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JOINT STANDING COMMITTEE ON FOREIGN AFFAIRS,
DEFENCE AND TRADE

(United Nations Subcommittee)

**Reference: Australia's relations with the United Nations in the post Cold War
environment**

TUESDAY, 4 JULY 2000

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JOINT STANDING COMMITTEE ON FOREIGN AFFAIRS, DEFENCE AND TRADE

United Nations Subcommittee

Tuesday, 4 July 2000

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

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

Senators and members in attendance: Senators Bourne and Quirke and Mr Baird, Mrs Crosio, Mr Hollis, Mr Jull and Mr Price

Terms of reference for the inquiry:

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

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

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Subcommittee met at 9.21 a.m.

CHAIR—Good morning, ladies and gentlemen. I declare open this public hearing of the United Nations Subcommittee of the Joint Standing Committee on Foreign Affairs, Defence and Trade. This is our second hearing of the inquiry presently being conducted by the subcommittee into Australia's relationship with the United Nations and the prospects for reform of the UN in the post Cold War period. We have already held a public hearing in Canberra and have received several briefings, most notably from the Secretary-General of the United Nations, Mr Kofi Annan, and from Australia's permanent representative at the UN, Ms Penny Wensley.

Much criticism has been levelled at the United Nations in recent years. Conflicts within nation states have escalated, and consequently pressure has mounted on the United Nations for humanitarian intervention. The efforts of the UN have had a mixed success. Wars within states do not fit neatly within the charter of the United Nations or with the traditional views of non-intervention in international relations. The Secretary-General of the United Nations, Kofi Annan, has flagged a need for the UN to reconsider the definitions of national sovereignty and self-determination and the way in which organisations respond to crises. As its agenda increases, pressure has mounted on the United Nations to restructure and reform its operations in its inadequate funding arrangements.

The aim of our inquiry is to consider the role of the United Nations within changed circumstances of the post Cold War environment and the response of the Australian government to arguments for structural procedure and financial reform of the UN. Further hearings will be held in Sydney, Melbourne and Adelaide, and a final hearing will be held in Canberra at a later date. The committee hopes to contribute to the debate and make recommendations to the government early next year. We have come to Brisbane today to take evidence from those organisations and individuals with an interest in the United Nations. This afternoon we will be hearing five-minute statements from members of the public. If anyone wishes to participate, please speak to a member of the secretariat some time today. We look forward to hearing your opinions on the work of the UN and the prospects for its reforms.

[9.24 a.m.]

ADAIR, Ms Dallas, Research Assistant, Key Centre for Ethics, Law, Justice and Governance

LUMINA, Dr Cephas, Research Officer, Key Centre for Ethics, Law, Justice and Governance

PALMER, Ms Margaret, Research Fellow, Key Centre for Ethics, Law, Justice and Governance

PATAPAN, Dr Haig, Research Fellow, Key Centre for Ethics, Law, Justice and Governance

CHAIR—I would like to thank members of the key centre for appearing before us a little earlier than they were expecting to appear. Our first scheduled witness advised us at five minutes to nine that she was ill with the flu and was unable to attend, and you fitted in with our plans to appear earlier. Thank you for that.

I must advise you that the proceedings here today are legal proceedings of the parliament and warrant the same respect as proceedings of the respective houses of parliament. The subcommittee prefers that all evidence is given in public, but should you at any stage wish to give any evidence in private, you may ask to do so and the subcommittee will give consideration to your request. We have received the key centre's submission and it has been authorised for publication. Would you like to make any additions or corrections to that submission?

Dr Patapan—No.

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

Dr Patapan—I will start by apologising on behalf of the director, Professor Charles Sampford. Unfortunately, he is unable to be here; he is presently a Fulbright scholar at Harvard. What I would like to do, if it pleases the subcommittee, is to give a very broad overview of our submission and then turn to the people who have taken responsibility for certain parts of the submission to help you to ask questions or raise issues as you proceed.

As you are aware from our submission, the key centre is an ARC funded research centre based at Griffith University. It is a multidisciplinary centre; it deals in legal, ethical, public governance, and general issues regarding justice, criminal law, et cetera. It tries to use the strengths of multidisciplinary research. Two major projects that the key centre has concentrated on are the rule of law project, which you will see on pages 4 to 5 of the submission, and the globalisation project, on pages 5 to 6 of the submission. We believe our expertise in or concentration on these areas provides the background for the submission that we are making to you today.

I will now give you a very brief overview of the underlying ideas or core principles in our submission. I think it is quite clear that the UN can only be understood in the context of a post World War II institution. It is almost impossible to understand the human rights provisions, the Security Council measures and everything else, without realising the post-Nazi resolution that was made between communism and the liberal West, the problem of the Holocaust and so on. I need not labour that point too much. This fact, though, means that it may not be an institution for the 2000s or, if it is, it needs to accommodate itself to take account of profound changes that have taken place in the last 50 or 60 years.

The subcommittee is more than aware of these changes; I just want to mention the obvious ones. Firstly, the end of the Cold War has certainly completely transformed the political and legal landscape. Secondly, and obviously, I mention globalisation. I appreciate that this a very vague word which has lots of different meanings, but it is certainly clear that the challenges posed by increased technological advances, international trade and an international emphasis on environmental concerns and human rights have transformed the global community and the concerns it has.

Accordingly, we would suggest that the UN needs to be reformed to take into account a number of these major changes. If I can summarise the core principles that we need to address in terms of the reform, it would be in terms of democratic deficit and judicial deficit. These two themes, I suggest to you, run through our submission. By democratic deficit, we mean that the UN needs to be a more representative institution. We address some of these concerns and articulate them in the context of, for example, the veto power, the role of the Security Council and a number of other issues that you have no doubt seen in our submission.

The other fundamental core concept or idea that weaves its way through our submission is the judicial deficit or, if I can put it in different terms, the question of the rule of law. If every regime or every institution in free or democratic societies is based on the rule of law, why should the UN, as a mega-institution, not be subject to the same principles of the rule of law? Why should the Security Council not be subject to rule of law provisions via the International Court of Justice or criminal courts, and so on? Why should decisions made to intervene not be subject to some judicial scrutiny in the way the rule of law applies to executive governments right now? That is the other major theme that has guided our submissions. You will see in our submissions that we try to address the different ways that these two deficits can be explored and addressed.

Let me move on to the areas that we have covered and the relevant persons you can interrogate and ask questions of. In our submissions, you will see in the table of contents items 4 and 5, intervention and national sovereignty and the reform of the United Nations. Margaret Palmer will be happy to address any concerns you have with respect to those issues—pages 11 to 17, recommendations 1 to 6. Questions concerning transition following peacekeeping operations, pages 22 to 26, recommendation 7, will be addressed by Dallas Adair. Any concerns or questions you may have regarding our submissions on the International Criminal Court, which is item 7, pages 27 to 29, recommendations 8 to 10, I would ask you to direct to Cephas Lumina. Those are my general remarks.

CHAIR—Thank you very much, Dr Patapan. In your submission you have mentioned the question of sovereignty and the changing nature of sovereignty, as you have identified, with

globalisation. State sovereignty has been the cornerstone or the basis of international relations for so long. What, in your view, or in the view of any of your committee, do you see replacing state sovereignty, if it is going to be replaced?

Dr Patapan— I think there is an undue emphasis on the questionable status of state sovereignty. It is almost as though there was the golden era when we had complete sovereignty and suddenly something changed fundamentally and we now have no sovereignty. It is essential that we move away from those simplistic dichotomies. If you look at the philosophical rise of the concept of sovereignty and 16th and 17th century philosophers articulating what sovereignty is, and see the permeable nature of the concept, you will see that it was not as clear cut—there were treaties made, there were arrangements made which questioned sovereignty in the 16th and 17th century.

So to assume that suddenly we are going to have a world with no sovereigns is, I think, rather ambitious, to say the least. Having said that, you will note from our submissions that the concept of sovereignty is being challenged in a different way, perhaps. That is why people are now seeing sovereignty as a problem. There are different challenges and different pressures on what is a sovereign entity. Certainly there are environmental and human rights concerns and some of the points we have raised in our submissions point to these difficulties. We acknowledge these tensions, but we do not see that as the end of the sovereign state.

CHAIR—I agree with you on a philosophical line. I do not know whether you get copies of the evidence that has already been given to us. At our first hearing, Michael Potts, from the Department of Foreign Affairs and Trade, who has responsibility for international institutions, appeared before us. At that time Zimbabwe was in the news. Several of the committee members questioned him quite strongly on the role of intervention in a human rights situation. The view that he was taking was that until either law broke down completely and there was an absence of government or they were invited in, no-one could go in.

Indeed, we had exactly the same situation, if you recall, in Timor. A lot of people were calling for the Australian government to intervene. In effect, the foreign minister or the Minister for Defence had said many times that that would be a declaration of war on Indonesia. It only occurred after the Indonesian government invited, through the UN, the force to go in there. Anyone can pick out isolated cases to support their view. I suggest that those two cases were very clear examples of where sovereignty, although it might be breaking down—and some say that without economic sovereignty, you have got no sovereignty at all—is still quite strong.

Ms Palmer—I think that is one reason why we are proposing changes to the UN charter which would enable the Security Council, for example, to authorise intervention within a state where you have got abuses of human rights. It is exactly as you have said: for the Security Council to be able to intervene, there must be a war between two states, more or less. But it is these internal wars that are the problem. Yes, sovereignty is alive and kicking. Of course, that will be used as an excuse by any state which has an internal civil war going on to resist intervention. I think that your comments underlie our submission.

Ms Adair—It is a problem, isn't it? How many people have to die? How horrible, how horrific, does it have to be before you actually go in? I do not think we would want to set any benchmarks on that. Obviously, it is something that needs a bit more debate.

Mr JULL—I wanted to pick up on something that the chairman raised. The thing that I think is interesting is that economic globalisation is going so quickly that, in terms of the development of any form of sovereignty or the development of any form of democracy, the thing is almost out of control now, isn't it? If you look at something like e-commerce, one of the interests I have got is government revenues in the electronic age. The pressures that are going to be on Australia are great enough, let alone on some of these hotspots. Could you comment on that? Has the thing left us behind already or can you drag it back?

Ms Palmer—I raised this issue with senior defence personnel when we had a peacekeeping workshop recently. I cannot quote who they are, obviously, because it is a private matter. You are right: commercial globalisation does weaken and make more permeable state barriers. The downside to that is that there is then a retreat into tribalism. You therefore do get people retreating into their ethnic identities and seeking to develop mini-states and to close the barriers around themselves in response to this globalisation trend. So there is that pull in one direction, but the equal and opposite reaction seems to be the pull in the other direction—the breakdown of states into smaller, ethnic minorities. That is a very general statement to make, but there are those two trends.

Mrs CROSIO—In your opening statement, Dr Patapan, you talked about globalisation and the UN being more representative. Could you elaborate a little further on that? I know it is covered to a certain extent in your submission. How much more representative do you think it should be?

Dr Patapan—Perhaps Dallas or Margaret would like to respond.

Ms Adair—I am sure you are aware of this; I do not want to go over old ground. There are movements to establish not just a general assembly but a people's assembly, which is obviously worth considering. The representation from NGOs is a step towards establishing greater representation. But I think our main concern would relate to the Security Council. Cephias or Haig might have something to say on that.

Dr Patapan—Before Cephias addresses that, we were concerned in our submission not to ask for the impossible, or to recommend the impossible. So we have gone out of our way to make incremental—

Mrs CROSIO—But your submission provides information for the curious on how you take it to the next step. You can read it and then come back again.

Ms Palmer—I think we were concerned to put forward some suggestions which are reasonable in terms of possible policies for Australia. We do not want to put things up there that are just so idealistic that they are absolutely impossible, but things that could justifiably be recommended by Australia or developments which could be supported by Australia. We were quite concerned to do that. We do not want to be too idealistic and ivory towerish.

Mrs CROSIO—I have not come back to your questions here, but again covering your opening remarks and looking at the rule of law—and I know it is covered very intensively in your submission—if you were to have a choice, what changes do you think need to be done now? I know it is a long, transitional process if you are going to look at changing some of the

structure, but if you were to take the first steps now, with someone saying, 'Well, we're going to allow you to go ahead and, under the rule of law, the United Nations are going to have to be covered by it,' what should they do immediately?

Dr Patapan—Our recommendations cover that. For example—

Mrs CROSIO—I will come back to that.

Dr Patapan—Yes, but if you peruse our recommendations you will see that, for example, recommendation 1 talks about the International Court of Justice, that is the rule of law concept; recommendation 2, again a rule of law; recommendation 5 talks about—

Mrs CROSIO—Australia taking a stronger stand—yes, I know.

Dr Patapan—a judicial body. Then there are recommendations 8, 9 and 10, of course, and so on.

Mrs CROSIO—So, basically, what you are proposing in your submission is a long process—it could not happen overnight. I was thinking that if we were to put recommendations in our report saying, 'Well, look, the UN should now be meeting obligations A, B and C if they are going to change for the future'—but there is nothing immediate. You think it is a long process—

Dr Patapan—We think those things can be implemented immediately if people are persuaded to take on, for example, a new peacekeeping structure, a transition structure. That can be done immediately if a regional body were established. Support of judicial institutions can be done immediately. But you are aware, of course, that a country may not get consent for what that one country may wish to do immediately. Right now whaling and stuff is an obvious instance of that, isn't it? We make our recommendations in the light of the consensus building type or aspect of the rule of law in international law, that it is based upon common opinion by many nations and the decision by one is not crucial or decisive. You need an incremental and cumulative assessment of what the law is.

Mr PRICE—How can we have an International Court of Justice when some countries—for example, Indonesia—are just getting administrative law in place, getting land holdings registered and all those sorts of things; they are working on it. Having a rule of law presupposes that you have an extensive body of law within which to operate. Not all countries have that.

Ms Palmer—That is capacity building and that is where Australia has the intellectual clout to do something. We are only a medium sized power so we do not have the clout of, say, the G8 or whatever it is. But we have a major intellectual contribution to make, and we do help with the rule of law in Pacific countries in designing systems of law and that sort of thing. That is very important.

Getting back to your issue about what we can do immediately, there are reports on Srebrenica and Rwanda, for example, which suggest that we have got to do something about civil wars with massive human rights abuses. Our recommendation which proposes that the UN charter be changed so that it does authorise intervention where there are gross abuses of human rights is

one that should be got off the ground. We would propose that Australia recommend that in the millennium assembly of the UN. This can be put in train right now and also the veto power of the Security Council; that has to be changed. It will not be done immediately because of political interests, but that has to be changed so that one permanent member cannot veto intervention in a case like Rwanda.

Our suggestion here is that you will never get the political clout to do this unless countries such as the US, France or whoever it is is convinced that it is within their economic interests to do so. Nothing else is going to make the difference. The dollar is always going to be the bottom line. But any economic analysis will show that intervention early on is going to save billions of dollars. If you look at the reconstruction costs in Kosovo and East Timor, if something had been done earlier the international community would not now be spending billions of dollars. So we have got to look at early intervention, and the charter has to be changed to authorise this.

Mr BAIRD—You talk about the rule of international law applying. Could you point to examples where you believe that has not applied in terms of UN action? And, if we can make those changes, where do you feel they have acted and there is a gross violation of the rule of law?

Ms Palmer—The fate of Kosovo is a classic, isn't it? Srebrenica. You can look at some of the really basic UN documents, like the Charter of Human Rights. All UN members subscribe to the charter, which is all to do with peace and human rights. If you look at the 1948 Declaration of Human Rights, the International Covenant on Civil and Political Rights and all of those things, they are very basic documents, and they have become part of customary international law. You no longer have to rely on a treaty; that is just customary international law. So violations of that in Kosovo and Rwanda and places like that are very evident breaches of international law, of those declarations and things like that. Our argument would be, sure, you could justify intervention by a curly path through existing international law but it would be so better to change the charter to make intervention overtly possible. That would be our basic submission.

Mr BAIRD—On the one hand you want the rule of law to apply, but on the other hand—in terms of recommendation No. 1—how much time have you got to allow for military intervention where gross abuses of human rights occur? There is a paradox there. I could imagine the route of rule of law as being a fairly tortuous route. The example that I am sure is familiar to all of us is that when the situation in East Timor erupted after the election all of our electorate offices, and certainly mine, were besieged by people phoning up and saying, 'Do something now.' In the short time I have been a federal member, I have never experienced calls that are anything like it. There was an expectation that we should move and not worry too much about the fine details. So there is considerable pressure there.

Ms Palmer—One of our other recommendations has to do with an early warning system. I do not know whether you have had a chance to look at it, but the UN did a very detailed report into the actions of the United Nations during the genocide in Rwanda. One of the recommendations, which we support, was that the early warning capacity of the United Nations needs to be improved through better cooperation with outside actors. Timor really should not have been a surprise; people should not have fallen about with naive horror at what happened after the elections. If they had had that early warning mechanism the information would have

been there and the Security Council—if we did change the charter, or even if we did not—should have been able to authorise some sort of intervention. That is a key recommendation.

Mr BAIRD—Can I stop you there. It is all right to say that with the benefit of hindsight. I think we would all agree in terms of our current position, but who was standing up on an international basis and saying, ‘Get in there now and take control of the situation, because there is going to be a disaster after it’? In retrospect we can say, ‘Yes, that is absolutely right,’ but it is not always clear before the event that that it is going to be the situation.

Dr Patapan—We do not want to suggest that these are easy situations at all; they are obviously profoundly political and are located where law and politics intersect. You are absolutely correct to that extent. But unless you acknowledge some basis for the rule of law, you will leave absolutely no room for principled action, and that is potentially quite dangerous.

Mr BAIRD—I think probably the trade-off is in terms of speed of action, so that you do have the rule in law that this—

Dr Patapan—It is quite possible that the International Court of Justice could be asked to give urgent opinions, the way judges in domestic jurisdictions can give urgent injunctions on cases or hear matters very urgently. There is no reason things cannot be fast-tracked for urgent situations. So there is room there.

