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JOINT STANDING COMMITTEE ON FOREIGN AFFAIRS,  
DEFENCE AND TRADE

FOREIGN AFFAIRS SUBCOMMITTEE

**Reference: Australia's relations with the Middle East**

THURSDAY, 14 SEPTEMBER 2000

CANBERRA

BY AUTHORITY OF THE PARLIAMENT

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## JOINT COMMITTEE ON FOREIGN AFFAIRS, DEFENCE AND TRADE

### Foreign Affairs Subcommittee

Thursday, 14 September 2000

**Members:** Senator Ferguson (*Chair*), Senators Bourne, Calvert, Chapman, Cook, Gibbs, Harradine, Hutchins, Sandy Macdonald, O'Brien, Payne 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:** Mr Jull (*Chair*), Senator Gibbs (*Deputy Chair*) Senators Bourne, Calvert, Chapman, Ferguson and Schacht and Mr Brereton, Mrs Crosio, Mr Laurie Ferguson, Mr Hawker, Mr Hollis, Mr Lieberman, Mr Martin, Mr Nugent, Mr Price, Mr Pyne, Mr Snowdon, Dr Southcott and Mr Andrew Thomson

**Senators and members in attendance:** Mrs Crosio, Mr Laurie Ferguson, Mr Jull, Mr Nugent, Mr Price and Mr Pyne

#### **Terms of reference for the inquiry:**

To inquire into and report on Australia's relations with Middle East nations and the Gulf states, with particular reference to:

- Opportunities and impediments to expanding Australia's trade relationship with the Middle East and the Gulf states;
- Australia's contribution to the Middle East peace process, and the prospects for resolution of the Arab-Israeli conflict;
- The role of the United Nations, and Australia's involvement, in promoting regional stability for the Middle East and the Gulf states, including consideration of the United Nations weapons inspection program and the impact on Iraq of internationally-applied sanctions;
- Australia's defence relationship with the Middle East and the Gulf regions, and the scope for promoting Australia's strategic interests;
- The impact of destabilising influences in the region including the potential production of weapons of mass destruction;
- Progress on the adoption of human rights principles in the region; and
- Social and cultural linkages, given the levels of migration to Australia from the Middle East and some Gulf states and with particular reference to the Australian aid program towards the Middle East and the training programs for students from the region.

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**Subcommittee met at 9.15 a.m.**

**JONES, Mr Richard Geraint, Middle East Program Manager, AusAID**

**O'KEEFE, Ms Annmaree, Assistant Director-General, South Pacific and Africa Branch, AusAID**

**BOWKER, Mr Robert, Acting Assistant Secretary, Middle East and Africa Branch, Department of Foreign Affairs and Trade**

**COURTNEY, Ms Jill Bernardine, Director, Special Projects, Middle East and Africa Branch, Department of Foreign Affairs and Trade**

**DORAN, Mr Brendan, Director, Africa, Department of Foreign Affairs, Defence and Trade**

**SINGH, Mr Sean Karam, Executive Officer, Chemical Weapons Convention, Arms Control Branch, Department of Foreign Affairs and Trade**

**CHAIR**—Welcome. The committee is resuming the Canberra hearings for its inquiry into Australia's relations with the Middle East following public hearings in Melbourne and Sydney at the end of July. The subcommittee prefers that all evidence be given in public, but should you at any stage wish to give any evidence in private, you may ask to do so and the subcommittee will give consideration to your request. Although the committee does not require you to give evidence on oath, I should advise you that these hearings are legal proceedings of the parliament and, therefore, have the same standing as proceedings of the House itself. I invite you to make a short opening statement, if you wish, before we proceed to questions.

**Mr Bowker**—Thank you, Mr Chairman. The presentation that the department made on 19 June emphasised the potential for Australian economic interests to benefit from trends discernible in the Middle East region. In particular, we identified economic change; demographic factors; the impact of global communications and rising expectations; the trend towards stabilisation, if not resolution, of major regional sources of tension, including the Arab-Israel dispute; and the ongoing perception of Australia as a reliable and responsible trade and economic partner with experience and capabilities directly relevant to the region's needs and whose political stance on key regional issues is generally viewed as fully acceptable.

We also emphasised the government's commitment to supporting and sustaining Australia's engagement with the region. That included notably the visit of Mr Vaile to the Gulf in March, the visit of his Royal Highness Prince Salman bin Abdul Aziz from Saudi Arabia, the Prime Minister's visit to Israel and Gaza, and the joint ministerial commission meetings with the United Arab Emirates and with Iran. Developments since June have largely reinforced those assessments and further demonstrated the strength of the government's commitment to pursuing Australia's interests in the region.

The Middle East peace process has seen further developments, notably the second Camp David Summit, which was held from 10 July to 25 July. That summit ended without agreement, but it broke new ground between the parties on borders, settlements and previously taboo

subjects of refugees and Jerusalem. Intensive efforts are currently under way to consolidate the progress that was made and to secure a negotiated outcome to the dispute before the end of the Clinton Administration. As expected, the Palestinian Central Council met on 9 and 10 September and decided to defer a unilateral declaration of independence. No new date for a unilateral declaration of independence was specified, but the Palestinian Central Council is due to meet again on 15 November 2000.

Between 22 June and 2 August, 11 ministers and four parties withdrew from Israeli Prime Minister Ehud Barak's government. Mr Barak lost his parliamentary majority at the end of July but his opposition appears, at this stage, to lack the 61 votes necessary to bring down his government. The Knesset is in recess until 30 October. Although the Knesset has passed the preliminary reading of a bill to dissolve itself, this requires at least three more readings and several months before it can take effect.

In Iran verdicts were handed down in the trial of 13 Iranian Jews and four Muslims charged with espionage. Ten of the 13 Jews were convicted, with sentences ranging from four to 13 years. Two of the four Muslims were sentenced to two years. Three Jews were acquitted. The sentences have been appealed and we understand that the appeal court's decision is expected to be handed down by 20 September. Political reformists suffered a setback in Iran on 6 August, when the Supreme Leader, Ayatollah Khamenei, advised the Majlis that the proposed bill amending the Press Law, which would have removed restrictions imposed by the previous Majlis, and which are currently being used in a crackdown on journalists, should not be discussed. Twenty-two Iranian publications have been closed since the elections and a number of editors have been sentenced to between two months and seven years imprisonment. The reformists appear confident however that they will find a way to recover from these setbacks and some temporary bans on publications are expected to be lifted in the relatively near future.

Turning to Syria and Lebanon, Bashar al Assad was inaugurated as President of Syria on 17 July after his presidency was approved by national referendum. On 8 August the Lebanese government approved the deployment of over 1,000 members of the Lebanese army and police forces in areas of South Lebanon vacated by the withdrawal of the Israeli defence forces and the collapse of the South Lebanon Army. Actual deployment of those forces took place in mid-August, to areas short of the border, which UNIFIL continues to monitor. The south of Lebanon has remained largely incident free since the Israeli withdrawal. Parliamentary elections were held in Lebanon on 27 August and 3 September. Former Prime Minister Rafiq Hariri and his allies gained 45 of the 128 parliamentary seats, making it likely that Mr Hariri will be reappointed Prime Minister when parliament resumes in October. Hezbollah won 12 seats, compared with nine in the previous parliament.

With regard to Iraq, on 2 August we witnessed the 10th anniversary of the Iraqi invasion of Kuwait. Although preparations were completed for a resumption of UN arms inspections through UNMOVIC, Iraq remained defiant of UN Security Council efforts to secure its compliance with its international obligations. The humanitarian consequences of Iraq's ongoing defiance of the international community remain of deep concern, but they are being addressed with real determination within the framework of UN Security Council resolutions. Elsewhere in the Gulf, I bring to the committee's attention that, on 22 August, Saudi Arabia announced that it would sign the Convention on the Elimination of Discrimination Against Women, albeit with the reservation preventing it from applying any articles which conflict with sharia law.

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Turning to Australia's role, the Minister for Trade, Mr Vaile, made a successful visit to Israel and also to meet ministers from the Palestinian Authority at the end of June. In Israel he was accompanied by a business delegation with strong interests and expertise in the high technology sector and representatives of the Australia-Israel Chamber of Commerce. During his visit to Ramallah he was accompanied by the head of the Australia-Arab Chamber of Commerce and a business delegation, which was able to conduct exploratory discussions concerning the potential to build trade relations as political developments in the region consolidate.

Mr Downer made a highly successful visit to Iran from 30 to 31 July. His discussions covered bilateral relations, particularly in the areas of economic and technical cooperation and investment. Bilateral and multilateral interests and issues of mutual interest, including arms control, human rights, illegal people movements and the Middle East peace process, were also discussed in a positive and constructive manner.

Mr Downer announced on 23 August that Australia would open a representative office in Ramallah. The office opened in temporary premises on 6 September. Australia is now no longer the only significant donor to the Palestinians without a representative office in the West Bank, in Gaza, or a consulate in East Jerusalem. The representative office will strengthen Australia's dealings with the Palestinian Authority and provide better coordination of our aid program, which at \$7.4 million annually places Australia among the major donors to the Palestinians. The decision to open the office is without prejudice to the outcome of direct negotiations between Israel and the PLO on important issues in the peace process. Australia remains opposed to any unilateral steps that could jeopardise the success of those negotiations. We have made our concerns on that score known to the parties involved. Opening the office will promote other Australian objectives, such as support for democracy and good governance and the expansion of commercial contacts.

On 13 August the East Asia Analytical Unit of DFAT released a major study on export opportunities entitled, 'Accessing Middle East growth: business opportunities in the Arabian Peninsula and Iran.' The report highlights the strong complementarity between Australia and the Gulf economies, the liberalisation of those economies, improving transport links and Australia's competitiveness as a supplier. It forecasts continued growth in the economic relationship and opportunities for Australian business over the next decade as young populations continue to drive reforms.

In conclusion, while there will always be uncertainties surrounding the outlook for the region, the events outlined in this very brief overview support the view that the medium and long-term outlook for the region is encouraging. The problem of predicting the course of events in the next few months, so far as Israel and the Palestinians is concerned, should not distract attention from the overall direction of regional developments and their positive implications for Australia. Our trade, economic and political links with the region are continuing to strengthen, our dialogue with key regional players continues to grow, and we remain a valued and respected interlocutor in a region whose horizons are expanding as it strives to achieve its full potential.

**CHAIR**—Thank you very much indeed for that most comprehensive update. The only thing that perhaps you did not mention was the invitation to Yasser Arafat to visit Australia. Is there any indication, at this stage, as to when that may happen?

