ask whether we can make better use of the resources and capabilities that are available, in order to make Australia as effective as possible in achieving its aim of promoting and protecting human rights.

As the inquiry has progressed, the economic downturn faced by some of our neighbours has become more severe and entrenched. Parts of our region face a period of great uncertainty, and there is potential for more than a loss of confidence. The extent of any damaging effect on the protection of human rights is something that we will examine closely not just for its own sake but also because of the implications for regional security and stability. Our witnesses today bring to the inquiry expertise in Australia's foreign relations, human rights and aid programs.

BIRD, Ms Gillian, First Assistant Secretary, International Organisations and Legal Division, Department of Foreign Affairs and Trade, R.G. Casey Building, John McEwen Crescent, Barton, Australian Capital Territory 2600

COURTNEY, Mr John, Acting Assistant Secretary, East Asia Branch, Department of Foreign Affairs and Trade, R.G. Casey Building, John McEwen Crescent, Barton, Australian Capital Territory 2600

COX, Mr Allaster, Director, Indonesia Section, Department of Foreign Affairs and Trade, R.G. Casey Building, John McEwen Crescent, Barton, Australian Capital Territory 2600

DIETZ, Ms Susan, Acting Director, China General/Mongolia Section, Department of Foreign Affairs and Trade, R.G. Casey Building, John McEwen Crescent, Barton, Australian Capital Territory 2600

HEYWARD, Mr Peter, Director, Refugees, Immigration and Asylum Section, Department of Foreign Affairs and Trade, R.G. Casey Building, John McEwen Crescent, Barton, Australian Capital Territory 2600

MARGINSON, Ms Michelle, Assistant Secretary, Mainland South East Asia Branch, Department of Foreign Affairs and Trade, R.G. Casey Building, John McEwen Crescent, Barton, Australian Capital Territory 2600

McCONVILLE, Mr Ian, Acting Director, South Asia and Regional Issues Section, Department of Foreign Affairs and Trade, John McEwen Crescent, Barton, Australian Capital Territory 2600

MORIARTY, Mr Greg, Assistant Director, Papua New Guinea Section, Department of Foreign Affairs and Trade, R.G. Casey Building, John McEwen Crescent, Barton, Australian Capital Territory 2600

PHILP, Mr Jon, Director, ASEAN, Regional Issues and Burma Section, Department of Foreign Affairs and Trade, R.G. Casey Building, John McEwen Crescent, Barton, Australian Capital Territory 2600

RABEL, Ms Jacqui, Desk Officer, Indonesia Section, Department of Foreign Affairs and Trade, R.G. Casey Building, John McEwen Crescent, Barton, Australian Capital Territory 2600

WATTS, Ms Nicola, Desk Officer, Thailand/Vietnam/Cambodia/Laos Section, Department of Foreign Affairs and Trade, R.G. Casey Building, John McEwen Crescent, Barton, Australian Capital Territory 2600

DONAGHUE, Dr Kieran, Acting Director, Governance Group, Australian Agency for International Development, GPO Box 887, Canberra, Australian Capital Territory 2601

GLASSER, Dr Robert, Acting Assistant Director General, Mekong Branch, Australian Agency for International Development, GPO Box 887, Canberra, Australian Capital Territory 2601

HUNING, Mr Ernst, Assistant Director General, Indonesia, China and Philippines Branch, Australian Agency for International Development, GPO Box 887, Canberra, Australian Capital Territory 2601

LEE, Dr Sun-Hee, Director, South Asia Section, Australian Agency for International Development, GPO Box 887, Canberra, Australian Capital Territory 2601

McCRAWLEY, Dr Peter, Deputy Director General, Program Quality Group, Australian Agency for International Development, GPO Box 887, Canberra, Australian Capital Territory 2601

PROCTOR, Mr Murray, Assistant Director General, Papua New Guinea Branch, Australian Agency for International Development, GPO Box 887, Canberra, Australian Capital Territory 2601

CHAIR—Welcome, for the second time. 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 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 will now invite you to make a short opening statement, if you wish, before we proceed to questions.

Ms Bird—The committee has, of course, a copy of the department's written submission on the effectiveness of Australia's regional dialogue on human rights, which was prepared jointly with AusAID and submitted to the committee last year. We were able to make an initial presentation and answer the committee's initial round of questions at our appearance on 24 November.

Since our last appearance before the committee there have been a couple of regional meetings which are relevant to the committee's inquiry, which I will briefly touch on now. The first was the third symposium on human rights in the Asia-Pacific region, which was held in Tokyo on 27 and 28 January. That is an annual event which is jointly sponsored by the Japanese government and the UN University, which is based in Tokyo. It

is attended by a mix of academics, NGOs and government representatives from around the region. People are invited by the Japanese government and attend in an individual capacity.

The theme of the symposium this year was the 50th anniversary of the Universal Declaration of Human Rights. I have provided the committee with a copy of the moderator's summary and also the keynote address, which was given by Mary Robinson, the UN High Commissioner for Human Rights. In terms of the committee's terms of reference, it was interesting that the moderator's summary very clearly reaffirmed the continued validity of the Universal Declaration of Human Rights, and also gave a particular emphasis to the importance of national human rights institutions in the protection and promotion of human rights. As the committee is aware, work on national human rights institutions is a key feature of our own regional human rights activity.

Another meeting that has taken place since our last appearance was the sixth United Nations workshop on regional arrangements for the promotion and protection of human rights in the Asia-Pacific region which was held in Teheran from 28 February to 2 March. That meeting reached agreement on a framework for a technical cooperation program to enhance national human rights capacities in the region. Again, there was particular mention there of national human rights institutions being an important feature. Mary Robinson was also present at that workshop. She reaffirmed the UN's support for the establishment of independent, autonomous national human rights institutions. Interestingly, she also specifically mentioned the work of the Asia-Pacific forum of national human rights institutions.

I would also like to flag for the committee's attention the fact that this year's session of the Commission on Human Rights is currently under way in Geneva; it takes place from 16 March to 24 April. Australia will be taking the lead on two resolutions before the commission this year, both of which are traditionally adopted by consensus—and we hope will be again this year. The first is on national human rights institutions. The second is on the human rights situation in Cambodia.

In the national human rights institutions resolution, we will be encouraging Mrs Robinson in her efforts to integrate the work on national institutions into the core activities of the Office of the High Commissioner for Human Rights. As the committee is aware, funding for this has been largely voluntary to date and has been very reliant on Australia, which has provided \$1.2 million since July 1995. We have been encouraged by the fact that more countries are now contributing to this work: in addition to Australia, we now have New Zealand, Latvia, Sweden and Ireland all contributing. We are keen that the work on national institutions be integrated into the UN's core activities.

The Cambodia resolution is going to be particularly timely this year with the national Cambodian elections due to be held in July. The resolution is likely to again register the international community's strong expectation that Cambodia will hold free, fair

and credible elections and the international community's concern about the numerous instances of violations of human rights, including extra-judicial executions, which have not resulted in an inquiry or in prosecutions in those individual cases.

Mr Chairman, we are obviously happy to answer whatever questions you have. As you have pointed out, I am accompanied by relevant officers from the department as well as by the AusAID team, led by Deputy Director General, Peter McCawley.

Dr McCawley—Since we appeared before this committee last November, AusAID has undergone a major reorganisation. One of the central features of the change is of interest to the committee: the creation of what is called a governance section. The governance section has been created to give effect to the government's decision to make governance a specific sectoral focus of the aid program. We have created five sectoral groups; one of them is the governance section, and the acting director of the governance section, Dr Kieran Donaghue, is here today.

I know that some questions have been raised in this committee about the usefulness of the term 'governance'. AusAID agrees with the point that has been made that it is a broad term and not easy to define. We take, basically, a fairly practical approach. Rather than argue about the philosophical aspects of it, we are fairly practical in what we do. We start from the widely accepted view that if government policies are poor, or if their capacity to implement policy and deliver services is weak, then development will be impaired—it is relatively simple.

From an aid perspective, therefore, support for good governance as we see it is about helping our partner countries improve policy development and also to strengthen the institutions that implement the policies. Ms Bird emphasised the importance of institutions, and that is an important focus of our activity in developing countries. At the same time, we recognise the importance of institutions whose job it is to represent the interests of citizens and hold governments to account. An ombudsman type of function here is one example of what I have in mind, and we would also include support for other organisations such as non-government organisations.

We see a close relationship between good governance and human rights. The key to this relationship is the fact that the obligations which correspond to human rights—whether they be economic ones, such as the right to an adequate standard of living, or social equality before the law—fall to a significant degree on the state. If state institutions do not or cannot meet these obligations, human rights will not be protected; so the role of the state, as we see it, is pretty central.

Amongst other things, the protection of human rights requires the following. It requires a government which has sound economic policies which foster both the creation of wealth and its equitable distribution, thereby reducing poverty. We require legal institutions which are competent and free from political interference and which are

accessible to the people—access is important. A third aspect that is required is administrative institutions that are accountable and staffed by well-trained and dedicated officials who implement government policy in a fair and honest manner.

The fourth aspect is that we need strong institutions in civil society which represent the interests of their constituents to governments and monitor the performance of the government in responding to the fundamental interests of its people. So there are four elements: the government, with its economic policies; legal institutions; administrative institutions; and civil institutions.

There is a point about the debate on human rights and good governance which I think I should mention, and this relates to costs. It is interesting to look at a lot of the literature on this matter and to find that costs tend to recede into the background. But the fact is that this network of institutions that I have just mentioned—particularly legal institutions, but also the bureaucracy—do not come free. This network of institutions requires, first, social capital and, in particular, the capacity of individuals and groups to join together to work for cooperative purposes. The social capital that exists in many developing countries is far weaker than is the case in our own society.

The network of institutions also requires other resources, particularly money, to develop human resources and pay salaries that will attract and retain people with suitable skills and levels of motivation. It is widely accepted, for example, around the Asian region that the very low salaries that are paid to members of the army, to the police, to the bureaucrats, to legal officials, to judges, undermine the ability of people in these institutions to support civil and human rights.

Costs are important. Human rights do not come free of charge. It is here, as we see it, that aid can make a contribution. We believe we make a contribution by helping developing countries meet the costs and, although this is more difficult, assisting them to make the most of their social capital. In doing so, we believe that aid makes a tangible contribution to the long-term promotion of human rights.