Mr BAIRD—If you had the court considering Timor, it could be months before—

Dr Patapan—It is quite possible to say, ‘We need a decision in the next day or so,’ and they could meet urgently, just as the Security Council does.

Mr BAIRD—There is that difficulty at its core.

Ms Palmer—Yes, you are right. That is going to be the problem. Again, you are looking at the use of preventive diplomacy as much as anything else. There is a role for preventive diplomacy rather than sending troops in. At some stage, the dispute is going to bubble over and become not amenable to preventive diplomacy, and that early warning mechanism should be there to kick in at that stage. But you are right: it is never going to be neat and easy.

Mr PRICE—Can I follow up Mr Baird’s examples. Vicki, without trying to put words in her mouth, would argue that the human rights abuses in Tibet are so great as to want to move for intervention. Do we really believe that, given China’s standing, some international court saying they should cease and desist in Tibet is going to have any effect on the situation there at all? The same is the case in Myanmar.

Ms Palmer—Yes, you are right. I think there is quite a lot of moral force behind a judgment of the ICJ. I think we have to come from the starting point that there are not any perfect solutions, but international opprobrium can be quite a powerful tool. We do not have perfect answers.

Mr BAIRD—In terms of the question of globalisation and that mix, I was part of a delegation a couple of weeks ago to the European Commission. They are very much involved in

WTO discussions and so on—the trade-off between human rights questions, ILO issues and at the same time wanting to encourage the economic growth of Third World countries, and there is the tension regarding those parameters. In terms of globalisation and addressing those issues, on what side do you come out? My problem with all of this is, firstly, the greyness that occurs in terms of bringing the law in. Secondly, if you take the line of strict human rights questions and ILO conventions, you may not have the investment levels that you are gathering in Third World countries which can assist their economic development and which, over time, assist in the overall infrastructure and in questions of law, et cetera. What is your stand in terms of the question of globalisation on these issues and the role that the UN should play? Should they take a strict human rights approach on all of these issues at the expense of economic growth?

Ms Palmer—It is an incremental thing, isn't it? Those kinds of things are abuses of human rights. In the end, if one group is so dispossessed, then you run the risk of some kind of separatism. I do not know that the key centre has developed a position on that. Our submission was based mainly on peacekeeping issues where there was more of a military flavour. One thing that we were interested in was the development of regional organisations to cope with regional areas. For example, the Europeans are probably more interested in Africa than we are, although we contribute to African aid programs. We really should have the main role in the South Pacific, and perhaps in South-East Asia we should be the key player there. If you have got your eye on the ball, then you can intervene, again, at an early stage, with targeted aid programs to try to assist those players, so that you do not find the oppressive economic regimes or whatever. There are not any simple answers, basically. Well-targeted aid programs from regional countries are probably the best bet, I would say. I do not really think that there are cut and dried, black and white answers.

Ms Adair—I think the issue of development of regional arrangements is probably important and probably is the best way that we are going to achieve any sort of international justice. If you look at the length of time it has taken, for example, to develop the ICC, you get some idea of the problems confronted, whereas in chapter 8 of the UN charter the development of regional arrangements is clearly encouraged.

The part in here on the transition period looks at the role of the OSCE and whether we have a similar arrangement in the Asia-Pacific region—which we really do not as yet, although CSCAP is developing in that way. OSCE was developed primarily to address some of the problems in the former Soviet states—the rebuilding, the establishment of democracy, the encouragement of economic strength. If Australia is going to work in this area, perhaps our efforts would be rewarded if we put them into the development of CSCAP or a similar organisation to the OSCE—a regional organisation with a range of functions.

Mr BAIRD—I would like to encourage your centre to look at this dilemma facing WTO because that is really going to be a challenge over the next few years.

Dr Patapan—If we pose globalisation as a problem then there is a danger of missing out on its complexity. To the extent that globalisation threatens sovereignty, as the chair outlined, it also in a curious way supports regionalism and strengthens many communal aspects of citizenship. It is not the scary word it is made out to be. It is a much more complex phenomenon which yields many different answers depending on how you articulate the problem and what you seek to address.

Senator BOURNE—I want to go to the issue Ms Adair was talking about: the transitional phase and recommendation 7. You have some very interesting suggestions as to who could be involved from Australia's side in such a thing. It is something which is worth while for us—not just here but as we go around—to look into. It is interesting to note that the Indonesian elections were virtually organised by a regional group, which involved an Australian, Mr Maley, and they seemed to work very well for the country itself. Perhaps we could look at that as one way to coordinate ourselves.

Secondly, what do you think of the way the transition is working at the moment in East Timor, which is obviously the one we know most about? It seemed to get off to a very slow start. What do you think of the way they have put in a rule of law? Have they gone about that the right way? How do you think that is going at the moment?

Ms Adair—Some interesting research has been done on this and there seems to be two schools of thought. One is that you simply go in with a justice system, a rule of law, and you plonk it in place and everything will automatically work. This is a bit of a residual approach from the post-colonial period. Primarily Anglo-American legal advisers go in and they install a system and it works. The World Bank, on the other hand, has a slightly different approach which says, 'Fine, you need a rule of law and a justice system, but you also need to somehow keep the people occupied, otherwise you are going to have division between the haves and the have-nots and you are going to get consolidation of power with those within the justice system—the in-crowd as it were. The rest of the people have nothing to do and resent them.' So there are two camps on this.

I personally tend to agree with the World Bank, that is, that you need an overall approach. With regard to Timor, I am not entirely sure that quite enough has been put into that aspect of it. What do you actually get the people doing? I realise that in Timor, of course, there has been a great gap in education and training and that is probably something that needs to be addressed as soon as possible. Whether that is being done quickly enough, I would not want to say because I am sure everyone is doing their best. That probably is one of the major problems.

Senator BOURNE—Have you looked at the way rule of law is working at the moment in Timor—the way they have changed over? It was put in by the UN but based on the Indonesian system. Do you think that is working well, or likely to keep working as well as it is?

Ms Adair—There are people out there who ask, 'Whose version of rule of law are we going to adopt?' Without being specific about the problems, it probably could work better and it probably would have worked better had there been a development beforehand through an organisation like CSCAP or an Asia-Pacific version of the OSCE. The OSCE, for example, has very strong mentoring programs where they send in advisers. There is a clear line drawn that they are not writing the policy for that country, but they are there in a mentoring capacity. They have training systems for the judiciary, forensic people and the whole plethora of roles that become attached to a judicial system.

So there are lessons to be learnt from Timor but I think we really need to move on and establish an organisation and establish Australia's role in developing the kinds of measures that the OSCE has already done. I keep banging on about the OSCE, but I think that really it is probably about the best model that we have so far in terms of what it has been able to do in

Kosovo and what it has done in those nations of the former Soviet states where there was ample opportunity for them to fall into chaos and they have not. There are a lot of things that we can learn from there about transitions from one system to another and avoidance of civil strife.

Senator BOURNE—You might have a bit of a problem around this region because so many players in this region are a bit worried about internal civil strife anyway and they do not want something to be seen to be looking at them and at the possibility of them falling apart, because, of course, supposedly it could never happen. So I guess there is a bit of a problem there but it is a really interesting one to look at.

Ms Adair—I think it comes back to the point that Margaret was making—the pre-emptive approach, confidence building measures and preventive diplomacy. Really, you cannot go too far in developing this, can you?

Senator BOURNE—That is right. Thank you.

Mr PRICE—I was just trying to think about your proposals. What impact would your proposals have on, say, a country like Singapore, which most would say has the economic accelerators on, is highly developed, has significant per capita income and has a one-party state with a token opposition person or two? Hardly a democracy, as we would understand it.

Ms Adair—You get into a whole new area of argument—don't you—with people like Mahathir saying, 'Look, our system works perfectly well. Butt out.' I am not sure I really want to buy into that at this particular point.

CHAIR—It is the Asian approach to human rights.

Dr Patapan—But we have to compare like with like. When Australian tourists go to Singapore, they seem to have a very pleasant time and come back with all the things, but it is not exactly Rwanda, Timor or so on. So perhaps in the long term we may look forward to regimes that have liberal, democratic principles, the rule of law, freedoms and so on. But, in the short term, the concerns of the UN would have to be these really dangerous positions and situations.

Mr PRICE—In terms of reforming the UN, there is a suggestion that the real economic powerhouses should really have a seat on the Security Council—Japan and Germany. How can the UN claim to be a world body when its Security Council does not have a permanent member from Africa, for example? You are talking about having some regional organisations working on a specifically targeted area, and I have no problem with that. But do we need to develop regional UNs? That is, you are not going to replace the UN but in your region you have a body that is picking up all the issues, the needs and aspirations of those people domiciled in that region.

Ms Adair—Yes, the relationship between the regional organisations and the United Nations would need to be worked out, but I would just come back to the point that we have already made: the Security Council is not particularly democratic in the way it works.

Mr PRICE—It is not.

Ms Adair—It is not at all. There is some interesting work being done by a fellow called David Welch, who looks at injustice in the genesis of war and the genesis of conflict. He goes right to the very source of conflict—why do people go to war with each other? Why is there internal conflict? His research showed that at the heart of almost every conflict is the sense of injustice. Sometimes it is over territory, sometimes it is over material things, but almost inevitably it is about injustice: somebody has done something to somebody else that they should not have done. So, if you are going to put that injustice right, it has to be put right by an organisation which itself is just. Otherwise that organisation has no authority; it has no legitimacy. Unless you change the United Nations so that it carries unquestionable legitimacy, it is fair and it does represent people—and I know that is a big ask—then its legitimacy will always be questionable.

Mr PRICE—So it is only the UN that can fix the injustice of a stolen generation?

Ms Adair—Well, that is a question, isn't it?

Mr PRICE—It was mine actually.

Ms Adair—This is the thing, of course: if we allow easier intervention, are we prepared for someone to intervene and save the Aborigines? It is a tricky question, isn't it?

Dr Patapan—I think all those concerns should be addressed where they arise. The problem should be addressed in the local community first, however the local community is defined—whether it is the city or the state or the sovereign entity. The core principle of the UN has been that problems should be solved where they arise. It is only when they cannot be addressed in that context that other institutions need to intervene. I think this is what we have seen as the problem. Following Dallas's observation, if justice is not addressed where the injustice takes place, where can it be addressed? So it has to be done where it is.

Mr PRICE—We do not want to redesign the world based on East Timor, but doesn't it show an institutional deficit that no regional body was available or did, in fact, reflect on the difficulties surrounding East Timor? Secondly, in terms of the coalition, again there was no body that facilitated the aggregation of the coalition and sending it off.

Ms Adair—This has been observed, I think, by the *Asian Wall Street Journal*. One of the regional papers had a quite strong article about this, saying what an indictment it was actually of ASEAN and of the ASEAN Regional Forum that there was not the capacity there. I think they realised with Timor that, yes, there certainly needs to be some work in that area so that there is a coalition.

Mr PRICE—Is ASEAN ever going to be able to contemplate it or do you actually need new arrangements that will allow you to do so?

Ms Adair—In fact, I came across a quote on ASEAN by one of the UN personnel saying that ASEAN actually has no formal arrangement with the UN, which I found quite astonishing and I do need to follow that up. The ASEAN mandate is really not to develop this sort of issue anyway.

Mr BAIRD—It is more an economic one.

Ms Adair—Yes, that is right. The ARF might be, but I think that the CSCAP probably has the makings of a more appropriate organisation because its focus is security and confidence building measures. That is its prime focus, whereas the ASEAN Regional Forum has a lot of other issues on its agenda. Sure it is interested in regional security, but it is not its primary interest.

Mr JULL—Quite often Queensland members of parliament receive letters and phone calls from constituents the basis of which is that the UN is really world government. In your submission you start talking about how the UN defines itself and its limits. I wonder if you could expand a bit on that. Is there any need to have any safety checks on the UN? How would you do it?

Ms Palmer—You mean to prevent intervention inappropriately?

Mr JULL—Yes.

Ms Palmer—It is always going to be a question of dollars—I keep coming back to dollars. The UN is not going to intervene in Australian human rights issues. In actual practice, that is not going to happen. We are not going to see a contingent of UN peacekeepers come barrelling in here, because they have too many other priorities. With respect, I would say that those questions are highly theoretical, with not a lot of practical application, because there are just so many trouble spots in the world. There are an increasing number of trouble spots where bloodbaths are occurring daily. We are way down on the list—if we are even on the list. I suppose if you have to look at the practicalities, the costs of mounting a UN peacekeeping force are huge. The UN has had enough trouble mounting peacekeeping forces or peace enforcing contingents in trouble spots which really need them. So in actual practice it is not going to be a problem.

Ms Adair—I think perhaps your question was more about who watches the UN. Is that the case?

Mr JULL—Yes.

Ms Adair—That is a question which I think perhaps could be addressed if there is going to be reform of the UN. Is it essentially a political body or is it a diplomatic body? What actually is its mandate and should we have a separation of powers at a global level in the same way that we do at a domestic level? I think our suggestion—that is, that greater strength be given to the International Court of Justice or some kind of judicial system—would provide checks and balances of some form. But whether you eventually end up with this kind of tripartite system where you have an executive, some kind of parliament and a judiciary, I do not know. That might be one way of doing it—in which case you probably would end up with a world government—but how else do you manage global affairs?

Dr Patapan—But who watches parliament? Who watches parliamentarians except parliamentarians themselves? At the extreme the rule of law will limit actions, but ultimately it is the judgment, discretion and ethos of parliamentarians that does that.

CHAIR—It is a little bit deeper than that. Turning to Mr Jull's question, you say: who watches parliament? In the final analysis, that purpose is served by the law of the land, the Constitution, and parliamentarians individually can be held accountable for their actions.

Dr Patapan—That is true, but parliamentarians make the law.

CHAIR—Yes, but the law can be enforced against them—you have a sanction there. That is what I find to be the weakness of international law and even the International Court of Justice. The ICC would have more teeth. The real problem with international organisations like the UN and international laws is that they are all based on a myth. It is like domestic law. If the whole community decided to engage in civil disobedience and not obey the law, there would be problems. For example, we drive on one side of the road because most people agree that, if half of the population decided not to or if everyone engaged in civil disobedience, it would create problems. But in domestic law you have a policeman. In international law—and I think this is one of the weaknesses, but I am not advocating an international policeman—there is no international policeman. Someone said earlier that there is international pressure on states. That is true but, in the final analysis, places like Burma and other places like that can thumb their nose at international opinion—no-one can go in there and no-one can do anything. In many respects, Indonesia thumbed their nose at international opinion over Timor until forces were invited in.

Ms Adair—That is one of the prime definitions of 'sovereignty', is it not? Sovereignty is all about authority, control and legitimacy. Perhaps we should look at establishing a sovereignty of the UN. I don't know.

Dr Patapan—There is perhaps a stronger case for laws that do not have so-called 'teeth'. You are all parliamentarians and you all engage in politics in a regime that believes in responsible government and are well aware of the notion of ministerial responsibility. That is not written anywhere. There is no law with teeth that says that a minister who misleads parliament should step down or anything, but we see this over and over again. People are put under sufficient moral pressure in parliament to step down. I think this demonstrates the inherent strength of ideas of justice, fairness and so on. I agree that in extreme cases this may be impossible—you may need wealth or guns and tanks or financial interest to instigate these things—but if you look at the history of the UN and the development of international law, you will see an evolving and unfolding notion of moral responsibility. Burma gets into trouble because the international community thinks it is a pariah. That is a serious burden on Burma. They try to buy it off and do all sorts of things, but it is a burden. Look at Austria. Where is Haider now? He is not on the scene. Why? No-one wanted to deal with him. There are no laws with teeth that say you should not deal with him, but he was ousted. Look at Indonesia. I completely accept what you are saying, but I just want to make a provisional defence for the other side.

CHAIR—I think someone wanted to give us a bit of a run-down on reform of the Security Council. Is that right?

Dr Patapan—No.

Mr BAIRD—I am interested in the question of regional bodies. Two weeks ago on my visit to the European Commission, I was impressed by the European Court of Human Rights, the European Court of Justice and the Council of Europe, et cetera, all of these bodies which sit over each of the European states to which appeals can be made and monitoring what those countries are doing. We have none of that except the UN. Should we therefore be working to establish the greatest strength of our regional bodies or should our focus be on strengthening our relationship with the UN because of that? Obviously, there are issues that people feel frustrated with internally.

Ms Adair—I am not sure it would be an either/or situation. I see no reason why we could not do both. I am sure that my colleague Cephias Lumina could speak to this. One of the big problems with trying to get something like the ICC going is the amount of resistance that there is from non-Western nations. It is neo-colonialism. It is the imposition of Western systems on non-Western nations.

CHAIR—There is quite a degree of resistance from the Western nations, too. I have not seen the United States racing to sign.

Ms Adair—No, I agree. Resistance from the United States is perhaps more for economic or other reasons. If you look at the resistance from non-Western nations—perhaps Cephias, you could say a bit more about this.

Dr Lumina—What I think lies at the core of the problems with the ICC is the difficulty in reaching agreement over what underlies the rules or procedural elements of the crimes. You have different legal systems. You have sharia law in different countries and customary laws in different parts of the world. Obviously, every country tends to think that their own criminal legal system is the best there is. They do not seem to agree with Western legal principles. They see it as some kind of re-imposition of colonialism, especially on the part of states which have just emerged from a colonial past. I do not really know how that can be overcome at present, except, perhaps, if countries like the USA and Israel and other similar Western countries that have tended to resist the creation of the International Criminal Court could be seen to be more accepting of the court, that might spark the other countries to also accept the court. They see it as a double standard on the part of the Americans. The Americans tend to think that theirs is the best legal system in the world. They do not want to be subject to what most other countries have agreed to. The smaller countries also do not see why they should agree to that sort of arrangement when the so-called champion of democracy in the world will not accept what the majority has decided.