**Mr Bowker**—No, there has been no active pursuit of that issue from the Palestinian Authority since the Prime Minister's visit.

**CHAIR**—While not trying to throw a dead cat in the ring at this early hour of the day, despite your closing statement, in reality, do we have any influence at all on producing a Middle East peace?

**Mr Bowker**—We do have influence, but it is largely an indirect influence. The contribution that Australia can make is, firstly, to provide support to those parties who are most actively concerned to bring about a positive and constructive outcome to the negotiations. We are not, and are most unlikely ever to be, a player, or even to be regarded as a significant commentator on regional events. We are removed from the region geographically, historically, and, in many ways, culturally.

We are not looked to by countries in the region as a political player. We are, however, a country which does have credibility and which is regarded as providing views that are based on principle and reflect a genuine desire to see the conclusion of this protracted and deeply concerning dispute. We are regarded as people who can provide, from beyond the region, a perception of the issues of principle at stake that are supportive of the forces for moderation.

When we have direct high-level political contact, such as during the Prime Minister's visit, we are also able to convey directly our encouragement to the parties to make the steps that, however painful, are necessary to bring about a final resolution of the issues. I do not think that Australia can withdraw from its responsibilities as a member of the international community to speak out on the core issues of principle that are involved and to encourage the players to bring whatever political courage they can muster to make the compromises necessary.

**CHAIR**—I suppose the words 'by their works you shall know them' is a great contributing factor too. I was interested in your update of what is happening in East Jerusalem and what we are doing there. I think it would be fair to say that in some of our previous hearings some of the witnesses have been fairly critical of Australia's efforts in terms of assistance to the Palestinians.

Maybe we all have a bit of a job promoting the fact that Australia is one of the biggest providers of aid. In that respect, how much coordination goes on between AusAID and the Department of Foreign Affairs and the NGOs? What sort of collaboration is there in terms of selecting particular projects that we might support? Could we possibly get an update on some of the new projects that are under way?

**Mr Bowker**—I will invite Ms O'Keeffe to respond in substance to that. From a DFAT perspective, there is very close and productive communication and coordination between AusAID and DFAT on particular proposals, both in Canberra and at the post, where these are evaluated.

**Ms O'Keeffe**—I want to reinforce Bob's words on the collaboration we have between DFAT and AusAID in determining what the shape and the profile of the program will be. We also have discussions with the NGO community active in the Palestine territories. They are the ones on the ground providing us with significant feedback on what the situation is. Indeed, we have an



NGO window through an NGO program that a number of Australian non-government organisations have access to. We will be opening up that window again later on. We currently have a number of projects active in the Palestine territories. They are undertaken by organisations such as APHEDA, Community Aid Abroad, Austcare, the Australian Red Cross through the International Red Cross and also the Salvation Army. We are undertaking a range of activities.

We have also opened up the human rights scheme to a number of posts. That includes Ramallah. Requests are out at the moment for proposals to come in. The determination of which programs are going to be funded has to be on a competitive basis. We only have a limited amount of money. I should perhaps clarify the amount that we do have available for our Middle East program. We have a total aid flow of something like \$8.8 million in this financial year so it is quite considerable. That includes the bilateral program and our contribution to UNRWA. It includes our contribution to the World Food Program and also our projects through NGOs. It is quite a rounded approach that we have adopted.

**Mrs CROSIO**—Mr Bowker, can I first bring you back to the question that the chairman asked with reference to what Australia can or cannot do in the Middle East as far as helping the peace process is concerned. I also remind you that, in the *Hansard* transcript of 19 June, when a similar question was asked by me, you said:

We are not called upon by any of the parties to take a higher profile. ... the region would be somewhat surprised if Australia was to initiate a proposal in regard to the core issues underlying the conflict that has dogged the region for the last 50 years. We are not seen in the region as necessarily having a political role. We are valued, but not because we are looked to to present solutions to issues under negotiation between the parties themselves.

How has that changed in the last three months so that we now speak out? If we speak out as a nation, where do we speak and to whom do we speak regarding the peace process?

**Mr Bowker**—To give you an example, the comment was passed in the General Assembly last year that, from an Australian perspective, the settlement activity that is currently going on in the occupied territories is both contrary to international law and harmful to the peace process. That is a very strong statement of principle which this government stands by in its voting record in the UN and in public statements on that issue. We are prepared, where we have concerns based on matters of principle, to spell those out. When opportunities arise in the General Assembly context, in dealings with the individual parties, we do make those positions very clear.

**Mrs CROSIO**—That was last year when we made the statement in the United Nations?

**Mr Bowker**—Yes.

**Mrs CROSIO**—It was before you made that statement to us on 19 June.

**Mr Bowker**—That was a statement which picked up the principles which underlie the government's position.

**Mrs CROSIO**—There are a number of questions raised in the submission that we have already got—and I thank you for your other one, as the chairman has expressed. I would like to come back to the Golan Heights and some of the questions on the evidence that we have here.

What do you think is going to become of the Israeli settlers once Israel withdraws from the Golan Heights? Do we have any idea?

**Mr Bowker**—No, I do not think we have any particular information on Israeli plans to resettle those individuals. It is certainly widely expected in Israel that, in the event of a comprehensive solution, those settlements will no longer be able to stay in the Golan area. It would seem unlikely that Syria would agree to their continuing presence, although there may be some possibility of agreements being reached between Israel and Syria to avoid the situation which applied during the withdrawal from the Sinai, where the physical infrastructure of the settlements was actually demolished. We would certainly hope that some sensible arrangement would be possible in the Syrian context as well.

**Mrs CROSIO**—I did not catch the date when you were giving further evidence here this morning in your statement. When did Australia actually open that temporary office in Ramallah?

**Mr Bowker**—It was opened on 6 September.

**Mrs CROSIO**—How many people do we have working out of that office?

**Mr Bowker**—At the moment, we have one person there to establish the communications, banking facilities and all the other things that go into setting up an office. He has to undertake the recruitment of staff, set up the basic financial management processes and so on. The actual staffing level is yet to be determined. It will certainly include the representative of AusAID who is currently based in Tel Aviv because he will be able to assist from Ramallah in the coordination of that program. There are no final decisions at this stage about the operational character of the office.

**Mr PRICE**—When are you expecting to make that decision?

**Mr Bowker**—I could not advise you on that, I am afraid.

**Mrs CROSIO**—Before we decide as a nation to open up an office in any other state, do we not do an assessment and then work out what the need is and how many people we are going to require there and at what level those people are? Surely, we would do that before we would make a commitment to open up a particular office?

**Mr Bowker**—We have established that initially the office will have an Australia based officer at counsellor level, or thereabouts, or possibly an officer of a slightly lower substantive level who has particular skills such as Arabic language skills and regional experience. We have not at this stage closed off any options about the total size of the office. It depends partly upon events over the next few months. For initial budget planning purposes we have provided a facility which will enable that office to be set up and run properly. But we do not yet have an ability to say what the total size of the office will be.

**Mr NUGENT**—On that, is it your intention that those will be additional resources to those you have already got in the region, or are you going to pull them out of Tel Aviv or somewhere

else in the region? In other words, is it additional effort or is it just a redistribution of what we have already got in the region?

**Mr Bowker**—This is additional effort.

**Mrs CROSIO**—When was the decision made to open that office?

**Mr Bowker**—It was announced on 23 August by Mr Downer.

**Mr PRICE**—In Australia?

**Mr Bowker**—Yes.

**Mrs CROSIO**—I must have missed it.

**Mr Bowker**—May I add, Mrs Crosio, that the AusAID officer is already in Ramallah now.

**Mr PRICE**—So we have two?

**Mr Bowker**—We have an Australia based officer and the AusAID representative.

**Mrs CROSIO**—Is it a new AusAID representative?

**Mr Bowker**—No, he has moved from Tel Aviv.

**Mrs CROSIO**—So he came out of Tel Aviv and moved across.

**Mr PRICE**—We have got two in the office.

**Mrs CROSIO**—Is it a large office, or is it just one room? It seemed to be very quietly undertaken. I thought the trumpets would blow when Australia actually made a step in Ramallah, where the Palestine government is, to open up any particular office there.

**Mr Bowker**—I think we are planning on blowing trumpets—to use your expression—when the individual who will take up the position is identified. There will be an announcement of that name.

**Mrs CROSIO**—We hope it will not be near the walls of Jericho, so they will not fall down.

**Mr Bowker**—To answer the technicalities of your question, the standards that we apply for posts generally require that we need about 300 square metres as office space.

**Mrs CROSIO**—What action has Australia taken to persuade Israel to cease further building of settlements? Where have we taken any action, or spoken out, regarding those further Israeli settlements?

**Mr Bowker**—In addition to the General Assembly statement that I mentioned—

**Mrs CROSIO**—That was last year.

**Mr Bowker**—Yes. In addition to that, we have proceeded in the course of routine political contacts to express the hope that unilateral steps by any party will be avoided, and in that we have included the question of settlements. We have also made it clear to the Palestinian Authority that we do not believe that it would be productive to engage in unilateral steps of their own. So far as the settlements issue is concerned, we have also regularly voted, where the issue has been addressed in international fora, such as the General Assembly and, I think, in the Commission on Human Rights, in support of resolutions which are critical of settlements activity. It is a clearly established part of the government's approach to the region that it will uphold matters of principle such as that.

**Mrs CROSIO**—So in speaking out in international fora, does Australia acknowledge that settlements are still being built?

**Mr Bowker**—Yes.

**Mr PYNE**—Just on that subject of settlements being built, could you identify for the record where new settlements are being built and how far they may be from the perimeter of Jerusalem?

**Mr Bowker**—The most obvious settlement activity that has attracted international attention has been the activity at Har Homa.

**Mr PYNE**—It is very dated now.

**Mr Bowker**—It is otherwise known as Jebel Abu Ghneim. That is between Jerusalem and Bethlehem and is part of the municipal area of Jerusalem, depending on one's definition of that municipality. The issue that has been raised is whether that settlement activity is proscribed by the terms of the Oslo accords. The Israelis, for their part, have resisted that interpretation. Nevertheless, there has been widespread international criticism of that settlement activity. There has also been concern expressed at plans for further settlement activity in part of East Jerusalem itself. Those activities have not progressed to any marked extent but the prospect of them going ahead was clearly a factor that gave rise to serious concern among the Palestinian Authority in the lead-up to the decision to engage in the second Camp David negotiations.