Finally, I have just a few words about some recent changes in AusAID's structure. Under the previous structure in AusAID, we had the equivalent of two desk officers working on human rights in what we call the policy development section. Under the new AusAID structure, two areas share responsibility for good governance in human rights: the governance group, from which Dr Kieran Donaghue is here today, and the international issues and donor coordination section. Other staff are here from that section. The acting director of the governance group and one policy officer currently have primary responsibility for human rights policies. The role of the international issues and donor coordination section is to manage AusAID funding of various human rights activities, including HREOC, and for the Asia-Pacific forum of national human rights institutions.

There is a question of training of AusAID staff as well. We are currently

developing a training course on good governance. The course will build on the substantial training already provided to AusAID staff through cooperation with DFAT in recent years.

CHAIR—Thank you very much, Dr McCawley. I will ask the secretary to draw your comments to the attention of Mr Barry Jones, who is the member of this committee who had the particular interest in the interpretation of the word ‘governance’. I think your comments are particularly appropriate in that context. Dr Donaghue, did you want to make a statement?

Dr Donaghue—No.

CHAIR—I must say to Dr Donaghue, whom I have met and worked with before, that it is a pleasure to see you here and to know that you are in that job.

Dr Donaghue—Thank you very much.

CHAIR—I thought it might be useful for my fellow committee members, before we proceed to specific questions, to have a very brief reminder of what we covered on 24 November when DFAT and AusAID appeared before us before, so that hopefully we do not go over all the same ground again, although there may be some areas that we want to further explore.

We talked on that occasion about universality and indivisibility as the key to the government’s approach. We talked about Asian values; the debate on definitions; commitment to practical outcomes by government; the focus of the aid program; human rights, as distinct from development assistance; differences in diplomatic approaches; CDI; institutions; restructuring of HREOC, including budget cuts; whether Australia’s record needed to be improved; institution building, including national human rights institutions; a good governance definition, and a focus on aid significance.

We talked a bit about China dialogue, including the visit of the Chinese foreign officials and the first meeting and so on and the improvements there. We talked about Indonesia and East Timor at some length. In view of developments since November, we might revisit Indonesia in some depth. We talked about Sri Lanka. We talked about Pakistan, Afghanistan, Bangladesh and India. We talked about child labour. We have still got quite a lot of ground to cover.

I might start off by asking a couple of broad questions before we get down to individual countries. I would be interested to know what you see as the current trends in the debate on the interpretation of human rights in the region. For example, is it fair to say that the promotion of Asian values is being used to excuse the denial of basic rights and liberties? Is there a general support in the region for taking Asian values into account in human rights? Will the economic crisis, for example, have any impact on the interpretation of human rights and the promotion of Asian values? That economic crisis and the debate

on so-called Asian values has obviously assumed some difference of significance in the three or five months since we last spoke.

Ms Bird—I might start by making a few general comments. You have raised a very broad set of issues. As we mentioned at our last appearance in November, the topic of Asian values and the extent to which it is being used in the region, when we look at human rights issues, varies. As we said then, there is not a monolithic or static approach to human rights in the region; it can vary from country to country, it can vary depending on whichever groups you are talking to within that country.

One thing that has encouraged us, particularly given that it is the 50th anniversary of the Universal Declaration of Human Rights, has been the extent to which, at the various meetings that have been held in recent months, the importance of the Universal Declaration of Human Rights has been reaffirmed. I mentioned the Tokyo symposium on human rights in the Asia-Pacific region which took place in January this year. Again, a few participants raised this issue of the universal declaration and its continued relevance but, importantly, the symposium as a whole came out with a very strong reaffirmation of the importance of that declaration. There was not an attempt to reopen it. There was not an attempt to reinterpret it. That has been an encouraging indicator, from our point of view.

You mentioned the issue of the Asian economic crisis and what impact that might have in the region on human rights issues. Obviously, the economic crisis is going to mean that problems for the most disadvantaged are likely to be exacerbated. With rising food prices, unemployment, et cetera, there is certainly that aspect, and that has been uppermost in our minds. That is why AusAID has been very involved on issues such as food aid for Indonesia, working with the World Bank—it was a theme of Mr Downer's recent visit to Washington. There is certainly that aspect that needs to be addressed and it is something that we are actively engaged in.

At the Tokyo symposium in January, there was a side meeting with a range of NGOs. This issue, again, also came up and we talked a bit about problems associated with food price rises, unemployment, et cetera. There was an observation, however, by one of the Thai participants which struck me as quite interesting. He thought that over the long term one of the outcomes of this would be that you would have to put in place improved systems of governance; there would have to be greater transparency and accountability in the various institutional structures. That, over the long term, could assist in the good governance, human rights issue that we have been talking about. Obviously, that is a longer term perspective.

Dr McCawley—AusAID sees the sorts of specific issues we talk about at two levels: we have programs that, in specific ways, attempt to strengthen the institutions of human rights and to assist vulnerable people. Those are specific types of interventions. There is the broader type of approach which AusAID, Australia, the Australian

government, has been pursuing for many years. The broader approach is to recognise the centrality of the fact that without strong, successful development across the region and without peace and security across Asia, many of the things we care about, including human rights, are likely to be gravely damaged. It is no surprise that it is in countries like Cambodia and Afghanistan, where the orderly processes of government have become extremely difficult, that there are serious problems with human rights.

I am really saying that we aim to tackle these problems at these two levels—specific interventions and also, at a broader level, accepting the fact that without an overall environment of stability, success and strong economic growth, the things we care about are likely to be destroyed or decayed.

Senator HARRADINE—When you started off by saying ‘as AusAID sees it’, were you somehow distancing yourself from what Ms Bird said? I assume Ms Bird has that same view—that these situations of hunger and underdevelopment do impact on the issue of human rights.

Dr McCawley—I certainly did not mean to imply that; Ms Bird can speak for herself.

Senator HARRADINE—But, more specifically, does AusAID have a view about the Universal Declaration of Human Rights and its applicability to the 21st century? Do I detect anything there or not?

Dr McCawley—No. If I gave that impression, I did not mean to. Quite clearly, AusAID tries to design its programs as best we can—by that statement, I mean to imply we are not perfect—to support overall government policies, and we do them in cooperation with DFAT. I am a little cautious here because I admit that sometimes we are not perfect, but our goal is to support these programs. That is why I use these cautionary words.

Ms Bird—DFAT and AusAID work very closely on a range of issues, particularly this good governance focus that is now an increasingly prominent part of the aid program. So we have very good working relations.

Senator HARRADINE—I am just trying to get this very clear in my own mind. Ms Bird, you mentioned the symposium and you expressed some relief—I suppose that might be the word—that there was not a move to reopen or review the Universal Declaration of Human Rights. I take it that it is the government’s policy, and the policy therefore of AusAID and the department, that the Universal Declaration of Human Rights is as applicable today as when it was formulated and adopted?

Ms Bird—Very much so, and very clearly the government position has been articulated as such. We support very strongly the continued validity of the universal

declaration and would be opposed to attempts to reopen that fundamental human rights instrument.

Senator REYNOLDS—Do you have any plans in place to mark the 50th anniversary? In particular, when will Australia take part in the decade of human rights education? Is that something that could be initiated and launched as part of the celebrations of the 50th anniversary?

Ms Bird—In terms of this year being the 50th anniversary, we do think it is a very important opportunity to reinforce activities that will strengthen the international human rights regime. We would like to see this year, for example, a very strong international chorus in support of the values of the universal declaration and a commitment to carry them through.

One issue that we are looking at quite closely in this regard is the issue of ratification of key human rights instruments. We touched on this a little bit last time. In the region, adherence to the instruments is fairly patchy; internationally it is fairly patchy. I know that Mrs Robinson is making a key feature of her activities this year trying to encourage countries to sign up to those core treaties. That is something we will also be working on—encouraging countries to do that.

In terms of our own DFAT government contribution to this 50th anniversary year, there are a couple of things we are looking at. We want to get our overdue treaty reports done. That is something that we should have done, anyway. We are not excusing the fact that they are late. Certainly, our goal is to ensure that they are all completed by the end of this year.

We have also been revising the department's human rights manual, which is a fairly comprehensive document which has been of interest to NGOs and other groups. It is a little outdated now; it was done, I think, back in 1993 or 1994. Again, as part of a contribution to this 50th anniversary year, we are producing a completely revised version. We have also been doing work through our activities in conjunction with HREOC and AusAID to assist this important issue of the strengthening of national human rights institutions in the region; we have talked about that a bit.

Perhaps one last thing I could mention is a contribution that the government has made to a project called 'assisting communities together' in response to a request from Mrs Robinson. It is a 50th anniversary program developed by the Human Rights Commissioner to assist countries to develop grassroots NGO activities to help promote human rights, and we have given \$50,000 to that particular campaign.

On human rights education, there is a human rights education contact group that was set up in 1997 to try to coordinate Australian government activities in this UN decade of human rights education. DFAT is a member of that group. It held its first meeting in

October last year, and has met twice since in February and March of this year. HREOC, the Attorney-General's Department and a few others are members. HREOC has said that it would be appropriate for it to take the focal point for what was being done in Australia on this particular issue of human rights education but, as I said, that group is still meeting and still working on plans. We have been doing a few things departmentally which are relevant, such as producing this new human rights manual and some of the work we are doing with AusAID in the region. But, certainly, that contact group is still meeting.

Senator REYNOLDS—I know that you are not in a position to flag budgets, but one gets the impression that, while there is very important work going on in the region—and, I know the Chairman will constantly remind me that this is, of course, a regional inquiry—from a domestic perspective, human rights has slid off the agenda. You only need look at the people represented here today from DFAT and AusAID. Only one person has direct responsibility for human rights and indigenous issues. I noted your comments, Dr McCawley, but how many people and how many bodies are literally solely responsible for human rights and Australia's activities around the indigenous agenda? Pointing to heads, how many people have we got?

Ms Bird—I will perhaps take that up. I have noticed that this has been an issue of comment in some of the submissions that have been made to this committee. The general point I should say is that, despite what has been said in some of these submissions, human rights issues remain a high priority for the government and for the department. That is reflected in the fairly significant staffing resources that we devote to human rights issues. Mr Chairman, at both this hearing and at the last, you have commented on the number of people here from DFAT, which I think is an indication of the extent to which human rights issues are dealt with in the department. I might just go through, as Senator Reynolds has asked, and actually spell out what those resources are.