Mr JULL—Could I just make one point. You have alluded to it and Margaret Palmer has been on it all day so far, and I think she is dead right. At the end it is all dollars. In reality, if you are going to look at any major reform of the United Nations, surely the first people you have got to get on side are the United States. Without the cooperation of the United States, so much of this may all be lost. Do you agree with that?

Ms Palmer—That is right, absolutely, and so their concerns about the UN need to be addressed. I must say I am not across all of their concerns about the United Nations, but it is about dollars and, yes, those concerns have to be addressed.

Dr Lumina—But I think, with regard to the United States, their response basically is conditioned largely by domestic factors and who controls Congress. So at the moment, if I may be permitted to say so, we have right-wingers that have considerable clout in Congress, and these are the ones that tend to think that the US can basically do without the United Nations. If there was a change domestically, I think there might be a movement towards more acceptance of the UN.

CHAIR—There has been some comment recently in the last few months and some discussion about whether Australia is downgrading its role within the United Nations system. Indeed, it has been announced that the department is having an internal review. Have you got any comment? Do you think that Australia is appearing to downgrade, or is downgrading, its role within the United Nations system?

Dr Patapan—I am not sure the key centre has anything to say about that.

Ms Adair—I would just say that the very off-the-record comments that I have heard with regard to this are that Australia is once again following the lead of the United States. But it is something that I have not gone into in any detail. The review of the treaties is an ongoing thing, so I am not sure that that could be interpreted as a re-evaluation. In what way are we supposed to be downgrading the relationship?

CHAIR—I take it you read the newspapers, and there has been quite a lot of comment in the newspaper on human rights aspects in Australia.

Mr PRICE—And immigration.

CHAIR—Yes, a lot in regard to immigration, comments on the stolen generation and that. It has been suggested that Australia may review its role. In fact, someone was so unkind as to put Australia in the same position as a couple of the pariah states, and that caused a fairly strong reaction.

Mr PRICE—I think the other thing is that the purpose of the IDC is to see whether or not it is appropriate to opt out of some of the international agreements and covenants.

Ms Palmer—I have not seen any information about that.

Mr PRICE—If such a review is taking place, shouldn't it be more public? That is, rather than just an internal secretive process, should there be a degree of public consultation, with people like yourselves able to make input into such a process?

Dr Patapan—I am not aware of what is going on. I think it is very difficult for us to comment on that.

Mr PRICE—It is really hard for the opposition too, with IDCs.

CHAIR—Are you consulted by government on issues to do with international relations or human rights?

Ms Adair—At the state government level we have links, but not at the federal government level. It is a fairly new centre; it has actually only been going for about 18 months.

Mr JULL—Just out of left field: have you done any assessment on where you think Australia fits in the scheme of things in the United Nations, or any assessment on the standing that Australia may have or, in fact, the influence that Australia may have in the United Nations? That might be a bit unfair. I had three months as a parliamentary observer to the General Assembly a few years ago—

Mr PRICE—He has been downgraded!

Mr JULL—It was really quite interesting trying to work out where Australia fitted into that, and I have got my own conclusions of where we fit in.

Dr Patapan—Perhaps this may agree—I hope it does—with your opinion. It strikes me that, given its geographic position, its population and its wealth, Australia has unbelievable power at the UN—perhaps because of the history of the Australian involvement with the UN. Doc Evatt contributed to the initial UN proposals and so on, and Australia has contributed to a number of UN treaties throughout and facilitated the implementation of treaties. So a lot of nations see Australia as a reasonable and thoughtful party that will contribute to the development of international law and, accordingly, Australia plays a very important part in the UN. Would that be consonant with—

Mr JULL—We would be seen as honest brokers with no axe to grind—no real power, but enough to give us a bit of clout.

Dr Patapan—That is right. It comes back to what I said: often the moral position is sufficient power. Coming back to the argument we had before, the fact that you do not have an enormous amount of wealth may not preclude you from exercising significant power if you have clean hands.

Mr JULL—Therefore, in the scheme of things, on any reform program Australia has to be out there with it.

Dr Patapan—That is right; there is no doubt about that.

Ms Palmer—We have an intellectual contribution which is disproportionate to our size.

Dr Patapan—Exactly.

CHAIR—I take it that is why we missed out on a position on the Security Council.

Mr PRICE—It is all numbers Colin; it is all numbers.

Ms Palmer—Politics.

CHAIR—Any further questions?

Mr BAIRD—I would like to compliment the centre on the work it does.

CHAIR—We have no further questions. Are there any last comments you want to make?

Dr Patapan—The Key Centre thanks the committee for the time you have given us and for the very thoughtful questions. We have appreciated the attention.

CHAIR—Thank you. I compliment you on your wide-ranging and good submission. We found it very interesting.

Proceedings suspended from 10.26 a.m. to 10.33 a.m.

POWER, Mr John Patrick, Chairman, Foreign Affairs Committee, National Party of Australia (Queensland)

WREN, Mr Ian Douglas Kay, Chairman, Coordinating Committee on Foreign Affairs, Trade and Defence, National Party of Australia (Queensland)

CHAIR—As I said in our opening statement, this afternoon we intend to have what we call a community forum, and we invite members of the public to make a five-minute statement to the committee. We would ask that, if anyone in the audience wishes to do so, they let one of the secretariat staff know.

I welcome representatives of the National Party of Queensland. Thank you for appearing before the committee. The subcommittee prefers that all evidence be given in public but should you at any stage wish to give evidence in private you may ask to do so and the subcommittee will give consideration to your request. We have received your submission and it has been authorised for publication. Would you like to make any additions or corrections to that particular submission?

Mr Wren—Not corrections; I acknowledge there are some typographical errors but they do not change the content.

CHAIR—Thank you for that. I invite you to make a short opening statement before the committee proceeds to questions.

Mr Wren—The reason for our submission is that we do support Australia's involvement in the United Nations. We do have reservations about what has happened in the history of the United Nations but we believe that what Australia set out to do with many other nations following World War II was a step that had to be taken. We do have some queries on the proposition that the Cold War has finished. Our view is that, rather, it has taken another form and that, instead of having one leader, we now have a number of people who are able to hold the world to ransom and there is no reason why a state of cold war could not develop regionally or totally again. If you just pause for a moment and recall Russia's involvement in Korea pre the Korean War, during the Korean War and after the Korean War, you have to ask yourself, why is the new President of Russia so keen to re-establish relationships with North Korea just at a stage when it looked as though peace was going to be brought to those two nations?

We support many of the propositions put forward by the previous group that appeared before you. We would have some disagreement on the question of timing and the question of practicality. Perhaps it would be an advantage to indicate that I have been involved in research and academic studies for the period of the United Nations' life: first in the services and, secondly, through my involvement with universities and colleges of advanced education. John has a long history of studying the same propositions. He was a senior signalman, which indicated that he was able to view most of the security traffic that was coming through to get a good understanding. Both of us have been fortunate that we have had many opportunities to visit many countries of the world to observe what is going on and, in my case, to make contact with the leaders of various nations and, from that, to form fairly definite opinions. I must add,

though, that not everyone in the National Party always agrees with what I have to say. But, by and large, over a number of years the documents that we have submitted have formed the basis of the policies that have been taken into the coalition. Having said that, I would be happy to try to answer the perceptive questions.

CHAIR—Thank you very much. Mr Power, did you want to add anything?

Mr Power—No, thank you.

CHAIR—We will go to committee members' questions.

Mr JULL—Mr Wren, I did not often agree with the things that Mr Keating said in his days as Prime Minister but one of the things he did say was that if you did not have the United Nations, you would probably have to reinvent it. I think that in many respects that is the basis of your submission. In particular, you are focussing on regional groupings and how they might work under a UN charter. What would be the regional grouping that you would see for our part of the world? Apart from New Zealand, which countries do you think would fit in philosophically or morally as part of that grouping?

Mr Wren—I think the smaller Pacific nations certainly have links with Australia. Papua New Guinea has a traditional link with us; the Solomons also. The French possessions would need to be considered. Indonesia undoubtedly is the cornerstone. Although certain unpleasantness has gone on, the simple fact remains that they do regard us as protecting them from the south. They do have a high and lasting regard for what Australia has tried to do over the years. This does bring us into conflict sometimes with our friends in Malaysia, whose Prime Minister can be quite as colourful as Mr Keating was. Nevertheless, he is supported by the majority in his country.

How much further north you go, or how much further east you go, is a question that is open to debate. You would have to include Thailand. I think to consider Burma at present would be disastrous. I think the Philippines have had good relations with Australia—again, they are part of it. We then need to look at our trading relationships, but I think they are well enough catered for in our relationship, say, with Japan, so that we would be more concerned about defence, security and aid, humanitarian rights questions, on the regional structure.

Mr JULL—Once again, in that respect, it does come back to money, doesn't it?

Mr Wren—Yes.

Mr JULL—The trading relationship in terms of these regional conglomerates is really the all-important thing. What you are talking about is almost a blueprint for another ASEAN, isn't it?

Mr Wren—Yes.

Mr JULL—Why would something like this now succeed when we saw ASEAN virtually collapse?

Mr Wren—I think what happened in Indonesia, and what is still happening, is sounding alarm bells to all of the countries, but what is driving further need for consideration is what has happened in Fiji in the last few days. I relate that back to the sort of Cold War syndrome, where Speight has been able to hold a Pacific nation to ransom. If you look at the battle going on in Indonesia for the hearts and minds of the population, you are seeing a wounded pride. Australia thumbed its nose at them because they did not do the right thing and, you could even say, gave them a bloody nose. Australia, on the other hand, has worked meticulously over years to help them to bring their disparate population together.

My first experience of the problems that Indonesia faced was when I was asked to look after a group of Indonesian officers who were doing some training in Australia. I found that they could not talk to each other. They did not understand each others' languages. That was problem number one: how were we going to impart that to them? The problem was solved by pairing people off, rapidly getting assistance from the Indonesian Embassy and finding translation services.

Some of the contacts that were made between Australians and Indonesians, and Indonesians across the board, have carried right through to this day. As General Cosgrove explained, people were able to talk to each other because they knew each other. So a totally different attitude was taken. For a long time we have been suggesting that the cultural bridges, the educational bridges, the sporting bridges, are most important, because if you can approach people in a friendly fashion, not trying to score points off them, then you have a starting point. As recently as about five weeks ago, I know the Uniting Church had some influence on trying to monitor the fighting occurring there between Christians and Moslems.

Mr JULL—What you are really saying is, as we heard from our last witnesses, if this is going to work, Australia is going to have to be very much at the forefront, if not the prime driving force.

Mr Wren—Yes. It has to be at the forefront, but not at the forefront saying, 'Do this or do that.' It has to be able to sit down with people, go through the ideas and be very careful to understand the difference in the cultures and how those cultural differences can cause problems. One of the dangers—I have to be honest and say—is the Australian tourist. There is a book that puts a great deal of emphasis on the ugly American. From travelling around the world, let me assure you that the ugly Australian is far worse. But there are other people who, in their own quiet way, can build those bridges and have done so very successfully. The non-government organisations, particularly, are capable of building terrific goodwill. Sporting links build terrific goodwill. It is that sort of approach, where we are not trying to tell somebody what to do but are asking them how we can help them develop what they want to do in the future. That is not a high-cost proposal when you compare it with the cost of our forces in East Timor.

Senator BOURNE—Mr Wren, am I correct in taking from your submission that, because chapter VI and chapter VII are used differently from that intended probably 50 years ago, you would be more in favour of chapter VII intervention, which is usually the point at which the UN intervenes these days?

Mr Wren—No. I think there are two different reasons for intervention. The peaceful intervention, or prevention, is covered in chapter VI. There has to be a trigger that says, 'Hang

on, chapter VI is not working. We've to get in quickly and do something about it.' You cannot do that unless you get equality of membership in the United Nations and get rid of the veto. If you were to suggest to any of the great powers at the moment that they should give up their power to veto, they would just look at you and laugh. But you can change it by saying, 'If one power vetoes it but the rest agree with it, then it goes ahead.' They are not giving up their right to veto. The other way, of course, is to hope that you get a re-creation of the situation that occurred when the Russians missed the meeting that started Korea. I do not know how you do that. Unfortunately, my God has not answered my prayers so I must be in disfavour these days.

Senator BOURNE—Don't you think, though, that, at the moment, there tends not to be intervention when it could be useful under chapter VI and that the UN waits until there is really a pretty desperate situation and chapter VII would be better?

Mr Wren—Yes. But if you are going to intervene under chapter VI, you are sending in unarmed peacekeepers. Frankly, if any general asked me to do that I would say, 'Go and do it yourself.'

Mr PRICE—But we are doing it on Bougainville.

Mr Wren—I know we're doing it on Bougainville.

Senator BOURNE—And we did it in Rwanda.

Mr PRICE—Let me say that I share your apprehensions, particularly over Bougainville, but most people suggest that the key to the success of the peace monitoring group there is the fact that they are unarmed.

Mr Wren—Yes, but there is a difference in that situation. We were the ruling power. We were the colonial power. We did have a great deal of goodwill built up. I served with the Pacific Islands Regiment during and after the war, and I saw the state of tribalism that existed. The problem really is that, if you were even-handed, you could bring those groups together—

Mr PRICE—Being the former colonial power usually brings with it huge disadvantages. In fact, it was New Zealand, the non-colonial power, that took all the initiatives in relation to Bougainville. It is fair to say that we happily fell in behind their successful initiatives.

Mr Wren—I would support that completely.

Senator BOURNE—I have one other question. In the summary to your draft policy you mention that you think Australia's vulnerability to overseas is really in the areas of weapons of mass destruction, cyber attack and terrorism—they are the three main ones. The US is working on weapons of mass destruction; Australia is a leader on chemical and biological warfare; and we know they are working on nuclear. Is the UN doing anything, or could we ask them to consider doing something, on the other two?

Mr Power—Quite frankly, I suggest that anything the UN is trying to do in these areas we would be better off doing ourselves, in conjunction with like-minded nations. A lot of intelligence is related to dealing with these sorts of issues, which possibly cannot be more fully

handled in the UN. It would be a lot easier to come up with procedures and planning to counter these sorts of issues. The UN is far too open a forum to cover these. The UN can certainly cover the broader issues on rights and wrongs and the more esoteric things, but when it comes down to what are we going to do and how are we going to do it, we are better off doing it ourselves.

Mr PRICE—To follow up on Senator Bourne's question, doesn't the recent hacking into, on now two occasions, the taxation department's computers show how Australia is very vulnerable to attack via its computer networks?

Mr Power—It certainly does, but that does not mean that we should not take the proper steps. How many hackers have got into our DIO? How many hackers have got into our other intelligence agencies? The fact that they get into the taxation department is a problem for the taxation department, not for this issue. Sure, any security area is really a risk assessment—how far do you want to go? How big a price do you want to put on having a fully secure system? It depends on the level of threat and the value you place on what you are trying to protect.

Mr PRICE—It is bit tangential to this inquiry but, with the indulgence of the Chairman, we ask our defence forces to protect our physical assets and they clearly have plans to do that in any sort of emergency. In terms of our communication and computer assets, the only step that has been taken has been by the Attorney-General to form an advisory committee. Where would you sit with that?

Mr Power—That is what this draft policy on weapons of mass destruction is trying to address—we do not have an overarching body that looks at this. I am not saying that we go right down to the nuts and bolts of how to protect this sort of railway level crossing or something like that. But the US has provided a lead. They have quite a structure, which we address in our submission. That is the sort of thing I believe we need to at least consider. I would go further and say that we need to put in the bones of this structure—and that goes right across the board.

Mr PRICE—Did I understand you correctly to be saying, with regard to the re-emergence of the Cold War, that you see Russia rising from the ashes again and that is a—

Mr Wren—Not necessarily Russia. There are many other countries that could move from a democratic form to a totalitarian form and pose just as great a threat. For example, the present proliferation of nuclear weapons and the capability for other nations to join that is expanding to a global threat, not just a threat centred around the European-Asian area.

Mr PRICE—So you are referring there to the recent bout of testing between India and Pakistan?

Mr Wren—That is one indication. The other indication is how much testing has been done with computer modelling, which is now at a high state of advancement. You do not have to have explosions to prove whether it will work or not. You can then stretch the bounds further and further. To follow up on the point of security of communications: one of the first things that I had impressed on me by people interested in security of communications was never to believe they are secure; if you do, you are going to build on a false premise. We have to base all our planning on the fact that it is just a question of time, so we have to stay one step ahead.

Mr PRICE—My view is probably pretty unfashionable, but could I put it to you that the Indian testing was directed more to China than to Pakistan, given the history between those two countries. ‘Understandable’ is probably not the right word to use, but haven’t the international community and the United Nations managed to contain that bout of testing?

Mr Wren—I think it was in neither Pakistan’s nor India’s interests for that to continue. It is quite a regular thing between those two nations to push the barrier so far and then to withdraw. On your comment about India and China, there is no question that India fears China far more than it fears Pakistan, because it believes that it can wipe Pakistan out fairly quickly. They have not succeeded yet, but it is not the sort of thing that I would like to write a book on at this stage.

Mr PRICE—Is there no way in which your organisation feels we can in the future make changes that would strengthen the United Nations and its effectiveness?

Mr Wren—We believe there are a number. What we have tried to do in the paper is to illustrate what the problem is and then make suggestions as to what the next step should be. Earlier you raised the question of the downsizing of Australia’s participation, as it is perceived. I would rather put that proposition as redirecting Australia’s efforts within the United Nations to make sure that we get the best return for the dollar, because we can chase many human right things, only to have them come up and bite us.

Mr PRICE—Could you give us an example of that?