**Mr PYNE**—So the only settlement that you can identify where activity has gone ahead is Har Homa or Jebel Abu Ghneim which is within the perimeter of Jerusalem. It is about three years old at least because it was being built when I was there the second to last time in 1996. It was within the municipal area of Jerusalem. Otherwise, you can only identify plans for settlements in East Jerusalem, also within the perimeter of Jerusalem. You cannot identify any settlement activity outside of already well-established areas in the West Bank, for example, further outside Jerusalem. Is that right?

**Mr Bowker**—No. The activity at Har Homa has continued in the period since you visited.

**Mr PYNE**—But I am saying it is within the municipal area of Jerusalem. Outside that area you cannot identify any other activity?

**Mr Bowker**—It is within the municipal area of Jerusalem but it is nevertheless settlement activity.

**Mr PYNE**—But it is very dated. Mrs Crosio would create the impression that the Israelis are building settlements all across the West Bank as we speak. The truth is that since Har Homa there has been virtually no settlement activity and Har Homa is regarded as being within the municipal area of Jerusalem. That is my point. The other area identified was within East Jerusalem, which is also within the municipal area of Jerusalem. Beyond Har Homa and East Jerusalem you cannot identify any other settlement activity. Is that right?

**Mr Bowker**—In the area close to Ramallah called, from recollection, El Jib, attempts at settlement were removed forcibly by the Israeli security forces. I would say again that settlement activity in East Jerusalem is particular sensitive in regard to the status of the peace process. At a time when the future of both sides is to produce an outcome able to command the political support of their audiences there could be few things more sensitive, particularly to Palestinian audiences, than the sight of additional construction activity in and around Jerusalem itself.

**Mr PYNE**—So the El Jib that you nominated did not go ahead. Is that correct?

**Mr Bowker**—It was on the ground for several days before it was removed.

**Mr PYNE**—But it was removed by the Israeli security forces?

**Mr NUGENT**—On the same subject could you take on notice and provide to the committee an update on what activity is currently going on, for example, in places like Hebron? I have information but I would like to have it verified.

**Mrs CROSIO**—Yes, 4,500-year-old settlements go—

**Mr NUGENT**—I have information that a lot of the existing settlements in Hebron are now being linked, so there is new settlements activity between existing settlements.

**Mrs CROSIO**—Except that they are not called new settlements, they are called extensions, even though they are about 10 miles apart.

**Mr NUGENT**—It is nevertheless new activity. That is my information, but I would like to get it verified officially. Perhaps we can ask for an update from the post.

**Mr Bowker**—We will provide that.

**Mrs CROSIO**—I think that is the only way we can get it on the record, and it will not be me or Mr Pyne or anybody else debating the issues. Also, for the record, could you go to the 1999-2000 budget of the Israeli government and find out what has been allocated for settlements, allocated for acquisitions and building of these settlements? There are concise records of how much has been allocated by the government. Could you do that for both this current year and for the last financial year? I want to know the allocation for extensions to the existing settlements.

It is clearly spelt out. There is a listing of where the settlements are taking place, how many are being built at the moment, as well as the roads that are being built to go into them. There is an allocation in their budget also for that road work so that they can bypass the Palestinian settlements. That would be helpful for the record.

**Mr Bowker**—We will seek that information.

**Mr PYNE**—The point is that in taking evidence from the Department of Foreign Affairs, they cannot identify anywhere other than Har Homa, East Jerusalem and El Jib, which has been removed by security forces, where settlement activity is going on. It is very easy to throw around the idea that the Israelis are building settlements all across the West Bank—

**Mrs CROSIO**—We can sit here and debate this all day.

**Mr PYNE**—when, in fact, that is not happening.

**Mrs CROSIO**—We have asked for information from the department to be supplied, for the record. It can be very easily obtained by anyone who wishes to request that information.

**Mr PYNE**—You would think it would have been obtained by now, Mrs Crosio.

**Mrs CROSIO**—I have obtained it, so I am sure our department will. That will satisfy everybody who is at this inquiry. Perhaps I can come back to another area and we will leave the Middle East. Much evidence that we have taken concerns sanctions in Iraq. In your opening statement you mentioned what has happened as far as the stopping of inspections of arms is concerned. People are saying to us in the evidence we are taking that we are affecting the population at large, we do not seem to be affecting the regime that is controlling Iraq. What is your opinion on that? What should Australia be doing? Should we be saying that sanctions should not go ahead, or should we be tightening the sanctions in certain areas?

**Mr Bowker**—The issue of sanctions on Iraq is obviously of deep concern to a wide range of people in the Australian and international community. The reality is that we have yet to secure Iraq's compliance with its international obligations, and until that time is reached it has to be assumed that sanctions will remain. The government's concern is to avoid those sanctions having unnecessary impact on the humanitarian circumstances of the Iraqi population at large. It has, therefore, supported the efforts by the UN Security Council to improve the operation of the oil for food program. I will ask Ms Courtney to give you some information about precisely what changes have been made in that area.

The bottom line remains, however, that no better alternative to the sanctions regime has been identified to date to bring about Iraq's compliance with its international obligations. While there is clearly a distressingly high level of humanitarian misfortune and suffering in Iraq, the responsibility for that lies directly in the hands of an Iraqi regime which has simply continued to defy its international obligations. I will ask Ms Courtney to give you more information about precisely what steps the UN has taken to facilitate the operation of the oil for food program.

**Ms Courtney**—When we last gave an oral presentation to this committee we outlined a number of the efforts that the UN Security Council members have taken to address some of the

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humanitarian problems that have arisen as a result of 10 years application of sanctions. Developments since then have been more a continuation of those changes rather than particular new developments. However, one of the more recent resolutions for implementation of the oil for food program has called on the United Nations to do quite a comprehensive study of the humanitarian effects of the sanctions. That will be reported back to the General Assembly of the Security Council in November of this year along with recommendations of further ways in which they can facilitate and improve the oil for food program.

That being said, I guess you would be aware from our last presentation that there is no longer any ceiling on the amount of revenue from oil which the regime can spend for humanitarian purposes. The problem is not so much that they are short of money. In fact, they are pumping more oil, or as much as they were prior to the application of sanctions, as we speak. There is a lot of money available. There are billions of dollars in every six-month phase that could be used properly for humanitarian purposes. Part of the problem is that the regime itself is not directing that money towards the people who most need it. There are also infrastructural problems which may or may not be attributable to the regime in terms of distribution and monitoring and so on.

There is a secondary problem: the problem of holds being placed on contracts through the sanctions committee. The sanctions committee comprises the permanent and other members of the Security Council. A lot of programs had been put on hold which, of course, again slowed down or prevented the distribution of certain goods.

We spoke about this last time but this process has continued. A lot of those holds have been lifted. There do remain some but basically there has been a recognition and an improvement on both the procedural side and the political side on behalf of the Security Council. I think it would be wrong to assume that all members of the Security Council are not quite sensitive to this problem of the humanitarian effects of the sanctions. They are attempting to do as much as they possibly can to change that. But it does bring us back to the fundamental problem. That is: what do you do with a regime that has demonstrated its willingness to pursue weapons of mass destruction and to use them against other populations and its own population and to invade other countries—in other words, to blatantly violate international law? It is a regime that, frankly, is showing very few signs of changing that attitude and approach.

The whole point of the inspections, which we are missing now because they will not let the inspectors in, is to give some confidence to the international community that they are not pursuing these weapons of mass destruction programs. It is invidious to be in a position where we see the humanitarian effects of the sanctions. But the alternative of a regime run by Saddam Hussein freely pursuing weapons of mass destruction, with no potential for the international community to constrain it, is also one that none of us would want to contemplate. It is a very difficult, complex situation. It will be further examined. It is being improved but there is no simple answer.

**CHAIR**—What is the state of Saddam Hussein's health? We keep reading in the paper where he is—

**Ms Courtney**—We probably know as much as you do. There are rumours at the moment that he has cancer of the lymph glands, and that he is being operated on, and has set up one of his sons to run a family council in the event that something happens to him. That is Qusai, the

second son. We cannot add anything further to that than what you would have seen on the public record.

**Mrs CROSIO**—Ms O’Keeffe, of the \$8.8 million, are we able to break down how much of that money goes to the World Food Program and to NGOs? Could we have that for the evidence at a later date?

**Ms O’Keeffe**—I could give you a brief outline now of the breakdown.

**Mrs CROSIO**—Could you at the same time say what the Salvation Army actually does in a Muslim country?

**Ms O’Keeffe**—I think we can answer all those questions for you. Starting with the breakdown of the \$8.8 million, we have \$2.1 million allocated to what we describe as bilateral activities, and that includes capacity building activities. We have a rule of law project that I think you are all aware of. We have an agricultural project. We also have health and education activities funded through the Australian NGOs that I referred to before.

We also have an additional \$3.7 million which is allocated to UNRWA. I should point out that the Prime Minister in April decided that the allocation to UNRWA would be increased by \$1 million a year, bringing it to \$3.7 million. We have \$2 million which goes to the World Food Program and we have about another \$1 million which, again, is allocated to Australian non-government organisations, but through a different program within AusAID—not the Middle East program but the more generalised NGO program we have, the AusAID NGO Cooperation Program.

As to your question regarding what the Salvation Army does in the Middle East, I will ask my colleague Richard Jones to answer that.

**Mr Jones**—It is one of the projects that was funded in the 1999-2000 NGO round. It is in Lebanon, but it is targeting Palestinian refugees in a number of refugee camps around Beirut and in the south of the country. It is a vocational training project for women and they are actually working with the YMCA in Lebanon, so the Salvation Army does not have a presence itself in the Middle East—not the Salvation Army, Australia.

**CHAIR**—How many of the projects are directed at non-Palestinians?

**Mr Jones**—In the bilateral program, the focus of our program is on the Palestinian people, including the refugees in the surrounding countries—Lebanon, Syria and Jordan. Through the ANCP there are other activities that are located in Lebanon targeting non-Palestinians, and in Iran and surrounding countries, but they are usually pretty small. The focus of the bilateral program is purely on the Palestinian people, including the refugees.

**Mrs CROSIO**—On the \$2 million for World Food, how do we allocate it? Do we purchase from our people, do we purchase from overseas, do we distribute? How do we actually spend that?



**Mr Jones**—The World Food Program allocation comes from a different area in AusAID, it comes from the humanitarian emergency section and I am not really familiar with how it is allocated. I know that Australian wheat, for example, is used, but the actual mechanics of how it is determined I am not familiar with. We would have to take that on notice.

**Mr PYNE**—Mr Jones, what is the status of the current rule of law program in the Palestinian National Authority? What progress has been made?