First off, we have the human rights and indigenous issues section in my division. Senator Reynolds is correct: I only have one of them with me here at this stage. That is partly because the Commission on Human Rights is in session, and we are very busy of a morning getting instructions back to the delegation on resolutions and things that are happening. That section has a complement of six staff—a director and five other officers. That has been about the same level for the past three or four years and, by DFAT standards, that is a fairly healthy size for a section. So we have got those six people who are solely devoted to human rights and indigenous issues.

But that is by no means the totality of the resources in the department on the issue. We also have a human rights and social law unit within my own division, which is a small unit in the legal office. This unit provides advice on a number of issues, particularly issues to do with CEDAW and the CROC and the various optional protocols associated with those. We also have the treaties unit. That treaties unit is now responsible for the DFAT human rights treaty reports. It is part of our means of making sure we do not become overdue again.

In addition to those, we have the geographic desks, a number of officers of which are here today. We work very closely with the geographic desks on human rights issues. Then, of course, there is a complement of posts—New York and Geneva being the most prominent. Our bilateral posts are also active in this field, particularly in making representations on behalf of the Amnesty International parliamentary group. AusAID is part of the broader portfolio, and we work very closely. Of course, you can go beyond that to what other departments do. But that is the extent of DFAT-AusAID.

Senator REYNOLDS—That is very helpful. Are all those six positions currently filled?

Ms Bird—They are all currently filled. We have had gaps from time to time. That happens in the department—people go on postings and we have turnover. But, yes, touch wood, all six are currently filled.

Senator REYNOLDS—Dr McCawley, can you identify your human rights officers?

Dr McCawley—Yes and no. Yes in the sense that, as I explained in my opening statement, we have recently established a governance section. We are in the process of building up that governance section. As a matter of fact, we have just appointed a full director who will be coming on board in a few weeks time and will be attending a full day conference in AusAID tomorrow.

I said yes and no. The no side of it is that we believe—and I did mention this for this specific reason—that many of the issues of human rights that we are discussing are cross-cutting. There are always pros and cons as to whether or not you set up a specific section to focus on specific issues, and that then runs the danger of not mainstreaming its operations.

In AusAID, we are trying to do both. We have established the specific section. We have significantly increased our resources to human rights issues and governance issues in the past few months. But at the same time we do have a fairly determined approach to work it in across the program. Fairly extensive details were provided to the committee in November.

When you add up, across the program, the range of activities which I believe can be fairly described as either wholly or partially involved in human rights, the list is very extensive. The effort, I believe, is a very impressive one. So that is why I said yes and no. We certainly can identify specific people, but we are also committed to mainstreaming. We do not wish to focus too much on the specific activity, because of our concern for mainstreaming.

Senator REYNOLDS—I think that is entirely appropriate. It is no use having

some obscure unit and everybody else saying, 'That's their job, not my job.' So I totally accept that. But I do think it is important that there are key people whose first responsibility is to ensure that that mainstreaming is effective. You would say that that mainstreaming is effective in both AusAID and DFAT?

Dr McCawley—In AusAID, I believe it is.

Ms Bird—As I said, we work very closely and well with the geographic desks. That is our prime collaboration within the department.

Senator HARRADINE—In AusAID, who has the responsibility of monitoring the human rights performance of the geographic areas and, indeed, of the central policy making bodies?

Dr McCawley—The group that I lead, the program quality group, and, specifically, the governance section. It is because of precisely the concern that you are pointing to that five sections have been set up within AusAID to monitor the five key aspects of the overall development assistance program which were identified in the Simons committee, and which the government responded to.

We have established these five sections, and the governance section is one of them. The governance section, along with the other sections in the other areas, are now charged with the responsibility of basically answering the following question: is AusAID's portfolio of activities in this area responding in a satisfactory way to the policy challenges, and is the performance good enough or not?

These sections have only recently been established with this specific task. During the coming 12 months, each of the sectoral groups in AusAID has a specific responsibility for evaluating and issuing reports through me to our director-general and the minister on the quality of our portfolio in these areas. During the coming 12 months we will be focusing on each of these and trying to reach, in a responsible and careful way, a judgment in answer to the question: in the case of governance, is the quality of the portfolio satisfactory?

Senator HARRADINE—In other words, will Dr Donaghue's governance group have developed a human rights check list for programs that are being undertaken at sectoral level or within individual countries?

Dr McCawley—I might ask Kieran Donaghue to comment.

Dr Donaghue—That is correct, Senator. We are in the process. We have started that work since the governance group came into existence two months ago. We have gone a fair way along in that process of identifying, right across the program, which activities fall into which areas of addressing the human rights portfolio. That work is being

undertaken.

In terms of resources, there is an SOC officer who is spending her full time on addressing the human rights dimensions of governance and I have also spent quite a deal of my time. When the new director for this group comes on board in about a month's time, we will have additional resources to look at this issue. That is what we are doing.

One of the major changes that has also come about is that human rights is much more closely focused to the program delivery areas of AusAID. When it was previously handled in the policy development area, there were less direct linkages there between the development of the policy and the programming areas. Indeed, the whole point underlying this new structure is to ensure that the policy level discussions are brought to bear on program delivery areas. We are getting out and about in the organisation. We are telling desk officers that we have these responsibilities for human rights issues and good governance issues more broadly, and that they need to come and talk to us. That is happening.

Senator HARRADINE—Thank you.

CHAIR—I move on to the topic of human rights and the relationship between Australia and some of our neighbours. How is that being impacted, particularly in the current climate, by the economic type of problems in some countries? Could you comment on what we are doing in terms of human rights when we look at aid, trade arrangements or other facets of our relationships? Indonesia, Malaysia and Burma are three places that come immediately to mind. For example, just before we had you in, we had a private meeting with a group that was concerned about Burma. They had made the suggestion that, given the quite appalling human rights situation in Burma, we really should not have an Austrade person there. I am not saying that is something I do or do not support. I am just saying that that is the sort of thing that comes to mind as being proposed by some.

Take the economic crisis and what has happened in Malaysia in trying to get rid of a lot of immigrants. They have been there illegally but quite comfortably from the Malaysian government's point of view for quite a long time as they needed those migrant workers. A lot of those are now being pushed out. Obviously there are concerns in Indonesia. There are the traditional concerns over Timor, but also we are hearing reports of attacks on Chinese business people and so on. Clearly that whole economic crisis is putting pressure on the human rights performance and record of a number of our neighbours. I would be interested to know how we are handling that in our government to government considerations.

Ms Bird—Obviously, there are a number of issues that you raised. In some cases, problems or issues have been there for some time. Others have been exacerbated by the economic downturn. I mentioned at the beginning problems associated, for example, with access to food, growing unemployment and possible social dislocation and unrest that can

flow from that. There are certainly issues that we are following and watching very closely and we are keen to do what we can where we can to assist. One plank of that has been the work that AusAID has been particularly involved in and that has been the work with the World Bank on the food aid and various other packages that are being looked at. AusAID may be able to add a little bit to that.

Issues to do with refugees and illegal persons are certainly ones that the countries involved are looking at. We are keen to ensure that the UN High Commissioner for Refugees—UNHCR—is involved in these regional issues where appropriate. We are certainly maintaining our bilateral dialogue with the countries concerned on various issues. I am not sure whether my geographic desk wants to comment anymore on the Burma or Indonesia situations at this stage.

Ms Marginson—I also have a colleague here, Mr John Philp, who is the director in daily charge of matters relating to Burma. Speaking broadly about our approach to human rights issues with Burma, I must emphasise that we have a very focused policy. Our key goals have always been to advance the cause of democracy and to promote greater respect for human rights in Burma. We have consistently called for a negotiated settlement, for example, between the Burmese military regime, the democratic opposition and representatives of ethnic minorities. We emphasise these points very regularly to the Burmese government in Rangoon, through our embassy. We also emphasise these points back here in our dialogue with the Burmese representatives in Canberra.

In September of last year, a very senior officer of the department, John Dauth, made a particular visit to Burma, as a special envoy, to express our concerns about human rights issues. It is of note that, since that visit in September, the regime in Rangoon has taken some positive steps to talk to the democratic opposition and to relax access to Aung San Suu Kyi's compound for members of the National League for Democracy. We have expressed our concern about the detention and prison sentences given to members of the NLD, the National League for Democracy. We are also concerned about the recent detention of some 40 people on a variety of charges.

Members of the committee should be assured that this is a regular ongoing dialogue where we make no bones about our continuing concerns that the Burmese authorities move to a more acceptable approach to the recognition of human rights, particularly in terms of democratic issues and representation. Perhaps Mr Philp might have further detail, should you wish to raise additional questions.

CHAIR—Let me expand on the question a little in relation to Burma and the problem with refugees from Burma. I was in Northern Thailand. I talked to our people in Thailand and went to the Burmese border late last year. The view that was being expressed to me by our post in Bangkok was that generally Thailand had done fairly well in terms of Burmese refugees. There had been a few local commanders who had not done all that well but, generally, there was good intent and so on.

From what I understand, in the past five or six months, particularly since the Asian financial meltdown started, there has been quite a significant change of attitude, and refugee camps for the Karen, for example, have been burnt down on more than one occasion. People are being pushed back across the border on a regular basis and so on. In other words, the situation has deteriorated since John Dauth made his trip. It has nothing to do with John Dauth; I am not suggesting that. I know John Dauth, and I have nothing but the highest respect and regard for him as an officer.

Obviously, the pressures of the economic situation probably have diverted Thailand's attention somewhat, and I have not heard any reports, apart from a name change, of any significant change in the attitude in Burma in terms of the way they are really treating people. And yet, on the Thai side of the border, they seem to be undergoing much more harassment. Can you comment on that, or would you like to hand over to the Thai desk?

Mr Philp—You have raised a very broad range of issues on Burma. Perhaps I could cover two or three of them and you could follow up with specific questions. In terms of the refugee camps, certainly in the past month or six weeks we have seen a deterioration in the situation there, with a series of attacks over the border by a Karen splinter group, the DKBA—the Democratic Karen Buddhist Army.