Mr Wren—The Aboriginal question that was raised earlier. If you read those protocols and agreements, you see that they can claim that genocide was carried out against them and, historically, they would have to be correct. If you look at it from another point of point, there are very few American Indians who are millionaires, yet we actually have an Aboriginal in Australia who is a millionaire.

Mrs CROSIO—I do not think I will debate that issue, because we are getting off the United Nations.

Mr PRICE—I would just say that it goes to show that there is no perfect country as far as human rights are concerned. Many people would question the extent of capital punishment in the United States as being a significant abuse of human rights, but because we are not perfect does not mean we cannot try to be better.

Mr Wren—No, but I do not think you necessarily need to sign on to protocols to achieve that. If we can put our own house in order first, then we are in a position to say, ‘Well, look, we’ve achieved this. This is how we did it.’

Mr BAIRD—Mr Wren, I notice that on page 17 of your submission you bring together your main arguments, and there are a few things that interest me. You say:

As an arbiter of sovereignty the UN has shown itself to be a shallow and partial judge. The political independence of each nation, its territorial integrity and fundamental right to govern must be respected. Procedures must be put in place for the UN to become involved in potential trouble spots pre rather than post conflict, and in such a way that the sovereignty or stability of a state is not threatened.

How do you see Timor? That was not involvement before but after. Is this not appropriate?

Mr Wren—Involvement would have been appropriate beforehand—but a peaceful approach.

Mr BAIRD—Was your organisation advocating that beforehand?

Mr Wren—Yes.

Mr BAIRD—Did you put a press release out and say—

Mr Wren—We do not put press releases out. We advise the party to direct its policy as such, and it is only on occasions like this that we state our case publicly.

Mr BAIRD—So before the conflict emerged in Timor you were suggesting that peacekeeping forces should be put into Timor?

Mr Wren—No, not peacekeeping forces. I was suggesting that diplomatic endeavours continue and that they be strengthened, because Indonesia was split right down the middle at that stage. People suggested putting peacekeeping forces in but it was rejected out of hand by the Indonesian foreign minister and by the president.

Mr BAIRD—So you would say that the reason we obviously had to do it was that the first did not work?

Mr Wren—That is right.

Mr BAIRD—That is likely to be the case in many of the issues in which they take action, isn't it?

Mr Wren—Yes. I think if you look at some of the African situations where you have two populations of totally different backgrounds, et cetera, and where genocide has taken place as a result and the payback has come later, they were situations where I believe that, had the boundaries been redrawn by long-term diplomatic efforts, a better result would have occurred. If Fiji's two earlier coups had been addressed by a diplomatic approach to try to resolve the problems, Speight would not have had the opportunity to do what he did. I think the Solomons is another case; it has happened in Vanuatu. It could be said to be the reason for the problem between Israel, Syria and Lebanon, because people forget that Syria is occupying half of Lebanon and nobody ever says anything about that. There are cases in Europe. Even if Kosovo had been partitioned, a boundary moved and different territories perhaps exchanged with the Yugoslavs, the damage could have been much less than it was. There are problems between Greece and Albania, Greece and Turkey—Cyprus has never been resolved. There is an endless list.

Mr BAIRD—In your submission you go on to say:

Australia must be prepared to adopt an independent stance regardless of the majority viewpoint on the line taken by more powerful authoritative bodies.

On what issues would you see that being the case?

Mr Wren—I think Australia has got to be prepared, when it is faced with an invitation to send peacekeepers to the Middle East, Africa or other places, to say, ‘Sorry, that is stretching our resources too far.’ America has a very happy way of passing the buck, of getting you involved to a point and then saying, ‘Oh, could you do a little bit more? Could you take this over?’ We saw that during the Vietnam War; we do not want to see it again. What happens in America is that, as the count of body bags increases, the willingness to sustain the fight decreases. It is the smaller nations that are involved that usually pay the highest price for that.

Mr BAIRD—On page 18 you say:

Any intrusion into the internal affair of a sovereign state even with the good intention of preventing a humanitarian disaster, can only be accepted if the provisions of Chapter VII are applied by the Security Council.

You go on to say:

Unfortunately this perception does not exist and a change in the short term does not seem possible.

What do you mean by the ‘perception’? Is it the perception that the provisions of chapter VII are not applied, or what does that mean?

Mr Wren—At the moment you cannot use chapter VII until a series of propositions have been worked through. Unless the nation concerned agrees to having people on its territory, you technically are committing an act of war. I agree with the key centre’s submission that that has to be changed. I think that at the moment, among most nations in the world, there would be far more willingness to accept that than there has been in the past. So I think Australia has a good case for presenting some change for that. At the same time I would say that Australia should use its influence, in the strongest manner it can, to reinforce the proposition of restricting the veto and bringing equality of nations.

CHAIR—Any further questions, Mr Baird?

Mr BAIRD—I have just got one final one. On page 19 you say:

Command and control of any forces divested to the UN will always have national and international political implications. If placed under direct command and control of the UN as part of a standing force it is highly likely that national elements within that force would be required to be deployed in circumstances that conflict with that particular countries national interest as a sovereign state.

Isn’t that what we had in terms of Timor?

Mr Wren—Yes, we did. At the start, we were the driving force, and I am sure that General Cosgrove was very careful not to ask any of the participating forces to do something that was out of step with the brief he had been given and the agreement of those countries. The problem has arisen in previous peacekeeping operations—Somalia was a good example—where the commanders decided on a certain course of action and it was the smaller forces that virtually paid the price for those decisions. I am sure in my own—

Mr PRICE—What did you mean there—in Somalia?

Mr Wren—The Australians had secured an area and they were then pulled out of that area, at a time when they were achieving results. The reason they were pulled out of that area was that the Americans had botched what they were doing and they felt if they used the Australians in that operation they could retrieve the situation. In fact, what happened was that the whole thing collapsed like a pack of cards.

Mr PRICE—With great respect, I thought that, when we committed to Somalia, it was for a finite term.

Mr Wren—Yes.

Mr PRICE—You are quite right about the success of the operation. In fact, the Somalis in that HRS pleaded with us to keep them on, but they were then returned to Australia.

Mr Wren—Yes, but the point I am trying to illustrate is that had they remained there was some chance of success, but that key block was pulled out.

Mrs CROSIO—Before I go to what I was concerned about with the refugees statement, can I take you back to page 9 of your submission at 1.42:

Australia must accept responsibility for the safety of its personnel in NGOs.

I thought that was almost mandatory now. Don't we accept responsibility for our NGOs?

Mr Wren—We accept responsibility, but are we capable of fulfilling that?

Mrs CROSIO—I see your point. In other words, are we talking about it or have we the action in place to do it?

Mr Wren—That is right.

Mrs CROSIO—Can I take you further down the same page to 1.44, but this is to do with the role of the UN Commissioner for Refugees:

The recent lessons of Kosovo and East Timor when coupled with the people smuggling operations targeting Australia warrant a review of the conditions included in any Mandate for temporary refugee status being granted.

Would you elaborate a little bit more on that?

Mr Wren—This links in with our whole treatment of refugees, temporary asylum seekers and people being brought in from places like Kosovo, from the Chinese massacres and Tiananmen Square. No matter how carefully you plan to look after these people, there are certain basic rules that should be applied. One is that we will never return a person where there is danger to their lives, say, in terms of what has happened to certain areas in Kosovo. The concern at the time was that the United Nations authorities on the spot gave a blanket agreement, 'Yes, it is okay to send them back.' But at the same time our non-government

organisations were saying, 'It's not safe.' The government went ahead because it had an agreement with the United Nations refugees organisation.

Mrs CROSIO—You mean that it went ahead and sent them back?

Mr Wren—Yes. In retrospect, other countries are now doing the same thing. But I think it is a question that we need to go back and think over very, very carefully to make sure that the brownie points Australia gains are not lost because of one or two aberrations on the way through. I do not believe our public relations handling of the situation has been good. I think it is a worry that the overseas publicity in many cases has not taken up the terrific amount of good work that was done but has concentrated on the aberrations.

Mrs CROSIO—It is probably not covered in your submission, but would you have suggested that we as a nation spend the money over in Kosovo or was it right to bring those people over here?

Mr Wren—My first approach would be to spend the money in Kosovo. But if the breakdown in the situation is such that that is not going to produce a result, then certainly I think we have to open the country to it. Can I just illustrate it a bit further by saying the Snowy Mountains scheme and the Woomera scheme were both made possible by displaced people. We have a wonderful opportunity to develop this country by putting in process exactly the same thing. There is so much infrastructure that has to be built and there is so much work that has to be done but we cannot get Australian resources bodies to do it: they are coming away from the inland; they are not interested in that sort of work. These people, I am sure, would do the same thing as was done on the Snowy Mountains scheme and at Woomera, although I am sorry to say that we threw away a wonderful opportunity to put ourselves at the forefront of technology for defence when we shut Woomera down.

Mrs CROSIO—You stated in your submission that the public, stated goal of the UN is to achieve global governance. What should I understand you to be saying by that statement?

Mr Wren—The United Nations was established as a peacekeeping, developmental organisation, not to become the world government. I believe that what we are seeing at the moment is not a progress to increased democracy, to states joining together moving towards world government, but a return to tribalism. We are seeing a return to the small nation state. Until you can stabilise that and people are ready to accept world government, then we are just wasting our time, we are wasting our effort and we are wasting our money.

If you look at what has happened in Europe, the European parliament is made up of people who do not necessarily support the governments from the countries that they are drawn from. So, instead of having the two groups working in unison, you have got continual disputation because one is passing one set of rules; the other is passing another set. Until Europe has produced a working model that recognises the wishes of the states and the need of the whole, as we have in the Commonwealth of Australia—and I know we have disputes between different states—

Mrs CROSIO—I was going to bring that in as a model. We have got six states and two territories and they disagree completely with some of the laws that are happening at the Commonwealth level.

Mr Wren—They do, but in the end they all work together.

Mr PRICE—But you also have a coalition federal government and a number of state Labor governments, and when you have Labor federal governments you always have some of the states as coalition governments—different ideologies, different agendas.

Mr Wren—Yes, but we do have an overarching system.

Mr PRICE—But we still seem to work as a whole, don't we?

Mr Wren—There is an overarching system through the Constitution where, at the end, the same rule of law by and large applies, the same conventions apply, though we bend them at the edges at times and sometimes we drive right through them.

Mr PRICE—If you take what I would have thought is a pretty important issue—the care and protection of children—we have absolutely no national system or even national standards. The law in different states is different.

Mr Wren—Yes, the law in different states is different, but it has been recognised it is different. And I understood from an answer in the Senate by Senator Newman—or it may have been by Dr Wooldridge in the House—that attention is being given to try and address that problem.

Mr PRICE—They have been doing it for two years, but their differences—I am sorry, Mrs Crosio.

Mrs CROSIO—We have got right off the track of what I was talking about. Mr Wren, in the other part of your submission you were talking about legitimate sanctions before military action is taken. I know we covered that partially in some of the other questions, but exactly what do you mean by 'legitimately sanctioned'? Are you talking about Australia and East Timor as an example of what you mean?

Mr Wren—There are pressures that can be applied. Most sanctions do not work, but there are occasions when a particular sanction will work. I am thinking in terms of what has happened in Iraq, where there are sanctions and there is a balancing act where Saddam Hussein should be able to sell oil to buy medical supplies and food. He is smuggling the oil out in most cases and using that money on other things supporting the cause and so on. That is the start point I was coming from.

Mrs CROSIO—Yes. I perhaps should have mentioned you have it under 'Peacekeeping operations'. You state:

Any military service undertaken by a nation, group of nations or existing regional security organisations must be legitimately sanctioned before troops or weapons are committed to action.

Mr Wren—Yes. The point there is that if you take action prior to that then you are back to the illegal war. It may not seem important at the stage it occurs, but it is a festering sore and it will build up. Some of the conflicts in the Balkans, for example, go back 400 years. They have never been cured. They are just still there bubbling along waiting for a strong leader or a perceived injustice to come along and we have problems. The question of NATO intervention in Kosovo is an illustration. The United Nations supported that after it had happened. That does not make it legal.

CHAIR—Final questions? Gentlemen, do you have any final things you want to leave with us?

Mr Wren—No. But thank you for the way in which you have received us and for the questions you have posed to us.

CHAIR—No. Our thanks to you and on behalf of the subcommittee I do thank you for your attendance. If you have any additional material that you want to provide you can pass that on to the secretariat. Again, thank you very much for appearing before us today and for your submission.

[11.22 a.m.]

EVERINGHAM, the Hon. Dr Douglas Nixon (Private capacity)

CHAIR—Dr Everingham, I guess in a long political career, parliamentary committees are no challenge to you; nevertheless, they are welcome. I must advise you that the proceedings here today are legal proceedings of the parliament and merit the same respect which proceedings of the respective houses of parliament demand. 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. We have received your submission and it has been authorised for publication. Would you like to make any additions or corrections to the particular submission that you put in?

Dr Everingham—No, thanks. I think I could just sum it up by saying that the UN stands for several words such as ‘undemocratic’, ‘underfunded’ and ‘under the Washington consensus’. That is the sort of thing Australia should address, and I think it cannot all be done from the top down. A lot of the criticism of the UN has to be responded to, I think, by public education and initiatives of particularly parliamentarians and governments to inform and involve people in international decisions.

CHAIR—I take it, Dr Everingham, that was your opening statement. Mr Price, do you have any questions?

Mr PRICE—What is your view of the existing office of the United Nations Commissioner for Human Rights being based in Geneva?

Dr Everingham—I think it is appropriate for it to have a base somewhere. I do not know that Geneva has any special claims.

Mr PRICE—Start of Calvinism, I think.

Dr Everingham—That may have something to do with it. I would have thought, if I had come at it from my current position of ignorance about how it arose there, that possibly the Hague would have been the place because that is where the International Court of Justice is.

Mrs CROSIO—You would have seen or heard some of the submissions we have received. We are also doing a joint consultation this afternoon. Many people seem to be critical of the United Nations and call it ‘world government’. Yet in your submission you are probably saying we should utilise it or restructure it in such a way that it becomes a world government. Would you like to elaborate?

Dr Everingham—As one of the previous witnesses said this morning, a government will work only when you have consensus of the national authorities and the people involved. World citizens have to accept that sort of federation. The European federation arose in much the same way as, I suppose, the United States or the Australian Federation arose. They have succeeded to the extent that people have accepted that federation as an overriding sovereignty in matters that are of general concern—not of local matters.

In my one time portfolio in health, there were certain items that should have been given to the federal government and others that should have been decentralised. If you went across the border from Canberra to Queanbeyan in New South Wales, a few kilometres, immediately the law changed as to what you could buy over the counter without a prescription. If you wanted Benadryl elixir you had to have a prescription in Canberra but not in Queanbeyan. The same occurred in the twin towns on our border with New South Wales: you needed a prescription in Coolangatta but not in Tweed Heads, part of the twin towns. Those are things that should have been standardised. But certain decisions that were made at the state level in Queensland should have been regionalised. There have been attempts to do that, but they have not worked well. It has created new bureaucracies rather than devolving power to people on the ground in the health scene.

When it comes to the international scene, there are things that must be left to nations to decide. There are lots of things that nations have voluntarily given to an international authority—like the International Postal Union and the International Labour Organisation—and there should be a lot more of those. The most critical ones, of course, have to do with war and peace, which is the prime reason the UN was set up, and that is the very thing which most urgently calls for a federal authority. We have made very little progress except around the edges with test ban treaties and the like.

Senator BOURNE—Dr Everingham, we had a discussion about how the US has to be dragged kicking and screaming into it if we are going to get any sort of reform of the UN. I was encouraged by the speech by Walter Kronkite that you included in your submission. I somewhat naively thought that there was no American on earth who agreed with us, but obviously there is. Do you think that getting the US to agree to things like the veto, expanding the Security Council and those sorts of things is something that will happen in the medium term or even the long term?

Dr Everingham—The oldest Australian who is going to carry the Olympic torch is 109, they tell me. If I live to that age, I think I might see it, but I am not terribly hopeful. On the other hand, the sorts of activities that are going to succeed in changing the minds of the American government and the international influences behind it are strongest in the United States and I am hopeful from that point of view. I still think Australia can lead in many ways. Australia did show leadership at the founding of the United Nations, which was not successful in abolishing the concept of the veto but did provide a representativeness for the UN that was lacking in the League of Nations. Also, we have shown leadership in the East Timor crisis which was able to persuade the Americans. Unfortunately, most of the influence was the other way. I understand that the Americans wanted to intervene a little bit earlier than Australia finally decided to. It is a two-way process. There are people within Australia and America who can influence each other—we can influence each other's governments.

Mr JULL—Could I move on to the theme that you seem to have running through your submission, particularly in reform of the United Nations, that is, the establishment of a people's assembly. Could you expand on that: what is it all about, does it replace the General Assembly, how is it constituted and what are its powers?

Dr Everingham—As you know, Kofi Annan has called for a millennium assembly and summit this year, which he thinks would be the biggest ever assembly of government leaders

and heads of state. He has also facilitated, in May, a summit meeting of NGOs which has been the biggest ever at the UN. They are not only UN organisations that were traditionally attached to UNESCO and other UN offices or organs but also I think for the first time coalitions of NGOs that are working towards a continuing people's assembly or NGO assembly.

A millennium people's assembly network started a year or two before May this year. They are working towards a global people's assembly network, which is continuing on the Internet through email discussions at the moment, to try to push governments, the United Nations and other international organisations like the WTO towards supporting involvement of an NGO assembly alongside the UN, with some status that would be comparable to other international organisations like the World Bank and whatever. This also should lead to a citizens' assembly and perhaps should be combined with a citizens' assembly. It should not only be NGOs; it should be world citizens. That may come at a later stage. I think it has to go via NGOs and NGO coalitions first. Having become established and possibly given some of the resources that the UN has, they then may actually call a global citizens' assembly. It does not have to represent every citizen in every nation of the world. It can be a sample.