**Mr Jones**—The project is ongoing. It is currently in its second phase. It was originally due to be completed around September this year. There have been delays to several activities within the project. The latest advice I received from ALRI, the managing contractor, is that the project will probably be completed about March next year. The main delay, as I understand it, relates to the establishment of a forensic medical centre in El Quds University in Jerusalem. There have been some problems with that.

As for our part of the project, we were going to be funding the actual hardware, the equipment, for that centre, whilst the construction was being funded from other sources. My understanding is that those funds—and I think they were from the Saudi fund—have not been forthcoming and there have been delays to the construction. We have reached agreement with ALRI and the Danish aid agency is also providing assistance to complete the construction of the building, and the Palestinian authority has undertaken to fund the purchase of the equipment that was to be provided. So it is due for completion by March and we will then be receiving a final project report from ALRI. At the moment there are no proposals to extend it or to undertake a new project in that sector.

**Mr PYNE**—Did you say the second phase of the project was a forensic medical centre?

**Mr Jones**—No, that is one component. It actually had about five or six components—it was looking at a whole range of things. One was legal training provided in the Birzeit University. The five-year strategic plan was another component. The forensic medical centre was just one element of that project.

**Mr PYNE**—You said it was in its second phase. What were the goals of the first phase?

**Mr Jones**—I would have to take that on notice. The first phase finished probably two or three years ago. I do not have that information to hand.

**Mr PYNE**—Was there a legislative component in terms of helping the Palestine Legislative Council to draft legislation and organise itself into a more democratic organisation?

**Mr Jones**—I am not familiar with the actual objectives of the first phase, which ended in 1997 or 1996. I will have to take that question on notice. I could find that information for you quite readily.

**Mr PYNE**—I think it would be useful to know the goals of the first phase and whether they were achieved. Some time ago a project was instituted by Justice Marcus Einfeld. Did we help to fund that as part of our rule of law projects?

**Mr Jones**—My understanding is that the original rule of law projects did come out of that proposal from Justice Einfeld.

**Mr PYNE**—Was that run mostly out of Gaza?

**Mr Jones**—I will have to take that question on notice.

**Mr NUGENT**—I think I can help there. It was partly run out Gaza but I think it was also partly run at the university because I visited that project.

**Mr Jones**—At Birzeit University.

**Mr NUGENT**—It was two or three years ago and it was certainly at both locations.

**Mr PYNE**—On that general subject, is there evidence that the Palestinian National Authority has developed a greater respect for human rights in the area that it controls in terms of a free press, habeas corpus et cetera?

**Mr Bowker**—The evidence on that score is decidedly mixed. We have expressed our concerns to the Palestinians from time to time about what we regard as the inadequate treatment of persons arrested on various charges. There have been occasions when people have been convicted and sentenced to death in circumstances that did not appear to meet international norms of judicial behaviour. We are also concerned at restrictions that are placed or evidence of intimidation that arises from time to time directed against publishers of newspapers in the Palestinian authority. Nevertheless there is a concerted international effort being made to address those concerns, and Australia is happy to be part of that effort. We do not expect to achieve immediate results but, through a process of education and infrastructure building, there is some prospect that standards of performance in that area will improve.

**Mr PYNE**—When the PLC was in its nascent form—I suppose you could still say it is a nascent democratic organisation—it was obviously dominated by the party of Yasser Arafat. But there was some break-up of that as people started to feel a bit of independence and understand that they could do that in a way they had not been able to do in the PLO days. Has that developed further? Is there a break-up of groupings within the Palestine Legislative Council? Are new parties forming that are challenging the one-party PLO organisation that used to be in place or is it still very much dominated by the party of Yasser Arafat?

**Mr Bowker**—It is actually a very complex legislative structure or organisation. When the council was elected it represented a variety of political opinion. The fact that the majority of its members were identified with Fatah did not necessarily mean they were going to be supportive of Mr Arafat on particular issues. In fact, the record of the council has been one of considerable criticism of the leadership of the Palestinian Authority on a range of matters including its political stance, its position in regard to the Oslo process, and the administrative and economic performance of various ministers and ministries. It is actually quite a lively forum for debate.

To give you an illustration of the extent to which it is a free agent in these matters, the decision that was taken to postpone a unilateral declaration of independence was one which was criticised quite severely by some members of the council. Although it is not quite the same

body, the PLO Central Committee that made that decision divided almost fifty-fifty on the issue of whether or not to defer the declaration. Many members of that committee chose not to vote, rather than to vote for or against. There was only a bare majority who actually supported that move. What I am saying is that democracy is alive and well in the legislative framework and also within the PLO as an institution. The leadership of the PLO has a constant challenge rallying support for the positions that it takes, some of which, quite frankly, are very difficult to accommodate within a constructive approach to the peace process. It is a credit to Mr Arafat and his colleagues that they manage to keep the general trajectory of the PLO's approach to these negotiations on a reasonably firm footing.

**Mr PYNE**—At least at this stage, if I understand you rightly, what you are saying is that there is still essentially a one-party set-up in the PLC but, within that, it is extremely factionalised into different groupings which, as yet, have not formed themselves into political parties but do feel some obvious sense of independence and growing independence within the Fatah organisation.

**Mr Bowker**—Yes. There are all sorts of cross-cutting streams within Fatah itself. There are those who feel they have been deprived of access to the fruits of the autonomy arrangements, those who feel resentment at figures who have come back from exile in Tunisia and those who feel that some of the idealism which lay behind the intifada has been lost in the accommodation of leaderships to the political realities of the late 1990s. There are also groups and organisations represented in the council that go well beyond Fatah. There are representatives of the PFLP, there are individuals who are regarded as independent in their approach and there are some vestigial elements of the old Palestine Communist Party. There is a range of opinion and political sentiment within that body.

**Mr PYNE**—When are the next elections due for the PLC, or have they just had elections?

**Mr Bowker**—I am not aware of that.

**Mr PYNE**—Is there any evidence of support for Hamas growing or diminishing in the West Bank?

**Mr Bowker**—No. Hamas support seems to be reasonably stable at somewhere around the 20 per cent mark, irrespective of developments in the peace process. There is often a mistaken impression that stalemate or regression in the peace process will automatically translate into support for Hamas. My own belief is that support for Hamas tends to be generated through issues at grassroots level which are not directly linked to the state of the peace process itself. It has not been able to secure substantial political benefit from setbacks in the process, and calls by Hamas for resort to violence or reversion to armed conflict have not been received with any particular interest by the Palestinian population at large.

**Mr PYNE**—Mr Chairman, can I have your indulgence for a final question?

**CHAIR**—Okay, but hurry up because we have had an hour on Palestine and we have got a whole heap to go.

**Mr PYNE**—Mr Nugent usually asks this question but it is about the successor to Yasser Arafat, whether there is any evidence of an emerging figure behind Yasser Arafat who would be a potential successor to him?

**Mr Bowker**—As my Arab friends would say, ‘We wish Mr Arafat a long life.’

**CHAIR**—Could I just go to another area of our hearing? One of the things we have to look at is destabilising influences in the region, including terrorism and weapons of mass destruction. In your submission you state, ‘We condemn terrorism in all its forms.’ Just for the record, could you tell us what forms those condemnations have taken? Also, you talk about politically motivated violence in your submission. Could you identify any terrorist groups in the Middle East who may or may not have supporters in Australia?

**Mr Bowker**—To take your last point first, it is quite clear that most Middle East political organisations have a coterie of supporters and networks within Australia, often within the particular ethnic and religious and language group with which they are identified in their country of origin. For example, most of the elements of the Kurdish political factions have support facilities in Australia. Hamas clearly has some supporters; they have publications in Australia. The activities of Hezbollah have been supported from time to time by people in Australia as well.

On the point about Australia’s concerns regarding politically motivated violence, clearly the record will show that when there have been especially egregious acts of violence, for example, during the bombings directed against Israeli civilians in 1996, the government was unambiguous in its condemnation of those attacks. As I said on 19 June, commentators on each and every development in the region, but on all occasions where there has been a particularly reprehensible act then the government has generally made its abhorrence of that act clear on the public record.

**Mrs CROSIO**—Mr Bowker, a nation that has been built on migration would have representatives from particular groups or sympathisers from all over the world, would they not?

**Mr Bowker**—I imagine so, yes.

**Mrs CROSIO**—When you were giving your answer to the Chairman I was just thinking that my own electorate has about 138 different ethnic groups. I think I could go around and say where their alliances are.

**Mr PRICE**—The situation would be no different in America.

**Mr Bowker**—No.

**Mrs CROSIO**—No. Any country that is built on migration--

**Mr PRICE**—The only exception would be maybe the leadership of some of those groups.

**Mr Bowker**—I think you would find that many of the groups which espouse political Islam have very strong support bases outside the Middle East. We have seen the devastating effects in New York of such support. Australia is neither unusual nor singled out in that area. We simply happen to have people who, in some cases, have carried their political convictions and concerns to Australia with them.

**CHAIR**—Thank you. I guess that is what I was trying to really get at, that while we can probably all identify these groups, and they publish their various newspapers and the rest of it, is any of the activity going beyond that? There are always allegations of funds being raised to support various terrorist organisations. There may at some stages be provision of personnel. Do we have evidence that it goes as far as that, or is it more psychological support?

**Mr Bowker**—Mr Chairman, these are not issues on which we could comment in a public forum but I could point to the record of violence directed against the Iranian embassy by supporters of the MKO. You would be aware of the level of protection which the government sees fit to extend to various foreign dignitaries visiting Australia and I can assure you that those decisions to provide protection are not taken lightly.

**Mrs CROSIO**—In the same vein, much of the world's focus has been on Iraq's weapons capabilities, even in the evidence we have had in the answers this morning. What is known of the capabilities of other countries in the region such as Israel, for example?

**Mr Bowker**—The department has a longstanding position of not commenting on the concerns that it may have about the WMD programs of any country by name, and I do not think that I will be able to provide you with a direct answer to your question. We do, however, engage with the remainder of the international community in calling upon a number of states, including some in the Middle East, to join the NPT and to otherwise support international instruments dealing with chemical and biological weapons.

**Mrs CROSIO**—If we are talking about calling on other states to sign the NPT, there is actually only one in the Middle East region that has not signed it, isn't there?

**Mr Bowker**—As I said, I am not at liberty to engage in a detailed discussion of that.

**Ms Courtney**—I think we should mention that at the last NPT conference all states parties to the NPT specifically called on Israel by name in the final document to join the NPT and obviously we were a party to that. It is a concern that is recognised by the international community, including Australia.