The Thai government has seen, in the economic downturn, a diminished capacity to assist the refugees in the refugee camps. We have seen, in past times, attempts to force refugees back over the border. This government has made very strenuous attempts to make clear to the Thai government and to the Burmese government that we do not think this is an appropriate way to deal with them. There should be no forced repatriation. Any refoulement or repatriation should be entirely voluntary, and we have stressed very strongly to the Thai government and to the Burmese, as recently as two weeks ago, that it would be appropriate, if there is to be any voluntary repatriation, for a strong role to be made for UNHCR on both sides of the border.

One positive development in the past couple of weeks has been that the Thai government is now considering a role for the UNHCR in the refugee camps. It is unclear exactly what kind of role they are talking about; they have not yet made a decision. The Prime Minister, Mr Chuan, has said himself that he is inclined towards giving UNHCR a role in the camps. We would regard that as a very positive development, if they are serious about it, and we have said so to them.

The repatriation has not taken place on any large scale. Where it has taken place in small numbers, we have immediately protested it, and the Thai government, we believe, is fully seized of our attitude to it and that of most of the West. They have also said, on the last occasion, that it was done without central government authority and that it would not happen again.

You would have seen the statements in the press in the last week, by the Thai commander-in-chief of the armed forces, General Chetta, that they were looking at segregating, and perhaps sending back, men of military age in the camps. This also would not be acceptable to us and would be a matter of great concern. It appears, from the reports given to us by our embassy in Thailand, that General Chetta's public stance is not entirely followed up in his private stance nor in the stance of the Thai government on policy. We are waiting to see where that comes out.

CHAIR—He had to do a bit of a backflip recently, didn't he?

Mr Philp—Yes, he had to come back a little bit from that. He is also under a bit of pressure because the Thais have been showing themselves unable to protect the refugee camps. There is some evidence that the troops on the ground had advance notice of the attacks and quietly left the scene.

CHAIR—I was going to ask you about that because, as I understand it, when those refugee camps were attacked and burnt down, basically, the local military and police conveniently disappeared just beforehand and did not reappear for 10 or 12 hours afterwards.

Mr Philp—That is correct. It is very embarrassing for them. It is pretty clearly low level collusion. I do not think there is any suggestion whatsoever that was a high level policy. It was simply the people in the local community, the troops on the ground, coming to some sort of an arrangement.

CHAIR—We do not, surely, differentiate between high level policy and what happens on the ground. Surely your government is responsible.

Mr Philp—That is why the Thai government is so embarrassed. They have actually launched an immediate investigation into that, which is going on now.

Dr Glasser—To provide AusAID's perspective on this as well, as the committee would be aware, Australia does not engage in aid activity in Burma that involves agreements or joint work between the government of Australia and the present regime in Burma. Nevertheless, we do undertake a small humanitarian program of assistance that delivers humanitarian aid to the people of Burma both through NGOs within Burma and through refugee camps on the border.

We have provided funding to two camps which were the object of attacks over the last few months: the Wangka camp and the Mawker camp. The Wangka camp was particularly disadvantaged because it was burned down. It was essentially levelled in January 1997. So they have had a very rough go of it. We have provided about \$1 million of assistance to both camps through two organisations: the Burma Border Consortium and Medicins Sans Frontieres. In addition, because the recent attacks have concerned a number

of people, our humanitarian relief section is investigating what additional support we can provide to determine exactly what form the support should take. An AusAID officer will shortly undertake a review mission to the camps to see for himself what the situation is like and to determine the most appropriate form that that aid should take.

CHAIR—Thank you. Are there any more questions?

Senator REYNOLDS—Yes, but I want to move on to China, if that is okay.

CHAIR—Before we move on to China, I was talking about Malaysia and Indonesia; do we want to make some comment on that?

Mr Cox—I am the Director of Indonesia Section. Ms Jacqui Rabel is present today as the desk officer of that section. We are also in the Maritime South East Asia Branch, which handles Malaysia. On Indonesia, Dr McCawley might like to outline to you in a minute the aid initiatives which we are engaged in in the context of the crisis, particularly the emerging issue of food supply, and the humanitarian situation, particularly food affordability. But, overall, in the human rights situation in Indonesia, we do not see that the crisis has necessarily led, fortunately, to a substantial derogation from human rights principles.

In fact, overall we have been quite taken by the degree of restraint by the authorities and the military authorities in handling the situation, particularly in February. As you will be aware, there were quite substantial problems in early February as a result of the mixed effects of the currency crisis. The drop in the rupiah and distribution problems led to problems of food hoarding and so forth. This, in turn, led to some disturbances in Java. While obviously there were a number of actions, particularly against Sino-Indonesian and ethnic Chinese-Indonesian people in Java, overwhelmingly the degree of restraint that seemed to be exhibited by the armed forces in handling that was quite notable.

CHAIR—I am sorry to interrupt but I thought there were implications that the disturbances aimed at the Chinese at least had the tacit support, if not more active support, of the government and that the armed forces and police actually did not interfere too much.

Mr Cox—I do not think that is right. Perhaps there were elements within the armed forces or individuals who were using the situation to make political points, but I do not think that there is any evidence to suggest that the government as a whole took that view. It was a situation in February which was very politically live in the lead-up to the MPR session and the election of the president and the vice-president.

There was use of public statements and other things by a variety of elite figures to signify their support or otherwise of what might have been going on, but there is no

evidence to suggest that the government was supportive of it. In fact, General Wiranto, the current armed forces commander, specifically stated that there was no such policy. You would have seen yourself evidence on television or in the newspapers large numbers of Indonesian Chinese people in police stations and so forth being protected by them. I do not think that there is any evidence of any such widespread policy. But, yes, there could well have been individuals who opportunistically were using it as a way of manoeuvring politically.

CHAIRMAN—I interrupted you. Do you want to keep going?

Mr Cox—No. I think Dr McCawley could outline where we are at with the aid provision on food support and other things in Indonesia.

Dr McCawley—As I said at the beginning, in these sorts of situations, in AusAID we aim to complement the broad policy thrust of the government by ourselves operating at two levels. We often operate at a specific level and at a broader policy level. In the specific area, Australia, as is very well known, has been quite active in the area of trying to encourage international support for efforts to bolster the supply of food within Indonesia in recent months.

As is also well known, the foreign minister has recently visited Washington. He spoke with the president of the World Bank there, amongst others. Indeed, as a direct result of that initiative on the part of the Australian government, in two days time the Director-General of AusAID will be in Washington to represent Australia at a meeting of donors. The Director-General of AusAID leaves today to attend that meeting. That meeting will be chaired by one of the vice-presidents of the World Bank, Mr Severino. The object of this meeting of donors is specifically to update, to focus on the food aid situation. One of Australia's objectives is to muster support amongst the international community to encourage international attention to this problem.

I might say, Mr Chairman, that Australia has unquestionably taken a strong initiative in this area in the past few months. We have been unquestionably the main international donor that has been trying to encourage attention in the northern hemisphere to the problems arising from the drought, the El Nino episode and so on, in Indonesia. It is fair to say that the international community, for various reasons, has not been aware of the likely full implications of this.

As early as early December we were pushing quite hard within international organisations, the World Bank and other areas, for increased attention on food problems. At that stage the reaction of the international community was to say that they were not aware that there was necessarily any problem. Australia, it is fair to say, was well ahead of the game. AusAID established a special task force on the Indonesian drought very early in December and we have been working actively since then.

I said we operate at two level. There is also the broader issue. We are concerned that individuals and vulnerable groups will be gravely affected by the broader state of the economy. As well as focusing on specific food aid efforts, the entire Australian government has been strongly supportive—we have been working closely with DFAT—of broader international moves working through the International Monetary Fund, the World Bank and the international donor community to tackle the broader problem that faces the Indonesian economy. There is the specific problem, but do not let us forget the broader problem as well. If the broader problem is not tackled effectively, it is difficult to tackle the specific one.

A further thing I would like to say is that both within AusAID and within the Department of Foreign Affairs and Trade, special offices have been designed to focus on the problem in the region. Quite a few of us now are spending some hours every day culling through cables and many other reports, trying to gauge the effects of the economic crisis across South East Asia.

The difficulties of the Indonesian economy are arguably the single most dramatic economic event in the region in a generation, and it may well be that we are still towards the beginning of that impact. As the repercussions of the very sharp devaluation work its way through the economy, and as that affects the ability of the government to manage in this broad area of good governance, it is likely to need attention in coming months. Working with DFAT, we stand ready with the international donor community, the World Bank, the IMF and so on, to tackle those problems.

Our specific officer working at the branch level is Mr Ernst Huning. Ernst, I am not sure if you have additional points you would like to make.

Mr Huning—Mr Chairman, I could provide additional detail of the actual financial and other assistance that we have been providing to Indonesia in recent times, if the committee wishes. Equally, we could table that in due course.

CHAIR—Perhaps you could table it in due course, given the time factor this morning.

Mr Huning—Yes.

CHAIR—Ms Bird, I take it that the fact that the Indonesian crisis coincided with the move of Mr Cox from the Singapore desk to the Indonesia desk has got no significance at all!

Ms Bird—He got promoted! I am not sure if there is a link there, either.

Mr Cox—Mr Chairman, you asked about Malaysia and perhaps you were asking in the particular context of the press items that we have seen in recent days about events

at various transit camps. All I can say at the present time is that the government is watching that situation very closely. There has been a mix of things happening. There have been a number of people who have been working in Malaysia, Indonesians working on various projects, who are now unemployed. Similarly, there has also been an influx of people across the Malacca Strait in recent days. These people have mixed together.

We believe that as a result of some bilateral negotiations between these two governments, Malaysia and Indonesia, there is this repatriation process under way. We are now asking our posts in both KL and Jakarta to monitor the situation closely and to report so that we can be in a position to better have dialogue with the governments concerned about what is happening and with the relevant international agencies involved, such as the UNHCR.

CHAIR—A lot of those guest workers, illegal immigrants, have been there for a long time as workers in Malaysia, and the Malaysian government clearly turned a blind eye to them because the economy was going well and they needed those workers.

Mr Cox—Correct.

CHAIR—But a lot of them came from places, as I understand it, like Bangladesh. Are there moves to send them back as well? It is not just an Indonesian problem.