There are mechanisms of democracy developing where you do not have to have everybody concerned voting for a representative and then those representatives making all the decisions. You can take samples like a citizens' jury. This has been tried in Australia and in other countries, too. You get a sample of opinion, just as you empanel a jury in a court case, to decide intensively and extensively what ought to be done about a certain issue. They would have a procedure very similar to your committee or any parliamentary committee, particularly an all-party committee. Then they would go to the UN or international individual governments with their conclusions and recommendations. I think that is far more hopeful than the blanket election where, as we do in our national elections, we make a mark against Tweedledum or Tweedledee and then stick our heads back in the sand until next time. There should be more involvement not only at international level but at national and state level of representative citizen assemblies or juries, or whatever.

Mr JULL—So the European parliament is not a model?

Dr Everingham—It is not a perfect model; I think it is better than nothing. But I think if you tried to impose that on the world as it is constituted now, it would rapidly fall apart. There are examples of where this has happened. There was a Malaysia federation which included Singapore, and that fell apart. There was a federation of the United Arab Republic of Egypt which included Syria, and that fell apart. They were not ready. It has got to be done at the grassroots as well as at government level.

Mr JULL—Following your comments on East Timor, could we have your opinion on the need for a standing UN army or a permanent UN police force?

Dr Everingham—I think there should be a standing force which should have most of the capacities of an army, but I think army is too rigid and too military a concept. One of the submissions that was published in volume 3 came from the Women's International League for Peace and Freedom. They recommended something in the nature of a disaster response force. That would be more the sort of concept that I would like to encourage. I think that the

Australian Army in East Timor has set a good example of what that means. They might have the capacity to be a defence force, but defence is their last resort and was very rarely exercised.

Mr BAIRD—A number of submissions have mentioned concern about the world government, but in terms of the way forward, do you see that the UN is more likely to break down into regional components? If so, what should we in Australia be doing about those regional components?

Dr Everingham—I do not think it will break down any more than nations do. The former Yugoslavia broke down, and that was not necessarily a bad thing, although there were some horrific accompaniments to the breakdown. It may be better in the long run if some of those nations did have autonomy rather than the rigid centrality that I think Tito imposed. With the UN, it is like I said should occur with the health department: some things should be decentralised. It is far more important that a local community has a say in decisions that affect primarily their community than it is to get a central policy on those issues. I think the UN has to develop more specialised functions, cutting across national borders rather than separating nations.

Mr BAIRD—With respect to Australia, what organisation do you think should be strengthened to provide a regional input into the UN? Has ASEAN got the capacity or should we see a revival of the old SEATO organisation?

Dr Everingham—Most of that can be left to the individual governments. I think most of the smaller Pacific nations that have trade and diplomatic relations at a high level with Australia would prefer that it continue on that basis, whether they be members of the Commonwealth of Nations or just neighbours. I think that SEATO and other regional treaty organisations of that kind are too secretive, rather like WTO, IMF, World Bank—they are high level policy makers, meeting too often in secret, with not enough accountability. There may be a case for a more democratised regional government of the sort that we have in the European Union. I doubt whether that can be usefully pursued at this stage. From Australia's point of view, I think it is more important to address the global scene.

Mr BAIRD—The big difference there is that you have got significant economic cooperation. They are moving to one currency through the euro, et cetera. We are a long way removed from that, to have a parliament. Nevertheless, it is an interesting concept. Are you supporting that?

Dr Everingham—I am not pushing it. It is more important to push it at a global level. I may be wrong; my priorities may be wrong. But my feeling is that there is more hope for it at a global level.

CHAIR—Did you get back any report on the millennium forum for NGOs? As you rightly said, it was the largest collection of NGOs ever. Was it successful? Was it a disaster? Did anything come out of it?

Dr Everingham—From my point of view, it was very disappointing. I have not seen the final reports from it. I am hopeful that there is some step forward and I think, from the sorts of messages I am getting on the Internet, that there is still a core of people who are very

enthusiastic and keen to make it succeed. I would not write it off, but it has been very slow progress.

CHAIR—Isn't that, then, one of the difficulties? Some people criticise the UN itself for being overbureaucratic, a great talkfest, with translations into I do not know how many languages now and a whole bureaucratic structure. Its very nature in being so centralised and bureaucratic is why some people are talking about more regional assemblies. But now we are talking about matching assemblies of NGOs. Isn't the great fear that that would not only replicate the UN as such but in the bureaucracy and talkfest? I do not quite know what people's fora would be. I have seen this idea of a people's or a citizens' assembly every so often. I do not know just how that would work. Sometimes, rightly or wrongly, some people—organisations or individuals—have got to make decisions, empowered by the people to do it. If, as it is said, a thousand blossoms bloomed and everyone had their say, what would ever be achieved apart from a gigantic talkfest?

Dr Everingham—It does have that danger. The UN is not going to find it easy to overcome those problems, either. I think that part of the answer is in specialised committees. For instance, in Switzerland there are four official languages. There are some things that are decided within particular cantons where a certain language predominates; there are other things that have to be decided at the federal level. The same applies, I think, with NGO meetings. A lot of those could work at regional levels and also at specialised levels on specialised issues. With that, they would not need such high-powered translation facilities.

CHAIR—We have got no further questions. Are there any last comments you want to leave with us?

Dr Everingham—No. I think I have had a good hearing. Thank you very much.

CHAIR—Thank you very much for giving evidence to the subcommittee this morning and for putting in a position. If you wish at some time to give additional material, could you please forward that to the secretariat. As you would know, you will get a copy of the transcript of your evidence, to which you can make corrections of grammar or fact. Again, Dr Everingham, on behalf of the subcommittee, thank you very much for appearing before us this morning.

Dr Everingham—Thank you for your time.

[11.46 a.m.]

SHEIL, Dr Glenister, Team Leader, Queenslanders for a Constitutional Monarchy

CHAIR—Welcome, Dr Sheil. I must advise you that the proceedings here today are legal proceedings of the parliament and warrant the same respect as proceedings of the respective houses of parliament. The subcommittee prefers that all evidence is given in public, but should you at any stage wish to give any evidence in private you may ask to do so and the subcommittee will give consideration to your request. We have received your submission, and it has been authorised for publication. Would you like to make any additions or corrections to that submission before I ask you to make an opening statement?

Dr Sheil—No. There are no alterations or additions.

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

Dr Sheil—I notice from the submissions that the poor old United Nations comes in for deal a of criticism. I think that is probably occasioned by the fact that, to my mind, it is trying to do an impossible job. As you know, we had a colonial era for about 400 years, then we had a couple of world wars, and in the last 50 years we had decolonisation. In that process, of course, we have made a lot of colonial boundaries. They were mentioned, I think, this morning by the National Party members who were here and who have made a submission. Those colonial boundaries are artificial boundaries, and I think they made artificial countries up. For example, during the Berlin Conference of about 1880 the European colonial powers carved up Africa. They built their boundaries along the tops of mountain ranges and along valleys and rivers, and of course the tribes, which are really nations, were living on both sides of the river or adjacent valleys and places like that.

These colonial boundaries divided up the tribes. They have been at war ever since, and they will be at war until they get back together again. Those colonial boundaries in Africa were entrenched by Idi Amin when he was Chairman of the Organisation of African Unity. So they are existing today. You have war after war in Africa, and you are going to keep seeing wars. And these tribes are nations. The Zulu, the Xhosa and the Swazi are nations. They do not like other tribes and are hostile to the other black nations. You see the same thing at the moment in the Pacific in that crescent of fire through Fiji. There are three native tribes there that are all hostile and not so far from being cannibals—all South Sea Islanders were cannibals. About the only thing they can agree on is that they do not want to be run by Indians—that is what is happening there. When we first found Samoa, there were three tribes there at war and hostile with each other. In New Guinea and Bougainville they are different people. So we have made a whole lot of artificial nations, and here is the United Nations trying to organise them.

When the United Nations was organised, it was organised on democratic principles and it had 48 members. It has exploded to four times that number. The vast majority of the ones that have since joined up are not democratic nations. So here you have the United Nations, based on democratic principles, trying to run a democratic show with a whole lot of members who are not democracies. If you look at what the members are doing now, you will see they are asking to be absolved from the responsibilities of democratic processes. They are all saying, ‘Please do not

ask us to be democratic.’ And it is not just the little ones like Malaysia doing that; it is China saying, ‘Don’t ask us to be democratic.’ Then you have people like Russia thumbing their nose at the United Nations and saying, ‘Look, we want to belt up those Chechens and we are going to belt them up, no matter what you say. Go away and leave us alone.’ And China is saying, ‘Yes, we want to machine-gun down our demonstrating students and run tanks over them backwards and forwards and sweep out the remains. That is our affair and nothing to do with the United Nations.’ You mentioned before the aggression in Kosovo. That bypassed the United Nations, and NATO was more or less muscled by Britain and America and went and carried on a ‘war’. They called it a war but it was not a war at all: it was from 30,000 feet with bombs and the other crowd could not fight back at all.

So the United Nations is almost powerless to do anything until it gets a set of members who are democratic. I think we have to give those nations proper boundaries to start with. They have to show that they can be nations, that they want to have democratic principles. They are saying now that democracy is not the be all and the end all of the earth. They are saying, ‘We’ve got our own way of running things,’ and they have run it that way for thousands of years. If I could digress, I was most intrigued by how the Bantu get their rulers. They run a kind of Miss Bantu contest throughout all their kraals and tribes and subtribes. That is a knock them down, drag them out contest because the mother of the girl who wins that contest knows her daughter will be the mother of the next chief. That is how they secure their succession. Everybody knows, there is no argument about who is the next chief and that system has been going about 4,000 years. But we have come along and said, ‘No, you cannot have that.’ If you look at Zimbabwe—or Zimbo, as they are calling it now—there are two nations there—Shona and Matabele—although the Matabele are not strictly a nation as they are an offshoot of the Zulus; they were driven out by the Zulus. They are hostile to each other and yet they are put together in Zimbabwe and expected to run a democratic show—but they cannot. They have to have a strong man there, and Mr Mugabe is not the right kind of man to run the sort of country that I would live in, I can tell you that. He is a very severe sort of man. So I see the United Nations trying to do an impossible job, and it should go back to taws and fix up the colonial boundaries, and even in Europe that can happen too.

CHAIR—Thank you very much for that overview.

Mrs CROSIO—Dr Sheil, what would you have called the Gulf War?

Dr Sheil—The Gulf War?

Mrs CROSIO—Would you have called it a war or just an uprising? What would you have called it?

Dr Sheil—It was a war, but the UN has not won it. The United Nations has never finished a war—this is one of the problems. Starting right back in Korea and in Vietnam and the Gulf—name anywhere—Cyprus and Ethiopia, it has never finished a war. Obviously, they have not read their Macchiavelli. If you read your Macchiavelli and you have a war, you finish it; otherwise you are going to wind up with a festering sore that goes on and on forever. The United Nations is also stuck with the religious overlay at the moment. You have the Muslims killing the Christians in an escalating manner at the moment, repaying them for the Crusades. They have never forgotten the Crusades nor forgiven, and that is what is being repaid now. The religious overlay is really very serious in the world today. You have the genetic wars going on

overlay is really very serious in the world today. You have the genetic wars going on on top of this. This is another overlay—Arab versus Israel, Hutu versus Tutsi, Greek and Turk. They will go on forever and not all the talk in the world is going to stop them. While one side feels that it can prevail by force of arms, it will go to war.

CHAIR—It is was quite interesting that one of the earlier speakers said this morning—I think it was before you arrived—that in academic research into causes of war right at the basis, no matter how far you go back, and you may go back decades, there is always a perceived injustice there somewhere in the background.

Dr Sheil—Yes.

Mr BAIRD—I notice that in your submission you say:

Before increasing the UN's commitment to peacekeeping operations within the Nations requesting interference, there should be an assessment of the UN's past record of success in handling similar operations.

Don't you believe that the UN operations in Timor were very successful?

Dr Sheil—No, not at all. The UN is still there. They are not out of Timor. The struggle is going on. Killing is going on.

Mr BAIRD—Where is the killing going on?

Dr Sheil—In East Timor. Read your paper today. Yes, it is going on.

Mr BAIRD—I will let that pass. I am not aware of that. From my point of view, it has been a very successful operation. They have restored order to Timor, and you have an orderly transition of power taking place there. How else would you suggest that this be handled in Timor, given the conflict that there was? What body should go in, if it was not—?

Dr Sheil—It is not 'bodies should go in'; bodies should get out and leave those people. If they want to fight each other, it is not our affair.

Mr BAIRD—So you would just abandon them, would you?

Dr Sheil—Yes.

Mr BAIRD—That is a little unkind.

Mrs CROSIO—Would you say that is what we are doing in Ambon and Aceh?

Dr Sheil—Yes, if they want to kill each other and they want to belong to Indonesia. I do not think Ambon even wants to belong to Indonesia.

Mr BAIRD—On humanitarian grounds, do you believe Australia should sit back and allow that to happen?

Dr Sheil—Yes. I think there is a undeniable case for it.

Mr BAIRD—For letting people kill each other?

Dr Sheil—You cannot show me one successful intervention of this nature that has taken place in the world.

Mr BAIRD—People might disagree with that.

Dr Sheil—What? How?

Mr BAIRD—The success in Timor.

Dr Sheil—You do not know Timor. I was in parliament when the Fretilin took over. The Dutch moved out. They had not prepared Timor at all for living on their own. They were under threat of a communist takeover at the time. An enormous struggle went on, with plenty of killing too. We even had a fellow—Dunn, I think—who came down and briefed us on all of that in Canberra, and we did nothing about it. For 25 years we have done nothing about it, and that whole hatred has become entrenched in East Timor. Now you think you have separated the protagonists and they will stay separated. They are waiting for the United Nations to get out, and they will be back into it again, as they have been everywhere.

Mr BAIRD—Even with the obvious fact that you have got disparity in democratic institutions and level of government in its various member states, don't you think there are advantages in at least having a forum where issues can be talked through and that it is better than the absence of any forum at all?

Dr Sheil—You would think so, wouldn't you? But it has not proved so, has it? Take Russia. There is no democracy to start with, and they have got a huge number of Russian people up against the Chechens. But it is the size of the fight in the dog that matters, not the size of the dog in the fight. The Chechens are fighting, and they are making a hell of a row. There were 70 dead yesterday in that war, and counting, getting more. Talking in the United Nations does not do anything. It is as I said before: if two peoples decide to fight and one side thinks it can win, they will fight, and to the death.

Mr JULL—Dr Sheil, now that you have us totally depressed, I would like to follow up that line you have raised. In your submission you say:

It appears to me that the UN has failed to exert pressure on those Nations who are persecuting their people sufficiently to make them flee across borders into neighbouring states. This should be the first concern of the UN and is legitimate cause for action

What do you mean by 'exerting pressure on those nations persecuting their peoples', and when is this persecution sufficient to actually warrant intervention?

Dr Sheil—Any nation that is causing refugees ought to be hauled up for examination as to why it is doing that—and it does not take long to sort that lot out—and should be subjected to ostracism by the rest of the world. You do not recognise its currency, people, passports,

representatives—anything at all. You do not trade with it until it turns around and comes into line with democratic principles.

Mr JULL—Just getting away from the peacekeeping operations, the United Nations is an animal that is much bigger than that. When you look at some of the agencies and the work they do, wouldn't the work of organisations such as the World Health Organisation, UNICEF and maybe UNESCO justify the establishment of some sort of body like that?

Dr Sheil—No, and I think it is shown that it should not. It has done nothing but cause trouble. We have solved health problems like malaria, cholera, typhoid—all things that were keeping the population numbers down in the Third World. The numbers are now up and up so we have created a problem for them by solving those health problems. We have received no appreciation for doing it at all.

Mrs CROSIO—By keeping people alive we are causing a problem?

Dr Sheil—Yes.

Mr BAIRD—I find that objectionable.

Dr Sheil—Yes, well, you would.

CHAIR—May I just intervene. Dr Sheil is answering Mr Jull's question. Mr Jull, have you finished?

Mr JULL—I am fine.

Mr PRICE—I am trying to understand your hypothesis—that is, for democracy to work well, there should not be different tribes?

Dr Sheil—No. There should be. I think the issue today is tribalism not nationalism, and we have created a whole lot of artificial nations.

Mr PRICE—Would it be fair to say that the United Kingdom at one point comprised a lot of different tribes?

Dr Sheil—It had an empire.

Mr PRICE—No, within the United Kingdom.

Dr Sheil—In England? It still is. If you have a look at what Mr Blair is doing, you can see he is splitting them now. He has devolution for Scotland and Ireland, and he is making it for Wales. What is left of England he wants to take into Europe.

Mr PRICE—But democracy seems to be working okay there.

Dr Sheil—I would not think it is, and if I were there I would be kicking up no end of a fuss. But if that is what they want that is what they will get. They do not have a constitution. There is no written constitution in England.

Mr PRICE—All I am trying to understand is that it might not be your kind of democracy but democracy is operating effectively in the UK, notwithstanding the different tribes.

Dr Sheil—Yes, that is right. It can operate like that as long as the tribes agree to that form of government. Which they do.

Mr PRICE—None of them were subjugated at any point?

Dr Sheil—The Irish were by the Normans.

Mr PRICE—The Normans did not subjugate the UK.

Dr Sheil—Didn't they! They conquered them.

Mr PRICE—I am sorry, the subtleties are lost on me.

Mrs CROSIO—In the same vein of questioning, then, Dr Sheil, how would you regard Australia? Have we all come together as different tribes in our states that are now part of our Commonwealth?

Dr Sheil—No. Our Constitution separates federal and state. The federal government has responsibility in certain areas and the states have responsibility in others. That suits us perfectly well. The only problem is that during the war, as a temporary measure, the states handed their taxing powers to the federal government. Since then, the federal government has been using financial coercion to force the states to do what it wants.