**CHAIR**—Was the same applied to places like India, Pakistan and even Cuba?

**Ms Courtney**—Yes. You were asking about the Middle East but yes, they are the obvious other three countries.

**Mrs CROSIO**—In a case as significant as that, when other states express concern and they call on these nations to sign it, do they do so optimistically or just make a statement?

**Ms Courtney**—They are very hard fought, those statements. I am not sure about the effect which they have but certainly to get everyone to agree to them is often quite complex and difficult, so it is some form of pressure. But as we have seen in particular with the experience of Iraq, which was a state party to the NPT that was nevertheless pursuing clandestine programs, it is a very difficult and complex thing in terms of being sure that countries are not pursuing weapons of mass destruction programs. Iraq, again, was a member of the Biological Weapons Convention and yet had developed biological weapons.

**Mrs CROSIO**—That thought went through my mind.

**Ms Courtney**—But of course, in the case of biological weapons, there is no verification mechanism in place yet. The Chemical Weapons Convention has a verification mechanism but it is a much more recent agreement and Iraq is not party to it. There are complexities in the region in respect of WMD which go far beyond Iraq. Iraq, of course, is the only country in the region to actually have used such weapons, which puts it in a more specific position.

**CHAIR**—On that, we have had Scott Ritter quoted at us hell, left and crooked and, in particular, people following his line that Iraq no longer has much in the way of capacity. Can you update us on what your department assessment might be at the moment?

**Ms Courtney**—I can give you an idea of the concerns that are generally expressed on the public record by people. It has been two years since there have been any inspections in Iraq. It is a known fact that the redevelopment of these programs can take place in a relatively short period of time and can be done in a way which makes the redevelopment very difficult to detect.

Scott Ritter may have some reason for saying a significant amount of disarmament of those programs took place under UNSCOM. I do not think we would disagree with that. It is on the record in particular in respect of the chemical weapons program and to some degree in respect of biological weapons. In the case of its nuclear programs I think the IAEA made a lot of headway. It would be wrong to say that UNSCOM did not achieve a large amount of its objectives. The difficulty is the degree to which the UNSCOM process was one of constant discovery. Each step of the way uncovered more things that Iraq was not fessing up to in the first place. It is a question, therefore, of how much was left that they had not declared and how much they may have done since 1998 in pursuing those programs. If history is anything to go by, the one thing that we can say with a certain degree of confidence is that Saddam Hussein does want to pursue weapons of mass destruction programs. That is the concern.

**Mr PYNE**—I want to clear something up. Ms Courtney, did you say that Iraq is a signatory to the Biological Weapons Convention, the weapons of mass destruction treaty and the Nuclear Non-Proliferation Treaty?

**Ms Courtney**—No, weapons of mass destruction is just a generic term for those three: nuclear, biological and chemical.

**Mr PYNE**—Iraq is a signatory to those?

**Ms Courtney**—Iraq is a party as distinct from a signatory. It is a party to the NPT and Biological Weapons Convention. I think it is not a signatory to the CWC.

**Mr PYNE**—When it is discovered that a country is a party to one of those conventions or treaties but continues to develop them with gay abandon, do they get thrown out of the treaty or deleted from it? Are they allowed to continue as part of it?

**Ms Courtney**—These conventions have within them mechanisms for verification. In the case of biological weapons they are being developed as we speak. They also have mechanisms for dealing with states that violate them. The Security Council becomes the ultimate authority for dealing with breaches of international peace and security. That is also the case in the event someone violates these agreements.

**Mr PYNE**—Finally, has Israel admitted to having nuclear weapons?

**Mr Bowker**—No.

**Mr PYNE**—I did not think so.

**CHAIR**—I will get into the area of some of the difficulties we have faced with the illegal migration of recent months and principally in terms of the boat arrivals from Iraq and Afghanistan. What programs have we got? I suppose DIMA would come into this with you in terms of trying to settle the situation down over there. Is there any real evidence of major people smuggling rackets that you have been able to determine so far with specific reference to getting people into Australia?

**Mr Bowker**—The whole issue of illegal people movement into Australia is firmly within the portfolio responsibilities of the Department of Immigration and Multicultural Affairs. We do cooperate very closely with that department in respect of dealings with Iran, in particular, and Jordan, seeking to develop programs of cooperation with those countries to combat this problem. I would prefer to have DIMA provide you with information on the specific questions you raise rather than possibly misrepresent information that they themselves develop. It is certainly a concern across the government to combat this problem. When Mr Downer was in Iran he addressed that issue very comprehensively on behalf of the government with the Iranian ministers.

We are concerned to encourage international recognition of the burden that Iran is carrying, particularly the fact that at the moment there are something like 1.6 million Afghans and close to 450,000 Iraqis in Iran. It is providing sustenance to those people, despite the fact that Iran is suffering from one of the worst droughts in its history and is literally short of drinking water in some of the places where these refugees are congregated. We are concerned to bring this problem to the attention of the international community and to encourage support for Iran and other countries of first asylum in sustaining the presence of those refugee populations until they can be returned to their country of origin. We are in very close contact with UNHCR and other UN agencies that are involved in that process. The government is prepared to consider proposals to strengthen the international community's response to this dilemma.

**CHAIR**—From your posts overseas and in terms of the recognition of Australia, particularly in the Middle East, on the eve of the Olympic Games, how effective has that been and, in all seriousness, do you see much benefit flowing from the next fortnight's activities in Sydney?

**Mr Bowker**—We see very strong evidence of interest in Australia as a result of the holding of the Olympics in Sydney—an interest in Australia that comes from parts of communities in the Arab world that would not normally have a focus upon us. To take the example of Iran, our colleagues in Teheran hosted a function which was attended by a Vice-President of Iran and members of the team which visited Melbourne in 1956. People were recalling connections with Australia that, in many respects, might otherwise have gone unnoticed over the years.

In all of this, we should also bear in mind the particular importance to Arab countries, to Israel and to Iran, of the Paralympics, because of the sad fact that there are substantial populations in those countries who are the victims of war and who have, therefore, a particular interest in participation with similarly disadvantaged people in that Paralympics setting. The Olympics are a major foreign policy bonus for us. We have found that we have a previously unknown level of interest in Australia from people who have the capacity, on returning to their home countries, to influence a wider circle of people with their impressions. The logistic and other challenges that are involved in dealing with these visiting delegations are merely minor challenges compared to the benefits that we are deriving, I believe, from this exercise.

**CHAIR**—Bearing that in mind, what programs have we got for following up the Olympics? In particular, are there some real advantages for our trade links to be improved? Do we have any indication that the opening up of Australia to this part of the world is going to lead to any future investment here or Australian investment in the Middle East?

**Mr Bowker**—The follow-up programs that have been put in place are largely directed toward the media—we have media teams visiting from the UAE and from Iran, as just two examples. We are seeking to project the multicultural nature of Australia through the Games, through the events that will take place over the next three weeks, and the popular reaction to them. That strikes a particular chord in the Iranian context where the government is seeking to promote understanding of what it refers to as the ‘dialogue of civilisations’. The Iranians are very keen to present what is happening in Sydney as an example of a global village with a relevance to their own society and the way one can accommodate differences within a social framework.

In the case of the UAE, we are pursuing a much more trade and investment-orientated strategy. We are assisting those newspaper editors who are coming here to prepare outlines of Australia’s potential as a trading and investment partner for citizens of the UAE and in the wider Gulf. I would also draw attention to the fact that this Games is bringing out a very substantial number of members of royal families from the region.

**Mr PRICE**—The monarchists will be pleased, won’t they?

**Mr Bowker**—For example, a number of sons of the ruler of Qatar are arriving in the next few weeks. The grandson of King Fahd who is representing His Majesty at the Games and a number of other members of the Saudi royal family are coming. There will be significant numbers of royalty from Jordan—three princesses in fact, with one as a competitor.

**Mr NUGENT**—You have not mentioned Chelsea Clinton purely because she is outside your region.



**Mr Bowker**—The total impact upon ruling circles in that part of the world, I think, will be a very positive one.

**Mr NUGENT**—In your opening statement today—which I thought was an excellent factual update from where we were three months ago—you said that there had been a recent clampdown on a number of media outlets in Iran. I think you went on to indicate—I do not want to put words into your mouth—that there was some optimism that this may be a relatively short-lived set back for freedom of the press. On what do we base this optimism? Do we know why they were shut down; why was the move made at this time?

**Mr Bowker**—We base our optimistic or positive evaluation of Iran on what we see as a process of change that is going on in that country. There is a generational change that is, we believe, unstoppable in Iran, which is encountering certain rigidities—ideological, political and even in terms of the social infrastructure of the state—that take time to change. You have differences in the rate of change in different parts of the society. But the overwhelming evidence suggests that, electorally, the reformist movement in Iran enjoys the support of the population at large; and that the theocratic elements of Iran are increasingly aware of the need to adapt to the aspirations of a younger generation and to find meaningful responses to their demands within the framework of an Islamic state. I should also say that the reformist movement is concerned to find an Islamic solution to Iran's future. It is not seeking to dispense with Islam as the primary focus of that society or its general direction; it is seeking to reconcile the challenges of the democratic aspirations of its population with the need for an ongoing Islamic moral character of that country.

In Shia Islam there is a tradition of authority but there is also a tradition of rebellion. It is quite unlike Sunni Islam in that sense. Whereas Sunni Islam focuses primarily on the collective aspiration and the democratic engagement of the community, Shia Islam focuses on the need for an appropriate person to provide guidance upon matters of religion and social endeavour which are perceived to be just; if the perception of justice is not there, then there is a tradition of reaction against that rule. In what we are seeing with Iran at the moment, there is clearly a challenge developing to the theocratic interpretation of politics and society that was evident for the first 20 years after the revolution.

How this will work out no-one really knows. Our expectation however, is that Iran will deal with this challenge through peaceful and democratic means. We are unlikely to see a reversion to instability on an ongoing basis. There will always swings backwards and forwards; the political tide will ebb and flow in Iran. But the process that is under way at the moment, we believe, will be very difficult to stop. So even if there are, in the short term, new restrictions imposed upon the press, even if some newspaper editors are jailed, even if there are occasionally decisions made in elements of the ruling structure that cause us concern, we do believe that we are seeing a society in transition rather than a society which is in retrogression.

**Mr NUGENT**—That raises some questions of fundamental rights, not just in Iran but perhaps across the region. You mentioned in your summary that in Saudi Arabia they had signed or acceded to one of the conventions, but with an exception that it must not contravene sharia law. One of the concerns that many of us with an interest in human rights have is about the treatment of women in particular almost throughout the Middle East. Could you update us

on what countries are actually changing their view, are acceding to international instruments that might start to sort out this problem of the treatment of women?