Mr Cox—I gather so, yes. I gather that there has been an other repatriation program put in place whereby workers from Bangladesh or other countries have been flown back to their respective homelands. Those have been ongoing now, since at least late last year or early this year. There have been reports of large numbers of other workers from other countries being repatriated.

CHAIR—Thank you very much. We will move on to China. I will flag that after we have done China, so that you can get the appropriate staff organised, I would like to do a quick update on the situations in Cambodia, PNG and Sri Lanka. But we will go first to China.

Senator HARRADINE—I just have a question. I noticed that the areas about which there is some dialogue between the Australian embassy and Indonesian officials cover such issues as criminal code, police behaviour, subversion trials and Australia's opposition to the death penalty. Do you raise other matters like the coercive nature of certain of Indonesia's population programs?

Mr Cox—That issue has been raised with Indonesian authorities, both—

Senator HARRADINE—Not only in respect of East Timor but also in respect of other provinces of Indonesia?

Mr Cox—Yes, more generally as well. Yes, those issues have been raised with Indonesian officials in the family planning agencies, both through DFAT and through dialogue that is conducted—policy dialogue through AusAID, which I might get Dr McCawley to discuss.

Senator HARRADINE—How recently, Mr Cox?

Mr Cox—In regard to East Timor, within the last couple of months because of particular focus on those questions that has been made in recent reports.

Senator HARRADINE—You are referring to the coercive IUD insertion?

Mr Cox—I am referring to the use of family planning methods.

Senator HARRADINE—No, I mean: are you referring to the demonstrations that occurred?

Mr Cox—I am referring to reports, for example, Miranda Sisson's report about the use of family planning methods in East Timor, which we noted. We used that as a specific opportunity to update ourselves about what happening on the family planning front in East Timor.

Senator HARRADINE—And in other provinces?

Mr Cox—And in other provinces, through BKKBN. We have also asked more recently; not as recently as the last few months, but in the last year there would have been some questioning about that as well. That sort of dialogue goes on, particularly through AusAID where there is a program involving AusAID with BKKBN, which then leads to dialogue about that.

Senator HARRADINE—Isn't that something that Dr Kieran Donaghue might—

Dr McCawley—We have allocated specific attention for family planning issues to Ellen Shipley in the health group and, of course, also to officials in the specific sectoral areas to pay attention—

Senator HARRADINE—Would you say you have dealt Dr Kieran Donaghue out of it? I thought his particular group was going to be the monitoring group in respect of human rights matters.

Dr McCawley—Yes, but we have taken the decision—whether family planning is a health issue or a human rights issue is, I guess, a matter of judgment—and we have—

Senator HARRADINE—Is it?

Dr McCawley—I believe it is a matter of judgment.

Senator HARRADINE—Was that one of your yes and no propositions when not all are perfect? Are you saying that coercive population control policies which involve the forcible wearing of IUDs, which involve the denial of work rights to certain people because they are not conforming to the demands of the family planning organisations, are a planning matter, not a human rights matter?

Dr McCawley—No.

Senator HARRADINE—Please let us get it clear.

Dr McCawley—No, I do not say that.

Senator HARRADINE—What did you say?

Dr McCawley—Clearly I would have to check my precise words.

Senator HARRADINE—Yes.

Dr McCawley—I said, ‘They arguably span both areas.’ Ellen Shipley and Kieran Donaghue work within about 10 metres of each other. In practical terms, we do not have the slightest problem of coordination in these sorts of matters. Australia’s overall position is, I think, very clear on this area, that is, as has been stated on many occasions, we have a policy of condemning coercive family planning practices. I am certain that Ellen Shipley knows that as well as Kieran Donaghue or, indeed, almost anyone else in AusAID.

Senator REYNOLDS—And yet, if I can just pick up on this, Mr Cox said that you had noted the Miranda Sissons report. I am concerned when somebody says that they have ‘noted’ a report of the nature of Miranda Sissons’ report on some of these practices. I do not always agree with my colleague Senator Harradine but I must admit that alarm bells started ringing for me the moment you used that term ‘noted’, because I am enough of a politician to know that when you do not want to say anything you use the word ‘note’. What are we doing about Miranda Sissons’ report? Didn’t it ring alarm bells for you? How many people in DFAT and AusAID have actually read the Miranda Sissons report?

Mr Cox—I will ask my colleague Ms Rabel to speak, but I just open by saying that we certainly read the report thoroughly, and so did our post. We asked the post particularly to go and investigate—having noted the report—what its content was and then to make inquiries, both in Jakarta and in East Timor, about the content of the report and to follow up its specific allegations. From that review, which I will ask Ms Rabel to give you, the post did not find particularly strong evidence to back up any of the allegations made in the report.

Senator REYNOLDS—So Miranda Sissons made it up?

Mr Cox—I do not say that Miranda Sissons made it up. I think what she did was to highlight some problems that are very much generic problems of lack of education and lack of funding that are problems in East Timor and throughout the whole of Indonesia on the family planning side.

Senator REYNOLDS—If there are problems, why would you say that her report does not have credibility?

Mr Cox—I did not say that it did not have credibility; I said that it made certain allegations about the forcible use of contraceptive practices that I do not think were born out in practice. Certainly there are problems with the implementation of policy relating to the lack of education of people, poor communication of the techniques that could be used and so forth. The report does not lack credibility overall. It certainly highlights problems that are there in the management of reproductive capacity in East Timor and in family planning implementation, and are there throughout Indonesia, given that it is a large and still underdeveloped country. Those problems are real, and I think even the Indonesian officials would accept that those are real. But I do not think that the specific coercive focus on East Timor was necessarily borne out by the investigations of our officers through their range of questioning with a range of church community groups as well as with groups involved in implementing the program.

Senator REYNOLDS—Including women's groups?

Mr Cox—Yes.

Ms Rabel—I would just like to add that, prior to our embassy's mission in January of this year to East Timor to specifically look at this issue, this had not been raised with us by any of our usual interlocutors over the last 2½ years, at least, that I have been working at this particular desk. So when the Sissons report came to our attention, we arranged for this mission to go ahead. As Mr Cox has outlined, a wide range of people were interviewed and none of them raised with us any specific incidences or problems that they were aware of in relation to this issue. What they did indicate was that there was perhaps a degree of suspicion on the part of many East Timorese toward government provided health services, but that is related to the broader governmental issues in East Timor.

Ms Bird—I should perhaps observe that we did not mean to use 'noted' in any dismissive sense, which is indicated by the fact that we did follow it up.

Senator REYNOLDS—If that had been made clear, I would not have asked the question.

Senator HARRADINE—Could I just follow up on that with Mr Cox. Mr Cox, you are saying now that part of this problem—though you are not saying it is a problem—can be fixed by more money for family planning. Is that more money for what you describe as the management of reproductive capacities? What do you mean by management of reproductive capacity?

Mr Cox—Family planning, I suppose.

Senator HARRADINE—By whom, and on whose behalf? Don't you think that it is the right of the families and the parents to decide the number of children they have? What do you mean by that? Haven't you read the minister's documentation on this?

Mr Cox—I think it is a question of helping families to voluntarily plan their family size according to their economic capacity and so on.

Senator HARRADINE—Is that right? Is that what the BKKBN is all about?

Mr Cox—I believe so, yes.

Senator HARRADINE—So you are saying that the BKKBN is not involved in coercive population programs?

Mr Cox—In coercive policies? There was certainly evidence in the past that that may have been the case. But I think now, overwhelmingly, the policy that the Indonesians prefer to pursue is a policy of voluntary acceptance.

Senator HARRADINE—Mr Cox, there have been people sitting in that chair saying that to me for the last 10 years. I do not believe that that is happening now. Unfortunately, I have not got the documentation here, because I had not expected this matter to arise, but every time that I have brought conclusive information up before various people in your position, I get the same answer, 'No, it may have happened in the past.'

CHAIR—Senator Harradine, could I suggest that we get your information and get the secretary to write to the department asking some specific questions in relation to that matter. I think that would then enable us to go into it in some depth.

Senator HARRADINE—I would have hoped, Mr Chairman, that we would have been given an authoritative overview of this particular issue by the various departmental officials. We might yet get it from Ms Shipley. But getting back to the point of Dr Peter McCawley, is it or is it not going to be the function of the governance sector headed by a new director? I do not know who the new director is, but it is Dr Kieran Donaghue's section. Is it going to be their responsibility to overview the human rights aspects of the family planning program in Indonesia?

Dr McCawley—That will be the joint responsibility of the health group and the governance group inside AusAID.

Senator HARRADINE—But how is that different from the other sectors? It is a joint responsibility of the governance group and other sectors in respect of other areas of human rights. Is this somehow different? That is what I want to get at. Is this somehow different from any other aid program?

Dr McCawley—I am not quite sure whether I am answering your precise question, Senator. There are many issues where it becomes a matter of judgment as to whether the balance of investigation is required on, say, a woman's issue, or whether it is technically a human rights issue. If one takes the view that every issue to do with development is a human rights issue—and some people would come close to arguing that almost every issue of development issues ultimately concerns human rights—everything falls on the governance sector in AusAID.

What I am saying is that judgments are made depending upon the type of issue. Certain inquiries would come up. Certain questions would be put to AusAID concerning the role of women in development, which would really not have much directly to do with human rights issues, and which largely concern women as women. There would be other elements of that and questions that might arise—perhaps prostitution, child labour, exploitative use and so on—which fall more appropriately for a governance group.

The way we handle these things in AusAID depends upon the balance, the thrust of the inquiry, the issues that we have to answer. We would give primary responsibility to one person or another. We do this, of course, on an ad hoc basis. You look at the issues that are coming up and you say, 'Kieran, I think you're principally going to have to handle this, but you'd better make sure that you're in close touch with Ellen.' Alternatively, you say, 'Ellen, I think this is principally your responsibility, but work with Kieran.'

Senator HARRADINE—I thought the governance sector was not going to take this sort of ad hoc approach. It came across to us that there was going to be an ongoing, systematic monitoring of the various sectors in regard to human rights, and in regard to governance. I thought that was what the sector was going to be all about. That is the point that I am asking about: in respect of population programs, is it going to be the function of the governance sector to conduct an audit, if you like, or monitor the human rights aspects of each of the various sectors, including the health sector?