Mrs CROSIO—I would say that, now that it is after 1 July, the states are getting it all back again, aren't they? So we are being told.

Dr Sheil—Not all of it.

Mrs CROSIO—I have just one short statement, but you actually threw me with keeping people alive—

Dr Sheil—That might seem odd, but as a doctor with 40 years practise in medicine I can tell you that, if you go against nature, you will lose. What we are doing is going against nature, and we will lose.

Mrs CROSIO—So immunisation—

Dr Sheil—That is all right for us, yes.

Mrs CROSIO—It is all right for us but not all right for anybody else?

Dr Sheil—It is all right for them, too, but they cannot handle it. A lot of these people cannot feed themselves.

Mrs CROSIO—You are not just doing this to provoke us, surely, are you, Dr Sheil? You are not putting statements like this across the table in an inquiry when we are looking at the world as a whole—

Dr Sheil—I realise that you have got—

Mrs CROSIO—and the protection of the right of the human being, whether you are black, white or brindle? Is that what we are saying? Are we saying if you are white, you are right; if you are black, you are not?

Dr Sheil—No, not at all. Far from it, as a matter of fact. The milk of human kindness is flowing in your veins to the detriment of other people. If you saw the teeming millions that we have created, you would realise it was wrong. We are the ones that are restricting our population. We have 1.7 or 1.8 kids now, whereas the black people have 10 kids.

Mrs CROSIO—It is not done by mandate. That seems to be done by choice.

Dr Sheil—The blacks have 10 children and it is swamping their countries.

CHAIR—Surely, you would see that the United Nations Population Fund has been involved, with a degree of success, in bringing birthrates down by educating people.

Dr Sheil—No, far from it. They had a big conference on that in South America. The Third World rejected that as a form of genocide.

CHAIR—Some did. I do not want to get into an argument on whether that is right or wrong, but we can all use statistics to support our own particular argument.

Dr Sheil—I am not doing that.

CHAIR—I think it would be fair to say in general that, with respect to the world population in many areas—and you are right when you said that family planning has been most successful where it is least needed; that is true—there have been advances made in many countries at the population level. I would suggest that the work of the Food and Agricultural Organisation and other agencies of the UN have made a contribution to the betterment of life for humankind.

Dr Sheil—I do not know where. For example, they had another conference on protecting the environment, stopping the cutting down of trees and this sort of stuff. The Third World objected to it in its entirety and threw out its conclusions on the grounds that the First World had got rich from polluting the environment and here they were trying to stop the Third World from getting rich in the same way. All the things you do for good backfire on you. If you say you want a government with a policy that has high benefits for sickness, for pensions or for people out of work, you will get more sickness. If you are subsidising, you will get more sickness, more people out of work. With all the goodwill in the world, policies for benefits backfire on

governments. This is equally true for the United Nations as it is for ordinary governments. They are trying to buy votes by promising benefits and they backfire. You can examine any lot you like and you will see that what I have just said is true. High benefits for anything create a bigger problem, not a smaller problem.

Mrs CROSIO—In your submission to us you also stated:

... a Government oppress or persecute or slaughter its people to the point of being forced to become refugees, then that Nation should lose its Sovereignty as recognized by the UN.

What is your opinion on the doctrine of sovereignty?

Dr Sheil—I think that there are quite a few of these people that you call nations who are sheltering under sovereignty to commit terrible crimes against their own people. I think the United Nations has recognised this, so now it wants to qualify sovereignty. Sovereignty is important, and I think you should have to earn it. If you treat your people in such a fashion that you are creating refugees, then you should lose your sovereignty until you prove that you are not going to do that any more. I have listed them before—the currency, the language, travelling and things like that. Sovereignty is a very important thing for people, but it is just as important for a Bantu as it is for us. They are very jealous of their sovereignty and I think that is why they are hostile to other tribes.

CHAIR—I do not want to engage in a debate about UN conferences, but when you said that the environmental thing was thrown out that is not quite accurate; it was aspects of it that were rejected. As with all these conferences, like the population conference, the habitat conference, you can say that one group or one tribe never gets completely its own way. As in all things, there is a compromise and there is a form of payment, if you like, such as in the Kyoto Protocol with payment from the developed world to help the less developed world address some of their pollution. But I do not think it was quite as clear-cut as everything being rejected; aspects were rejected, but compromises were also made.

Dr Sheil—If you are going to run anything, you have got to have compromises in it. But I would say that that conference was a failure and it did not get any compromises that I remember.

CHAIR—Failure is often in the eye of the beholder. We have no further questions. Are there any last comments you want to leave with us?

Dr Sheil—I just hope that Bruce Baird does not think I am a heartless ogre and all that sort of thing.

CHAIR—No, I think Mr Baird had to go and make a telephone call.

Dr Sheil—Did he? All right.

Mr PRICE—That is a generous construction.

CHAIR—I said compromise as a diplomat.

Mrs CROSIO—I have to tell you, Dr Sheil, I almost went with him.

Dr Sheil—I can understand that—

Mrs CROSIO—We should be protecting the right of the human being.

Dr Sheil—But if you want to subject them to all the misery that they are under now, then you persist with the policies that are being persisted with at the moment.

Mrs CROSIO—Yes, but while they are alive there is hope, isn't there?

Dr Sheil—Well, who is alive?

Mrs CROSIO—We all define what is life. How you live your life or I live mine are completely different things.

CHAIR—Dr Sheil, thank you very much for appearing before the subcommittee this morning. If you wish to provide any additional material, could you please forward it to the secretariat.

We will now take a break for lunch. As I said at the outset, we are going to have the community forum after lunch and we are hopeful that people from the community will make submissions, of about five minutes, to the committee.

Proceedings suspended from 12.12 p.m. to 1.37 p.m.

CLARK, Mr Cecil Edgar (Private capacity)

DASHEVICI, Mr Peter (Private capacity)

GIERKE, Mr John Owen, Queenslanders for a Constitutional Monarchy

JAMES, Major General William Brian 'Digger' (Private capacity)

KEOGH, Mr Peter (Private capacity)

LAMONT, Ms May Violet, UNIFEM Australia, Soroptimist International

WEBSTER, Mr William Alexander (Private capacity)

WILLIAMS, Ms Heather (Private capacity)

CHAIR—Welcome. This subcommittee is interested in getting a widely divergent range of views on the UN, Australia's role and contribution—what our contribution should or might be to the UN as we face the new millennium. We have asked the people on the list I have here to limit their interventions to five minutes, and we will proceed more or less in the order of names on the list. Mr Clark, would you like to start?

Mr Clark—Thank you, Mr Chairman. Senators, ladies and gentlemen, I do not know whether I am going to be able to confine this to five minutes, because I have a bit more to say than that. In addition to your duties as a committee there is an overriding responsibility to your electorates and I wish to address you all with that in mind.

I have travelled some 400 kilometres at my own expense because I regard this inquiry and its outcome of vital importance to this country and to all of us. I am 79 years of age and am utterly appalled at the mess you politicians are making. To my colleagues and I, you and the other members of parliament seem oblivious to the damage you have caused and continue to cause. It seems to me that, to Canberra, the blindingly obvious is obviously not. In my submission, I endeavour to present the philosophical argument as to why the UN will not work. Everything I have heard here this morning confirms my beliefs. For starters, take the 94 submissions—there were 60 against the UN and 34 in support of it. Of the 34 in support, 18 of them included submissions from the UN itself, two foreign countries, UN satellites and government or quasi-government organisations with a vested interest in the continuation of the UN. Many of those who supported the UN were also highly critical of it. So if you deduct the 18 that should not have been included—and the UN, Argentina and Ecuador most certainly should not have been—it is still 64 per cent against and only 36 per cent for. If this overwhelming condemnation of the UN is not enough evidence for you, then I suggest you have only one honourable alternative: put it to public referendum and exclude vested interest from it. It is totally against the spirit and intent of this inquiry to allow those 18 submissions, and I unequivocally request that the committee disregard them. I have here a list of them which I have prepared for your convenience and which I will leave with your secretariat.

Time and again it was said that, on no account, should control of our armed forces be taken from our Governor-General and vested in the hands of the UN. That is a valid comment. But I have copies of letters to the Governor-General from Dorothy Pratt, MLA for Barambah, and

replies from his secretary clearly indicating that the Governor-General is no more than a rubber stamp for the government. He is failing in his duty, as outlined in our Constitution, to protect our inherited freedoms as required under the Bill of Rights 1688. The Governor-General does not exercise his powers and refuses to do anything not sanctioned by parliament. This is not what he is there for and you should be telling him so.

One other letter is from Douglas Everingham, who was here this morning and who is a ratifying signatory for the constitution of the Federation of Earth—which he never mentioned this morning—as is the Queensland MLA, Rod Welford, mentioned in my submission. It is rumoured that the constitution for the Federation of Earth is coming up for adoption by the UN in September this year. He did mention this morning that there was a meeting in September. Late Sunday night I downloaded from the Net another couple of pages. I will leave the document with you because it is too long to read. It is from a colleague of mine to the Hon. A. Somlyay MP, in which he asks whether the report mentioned refers to a charter for global democracy and 12 principles. There has been no reply as yet because there has not been enough time. But this is a report which refers to global governance by the UN. I understand this meeting is supposed to be in Melbourne on 2 and 3 September. Mr Chairman, if that is so—and I am not in a position to verify that—it is absolutely imperative that it is thrown out. This move must be resisted at all costs.

The agenda for the Federation of Earth includes the return of 50 per cent of the world's land areas to wilderness with no human participation whatsoever. I have a copy of this constitution. It does not mention that in there but I have other information that mentions it. There is now public acknowledgment that our Queensland world heritage areas, including Fraser Island, the Great Barrier Reef and the Daintree rainforests, are being valued by the World Bank and IMF with a view to a debt for equity swap to reduce our international debt, presently running at about \$265 billion. I have known of this intent since 1992.

The man assisting the banks in this task is Professor Tor Hundloe, Chairman of the Wet Tropics Management Authority, and a professor of environmental management at the University of Queensland. He presided over that Fraser Island logging inquiry in 1994 that resulted in the cessation of sustainable logging on the island with a commensurate loss of jobs and a build-up of forest litter that one day will destroy the whole forest.

CHAIR—Can you wind up now? With about a minute to go, we would appreciate it.

Mr Clark—It is difficult, Mr Chairman.

CHAIR—It is also difficult that at this stage we have got 10 speakers and we will have some more. I would suggest that, if you cannot get it all or summarise it, you leave it with the secretariat. But, in fairness, other people have also travelled distances here and we have already got 10 people on this list. We have to be fairly strict on limiting people and you have already had five minutes. I would ask you to sum up in about a minute.

Mr Clark—Yes, Mr Chairman, I appreciate that. I notice that the speakers this morning were all allowed about an hour.

CHAIR—Yes, but that was slightly different in that they were actually making a submission. What we have said is that this community forum gives people like you and others an

opportunity. If you want an hour I would suggest you discuss it with the secretariat and maybe you could come and appear as a witness. But you agreed to this community forum. The outline was put before you and others and it was stressed that you would get five minutes. You and I are wasting your time arguing now; that minute which I have given you has now wound up, but I will extend the courtesy by giving you a minute to wind up and then I must cut you off.

Mr Clark—Very well, Mr Chairman. We know that the UN is in collusion with the World Bank and the IMF. Every decision the UN makes puts money into the pockets of the World Bank and the IMF and the multinationals. They de-industrialised Australia and removed our rights to self-determination and I would not be surprised if Kakadu is next. They just want the uranium—never mind the scenery and we will lose again. I will just wind up with my last paragraph. I will conclude by saying my colleagues and I hold you all, as politicians, along with your parliamentary colleagues, personally responsible for the utterly treasonous actions and inactions that are leading this wonderful country into slavery.

We vehemently demand that you cease this sabotage and recognise the United Nations for what it is—a corrupt organisation set up to control all of us, including yourselves, for the exclusive benefit of the global financial monopolies. Please make a start by putting Australia first. Otherwise this inquiry will be just another farce and a waste of money, and may God guide you to make the right decisions. Thank you, Mr Chairman.

CHAIR—Thank you very much, Mr Clark. Before you leave I want to get one thing on the record. The inquiry was widely advertised in the national press and also various people were written to. We have no control over the submissions. We pride ourselves on being democratic representing the parliament. The submissions that come in canvass a wide range of views and we as a committee do not select any of those out. The submissions that come before this committee go before each committee member, and there is no way that this committee will reject 18 or 80 submissions. Everyone in Australia has a democratic right to put submissions to a parliamentary committee and we, each of us, will uphold that right.

For your own information, the meeting you were talking about that will be held later this year in New York is a meeting of the General Assembly which has been held every year for the last 50 years, commencing in September. Thank you for your interest and for your submission. If you have got any information that you want to leave with the secretariat, please feel free to do so. We will now hear from Mr Webster.

Mr Webster—This inquiry, as I see it, encompasses two elements: specific policy considerations of the vital arms of UN administration and the potential extension of the sanction powers of the UN and the ICC. My concern lies with the potential of increased sanction powers to promote a policy based on one-world idealism; hence to diminish Australia's control of individual and national domestic agendas and to inhibit or influence our role as a sovereign nation in international affairs.

The British historian, Nesta Webster, warned of this flawed trend towards centralisation of control. The most dangerous fallacy to which democracy has succumbed is that peace can be brought about by means of internationalism—that is, by destruction of national feeling. There will never be a millennium of man's making. International socialism—and, let us face it, the UN has its proponents—has spread its errors in this direction. Dostoevski, interestingly, defines socialism as the question of the form that atheism takes today: the question of the Tower of

Babel built without God, not to mount from earth to heaven, but to set up heaven on earth. Some tend to see the UN as a vehicle to achieve this. Likewise, international debt capitalism, socialism's alleged antagonist, inevitably pursues a parallel technique of centralisation of control through its privileged right to take 110 per cent out of 100 per cent. Apparently differing policies but, to a marked extent, they have the same root-core philosophy.

The gradual integration of nations into international bodies such as the UN and the growing sense of responsibility that we are our brothers' keepers, foreign aid, peace corps, missions such as East Timor—these are all positives. But we continue to play our role as a responsible sovereign nation, not by handing over rights to centralised authority, be it the UN or the ICC. Summing up this point, the broadly open society that we enjoy here in Australia is preferable to the great new society of controlled collectivism to which we are constantly encouraged.

On the issue of the establishment of a standing army for the UN, our first priority should be to establish a standing army for Australia, with defence having taken a back seat for decades. MacArthur said: 'Wars are caused by undefended wealth.' Australia has been referred to as the glittering prize. The only rights we have at the end of the day are those we can sustain. Again, only from a position of relative strength can we offer effective support when deemed warranted. I do not support the concept of a standing army for the UN—an essential element of the technique, and it is a technique, of centralisation of power. There are many issues here, but broadly, that is what it boils down to. I tend to prefer the concept of a benevolent dictator, but I am uncertain as to how to ensure he remains benevolent.

In my submission I referred to the great fraud of the centuries—the right of issue of national credit being the domain of a select few. This misuse of the ownership of the credit function influences not only our international relations but every national interest priority—defence, agriculture, environment, infrastructure, education, industry—and it is a key catalyst in placing control in fewer and fewer hands. It enshrines inequitable distribution, a prime cause of instability.

While Australia is one of the few nations to get this right, it should play a role here. The words of Denison Miller, the first Governor of the Commonwealth Bank and people's champion, should ring down each Aussie generation: 'Anything the Australian people can intelligently conceive and will loyally support, that can be done.' We are each products of our own philosophy, the philosophy which labours to guide my thinking, cautions us to render to Caesar the things that are Caesar's and to God the things that are God's. This philosophy upholds the sacredness of life and the freedom and dignity of the individual against the collective and is an absolute of our universe, just as surely as is the law of gravity. To the extent that the UN, and our role in and response to the UN, acknowledges this, it will succeed.

CHAIR—Thank you very much. Mr Price wishes to ask a question.

Mr PRICE—You mentioned Australia being in imminent danger of losing some of its rights. What rights do you believe are in imminent danger of being lost?

Mr Webster—I did not say that it is in imminent danger of losing its rights; I said my concern is that we will lose such rights.

Mr PRICE—Which rights are you particularly concerned about being in danger?

Mr Webster—You can play your role in the UN, but under no circumstance should you hand over any rights to the UN. For argument's sake, if you go back to the MAI, I think it was disgraceful the way the public were treated on that. We were virtually giving international TNCs the right to come in here and operate with very few controls, as I saw it.

Senator QUIRKE—I am interested in your view. The last person also made mention of international capital as being behind this. Could you flush that out for us, please?

Mr Webster—Australia is one of the few nations to have it right from 1912 to 1924 when, through the use of the Commonwealth Bank, we created our own credit. As I understand it, we virtually funded our total effort in World War I, and that was because of Denison Miller, who seemed to fade from the scene in about 1927-28. In 1930, one of the heads of the banking system in England, Niemeyer, came out here and, as I understand it, switched us across to this debt situation. I am not a believer in bank nationalisation or anything like that, but I am a believer that you must have a balance. You have got to use your Reserve Bank to create your own credit. We are not doing that. As I understand it, a greater percentage of the money is made as a debt and it is made by private bondholders. There is absolutely no reason why this nation cannot create its own credit through the Reserve Bank.

CHAIR—Thank you, Mr Webster. We will now hear from Major General 'Digger' James.

Major Gen. James—I wish to make a few comments on the submission which I put in on 19 February. I wish to make four comments on what I believe are some basic problems with the United Nations concept. Firstly, the nations make up the membership, but really, I believe, when you look around the world, control of attitudes is usually held by tribes. Secondly, the concept of 'don't do as I do, do as I say,' is an attitude of many members of the United Nations. They do not play the game, and Australia is one of the few nations that is true blue in this regard. Thirdly, not all countries of the world are members of the United Nations—and I quoted Indonesia, for example, as not being a member, and there are others—so that negotiations with such countries are unrealistic because we do not have their commitment via this arena. Fourthly, the bureaucracy of the United Nations does not inspire confidence in many people regarding waste and corruption.