**Mr Bowker**—I will have to seek advice from my colleagues who are specialists in this particular aspect of CEDAW and the treatment of women in human rights instruments generally. But what we can say today is that the role of women in Iran is clearly one to which the government attaches importance as a political factor. There is very strong support for the reformist movement from Iranian women. They are a political force with which those who seek to oppose change have to reckon.

In terms of the Arab states, let us take Kuwait, for example. There have been efforts to introduce enfranchisement of women which have been thwarted, not by the leadership of Kuwait but by its parliament.

**Mr NUGENT**—Its male parliament.

**Mr Bowker**—Male parliament.

**Mrs CROSIO**—It just recently voted it down again, didn't it?

**Mr Bowker**—Correct. These are problems which only those states themselves can address effectively. There has to be a constituency for change built up in those societies. The fact is, however, that there is a global imperative upon societies that are currently focused upon traditional values to re-evaluate their commitment to those traditional values, to seek to obtain the maximum benefit of the potential of all their populations, and to provide the wherewithal for women to contribute to those societies.

In the case of Saudi Arabia, for example, it strikes many Saudis as surprising that 50 per cent of the population should not have access to normal employment opportunities. There are only a handful of Saudi women who are actually able to access professional employment, and this is increasingly recognised as wasteful. A society which is keen to bring itself into the WTO, as willing to accede to the CEDAW, is aware that there is an issue out there of gender which needs to be addressed. We are seeing an internal debate, a debate within closed doors, about what sort of society they wish to be. This can only be to the benefit of women's rights.

**Mr NUGENT**—On a totally different topic—I could pursue that for a long time but I am conscious of the clock—and that is trade, you mentioned in your opening statement recent visits to the Middle East by the Prime Minister, the Minister for Foreign Affairs, and particularly the Minister for Trade. Has there been any significant overcoming of any obstacles or difficulties in terms of our trade relationship with countries in the Middle East as a result of those recent visits? What would you list as perhaps the three major obstacles that we currently have with Middle Eastern countries that we need to overcome—trade barriers or whatever?

**Mr Bowker**—In the trade area?

**Mr NUGENT**—Barriers that are solvable. I do not mean the problem of long distance; clearly you cannot do a lot about that. I am asking about the things that are solvable.

**Mr Bowker**—Off the top of my head, the most specific outcome following the visits you mentioned was Mr Vaile's decision to send a high level negotiating team to Saudi Arabia, immediately following his visit there, to negotiate the terms of Saudi Arabia's accession to the WTO so far as Australia's bilateral dealings with Saudi Arabia were concerned. While I do not have the full detail of the outcomes of that negotiation with me, the result was a significant enhancement of Australia's access to the Saudi market in the event that it should join the WTO, which we hope will be the case during the course of the next 12 months.

**Mr NUGENT**—A bit like China.

**Mr Bowker**—In the case of Iran, there was an important meeting between Mr Downer and the Iranian Minister for Energy, attended by members of the Australian business community, during which the Iranian side made it very clear that Australia would be a welcome investor in Iranian energy opportunities. There were some specific opportunities discussed in the course of that meeting which I cannot go into, but there was every indication that—

**Mr NUGENT**—I am sorry, you cannot go into because you will not or because you do not know? Is it commercial-in-confidence, or what?

**Mr Bowker**—Because they are commercial-in-confidence.

**Mr NUGENT**—Thank you.

**Mr Bowker**—There was every indication that, subject to the conclusion of commercial negotiations between those parties that accompanied Mr Downer and their Iranian counterparts, there will be investment undertaken in the Iranian energy sector in the relatively near future. As far as the three issues that currently bedevil us are concerned, I would list—in no particular order of significance—the problems we are currently encountering with allegations that vetch is substituted for lentils exported from Australia.

**Mrs CROSIO**—I am sorry, could you repeat that? What is it?

**Mr Bowker**—Vetch: it is a legume.

**Mrs CROSIO**—Yes. Are we substituting that for lentils?

**Mr Bowker**—There are allegations that, in the course of exporting lentils, parties are substituting red vetch: a product that requires special treatment before it is suitable for human consumption. This is not just a problem with the Middle East; it is a problem with a number of South Asian markets as well. The Australian authority responsible for quality control, AQIS, has gone to considerable lengths to put in place procedures that will prevent that substitution of vetch for lentils.

**CHAIR**—Has it been proven that the substitution was happening?

**Mr Bowker**—We have been receiving complaints from the customers in these countries that such activity has been going on. What I would like to say about this problem is that we are

concerned now to build confidence in the region in these new processes, so we are actively engaged in discussion with the Saudis, the Egyptians and in other countries to get them to understand the processes that are in place to protect them.

Secondly, we are currently having problems with offal exports into Saudi Arabia. The Saudi Arabia Standards Organisation is developing processes in conjunction with Australian counterparts for quality control of Australian offal exports, which are worth about \$40 million a year. It is quite a substantial trade. The Saudi Standards Organisation, however, is short of technical expertise and equipment to undertake the testing that would benefit our export efforts. So we are working with them trying to address their needs and priorities.

The third element—again it is not necessarily among the most important, but it comes to mind—is a problem that we have with Egypt in regard to the labelling of meat exports and the concerns that Egypt has about bone-in beef cuts. These are technical issues that we need to work through with their organisations responsible for quality control of imports.

We are seeing basically a concern on the part of Arab states to protect their consumers—and that is an entirely legitimate and acceptable approach. We are concerned to ensure that there is understanding among those parties that Australia's quality controls are world best practice.

We are seeking to persuade those organisations that, if we say we are satisfied with that quality control, perhaps they might like to give us the benefit of whatever doubt they might have. That is not an easy ask when you are dealing with protecting your own consumers, and it places enormous obligations upon us to ensure that our trade is in fact as good as we say it is. We are concerned to work through those questions with the importing agencies.

**Mr NUGENT**—I want to go back to when you were talking about the factual situation of what had happened in the Israeli parliament in terms of Barak losing his majority. You said that the opposition did not have enough to form a new government. The parliament was suspended until the end of October, and there were two or three more stages of the bill to progress the current negotiations on the peace accord. What happens now? If Barak comes to a negotiated arrangement in some shape or form, presumably he has to take that to the parliament where he does not have a majority. Apart from the facts of what has happened, what is our assessment of what is likely to happen? It is not the \$64,000 question; there are no prizes.

**Mr Bowker**—If we look at what options Mr Barak has, we see that the Knesset is due to resume its regular session on 30 October. Ideally he will have a new coalition in place by then, as he could conceivably face a vote of no confidence on the very first day. But a few weeks might go by into the session in which he can get his coalition together. At the moment, according to most estimates, the opposition can muster only 60 votes in support of a no-confidence motion. In other words, while he does not have a majority in the 120-seat Knesset the opposition does not either. While some members of the Knesset are not prepared to join the coalition they are not prepared to vote for a no-confidence motion either, which would bring on new elections for both the Knesset and the Prime Minister.

**Mr NUGENT**—Is that an identifiable group?

**Mr Bowker**—Not easily identifiable. Should there be a deal negotiated between Israel and the PLO then it is conceivable that a coalition could be constructed to get it through the Knesset. Failing that, elections could be called which would in a sense act as an equivalent of a referendum. There is no legislation in Israel for the holding of referenda. They have never had a referendum. Simply getting the legislation through the Knesset to hold a referendum would be a major political challenge. It is conceivable that elections may in fact be the way ahead rather than a referendum. As for the \$64,000 question, it really is very difficult at this point to forecast a deal that would be acceptable to both the PLO leadership and the government of Mr Barak and yet could be capable of surviving the political challenges that would be thrown up against it.

I do not believe that Mr Arafat can ignore the pressures upon him from not only his own population but also the Islamic world generally, not to cede sovereignty to Israel of the Haram Al Sharif. At the same time, it is clear that the circumstances which he faces in regard to Mr Barak and the presence of a sympathetic US administration are hardly likely to be improved upon if he chooses to delay concluding a deal. Naturally, we would hope that the deal will be done now, because we believe that it is the wish of most of the political audience on both sides that such a deal be concluded. However, there are political realities that both sides have to address, and we would not at this stage be able to give you a forecast that was worth anything about how those negotiations will ultimately come out.

**CHAIR**—Chris Pyne has a quick question on oil.

**Mr PYNE**—Yes, not on Israeli elections—you will be delighted to hear. Is Australia involved in a joint effort with the Europeans and the Americans to lobby OPEC on the current concerns we have about the price of oil per barrel, which is obviously a very sensitive political issue in Australia at the moment, or are we undertaking activities on our own, separately to the Europeans and the Americans? Would you like to comment generally on the current state of OPEC's decision making on capping the production of oil per day?

**Mr Bowker**—We made direct representations in our own right on the concerns that we have in regard to the level of international oil prices. We made those representations to OPEC member governments at ministerial level in most cases. Those representations highlighted the consequences to the international economic outlook, in particular the damage being caused to the economic recovery of East Asian markets which are themselves key consumers of OPEC oil—particularly oil from the Middle East.

The government's concerns on that issue are really a matter of public record, and I do not feel I can add to that record. I would draw attention, however, to the expectation that many of us have that by the year 2010 oil production in the Middle East as a percentage of world oil production will be back at the level it was around 1973, when the OPAPEC oil embargo was imposed. I mention this because it is of relevance to your committee's focus. International attention upon the oil issue is going to focus increasingly on the Middle East aspect of the oil issue over the next 10 years, and for very good reason. There are simply no known reserves of oil which are as easily and economically exploited in a short time frame as those which are currently known to exist in the Middle East. The focus that Australia has on the Middle East obviously takes into account the consequences, for our own interests, so far as economic

activity of our major trading partners is concerned, and our focus on the Middle East is very much attuned to our concerns about oil.

**Mr NUGENT**—So those of us who are of republican persuasion have got to cosy up to those Middle Eastern royals visiting the Olympics?

**Mr Bowker**—Interestingly, one of the countries that we have not talked about much in our submission to you is Qatar. Qatar has the world's largest reserves of liquefied natural gas. From recollection, there are at least 10 times the reserves of the North West Shelf in the possession of a country whose population would barely be more than a million or so. Qatar is going to emerge as a key player in international energy circles. It is a country on which Australia should focus as a contributor to the discussion of the very questions that matter to us.