Dr McCawley—It is currently our intention that the main monitoring of family planning activities will fall into the health group, which will work in cooperation with the governance group. To the extent that human rights issues become the main focus of the matter, the governance group will have to spend more resources on it and will have to focus more on it. I would say exactly the same with respect to almost any other particular

issue. Something to do with Indonesia would be shared between Ernst Huning and his staff and Kieran Donaghue and his staff. We do an awful lot of sharing in AusAID. Precisely where any issue falls depends upon the nature of the questions being asked, the brief being prepared, and so on. In short, the main monitoring of most family planning activities will be done in the health group. But it will be done in close cooperation with the governance group.

CHAIR—Can we move on?

Senator REYNOLDS—I would love to, but I just want to clarify one point with Dr McCawley. You mentioned in answer to Senator Harradine a question of women's issues and human rights issues. If we are discussing coercive matters relating to family planning, that becomes a human rights issue.

Dr McCawley—Agreed.

Senator REYNOLDS—If it is a free choice issue of family planning, obviously, that is a health issue and, if you like, a matter of the woman's individual choice. But it seems that the question really is—and that is why we followed it up in relation to the Sissons report—that the allegations in that report are serious human rights breaches. If, in fact—and we do not know—they can be substantiated, they are serious human rights issues, whereas—and this is where Senator Harradine and I might part company—family planning that is the choice of the individual woman and her family is a health matter. Is that your view, Dr McCawley?

Dr McCawley—It is my view that very often these issues do need to be shared. There is a judgment to be made as to where the balance of responsibilities lies. I think we are agreeing, but as you would understand, it is extremely difficult to get caught between two important and influential senators.

Senator HARRADINE—It is not—

Senator REYNOLDS—No, I don't think—

CHAIR—Hold on. I am conscious of the time factor and there are other issues we need to address. I am conscious that we are not getting a response that is meeting the questioners' desires, and I think we should do two things. One is that we will ask Senator Harradine to provide the information that he did not have with him but that he obviously wants to put to you. We will suggest to him, via the secretary, that we write to you on those issues so that you can give us specific answers in relation to those matters that he is concerned about and, at the same time, give us a more considered response in terms of the report that Mr Cox was talking about earlier.

The second thing I would ask you to do, Dr McCawley, is to give us a further

response to questions that both senators have raised about matters of your handling. Otherwise, we are going to go around the houses a bit longer on this issue. I think you should take those issues on notice. Clearly, the senators are not convinced, and I think we need your further considered response on those matters.

Dr McCawley—Thank you, Mr Chairman.

Senator HARRADINE—Mr Chairman, to save time, could the department—and AusAID—take on notice a request from the committee to provide the committee with its knowledge of the coercive nature of the family planning programs in Indonesia?

CHAIR—Okay. Now I would like to move on to China. Clearly, it is very important from Australia's point of view. We discussed this somewhat last time and I would like to get an update. Senator Reynolds, as acting chair, will ask you a question.

ACTING CHAIR (Senator Reynolds)—I draw it to your attention that, at page 16, item 50, you are referring to the delegation and the interest that Australia has in the continuation of the rule of law, rights and freedoms and democratic institutions in Hong Kong. You then go on to make a number of statements that are couched in very careful diplomatic language. Could we have a more frank assessment of the situation, particularly in relation to the delegation's response to the status of these issues in Hong Kong, and any other comments that you could make about the issues that were raised in China.

Ms Bird—I will ask John Courtney, in a minute, to talk more specifically about recent developments on the Hong Kong front. In terms of what the delegation was able to do at its initial round of the human rights dialogue in August last year on this issue, the delegation re-emphasised the Australian government's interest in the continuation of the rule of law in Hong Kong.

There was a specific issue that we were pursuing at that stage: whether the Chinese government would continue the practice of reports on Hong Kong under the two covenants—the International Covenant on Civil and Political Rights and the Covenant on Economic, Social and Cultural Rights. There had been some question mark over whether that would continue with the handover of Hong Kong. It has to be said that, at the time of the August dialogue, the responses we got were still a bit equivocal and not very satisfactory, but there has since been a development on that which has been very positive. The Chinese government has said that it will continue the practice of doing reports on Hong Kong, even before it becomes a party to the two covenants.

Importantly, also since August, China has signed on to the Covenant on Economic, Social and Cultural Rights and has just recently indicated that it will sign the International Covenant on Civil and Political Rights. So that is moving in the right direction anyway, but even before they become parties they will still keep doing the reports on Hong Kong. That was one specific issue we raised where there have been some positive developments.

John, do you want to talk about Hong Kong a bit more generally?

Mr Courtney—I think the statement to which Ms Bird referred—that the Chinese government would continue reporting on the two conventions—is an important element in the broader picture, which is that the fears that China would try to roll back human rights in Hong Kong following the departure of the British have not been fulfilled.

Broadly, the political structure is continuing, elections are going to be held and there appear to be no restrictions on the means or on the political parties participating in them. The legal system continues and the press remains largely free. Broadly, the concerns that we expressed in August have been taken on board by the Chinese.

Senator REYNOLDS—In your discussions, did you meet with a number of non-government organisations as part of the delegation? For example, I know that Professor Yash Ghai of the University of Hong Kong is very prominent in monitoring the continuation of the rule of law and the rights and freedoms. I am wondering if he was one of the NGO academic type people that the delegation was informed by.

Ms Bird—We did not specifically meet him when we were in Beijing last August. We had a four-day program in Beijing that did include a series of calls on different government ministries and various other groupings. There is a list of them, which I can certainly give to you. It was included in the joint press release that was put out after the talks. It included groups such as the All-China Women's Federation, the Religious Affairs Bureau of the State Council and the Chinese Academy of Social Sciences.

At those various calls we certainly canvassed a range of issues, including the situation to do with Hong Kong. As I said, it was a useful part of the dialogue that we actually did go beyond just the talks with the foreign ministry to meet with other ministries, and also with other groups.

Senator REYNOLDS—My final question on China relates to other conventions. I know that the professional view will be, 'Don't be impatient.' What progress, if any, is being made on other conventions, specifically CEDAW and the rights of the child?

Ms Bird—Actually China is a party to the other four key human rights conventions. It is a party to CERD, CROC, CEDAW and CAT. It is not a party to some of the optional protocol mechanisms. That is an important aspect. It does have reservations to some of those conventions, which is another issue. They are the sorts of things we certainly intend to keep pursuing through the dialogue.

Senator REYNOLDS—Have they fully ratified, but not reported?

Ms Bird—They have ratified. They have done a report on CROC. I am aware of that one, because that report and hearing was shortly before our first round of dialogue in

Beijing. Have they done a report on CEDAW?

Ms Dietz—We can follow up on that.

Ms Bird—The whole issue of reports to treaty bodies is one that we are following quite closely.

Senator REYNOLDS—It probably relates to the optional protocol.

Ms Bird—It could be that.

Senator HARRADINE—I refer to the August dialogue. When is the next one scheduled and what is going to be on the agenda?

Ms Bird—We hope to have the dialogues done on an annual basis. That mirrors what we have with a range of other senior officials' talks with the Chinese on other issues, such as disarmament, aid and consular.

July-August is the timing we are looking at. We have not got dates yet, but that is the sort of time frame we are looking at, to keep it at that annual basis, the idea being that the Chinese will come to Australia this time for the dialogue. We have not got dates yet and, therefore, we have not yet got an agenda, but we would certainly envisage raising the broad range of issues we did last time when we were in Beijing. It is important for the dialogue that we are able to raise all issues of concern to us and that we continue that process. But as I said, at this stage, we have not yet got dates or an actual agenda.

CHAIR—Another question on China: given the recent changes in political leadership and the movements within the political leadership, do you see that having any impact on attitudes to human rights in China for better or for worse?

Mr Courtney—I think that, over the last several years and, as the State Department has noted, in the last year or so, there has been a steady if partial improvement in human rights in China. I believe the new government is more reform minded over the whole of China's economy and politics than the previous government, so I would expect to see that process continue. But I would not see a radical shift in, for instance, thinking about the place of the individual and the state.

CHAIR—Given the economic rationalisation that is going on in so many ways and the generation of large numbers of unemployed people—the numbers are, I know, very rubbery, depending on the source, but they are very significant in proportionate terms, even in the coastal strip, which is clearly much more economically advanced than the centre—that is likely to bring some social problems. Do you see that having an impact on the human rights situation?

Mr Courtney—If unemployment is expressed as a human rights problem, then clearly there is a problem. I do not, however, see the governments—either provincial or central—responding in an oppressive way to concerns by unemployed workers.

CHAIR—Thank you. We will move on to Cambodia for a very quick update on the situation in Cambodia since we were last here.

Ms Marginson—The human rights situation in Cambodia is certainly one that receives the government's very close attention. The events of July last year were a case in point where the government made it very clear that it had very grave concerns about the use of military force. We consistently have called on the Hun Sen government to ensure respect for human rights, we have expressed our concerns about extrajudicial killings and we have been very robust in asking the Cambodian government to investigate these issues. We have done these things bilaterally, but we have also been active internationally through the loose group known as the Friends of Cambodia, who have been working very energetically to try to help bring about what we hope, in fact, will occur later today—the return of Prince Ranariddh to Phnom Penh.

In that context, the Friends of Cambodia made it very clear on 6 March that they fully expected that the Hun Sen government would pay attention to issues of human rights as we lead up to the planned elections on 26 July. In his press release of 23 March, the foreign minister, Mr Downer, while welcoming the decision of King Sihanouk to grant an amnesty to Prince Ranariddh, also made it clear that we were again very much focused on issues of human rights in the lead-up to the election. That is the broad context in which we are operating.

The progress made so far in bringing about circumstances that we hope will lead to a free and credible election are proceeding relatively smoothly. Clearly we await the outcome of Prince Ranariddh's return today, but perhaps, within that broad context, you have some specific matters you would wish to raise. Either I or Ms Watts can address those.

Senator HARRADINE—How effective are the NGOs operating in Cambodia?

Ms Watts—The NGOs across the broad spectrum or particular NGOs?

Senator HARRADINE—Particularly those who have a human rights focus.

Ms Watts—My AusAID colleagues could perhaps also respond on this, given that AusAID works closely with NGOs in Cambodia and provides funding, I understand, to some of those. There are, of course, a number of international NGOs operating in Cambodia and, to the best of my knowledge, they have not experienced difficulties in doing so. There are a number of Cambodian NGOs who also operate. There are a number of Cambodian NGOs who are specifically human rights focused.