In response to each of the items in the terms of reference, a summary of my comments are as follows. First, the United Nations is there fundamentally to save succeeding generations from the scourge of war, and this implies war between two nations but not civil war. The United Nations has been asked in recent times to intervene in civil upheavals and I believe this is wrong. Countries should look after their own and not try to get an international police force to solve their problems on the cheap.

Second, the role of the United Nations following peacekeeping operations should be looked at very carefully. The record is not good. For example, Cambodia, with the great effort put in by the United Nations to run an effective election, has subsequently failed.

Mr PRICE—And by Australia.

Major Gen. James—And Australia, yes. The forces of evil simply re-emerged when the United Nations pulled out. The third point is that the implications for national sovereignty of the United Nations increasing intervention in internal disputes are costly and, one suspects, often

futile exercises. In my paper I quoted some problems and failures in the interventions in Katanga, in Rwanda and other examples. On the fourth term of reference, I strongly reject the concept of Australia participating in providing a standing army. I have given many reasons for this, such as the costs, the possibility of giving an open cheque to the United Nations with our forces, the misuse of troops, the loss of control of our troops and services and so on. More importantly, the record of the United Nations is so bad in some areas which I quoted, such as trade, the Convention on the Rights of the Child, and so on, that I believe we cannot trust other member nations to play the game in using an international force at their disposal.

The fifth point is that I do not agree with the concept of regionally based United Nations operations as a policy. Whilst our recent involvement in East Timor worked very well because we were able to maintain our control and, thereby, our integrity, I have great doubts that this can always be replicated. In my paper I gave examples of what I regard as a failure to achieve fairness and decency in United Nations involvement and I gave examples of Kosovo, Bosnia and so on. My last point in the statement surely applies, and that is that good diplomacy to prevent war is surely the first line of defence, whereas the use of troops is the last line of defence. Standing armies could be and may be misused if we are not careful.

The sixth point is in regard to the capacity of the United Nations to protect human rights. Again, I have great doubts as to the integrity of member states in such an arrangement. I said history has shown time and time again that many countries are simply not fair dinkum in their commitment to the principles of the United Nations. The seventh point is that the concept of an international court may seem splendid but is truly fraught with the danger of misuse, the appointment of scoundrels to the judiciary and loss of national sovereignty.

We asked to speak about the reform of the United Nations. I have detailed many concerns that are apparent with the functioning of the United Nations. For example, concepts of the right of the child have been skewed totally over the years from being supportive of the traditional family. The failure of fairness in trade, the WTO, et cetera, we have seen in the last few years. The effectiveness of several agencies such as the ILO and WHO and environmental authorities are questionable quite often.

CHAIR—You have got one minute, Mr James, if you could wind up.

Major Gen. James—One cannot help getting the feeling that there is an industry at work in the United Nations that does not truly allow for the overwhelming attitude of member nations. I cannot believe, for example, that the attitudes presented by the Australian delegation at Beijing and more recently in New York, and in respect of gender equality and so on, truly represent the views of the majority of the people of Australia. In some cases what is happening seems to be a game. The funding of the United Nations is in a mess. My concern is that, if we are going to talk about the United Nations, we should have an examination of their books, check their viability and work out a program whereby, if we want to keep it, it is funded properly and its debts are met.

In regard to Australia and the United Nations, we played the game always. I believe Australia needs to control its own destiny whilst being a good member of the nations of the world and helping others when it is needed. We should and must retain our sovereignty and do the right thing in the world scene—no more, no less.

CHAIR—Thank you very much. I have two very quick points before I inquire if my colleagues have any questions. Indonesia is a member of the United Nations. It might not have been a foundation member in 1945—I tried to check; I think it joined in 1949, although I could be wrong on the date—but it is a member. I noticed that when I was reading your submission yesterday. I actually marked that. Secondly, you said that many nations are not members of the UN. Quite frankly, there are not many that are not. The current membership is 188, so quite a considerable number are members. Do colleagues have any quick questions?

Mrs CROSIO—In your submission, I assumed that you were not saying that females are a minority group?

Major Gen. James—Do you mean numerically?

Mrs CROSIO—I certainly know they are not numerically. It is just that in your comment on Australia and the UN, you state:

The processes of the UN in regard to Human Rights, Rights to the Child, Environment, Feminism, Family attitudes are shameful. The UN in these areas has been misused to push the agenda of splinter groups, minority groups, misfits and the like, and for this reason alone, one could argue strongly that the UN should be abandoned.

Very heavy words, aren't they?

Major Gen. James—Good stuff, and quite right, too.

Mr BAIRD—In terms of feminist issues?

Major Gen. James—Yes.

Mr BAIRD—Gender is being pushed within Australia in that regard.

Major Gen. James—Having regard to the evidence that I have heard elsewhere, and I have been to recent presentations, what was being pushed, for example, in Beijing and subsequently in the New York conferences, does not really represent the views of all Australian women. They may represent the wider views of some women in Australia; they may represent what I would regard as the views of feminists; but they do not represent the views of the women of the nation.

Mrs CROSIO—I would suggest that your views do not necessarily represent the views of all of the men of the nation, either.

Major Gen. James—I doubt it, and I doubt whether yours do, either.

Mrs CROSIO—That is exactly right; that is why we believe in democracy.

CHAIR—The Beijing conference was a conference for women, so obviously women's issues would have been raised there. What was the conference in New York that you were talking about?

Major Gen. James—The same thing.

CHAIR—The Plus 5. Thank you very much. We will now hear from Ms Williams.

Ms Williams—I will try to be quick.

CHAIR—We have time constraints. I will tell you when you have got a minute to go.

Ms Williams—As this is the International Year for the Culture of Peace and the Year of the World March of Women Against Poverty and Violence, I felt I should make a small contribution to this inquiry. I will refer to four points. Firstly, with respect to a UN standing army, I strongly oppose the development of a UN standing army and any Australian involvement. The United Nations was formed to maintain international peace and security and to protect human rights. Many efforts have been made within the UN system, including non-government organisations and peace research institutes, to prevent armed conflicts and to work for disarmament and development and a sustainable environment so that we may all live in peace.

A UN standing army would alter the perception of the organisation as one which endeavours to uphold peace and prevent militarisation in the world. This type of standing army would mean a military type of bureaucracy, one much less flexible than current arrangements by which nations may combine into and withdraw from a UN peacekeeping force. There would be all kinds of political and military manoeuvring as to who would be in charge.

The cost to the UN of a standing army would be an enormous drain on the organisation. I suggest it would be better for the UN to use its resources in prevention of conflict by protecting human rights and the environment, improving current stand-by arrangements for peacekeeping and ensuring emergency humanitarian and disaster relief teams are quickly available. This all means better coordination and communication. Perhaps more use could also be made of the International Court of Justice.

The second area is the capacity of the UN to protect human rights and address war crimes. The effectiveness of global international human rights instruments depends on whether governments comply with them once they are signed and ratified. I look forward to Australia ratifying the statute to establish the International Criminal Court as one way of protecting human rights and upholding humanitarian law. The protection of civilians in armed conflict and protection of refugees is an area of enormous concern world wide. It is mainly civilians whose lives, livelihood, culture, environment and infrastructure are being destroyed and devastated. Armies and nations must be held responsible for their actions against civilians, with some form of compensation scheme set up within the UN system. I would like to see Australia support a proposed convention on small arms which would make production licences much more difficult to obtain. I understand that some small arms are so light that children of 10 years are being made to use them.

Referring to sanctions, I oppose sanctions on food, medical supplies and all basic necessities of life. People have to survive, whatever their leaders have done. Targeting foreign bank accounts of leaders may be effective, but leaders are usually wily individuals. It would be better to have bans on weapons development, manufacture and trade, as they only add to misery and are an enormous cost to humanity and the environment.

The third point relates to the reform of the structure of the UN. I propose that there be no permanent members of the Security Council and that ways be found to phase them out. It would be better if the UN served as a model of democratic representation by ridding itself of this hierarchical structure by which five nations have the power and the rest rely on diplomacy and

negotiation alone. There should be no veto. The power of veto seems unjustified. One nation can vote against the wishes of the rest of the world—over 180 nations.

UN funding shortfall: the UN needs the cooperation of its members in paying their contributions to enable it to carry out its responsibilities. Article 19 of the UN Charter states that a member in arrears in the payment of its contributions has no vote in the General Assembly if the amount of its arrears equals or exceeds the amount of the contributions due from it for the preceding two full years. It appears that some nations are ignoring the rules—particularly the United States where internal squabbles are preventing payment of its contributions. Neither are conditions warranted on payments. This is irresponsible. At least membership of the Security Council and the veto should be denied to nations defaulting on their contributions.

Finally, I would like to know whether there is any authority in Australia which monitors our role in the UN system. How may the Australian community be kept better informed and consulted about our international rights and responsibilities? Thank you.

CHAIR—Thank you. Ms Williams, you asked how you could be kept informed. There is the UN association, and within the parliament there is what we call the treaties committee, which considers all treaties before they are signed or ratified by the Australian government. I understand that Mr Ryan left this morning. Mr Keogh, would you like to say something?

Mr Keogh—There are a few hard acts to follow there, but I will do my best. I must admit that I am vitally concerned about Australia. Whilst I am not opposed to the United Nations per se, I am not a globalist and I am not a one world governmentist. I believe that our national sovereignty must reign supreme. That is my aim. The myriad of treaties that Australia has with the UN seems to usurp sovereignty. We are little more than pawns in a game that is played by rich multinationals and world bankers that dictate policy to every nation that has become subservient to them through debt. Australia's foreign debt is rising exponentially due to the ever-increasing annual current account deficit, which is currently running around \$50 billion. This is partly due to UN imposed rules that compel us to buy products from countries using cheap labour with atrocious conditions while our workers join the dole queues and our factories close. The incurred debt enables the World Bank to impose rules on our government, which blindly obeys, while many nations, including America, thumb their noses at the insane rules set by the World Trade Organisation and the globalisation gurus who are determined to push ahead with the one world government agenda.

Treaties like the fifth protocol and the MAI are typical examples of treaties that give massive advantage to the super rich conglomerates that seek to control us via treaties with the UN. Nobody should have the right to dictate internal policy or even trade policy. Australia is running annual current account deficits, and that has the potential to bankrupt the nation, while America and many others find ways around the World Trade Organisation's rules. Some treaties appear to have a hidden agenda. For instance, a treaty ostensibly for the prevention of violence against women commits Australia to complete disarmament, including nuclear disarmament, and this is being accomplished at our great peril. Australia should examine all its treaties to search out anything that is potentially restrictive or damaging to the nation or its sovereignty and should declare its rejection of them unless they are seriously altered. The World Trade Organisation, GATT and APEC all appear to give disadvantage to Australia. In regard to water, for instance, transnational companies have made inroads into Australia's \$80 billion water resources, including the infrastructure. This has resulted from the UN program agenda 21 and the federal

government's national competition policy. We do not need the UN assisting foreign companies to eventually control the quality of our drinking water to make a profit from it.

It is fairly obvious that the UN has been reasonably successful in the disarmament of Australia. When Paul Keating sold about \$100 million worth of one of the best SLR rifles ever made and threw the rest in the BHP furnace, subsequently we had a massacre at Port Arthur, for which we blamed an individual who had the intellect of a 12-year-old kid. There was never an inquiry into that, of course, and why would there be, because you never have an inquiry unless you know the outcome. That outcome, of course, has to be favourable. As far as I am concerned, until there is a full inquiry into that effort to disarm the nation, which was very successful, we should suggest that the highest members of our government must have blood on their hands.

Why does Thailand, for instance, also a small nation, seem to be given preference over us? We closed down the BHP furnace, but they are going to open another steel furnace over in Western Australia where we will supply the natural gas for the smelting, we will supply the iron ore and Thailand will own 85 per cent of it. They will buy that with the money that went from our superannuation scheme. This is a United Nations agenda for one world government. It is working and it is frightening. As far as I am concerned, we must get back to nationalism.

This country is a sovereign nation. It has every resource known to man, virtually, and we are going down the chute at an alarming rate. Nobody, but nobody, could help but go down the chute when we are not allowed to impose tariffs. And if our government has the gall to assist an Australian company to develop, the same benefits must flow to a foreign company that would do the same. This is in the charter of the fifth protocol, which the people signed. Heavens above, didn't they read it before they signed it? This is so ridiculous. This nation should be flourishing. It is definitely the richest country in the world in raw materials and we are throwing them away by allowing others to use them. They can come in and develop them. We must borrow money from the World Bank. Why, when we financed World War II, the Snowy River hydro-electric system and the trans-Australian railway by simply printing the money? Now, we are slaves to the World Bank, and the United Nations is the tool of these people, I believe.

Mr PRICE—It is quite clear that you are really concerned about those United Nations treaties.

Mr Keogh—Yes.

Mr PRICE—One of the things that the Howard government did was to set up the Joint Standing Committee on Treaties. It looks at existing treaties such as the Rights of the Child. I am not sure what its current inquiry is. Have you ever made a submission to the treaties committee?

Mr Keogh—Yes.

Mr PRICE—How did you go?

Mr Keogh—It was not worth the paper it was written on. Let me explain that and let us talk about the fifth protocol. The fifth protocol was supposed to be promulgated on a certain date—I cannot recall the exact date. To me, it was the most disgusting document you could ever

imagine. It replaced the MAI, which virtually usurped any sovereignty we might have had when it came to trade. We must trade under World Trade Organisation rules and we have no rights whatever. When the fifth protocol was introduced it was felt—

Mr PRICE—We don't get any rights under the World Trade Organisation?

Mr Keogh—The World Trade Organisation certainly gives us rights, but it gives us limited rights and it puts more limitations on us than benefits. Let us dwell on that fifth protocol. I was so incensed by this that I did object to it and I did also endeavour to raise the awareness of many people and was fairly successful. I had arranged for certain happenings to occur, like the presence of several people at every politician's office in their electorates to raise awareness of this. It was announced through a minor party and I managed to get good publicity on this. And, lo and behold, Tim Fischer brought the thing forward and it was promulgated about a fortnight or three weeks ahead of when it should have been. So all my efforts at publicising the downside of this were lost because, obviously, they got wind of it. That is how much control the United Nations have. That is one treaty. You have got 2,000 treaties. For heaven's sake, this is crazy stuff. I am not opposed to helping nations—

Mr PRICE—So how many submissions have you made to the treaties committee?

Mr Keogh—Only a couple.

Mr PRICE—Which treaties was the treaties committee looking at?

Mr Keogh—The MAI and the fifth protocol.

Mr BAIRD—Which was finished some time ago.

CHAIR—You were saying that the UN has control of our superannuation, but could you actually identify for me, to help with my understanding of this matter, what UN treaty actually forces Australia to purchase goods? You actually made that comment as part of your statement.

Mr Keogh—Well, I believe—

CHAIR—No, I want you to tell me what it is.

Mr Keogh—I don't know the treaty.

CHAIR—Why did you mention it?

Mr Keogh—But we are not allowed to raise tariffs.

Mr PRICE—That is not quite true.

CHAIR—Hang on a moment. This is a parliamentary committee and we are here seeking answers. As part of your statement to this committee you actually said that a UN treaty—and these are your words—'actually forces Australia to purchase goods'. You actually said that as evidence before this committee. What I am asking you to do, because I want to understand this

and I want to understand your argument, is to mention that UN treaty so I can actually go and get that treaty, study it and see where you are correct in saying it forces Australia to purchase goods. I would be quite concerned about that being so, and I wonder if you could actually identify that treaty for me.

Mr Keogh—I do not know the treaty but it is about the World Trade Organisation. We are signatories to the World Trade Organisation, which is organised by the United Nations. That World Trade Organisation says to remove tariffs and every now and then our federal government goes along and says, ‘Yes, we’ll knock them down,’ and another 100,000 go into the dole queues.

Mr PRICE—But we have actually reduced tariffs. The major reductions in tariffs came in before the World Trade Organisation was set up.

Mr Keogh—You try to go into any supermarket to buy something that is not made in China. Unless it is fresh fruit and vegetables, you have got Buckley’s.

Senator QUIRKE—You obviously do not think Martin Bryant shot those people in Tasmania. Who do you reckon did?

Mr Keogh—Obviously, a very, very professional person, because I think about 80 or 90 per cent of them were shot through the head from the hip without a laser sight. That is virtually impossible for anyone to do except an absolutely highly trained professional shooter trained to kill. Martin Bryant had, as I say, the intellect of a 12-year-old. This is all confirmed in a book by a gentleman who was instrumental in revealing the great lie that was perpetrated that a person over in London was shot from the Libyan embassy, which caused a massive assault on Libya in which many people were killed.

Senator QUIRKE—Can you hold it there. Obviously, you see this as some great conspiracy to disarm.

Mr Keogh—I do indeed. We are pawns, as I have said, in a great global game. As for our politicians, I do not whether they are paid, cajoled or threatened, but possibly it is all three.

Senator QUIRKE—Obviously Colt firearms are not part of that show.

CHAIR—Okay, let us leave it at that. I might just say, Mr Keogh, that Apex, which you mentioned also as being part of the UN, is not part of the UN system. I cannot talk for any other politician but you can rest assured that I am not being paid, cajoled or intimidated in any way. I think that is true of all my colleagues. You might not always like what we do but we are democratically elected to represent the people of Australia and, with all our failings and shortcomings, we do this to the best of our ability. Obviously, we do not satisfy all the people all the time, but the solution is in their own hands come the next election: if they are unhappy with us, they vote us out.

Mr Keogh—No, no—

CHAIR—That is enough, thank you very much, Mr Keogh. We now move to Mr Gierke. It is over to you, sir.