**Mrs CROSIO**—Excuse my ignorance, but where is it?

**Mr Bowker**—Qatar is directly adjacent to Bahrain.

**Mrs CROSIO**—Sorry, I misheard your first pronunciation.

**Mr Bowker**—We are accredited to Qatar from Abu Dhabi.

**Mrs CROSIO**—In your original submission to us, on page 28, you talk about a market development task force. What is the role of the joint ministerial commissions?

**Mr Bowker**—The function in both Iran and the UAE is more or less the same. They bring together the business community and senior officials to identify priorities for progressing bilateral economic relations, and they identify obstacles to the pursuit of those relations. In the case of Iran, we have spent a lot of time focusing upon the technical assistance requirements that the Iranian agricultural sector has. For example, there has been a lot of discussion about the transfer of germplasms, dry land farming technology and expertise. We have also talked at some length about possible ways of cooperating in minerals exploration and refining, and ways in which we can expedite Australian investment in the mineral sector in Iran.

In the UAE we have tended to focus more on such issues as taxation, the establishment of investment protection facilities at government level, and the development of ties in education, which obviously feeds into broader economic relations. At the ministerial level, because there are always ministerial discussions that run in parallel to the meetings of the business community and the officials during these JMCs, Mr Vaile and his UAE counterpart have discussed the importance of taking strategic approaches to dealings at the government level between us. That is not strategy in terms of politics and military security but rather trying to shape an economic environment in which each side is comfortable with the intentions of the other, and trying to increase familiarity at senior government level as to the potential for the relationship. Much the same applies with the Iranians as well.

**Mr LAURIE FERGUSON**—On page 8 I note the tone of our supposed concern about Israel as a non-signatory to the NPT. I am wondering whether in documents that the department produces in general we have comments such as 'while recognising Israel's special security concerns'. Do we tend to put in similar comments in regard to India, Pakistan and Cuba? Given

our voting record in the UN, in which we often find ourselves either abstaining from or in a minority vote on a number of resolutions in the region, do you think they really take us as having a firm position in regard to Israel's position on these weapons? I am just wondering about the language. I am wondering whether we actually say in documents about India, for instance, that we note their security concerns?

**Mr Bowker**—We will have to take that question on notice. We do not have those documents with us.

**Mr LAURIE FERGUSON**—It is on page 8 of the original submission.

**Mr Bowker**—Thank you.

**CHAIR**—Thank you very much indeed for your attendance today. If there are any matters on which we might need additional information, the secretary will be in contact with you. We will send you a copy of the transcript of the evidence to which you can make any necessary corrections.

**Proceedings suspended from 11.10 a.m. to 11.19 a.m.**

**NETTE, Mr Andrew, Policy Officer, Australian Council for Overseas Aid**

**PACE, Mr John, Chief Executive, Australian Legal Resources International**

**VAN DE VELDE, Ms Martine, International Program Manager, Austcare**

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

**Mr Nette**—I will lead off—we will be making the statement in three very short parts. You are probably all familiar with the Australian Council for Overseas Aid. We are the coordinating body for some 100 non-governmental organisations working in the field of overseas aid, development and human rights. The ACFOA Middle Eastern Working Group was formed in 1995 and comprises agencies with programs in the Middle East who are interested in working together on issues concerning international development assistance, human rights, peace and security in the region. Currently, there are some 10 groups represented in the working group, some of whom have already appeared before this committee in their individual capacity. The major focus of the majority of the working group's members is the situation of Palestinians in their territories and refugee camps throughout the region. Some members also work in Iraq, dealing with the humanitarian consequences caused by UN sanctions, as well as in Jordan, Yemen and a number of other Middle East countries in both development and emergency assistance programs.

ACFOA welcomes this committee's review into Australia's relations with the Middle East. We recognise that trade is one of the key elements in Australia's international relations and that the Middle East is no exception. As we heard in the last submission, it is obviously one of the key issues in this inquiry. The Middle East has a considerable wealth of opportunities for Australian trade and is one of our fastest growing export markets, including for the export of Australian educational services. ACFOA is not opposed to Australia's expanding trade relations with the Middle East. What we are concerned about—and it is a concern that we share in connection with Australia's relations with many other regions in the world—is that trade and economic considerations should not be allowed to dominate to the detriment of all others.

There are many links between Australia and the Middle East. In addition to trade, there are also the social and cultural links that have been created by successive waves of migration to Australia from the Middle East and some Gulf states, as well as the people-to-people links created by Australian NGOs and community organisations. There is also the commitment that Australia, as a developed nation, has towards nations experiencing conflict and poverty.

While the Middle East contains great wealth, there are also significant areas of poverty and growing gaps between rich and poor. The Middle East is also beset by a host of other problems, including the still unresolved Arab-Israeli conflict, the pressing need for Palestinian statehood,

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the humanitarian tragedy being caused by the situation in Iraq and the control of proliferation of weapons of mass destruction. As well as their humanitarian dimensions, these problems also pose major threats to economic growth in the Middle East and, as such, will impact on Australia's trading relations. As the growing flow of illegal migrants and asylum seekers from the Middle East illustrates, these problems also have direct security consequences for Australia.

ACFOA's submission to this inquiry deals with many dimensions of Australia's relations with the Middle East. Its central argument is that private trade and investment activities alone are not sufficient to eliminate the very real poverty that exists in many parts of the region and to deal with a host of other problems that I have already outlined and which my colleagues will also be dealing with. Trade and economic considerations should be balanced with our commitment to protect human rights and other humanitarian objectives. ACFOA welcomes the Australian government's commitment to the Middle East peace process to date. Our submission contains a number of ideas as to how the government might be able to take this commitment further. The one I wish to concentrate on briefly is the aid program to the Middle East.

While ACFOA welcomes the current aid program provided by the Australian government to the Middle East, we are concerned that the government has not made a new commitment beyond the end of this year. ACFOA urges the government to increase its current funding commitment of \$6.23 million per annum to a total of \$11 million per annum for the coming three years. This should target poverty reduction among Palestinians in their territories and refugee camps in the region, and support education, training, health and agricultural projects. This aid should be delivered through Australian NGOs and, in recognition of its unique role as a service provider, the United Nations Relief and Works Agency for Palestinians.

ACFOA also calls on the federal government to expand humanitarian and emergency relief to the Middle East, including the opening of a specific development assistance program for Iraq to alleviate the impact of United Nations imposed sanctions on the health and wellbeing of Iraqi citizens. Such a program could be effectively administered by Australian NGOs and targeted towards health and education needs of women and children.

The aid program should be complemented by a substantial program aimed at Palestinians at both the government and community level for education in financial management and accountability, fair trade practice and consumer protection, labour rights and occupational health and safety. It should also strengthen the capacity of Middle East governments and civil society, particularly Palestinians, to effectively participate in trade and other international economic activity.

Lastly, as part of this, the government should ensure that efforts to market Australia's education system in the Middle East do not reverse the commendable shift in emphasis away from funding tertiary scholarships and towards basic education that is currently happening in the Australian aid program.

**Ms Van de Velde**—Mr Chairman and members of the committee, I will be talking to you on behalf of ACFOA on the Middle East peace process. The peace process initiated in 1993 with the Oslo agreement is trying to resolve one of the oldest conflicts in our world. There is an urgent need for increased international support to bring a lasting and just end to the conflict in the Middle East to prevent further suffering of the population in the region. Some of the most

difficult challenges faced by the countries involved include the recognition and acceptance of a Palestinian state and a decision on its geographic boundaries, the question of Jerusalem, the rights of the estimated 3.6 million Palestinian refugees living in exile for a period often longer than 50 years, the presence of the Israeli settlements in the West Bank and Gaza, the respect for the implementation of UN resolutions, sharing of the natural resources and so on. Most of these issues have been addressed in detail in ACFOA's submission. I would like to reiterate some of the crucial points and stumbling blocks in the Middle East peace process.

Our starting point is that ACFOA believes that all nations and peoples in the Middle East have the right to live in peace and security in their own homelands. Therefore, ACFOA supports an independent Palestinian state based on UN resolution 242, which supports the establishment of two independent states: Israel and Palestine. Palestinians have, since 1948, been dispersed in different countries inside and outside of the Middle East. Today, there are more than 3.6 million UNRWA registered refugees. Most of the refugees are still living in overcrowded refugee camps awaiting a just resolution to their situation—a just resolution based on the implementation of UN resolution 194, which calls for the right of return or the right to compensation. ACFOA believes that the Palestinian right of return to a national sovereign state remains a cornerstone of the Middle East peace process.

The second issue we would like to bring to your attention is the Israeli settlement policy. Until today, only 60 per cent of the Gaza Strip and less than 35 per cent of the West Bank has been under the control of the Palestinian Authority. The expansion of the Israeli settlements has been continuing since negotiations started in 1993. The Israeli settlements are expanding at a higher rate than they did during the period of the intifada. The result of this settlement policy is the division of the West Bank into small Palestinian territories, surrounded by Israeli settlements. The seizure of land for the settlements and bypass roads has significantly impacted negatively on the economic viability of the Palestinian areas. ACFOA supports an immediate halt to any Israeli settlement expansion and respect for the UN resolution 242 to establish a Palestinian state in West Bank and in the Gaza Strip.

The third issue of concern is access to water. Access to and conservation of the limited water resources are crucial in the region. ACFOA calls for an equal use of the benefits of the available resources. As an illustration, I would like to provide you with comparative figures between the Gaza Strip and Israel. The Israeli government introduced a number of restrictions on the use of water. These restrictions are still valid today under the Palestinian Authority. Water quotas for Palestinian farmers are fixed but do not apply to the Israeli settlements inside the Strip. Israelis living in the Gaza Strip consume, per capita, 2,326 cubic metres of water compared to an average consumption of 123 cubic metres for every Gazan. In both the West Bank and the Gaza Strip, Palestinian farmers are not allowed to dig new wells or water reservoirs.

One of the fundamental questions to the resolution of the conflict in the Middle East is the question of Jerusalem. This was clearly demonstrated in the latest round of talks between the Israeli and Palestinian governments. ACFOA believes that the implementation of UN resolution 181 should be the basis for resolving the conflict around Jerusalem. Since the annexation of Jerusalem by Israel in 1967, the city has undergone significant demographic and geographic changes through construction of major Israeli settlements around the city. This has endangered the presence of the Palestinian population in the holy city, who are not allowed to receive building permits, have withdrawal of residency permits and so on.

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Other issues of concern include the freedom of movement for Palestinians between the West Bank and the Gaza Strip, the continuation of the practice of administrative detention, the practice of closures, which constitutes a collective punishment, the prevention of the right to education and health due to restricted movements between the West Bank and the Gaza Strip and limitation to the free movement of goods and people between the West Bank and the Gaza Strip, the Palestinian areas and the outside world.