Senator HARRADINE—They were the ones that I was particularly interested in.

Ms Watts—The fighting last July does make people somewhat intimidated and afraid. There has been, if you like, a climate of fear and intimidation which Australia and the members of the Friends of Cambodia group have been anxious to address and have urged the Cambodian government to address, particularly in the lead-up to the elections so that political parties and human rights NGOs can feel free from fear and intimidation to be able to operate.

There have been signs that that climate has improved somewhat. There have been a number of things, particularly again in relation to the elections, which the human rights NGOs are involved in and which are of particular relevance to them. There have been some improvements in that general climate. A number of exiled politicians have returned—in fact most of them have. Today, hopefully, with Prince Ranariddh returning, all of them will return. There have been electoral laws passed and a national electoral commission set up. This has enabled groups and NGO groups to feel a little more free in terms of their operation. But obviously this is something that we would want to continue and that we would want to see the government pay more attention to.

Human rights NGOs have also been involved in the drafting of a law for a possible national human rights commission. This is still very much in its nascent stages but human rights NGOs have been consulted by the government in that and were also involved in the setting up of the national electoral commission. So there has been some activity.

Ms Bird—Senator Harradine, one other thing that is relevant to your query about the NGOs is that we funded, under the DFAT-AusAID human rights fund, a program which we have annually. It is specifically targeted, by and large, to various NGOs. There are a range of projects which we are able to do with various NGOs in Cambodia. The full list is set out in the written submission that we made. There were 25 projects implemented by local NGOs in Cambodia to promote human rights issues in the course of the 1996-97 program and the details are in the report.

CHAIR—Would you like to give us an update on where we stand on Papua New Guinea? It is actually encouraging; things are improving there, I believe.

Mr Moriarty—Yes. We have been very pleased with progress, particularly in relation to the Bougainville peace process but more broadly across Papua New Guinea over the last eight months. They came out of the election last year with very few reports of intimidation or harassment in the elections and fewer injuries and casualties than in the previous election. In some ways, what was potentially going to be a very tense time worked out quite well in Papua New Guinea and the government was formed again with no significant hurdle.

Prime Minister Skate has really given a lot of impetus to the Bougainville peace

process. We have seen all factions on Bougainville adopting a much more sensible and reasonable approach to human rights issues. In fact, there have been very few instances of breaches of the truce. Those that have been reported have certainly not been sanctioned by the factional leaderships and action has been taken in accordance with the provisions of the truce to deal with those.

CHAIR—I understand that, in terms of Bougainville, the New Zealanders are tending to step back slightly and we are probably going to have to pick up a bit more responsibility. Would you like to comment on that?

Mr Moriarty—New Zealand's foreign minister, Mr McKinnon, indicated that, from the end of April, New Zealand will be reducing its significant contribution and he believed it was now appropriate for Australia to take more of a leadership role. New Zealand will still maintain a significant contribution to the truce monitoring group or what comes after it. At one stage, they were talking about going from providing the bulk of the personnel and logistic support to providing a supporting role. Mr Downer has indicated that, should the parties agree and ask Australia to play more of a role, the government would be prepared to consider that.

CHAIR—Would you like to comment on the effectiveness of the monitoring group and what is to follow? I understand, for example, that there has been quite a large number of women involved, that they have been particularly effective in terms of the matriarchal nature of the society and that the contributions from Vanuatu and so on may have been particularly helpful because of the ability to speak pidgin and so on.

Mr Moriarty—We are very pleased with the effects of the truce monitoring group. The truce monitoring group is essentially broken into a couple of components: the headquarters and logistic support element, which is predominantly military, and then the four monitoring teams. Those monitoring teams are made up of a combination of New Zealand military, Fiji military, Vanuatu police and Australian civilian monitors. Within the Australian component, it varies but, from time to time, between 40 per cent and 50 per cent of our monitors have been women. They have developed particularly effective relationships with the Bougainville women's councils.

In each district, there has been a women's group set up that is cross-factional and our women monitors have developed a particularly close relationship with those committees in each of the districts. Certainly, the parties to the truce—the pro-government militia, the Bougainville Revolutionary Army and the PNG government—have all said what an excellent job the monitoring teams have been doing and they have all asked us to continue to provide women monitors into those teams.

Senator REYNOLDS—Is there any way this experience will be documented for use in future conflicts? It is probably outside your brief and I am certainly not asking—

CHAIR—Perhaps Ms Bird would want to answer that.

Senator REYNOLDS—Yes. It just seems that, when these success stories occur, sometimes they are bypassed and people outside do not necessarily know about them. I have certainly heard very good reports and it would just seem like a good idea if there were resources for someone to document it fully so it is there for use in the future.

Ms Bird—I think it is a very good suggestion, as you said, to learn from these experiences and learn what works well in terms of various aspects of these strategies is important. Mr Moriarty might want to comment a bit. We are apparently very good at debriefing the people coming back—the monitors, et cetera—so we do learn about what has worked and what has not. We learn from that. I also take your point about taking that a step further, possibly for application in other areas. That is an important one.

Mr Moriarty—We have been debriefing all the monitors that have come back from the two rotations so far and we have been taking those briefs into account, particularly with the pre-deployment training for the civilian monitors. We are also developing a record of monitors' experiences with no intentions at this stage of doing anything with it, apart from keeping it for departmental records. The Australian Army has also tasked an officer from the land headquarters to do some research into the way that the operation was put together. I understand that Brigadier Mortlock, the New Zealand commander from the first rotation, has also documented in a journal his observations.

Ms Bird—An officer from my division, Sarah Storey, was part of the truce monitoring group. She gave a very good address on International Women's Day about what had happened and how it had worked, but I think pulling it all together is important.

Mr Proctor—More generally, you would be well aware that the Australian government's aid program in PNG has a law and justice component. In the past, that has been primarily related to training for the Royal Papua New Guinea constabulary and there has been some assistance to upgrade physically and, in terms of the management, the prison service. That police project is coming to the conclusion of the second phase and currently we have a team in the country reviewing the outcome of that project and looking at a proposal from PNG for further assistance with the police. You would recall that the project is focused primarily on implementing better community policing. It covers a wide range of activities as well, including forensics and other technical matters.

More recently we have become involved with assistance to the ombudsman's office. At the moment, we have a team about to go into the country to look at direct assistance to the legal system more broadly such as the Attorney-General's and the court system. There are also some other possible activities, particularly with the PNG Human Rights Commission. That is under proposal; it is not under way at this stage.

In summary, our involvement with the justice sector in PNG is broadening out and

is less focused on the policing aspects. Very briefly, on Bougainville—to add to what has been said by my colleague from Foreign Affairs—Mr Downer has pledged \$100 million from the total overseas aid program to PNG over five years for Bougainville, which adds to about \$30 million that we have already committed. That \$30 million is already being expended and it is seen in physical products by way of a new hospital in Buka, a number of activities in the north, particularly the Talena high school, and other schools and technical colleges.

Increasingly now, with the good progress with peace, we are more able to address the whole of Bougainville and the main island. We have put a lot of money, over \$4 million, through the Red Cross for basic needs. We are looking at another program of similar scale with the Red Cross. We have community agreements being signed up with the villages for reconstruction. We are aiming at 29 villages at least in the near future. For instance, 70 tonnes of materials recently arrived on the main island of Bougainville for basic reconstruction and villages—things like road clearances and assistance with the Office of Bougainville Affairs. There is now a team in the country looking at how Australia can assist with implementing an auxiliary police force. These are all part of the process of underpinning peace and providing a peace dividend to encourage people to maintain the course.

Senator HARRADINE—How many people are starving in Papua New Guinea at the moment, do you think?

Mr Proctor—We have a team in the country at the moment looking at the third assessment of the drought situation. Clearly, though, the numbers of people in a very difficult situation—category 5, as we call it—have reduced quite substantially.

There have been good rains, the countryside is green and the quick-growing crops generally are providing nutrition; but the slow-growing crops such as sweet potato take six to nine months to grow. So people do not have a full complement of their normal diet.

That said, the numbers have dropped so substantially that the groups Australia was targeting for its assistance will now be met through commercial transfers after 6 April and the ADF, which has done an excellent job with delivery to those isolated communities, will cease deliveries on that date. I cannot give you an exact figure. We will have a much better figure probably in about a week's time. But clearly, the problem is nothing compared with what it was, say, even two months ago.

Senator HARRADINE—Dr McCawley, is there some group within AusAID that is looking specifically at our nearest neighbours, to see the effect that the economic crisis is having on them and the food aid situation? I believe that the minister, the government and the department are looking at a specific and, rather hopefully, generous response to the problems of hunger and so on.

Dr McCawley—The responsibility is shared between different areas. We have a food aid section under the general management of Mr John Munro which has principal responsibility for all food aid matters. But because the funding of a lot of food aid matters comes out of specific votes by country, John Munro shares his responsibility for Papua New Guinea, for example, with Murray Proctor for Indonesia, with Ernst Huning, and so on.

All of those officials, I believe, are absolutely focused on the point that you have raised. It is quite clear that the drought is having a very serious effect in Papua New Guinea, Indonesia and other countries. So John Munro focuses on the specific aspects of food aid movement. He has staff who are highly trained and highly experienced in logistics matters and they work in close cooperation with people on each of the program desks. So I believe the answer to your question is yes.

Senator HARRADINE—But not yet to the stage of a Marshall plan?

Dr McCawley—No.

CHAIR—Senator Reynolds has got a couple of general questions to be asked while the Sri Lankan people come forward. Senator Reynolds wants to ask a question on India and on refugees, and then we will go on to Sri Lanka. Are you happy to take a question on India?

Ms Bird—Yes.

Senator REYNOLDS—It is a very general question. The high commission in New Delhi established a very strong working relationship with the Commonwealth human rights initiative. As that initiative's headquarters will be moving from New Delhi to another place—I should not flag it, should I?

CHAIR—Why not? I am interested.

Senator REYNOLDS—Probably to South Africa. I am just wondering whether you could express thanks for the support that has been given while they are there. Also, could there be an update on the current working relationship with the initiative.

CHAIR—Do you want to answer that or take it on notice?