Mr Gierke—I am making this submission on behalf of Queensland for Constitutional Monarchy. Looking at the treaties and agreements that have previously been signed by the Commonwealth of Australia, and particularly by the Commonwealth of Australia with the United Nations, we have seen how the power internal to Australia has shifted from what were the constituent states to that Commonwealth government through legal interpretation of treaties and section 109, the Tasmanian dams case. We have seen from Teoh's case how there is the potential for it to run through the administrative systems of the various—

CHAIR—That has now been overturned.

Mr Gierke—In relation to the Commonwealth, I agree with that. But it is still there as a sleeper in relation to state jurisdictions. Anyhow, it is a development that is lying dormant, in my submission, in the development of the Commonwealth law, just as the Goya Henry case in 1938 was the beginning of the international treaties which came to full fruition in the Tasmanian dams case. I am putting it on that basis. That is one of the reasons why the QCM is worried that the same thing might be happening to the Commonwealth, which we see is the sovereign power. In effect, its sovereignty is going to be downgraded, you might say, as the state powers were downgraded previously. It now has the possibility, through its signing treaties with the United Nations, of having its sovereignty downgraded.

As we see it, the principal reason for the Federation was giving to the Commonwealth the powers over foreign affairs and the defence power, particularly the defence power. The way we see it, the defence power is squarely with the Commonwealth of Australia, and we certainly would be against anything which derogates from the responsibility of the Commonwealth, under the Constitution, to protect the states. That is clearly set out there. If the Commonwealth wishes to move away from that situation, the society feels that that calls for an amendment of the Constitution under the powers of 128. If, for any reason, the Commonwealth wants to give away its defence powers and its foreign affairs powers to an external organisation such as the United Nations, then in our submission it calls for an amendment to the Constitution.

With regard to the UN and a continuing look at the relationship with the UN, the society feels that people should be alerted in the Governor-General's speech to these treaties that we are discussing, particularly with the UN as the possibility of another supranational body. Just as the Governor-General talks about the government's powers in the next sittings of parliament to legislate about this and this, we feel that the Governor-General should give to the people a knowledge of what the government intends to do with regard to what treaties it intends to sign on behalf of the people of Australia.

Also, we take the development of the environment as an example: where in the Commonwealth situation anybody is going to do anything about the environment, there are always environmental impact studies. What we are suggesting is that the Commonwealth, through its various committees or through its department of state, provides impact studies in relation to how the various treaties will affect the Constitution, their legal impact and their financial impact. The Commonwealth should publish papers so that the public can be adequately informed.

CHAIR—You are obviously not aware that one of the first acts of the Howard government—one of the few acts of the Howard government that I wholeheartedly support—was to bring in the treaties committee, following a recommendation by this Joint Committee on Foreign Affairs, Defence and Trade. Every treaty, before Australia signs or ratifies it, goes before that

treaties committee. There are public hearings; members of the committee travel around Australia; they advertise. You shake your head, sir. It is true: they advertise those hearings and anyone can make submissions. The chair of that committee comes into the parliament and presents the report of the committee to the parliament. It is all publicly available. The time for what you are saying has passed by. This has been in operation for the last five years.

Mr Gierke—Yes, I know.

Mr BAIRD—I am a member of that committee.

CHAIR—So is Mrs Crosio.

Mr BAIRD—Every treaty that is signed by the Commonwealth has to come before that committee and we have public inquiries. If, in the future, you have got any submission you want to make regarding any treaty, you have got the ability to do that.

CHAIR—You should be on their mailing list.

Mr Gierke—I realise there is this committee. All I am suggesting these things for is as a further security for the people of Australia, to be informed. I realise that since there has been a change of government there has been great improvement in the treaty making process. I realise that. What I am suggesting is that some of these things are so important that they require further publicity and to be brought fully into the political arena. I am suggesting foreign affairs and defence are quite important. People are inclined, when they see advertisements in the paper, to just brush them aside.

CHAIR—I hate interrupting you, but you used defence. The Prime Minister, last Tuesday, launched a discussion paper. The government has set up four members who will go around Australia; every member of parliament has been provided with a whole lot of things to send out to their electorate. The government, with the support of the opposition, have said, ‘We want a wide ranging debate and a contribution to the white paper which will come down before the end of the year.’ Here we are talking about the future of the Australian defence forces. The government of the day has set out this wide ranging discussion. I would suggest not only to you but to others, with every possible amount of respect, that there is much more communication and two-way traffic out there than people realise.

What sometimes happens is that, because the government of the day or particular politicians might not agree with a particular point of view, people are saying there is no debate or discussion. There is debate and discussion, but sometimes the politicians or the government or the opposition have a different point of view from one fervently and sincerely held by a particular individual or a particular group. But surely that is democracy—what you are supposed to be on about.

Mr Gierke—I am not disagreeing with you at all.

CHAIR—I interrupted you, but anyway your five minutes are up.

Mr Gierke—I just want to make a very quick point.

CHAIR—In fairness to you, go on. You have got time to wind up.

Mr Gierke—All I really want to say is that society—Queensland for a Constitutional Monarchy—has no objection at all to Australia working with the UN. I want to make that quite clear. We are asking that it be dealt with by our sovereign government on a case by case basis. We do not want to give a plenary delegation to the United Nations to do things without reference to our sovereign government. That is really the nub of what I am saying. What we have suggested about the other things—which I take your point on, Mr Deputy Chair—is on the basis that we are all involved in it, we all understand it and at the end of the day we leave it to our representatives on a case by case basis. We want to work with the UN; we do not want to work through the UN. That is my position.

CHAIR—Do members have any comment?

Mr PRICE—I think you have taken up all the questions.

Senator BOURNE—Mr Gierke, have you seen the defence department evidence to this committee at our last hearing?

Mr Gierke—No, I have not.

Senator BOURNE—It would be worth while, I think, if we sent it to you. The departmental witnesses were asked that question about whether we give our power away to the UN, and they did answer it. I think you would be quite interested in that, and we can get a copy to you.

Mr Gierke—Yes, that would be very good. The thing is that on some of the submissions throughout the inquiry which I have read there are people putting the business about the standing armies and this sort of thing. That is really what we are against. We are in favour of the Commonwealth exercising its powers under the Constitution.

Senator BOURNE—I think you will enjoy reading the defence department's evidence.

Mr Gierke—That is our position. I hope we did not look as if we were fighting another war. That is what we about. We are in favour of the present system and we want to add our weight to the people who oppose any alteration of the present system.

Senator BOURNE—To weaken it?

Mr Gierke—To weaken it. That is our position. And we are all in favour of the elected politicians.

Senator BOURNE—Jolly good. Thank you.

Mr JULL—I received a letter from Andrew Thomson yesterday. A public forum on treaties is to be held in Brisbane on about 16 July, at Eight Mile Plains. Alexander Downer will address the forum; Andrew Thomson will be present. I think the state minister involved in treaties will be present as well.

CHAIR—It would be good if people could attend that.

Mr Gierke—By way of a parting shot, I read one of the publications that was sent to me, in which Mr Thomson says that he does not mind giving away our sovereignty.

CHAIR—I said to an earlier witness—I am not sure if you were here—that we have had close to 200 submissions. As you would appreciate, we get as wide a range of points of view as there are out there in the society. We make no judgment on any submission that we are given. No submission is given priority over any other. Submissions come to us; they go to all the committee members. If people wish to appear before us, they can do so. But we do not give priority to any one point of view in a submission. If it is well argued, it may be persuasive. Just because someone said something that you personally find offensive, that does not mean that we then exclude it from our hearings.

Mr Gierke—We have got confidence in you, Mr Chairman, and we are for the status quo.

Mr BAIRD—On Thursday, 20 July—I think it is in Canberra—the joint standing committee will be having representations on the treaty making process. So it is quite open.

Mr JULL—This is the same thing that is on in Brisbane.

CHAIR—We will now hear from Ms Lamont.

Ms Lamont—I do not expect any applause by the time I finish because, quite unashamedly, I have a great investment in the retention and strength of the UN on behalf of all women—the women's NGO groups that I represent and the groups that we are involved with. One comment I would like to make is about the portrayal of the UN today. It is portrayed as something that is out there. Really, I think we all need to be reminded that it is 188 member states. As we have learned, it operates on negotiation and it is as good or as bad as the manner in which the states behave and the political will they bring to it. The UN is us; it is what we do. That is where we believe that Australia has a great role to play. It was discussed this morning, and I agree with the view that was put forward, that we do have unbelievable opportunities, considering our size, to exert power at the UN. On behalf of the NGOs that I represent, we would urge Australia not only to continue to use that power, but to take a much greater leading role in using that power.

We would also urge a greater use of the role of NGOs. In particular, I am speaking about women's NGOs, because NGOs are often referred to in two different ways. I am really speaking on behalf of the women's NGOs particularly, but I refer also to all NGOs. There was a comment this morning about how, within the UN system, progress is very slow. Women's NGOs know that probably more than anyone. We are all fighting for equality and, by any measure, equality has been very slow in coming. By any measure, it still is not here. We understand, probably more than anyone, that progress is incremental. Despite that, we also agree that moral persuasion is probably what is the greatest asset and benefit of the UN.

I have just returned from the UN. I hope that Mr Digger James is still present to hear this, because I was part of the Australian delegation. I was an NGO adviser on that delegation. I would like to talk to him afterwards and allay some of his fears. The document that we came up with is very conservative by anybody's standards. One of the things that was argued during that time was for a greater role on the part of NGOs. What was not accomplished was greater resourcing. So I would ask the government to think about that, in terms of the role of NGOs.

Australia has a great investment where the role of NGOs—and women—is concerned because of our situation, 60 per cent of the world's women being in the Asia-Pacific region. Many, many of those women are living in poverty. So we would, as people did this morning, urge more regional involvement as well as a greater involvement in the UN itself. Globalisation is something that was talked about quite extensively this morning and the fact that there is a large percentage of women here makes our involvement imperative, because structural adjustment schemes and globalisation have made a very big difference to women in this area. There have been good and bad effects of globalisation and structural adjustment.

We would urge a greater look at the macro-economic policies that are used at this time; we should try to ensure that there is a gender perspective in what is happening, because there have been good and bad effects. The good one has been that it has given some women greater opportunities. They have been the well-educated ones, and the minority. The vast effect has been on the poorer ones and those who were part of an employment situation that with macro-economic policies is often not honoured. Those people have become a greater number of unemployed and the consequences of this have been quite marked. In some countries there has actually been a rise in maternal and infant mortality because there is not the ability to pay for antenatal care. This is why we are urging a greater gender perspective in these things.

International human rights were discussed this morning, and international human rights instruments. These have been critical for women's progress and we would urge a greater investment in them, in terms of putting them into a process rather than just becoming a signatory to any document. There is great support for these because they can be used as a lever, they can be used for accountability. I know that there was great criticism of the fact that we got criticism over our last CEDAW report. That is as it might be, and we need to look at why and not simply feel that that is one reason, as some other people in this room might feel, for us to get rid of any obligations where CEDAW is concerned.

As to my role, it has been five weeks now that we have been discussing together, as a UN body, the platform for action and then the outcomes document. We know that document is not legally binding, but I think that, with governments agreeing to that document, it has a moral persuasion; it is morally binding. The most important part of that debate—as far as I could see, being able to be in some of the closed debates that went on—was the fact that it gets issues out into the arena and you are able to discuss issues, you know what other people think. That is one way of working towards a consensus.

If I may make a last comment on a comment that was made this morning: we did achieve some new things in that outcomes document that is coming out. Australian NGOs and the Australian government worked towards this and this is, I think, where our international obligations come in. There is nothing funny about honour killings, crimes committed in the name of passion, dowry related violence, female genital mutilation, early enforced marriages. They are now in that outcomes document and are now able to be used by us as NGOs and by governments to persuade other governments to do what they are asked to do, to seek to outlaw those. One thing that became very apparent, it seemed to me, particularly where the Beijing Plus 5 was concerned, was that people are no longer going to be able to hide behind cultural and traditional rights as an excuse for not having human rights.

CHAIR—Thank you very much, Ms Lamont. Any comments from committee members?

Mr BAIRD—After such a presentation, do we owe an apology?

CHAIR—No, we must be unbiased.

Mr BAIRD—So in summary what you are saying is that, as far as you are concerned, the UN works very well and there are many benefits, particularly in relation to gender issues?

Ms Lamont—I think the UN worked as well as the members who were there allowed it to work. There is no doubt that people went with different agendas. We went with our own agenda; every country goes with its own agenda. A lot of the process was very slow, it was very tedious—but, if the opposite to that is war, then let us talk.

CHAIR—Your point was very well made: it is not an entity within itself; it is not an ‘it’, it is ‘us’. It is the 188 sovereign members, and whatever they want, if they want it, they will achieve it. It is too easy to blame ‘the UN’ as if it were an entity in its own right. Thank you very much, Ms Lamont.

Mr Dashevici—Thank you very much for this opportunity. I realise that in many places in the world it would not be possible for an ordinary person to come in front of a committee of parliamentarians and make some statements, particularly when he has not prepared for it. I did not know the nature of the forum, and I thought I would just come and view and comment. But I would remind you that it has been wisely said that all it needs for evil to prosper is for good people to do nothing, and this is the problem. When good people withdraw and say, ‘This is too difficult,’ or, ‘There are too many problems,’ or, ‘We are philosophically opposed’ to various positions, those who are not interested in the good of all can easily take over.

My mother is currently in hospital. She is 86-years-old. My father died. They both came from Europe. They were both deeply touched by the tragedy of war as, of course, many other migrants’ children could tell you was the case. I can assure you that there is nothing greater as far as negation of national sovereignty is concerned than the sorts of things that happened in, say, Belgium or in Latvia—my mother’s country—when a foreign army just marches straight in and takes over your country. Australia is fortunate we are an island and we might be okay, but some of those countries do not have the same opportunity. By being members of the UN we can help people—small nations in Africa and elsewhere—and the cost is not all that great. That is something to bear in mind.

As I was growing up as a little boy, I thought that the name Roosevelt stood for someone really, really important: Eleanor Roosevelt. That was because my parents were deeply moved by the fact that she mobilised refugee camps, food—food parcels from America, they told me. I was born here, so I was not there, but this is what they talked about when I was young: food parcels from America and the wonderful Mrs Roosevelt who made all this possible. It is a very simplistic point, yet we must remember there are people still dying as a result of wars, and the capacity for war has increased.

I was recently on a web site in the United States to do with ‘naval’ and ‘space’. I thought, ‘Oh yes, the American navy is positioning itself if there is something happening in space.’ That is not a criticism of the American navy. If the Americans are doing it, I am sure the Russians, the Chinese and even the Japanese have a space agency and all things could be militarised. We do have an opportunity, I think, at this stage in global affairs, to take a bit of initiative which might make a safer, better world, and the United Nations is one place where we could begin.

The situation in North Korea now, with the normalisation—we have got to be cautious, we do not know how things will work out—all presents an opportunity if we can get together with other nations in our region and a little further. Maybe we do not have to spend quite as much money, maybe we do not need the latest whiz-bang to kill millions of people as quickly as possible in order to be safe and for them to be safe, and for everywhere else to be safe. We could start dialogue. Apparently, we have greatly benefited in Timor from the fact that our military knew the Indonesian military; maybe we can benefit elsewhere.

There has been some talk of a standing army for the United Nations. I am as much of an individualist, I think, as any other person. I do not like anybody telling me what to do, and I can understand nations not wanting it. Yet there has obviously been some expertise gained in Timor and elsewhere. The generals, diplomats and others who have this expertise are going to retire, and within 20 years it could all be lost and then have to be reworked. Maybe there is sense in developing a management capacity internationally, where someone like General Cosgrove could go along and pass on his expertise in doing this sort of thing without endangering either your own people or the civilians around. Obviously, the Pentagon felt that there was something to be learned from General Cosgrove—I noticed that there he was, slouch hat and all. They too will retire one day, so maybe it makes sense to build something, not to deny human rights and not to deny national sovereignty but to try and create the sort of world where something bad cannot happen too quickly.

Many historians have felt that the Second World War might not have developed the way it did if Woodrow Wilson had been able to persuade America to be in the original League of Nations. We do not know: maybe, maybe. If we are not there and if we are not trying to make a positive contribution, we cannot complain if something goes wrong. I would urge you to do what you can, as best you can.

CHAIR—Thank you very much, Mr Dashevici. There being no comments from any committee members, I would like to thank everyone who attended today: those who appeared before this subcommittee and gave evidence, my fellow committee members and Hansard. It has been an interesting day for all of us. I think the breadth of comment that has been made here will be reflected in the hearings we have throughout Australia on this topic. It shows the interest that is there and the diversity of views as they concerns Australia's role in the UN.

I urge those who are interested in the topic to follow the work of the committee. Register with the secretariat. You can get transcripts of the evidence that has been given, and already some of the earlier evidence that was given, especially by the Department of Foreign Affairs and Trade, which put the formal Australian government position. We had the Attorney-General's Department before us. Those who have been interested in treaties may like to know that there was a discussion on treaties there. Indeed, as Senator Bourne rightly said, some of the questions that have been asked about standing armies and sovereignty were addressed during the evidence from the Department of Defence. We have also had the United Nations Association of Australia, which—I suppose not surprisingly—took a very pro-UN stand. During the inquiry we will get lots of pro-UN stands and lots of anti-UN stands. I suppose it is our role as a committee to sift that and, to the best of our ability, come up with a recommendation to the federal government, which might or might not accept what we recommend. In any case there will be a lot of debate on it.

Resolved (on motion by **Mr Quirke**):

That, pursuant to the power conferred by section 2(2) of the Parliamentary Papers Act 1908, this committee authorises publication of the evidence given before it at public hearing this day and the supplementary submission from Mr Clark.

Subcommittee adjourned at 3.00 p.m.