Senator REYNOLDS—You may want to take it on notice.

Mr McConville—Yes, we would prefer to take it on notice.

Ms Bird—We will provide some written information on that.

Senator REYNOLDS—I just wanted to put that on the record because it has been a very good working relationship, but you may have something. I mentioned it particularly because of the work that is being done on the convention against torture, which, of course, is the priority of the initiative in the region.

My second question is to Mr Peter Heyward. I want to ask you a question about the relationship between your section and the Department of Immigration and Multicultural Affairs in terms of human rights. This was raised very recently in relation to the position of Nigerian political refugees. I know that the chair is extremely generous in allowing this wide-ranging question. Again, I am happy for you to take it on notice. I have a special interest in Nigeria. It occurred to me when I saw that you were attending this hearing that it is a question of a general nature that is, I think, relevant to our inquiry. What is the relationship between your section and Immigration? Could you take that on notice?

My specific concern, also to be taken on notice, is this: is Australia following the practice of Canada and Britain in automatically giving asylum to Nigerian political refugees—given our attitude within the Commonwealth to Nigeria at the moment—or are we continuing our standard procedure of the onus being on the individual to prove their status? Those questions can be taken on notice.

CHAIR—I think the chair has been extremely generous in this regional inquiry in talking about Nigeria. Do you want to take those on notice?

Mr Heyward—It is probably simplest, because I think that they would take a little while to explain.

CHAIR—I am happy for that to happen. Thank you very much indeed.

Senator REYNOLDS—Thank you, Mr Chair.

CHAIR—We now welcome two more people to the table. I would, obviously, be interested to get an update on the Sri Lankan situation.

Mr McConville—I will give a brief overview. The current situation—as with all the countries that have been raised today—is a cause of concern. We are closely following all the developments that are taking place in Sri Lanka. That said, there has in the past year been some improvement and certainly a reduction in, for instance, the number of disappearances and cases of torture, which were particularly prevalent in the 1996 reporting period. That is a positive development.

In terms of the current situation in the north of the country, in the Vanni area, there is, as you would be aware, Mr Chair, the ongoing conflict where the Sri Lankan government or the military are trying to open a road through to Jaffna. That has become

bogged down and there are around 24 kilometres still to be cleared. The LTTE—the Tamil Tigers—are offering fierce resistance, as expected. That is, of course, a situation that we are concerned about. It is obviously impacting upon the civilian population in the Vanni area, although thankfully not as much as one would expect, given that the civilians have in general been cleared away from the fighting areas.

The situation in the east of the country remains a cause of concern. There are instances from both the Sri Lankan government side and the Tamil Tigers of torture, beatings in detention, and so on. In general, I guess a reasonable improvement has taken place in the 1997 and early 1998 period, but obviously there remain serious issues that we are concerned about.

I will mention one other thing, and that is that in Jaffna itself they held local council elections. They were the first elections held in eight years on the Jaffna Peninsula. We see that as being a fairly positive development and evidence that that area is being incorporated into the main Sri Lankan political mainstream. There were, of course, some discrepancies in the voting procedures. As well, there was a low voter turnout. Therefore, one must not ignore those defects in that process. Nevertheless, in general terms we see that as a positive development.

CHAIR—Literally every week I would receive representations from Sinhalese and Tamils, resident in this country and overseas, as I am sure most members of parliament do, with ongoing allegations of human rights atrocities and abuses on both sides. Apart from our humanitarian aid and our general condemnation of violence, as a country, or as a government, the question that gets asked so often is: why doesn't Australia do more?

The minister is on record as saying that we would be prepared to be a third party in facilitating a resolution if that was desired by both the conflicting parties in Sri Lanka, so long as it was in concert with other countries. I do not think he sees it as being something that we would do on our own.

Have we given consideration to trying to be more proactive in terms of bringing the parties together and coming up with a negotiated settlement? At the moment it seems that both sides are so convinced of the righteousness of their position—my words, not their words. As so often happens in these situations, there is a huge area of distrust. Unless there is an outside influence—and we are an important regional player in this sense—it is unlikely that that nexus will be broken. Can you comment?

Mr McConville—The first thing to be said is that in Sri Lanka there has been a very unhappy history of third party intervention. As you would be aware, the Indian government tried to intervene in the late 1980s.

CHAIR—I was not suggesting we sent in the army.

Mr McConville—No, that is true.

CHAIR—I was talking about diplomatic intervention.

Mr McConville—Point taken. The minister was in Sri Lanka in July last year, and he stated in his bilateral meetings and in his media conference at the time that we would certainly be prepared to provide third party mediation, providing both parties were receptive to that. The bottom line is that both the LTTE and the Sri Lankan government are extremely wary of getting a third party. The Sri Lankan government have said a number of times that they have had about six or seven offers from international statesmen who have offered their good offices in the event that the Sri Lankans would like to accept third party mediation. But the fact of the matter is that they have not taken that up.

Until there are some positive signals from the Sri Lankan government we are really in no position to offer ourselves, or our preferred option, the Commonwealth. I guess I am skirting around your question as to why we cannot be more proactive. The bottom line seems to be that, without there being even a slight gesture of receptivity from within the Sri Lankan government, it is hard to move forward.

CHAIR—Whilst these are not exact parallels, around the world we have seen governments behaving in a way that was unacceptable to the broader international community, and they may not have wanted to have third party mediation, but they have had pressure brought to bear on them and third party intervention took place.

You could be talking about the Balkan situation in one context. You could even be talking about South Africa over the years. The Middle East has been a recent situation. Clearly, there is international concern about what is happening in Sri Lanka. The fact is that the government there and the LTTE show no indication of voluntarily saying, 'Come and help us,' and I would have thought there was a responsibility on the part not just of Australia but of other governments as well. I would have thought it would have been appropriate for the Commonwealth structures, in particular, to actually be more proactive in terms of trying to bring some pressure to bear. Is that an unreasonable suggestion to ask the government to take on board? You may wish to take that on notice.

Ms Bird—As Mr McConville made clear, we would be delighted if third party mediation were to be accepted and were to work. We can encourage but, at the end of the day, we are going to rely on the two parties being prepared to accept that. It is a question of continuing to prod and push—

CHAIR—Sorry to interrupt you but, if the international community had taken that situation in the Balkans, they would still be in a state of total war.

Mr McConville—I guess one then starts walking on the fine line of using coercion for forceful intervention, which then gets into the unfortunate circumstances of the Indian

government peacekeeping force.

CHAIR—I seem to recall that we have encouraged members of ASEAN to apply pressure in different ways on countries like Burma to improve their human rights. If we encourage other countries to pressure countries where we think they can have some influence, why don't we do the same thing?

Mr McConville—The point is taken and, certainly, in terms of working out a solution to the problems in Sri Lanka, it is widely acknowledged—and the Australian government said this very firmly—that there can be no military solution there. The only alternative is to work out some political solution, and one that incorporates third party mediation is one that we would strongly be in favour of.

The question then comes down to how we are going to get all sides to see the benefit or wisdom of that. Certainly, we would do nothing to discourage that. The minister certainly reinforces our support of that but with the proviso that it is accepted by both the LTTE and the Sri Lankan government. The LTTE is a problem in its own right because we have no formal communication channel through to the LTTE, so it is very hard to get its position on issues of negotiation.

CHAIR—There may not be a formal channel, but I do not think getting communication going would be impossible by any stretch of the imagination.

Mr McConville—That is true, although they do give out ambiguous signals in terms of whether they will be supportive of third party intervention.

CHAIR—I accept that. Given that, when my colleagues ask questions and pursue a point, there is a chairman to reign them in, perhaps I had better reign myself in. Dr Lee, do you want to update us on the aid situation in Sri Lanka? I am particularly interested in the access that you would be getting. As I understand it, access to the north has been a real problem for a lot of NGOs, for example.

Dr Lee—That is right. Sri Lanka poses a bit of an interesting challenge from the Australian aid program point of view, because the human resource development indicators which are closely linked to the level of adherence to human rights are very good in Sri Lanka compared with other developing countries. For example, the literacy rate is very high and there is very little gender difference in schooling and so on. Also, a human rights commission was established in 1996 and there are a lot of local human rights groups which are active. AusAID is providing assistance for some of these groups in Sri Lanka.

Yet, because of the civil conflicts which Ian McConville just described, there are some serious human rights problems where an Australian aid program can play a very important role. Australia so far has been providing assistance for more than 10 projects. These projects can be categorised into three broad areas. The first area is institutional

strengthening. We have provided assistance to the law and society trust and we also provide in a very small way some assistance to the Human Rights Commission.

The second area is child labour. The extent of the problem in Sri Lanka is much less than that in other countries in South Asia. Nonetheless, there is evidence that the number of children working in the labour force is increasing: the last figures I saw were from about 20,000 to 26,000 children. There are issues to be addressed. Australia has provided some assistance in obtaining birth certificates for teenaged street children who are denied access to schooling, jobs and passports because of the absence of birth certificates. We have also provided assistance to the education of urban children project, an awareness program on good governance and so on.

The third area has been assistance to women. There is a massive need for women's groups. So those have been the broad areas of Australian assistance. At the moment we are looking at providing assistance to the Jaffna redevelopment; we have identified a couple of very good projects which we will be assessing with a view to providing assistance.

CHAIR—Thank you very much indeed for that. We have a graphic illustration that the clock has beaten us. There were a number of other areas that we had planned to ask you about. I am not going to ask you to come back for round 3, because logistically I think it just gets too difficult. But we will write to you on a number of issues.

For example, we wanted to look at the security implications of the Asian financial crisis and the subject of refugees, perhaps as a result of that unrest, a bit more. We had some further questions in the ratification area and also on conditionality of aid and things of that sort. The secretary will write to you on a number of those issues and ask you to put your comments in writing. I thank you for coming to see us today.

I am sorry, Ellen Shipley, in that I think you were the only person who made the front desk but did not get a chance to speak. To all the others who came but did not even make the front desk: it is very much appreciated. To those who spoke: you will be sent a transcript of your evidence, to which you may make corrections of grammar and fact. Thank you, ladies and gentlemen.

Resolved (on motion by **Senator Reynolds**):

That this subcommittee authorises publication of the evidence given before it at public hearing this day.

Subcommittee adjourned at 12.28 p.m.