**Mr Pace**—My colleagues have covered the principal points in our submission. I shall therefore focus on some of the issues that result from the terms of reference of this inquiry and as reflected in sections 1.5, 1.6 and 1.7 of the executive summary of our submission. These issues relate to the role of Australia in regard to the United Nations in the Middle East peace process and in regard to the protection of international human rights standards in the Middle East. When we speak of the Middle East, we mean traditionally the problem of the Israeli-Palestinian conflict, but no reflection on the Middle East can ignore the serious consequences of the Iraqi invasion of Kuwait and the situation that has resulted therefrom. Permit me to deal with the last point first. We believe the measures taken by the Security Council under the charter to impose sanctions on Iraq have created a situation of intolerable hardship affecting innocent civilians, including countless children. There is no question that the present government of Iraq bears the responsibility for this suffering. Pressure should continue to bring about change in the threat that this regime in Iraq presents to the region and the world, but another form of pressure has to be found, and fast, to spare these innocent civilians further suffering. ACFOA believes that Australia, consistent with its traditional support for justice and peace in the region, must take a lead in the ending of these measures and a search for new measures.

The next point concerns Australia's involvement in the United Nations peace progress. No international dialogue in the region, and especially in the Israel-Palestinian peace process, is complete without Australia's support. Australia, also through Australian non-governmental organisations, has been among the few to maintain a constant, albeit modest, presence with the people over the years during the occupation, thus helping to foster understanding when despair was the alternative. Australia, unlike several other powers, has been constant and therefore appreciated by those who count most, the people. My organisation was the first to talk rule of law to the Palestinian Authority in 1996. You all know how far that Authority still has to go towards the rule of law. Our written submission makes it very clear. But this is the culture of democracy, and it is a culture that needs much time, perseverance and constant nursing. Australia's contribution in this sector, as it has been doing since 1996, has assisted the peace process, for respect for the rule of law is an essential element if the peace process is to advance.

This brings me to my last point, which is Australia's role in the protection of human rights in the region. Our written submission recognises unequivocally the serious situation resulting from the non-respect of international human rights standards by both Israelis and Palestinians. Violations continue to be reported even as we speak. We believe that Australia has a responsibility for strengthening the protection of human rights in the region, not only civil and political rights, which continue to constitute a major area of violations, but also economic, social and cultural rights. It is the denial of these rights that nourishes conflict. Australia's proud human rights tradition on the international level imposes on it a strong moral obligation to continue to push for respect for human rights in the region, in particular by supporting United Nations bodies who have responsibility in this area.

The geographic distance from the region to the shores of this country, as we are constantly reminded, does not deter the inhabitants of those areas from their search to escape from the injustices with which they live; such is their despair. ACFOA therefore believes that Australia should play a leading role in getting the international community to address the causes of this phenomenon with a view to creating conditions that would restore the stability in those states that would make it unnecessary for them to leave their homes. We are talking about the Middle East region, Mr Chairman, but we all know that this is a phenomenon that affects all parts of the planet, whether it is countries of origin or places of refuge. Let Australia take the lead in giving such people a fair go. Thank you, Mr Chairman.

**CHAIR**—Thank you very much, Mr Pace. Just for the record, what is the relationship between ACFOA and the Middle East communities here in Australia? Do you have any involvement with Middle East welfare groups, for want of a better description?

**Mr Nette**—As the umbrella organisation, our members have that, and we in turn represent our members and their views to the government. We have one organisation—it is called Muslim Aid—which is actually a member of ACFOA. But it is the organisations who are members of ACFOA that actually have those links themselves, and they have some quite substantial links. Having said that, of course we do have contact with members of the Middle Eastern community in Australia—various diplomatic, NGO, community groups et cetera.

**CHAIR**—I guess what I am trying to establish is: could much of the effort that goes on in some of these Middle East communities be better channelled under the guidance of ACFOA than what would appear to be almost a scattergun approach?

**Mr Nette**—Perhaps.

**Mrs CROSIO**—In your submission—I think it was yours, Martine—you stated that settlements were still taking place. Have you got evidence of that or maps showing where they have been built? It is a follow-up to a previous question we have asked.

**Ms Van de Velde**—I do not have maps or detailed information with me on that question but I can forward that to you if you want. I can provide you with figures and data on that. You have things like the *Settlement Monitor* which is published regularly on the settlement activities. But I have no examples—

**Mrs CROSIO**—Are those statistics up to date?

**Ms Van de Velde**—Yes. The chronicle or the *Settlement Monitor* keeps, in fact, trace of the settlement expansion in the West Bank.

**Mrs CROSIO**—Could you supply that to the committee?

**Ms Van de Velde**—Yes, I can do that.

**Mr NUGENT**—I would emphasise that we are looking not for historical information but for information on the current situation.

**Mrs CROSIO**—The latest one.

**Mr NUGENT**—That is a particularly relevant piece of information.

**Mrs CROSIO**—Including the roads and the road structure that is continuing to be built. Also, you mentioned closures in your submission to us. Have there been recent closures stopping Palestinian access?

**Ms Van de Velde**—I cannot talk to you about the last year because I lived in the Gaza Strip and the West Bank until a year ago. But the last time I was visiting the West Bank, which was in February of this year—just to give you an example—I was living in Ramallah but doing some work on rural development in the north. At one time—when I was travelling between the north and Ramallah—we faced the experience of again not being able to enter Ramallah, which was closed off because there was a security alarm or whatever. It still happens and it can happen regularly, because in fact what happened in the West Bank is that the cities are now under the control of the Palestinian Authority but the surrounding areas are not. That is why the West Bank is divided into zone A, B and C. When there is a security threat—or for any other reason—the cities and towns can be easily isolated and closed off from the surrounding areas.

**Mr NUGENT**—In your submission and in what you have said this morning, you have listed a range of things which are of concern. I think the government would agree with 99.9 per cent of your concerns. Australia is already doing a number of the things that you talk about wanting the government to do or to continue to do. I would like you to establish for me where you are at variance with the government, what else you want the government to do that it is not already doing. From what I have heard so far, I perceive that you would like to see more aid. DFAT witnesses, who sat there before you, said that the current aid is \$8.7 million, rather than \$6 million, but I think your general thrust is that you want to see more aid going in there. You certainly are suggesting that we ought to be actively involved in more humanitarian activity for the people who are suffering in Iraq.

Apart from those two, what other things are you expecting the Australian government to do that it is not already doing? It is already condemning violence on all sides, it is already supportive of the peace process, it is already trying to do something about weapons proliferation and it is already doing what it can in terms of support for human rights, which is certainly a difficult area in the Middle East. Given the degree of influence that a country of this size can exert from this distance, certainly the government would take the view that some of the developing trade actually gives us a better entree to help make some of those points. So, given that the government is in tune with what you are saying in a lot of those areas, apart from the two areas I have specifically identified as different between you and the government, in what other additional areas would you say the government should be doing something? I am trying to get a crystallisation.

**Mr Nette**—I agree fairly much with what you are saying. Obviously, the aid issue is something we would like to see addressed and broadened. A key difference is obviously the sanctions in Iraq. At its last annual council meeting about two weeks ago—that is our annual gathering—the ACFOA council passed a resolution which essentially came out in opposition to the sanctions in Iraq and requested that the Australian government try to reconsider other ideas, while recognising that it is a complex problem in view of the humanitarian situation and the fact

that the sanctions are not working, are causing enormous humanitarian suffering and that alternatives need to be found. They are two other areas.

**Mrs CROSIO**—Did you discuss the ‘smart’ sanctions during that resolution being put?

**Mr Nette**—There is a bit of a debate within the NGOs about smart sanctions; we do not actually know what it means. We are obviously extremely reticent to advocate something we do not know the exact meaning of. For want of a better way of putting it, the whole issue of smart sanctions gets thrown into a bucket which is a whole range of alternatives which the government should start to consider as opposed to the current sanctions regime. But we do not have any firm commitment either way on the smart sanctions issue. That is a debate in progress and I think in the international community that is a bit of a debate in progress too. To some degree you are correct when you say it is more of a deepening of a lot of the things that the government is already engaged in. I do not have a great deal of disagreement with that. I suppose we are urging, as we always do, quite a substantial deepening of a lot of the issues.

**Mr NUGENT**—Presumably you would have welcomed the fact that we are now going to open an office in Ramallah.

**Mr Nette**—Yes.

**Mr Pace**—On the last point, in my earlier existence I happened to work quite closely with Hans von Sponeck, who is one of the three who resigned from Baghdad. We agonised through his anguish, as it were, because he was in Geneva at the time we were there and thereafter. One of the dilemmas was what measures to apply. It is too easy for us to say to do away with the sanctions but then what? What we do say is that the price being paid by innocent civilians is simply far too high to justify the sanctions such as they are, without going into the merits of whether the sanctions are successful or not. That is one point.

The other point, if I may, concerns the government policy towards the Israeli-Palestinian question in regard to aid, for example, and this is an understandable reflection, I would say. The government had given signs that it was less enthusiastic than it had been with regard to the rule of law support because it is a frustrating area. The Palestinian Authority had not responded as one had hoped. Generally there was an erosion, indeed, of certain behaviour and the Palestinian Authority was in violation of international human rights standards. However, we believe—and the reactions that we had from various ministers in the Arafat government indicated—that the work that was being done at the nuts and bolts level of setting up the rule of law infrastructure was working very well.

As you know very well, the Palestinian question is a question of generations. The terrorism of the 1970s was essentially a spin-off of the refugees of 1948 and the Intifada was a spin-off of the refugees of 1967, if you look at their age group. There is always a cycle of action and reaction. We believe that by focusing attention and energy on the infrastructure as younger generations come into being, they will better avail themselves of these institutions. Therefore, we consider it an investment that is worth maintaining. Since we had been given to understand that there was a lack of priority, or perhaps a reconsideration of priorities with regard to the way in which foreign aid was going, we just wanted to put those two chips in to indicate that, indeed, it would be not wise at this stage to reduce the focus that Australia has put in this area.

**Mr NUGENT**—There is no question that when the government came to power in 1996 and it reviewed its aid activity, it took some conscious decisions to focus in particular areas. It took the view that it would focus on this part of the world and areas where we had strong trading relationships or historic relationships. The Middle East generally suffered, if you like, in terms of priority in that evaluation. What has happened over the last three or four years is that aid to the Middle East has started to creep back up the priority list a little bit. For example, the previous Deputy Prime Minister, Tim Fischer, was very active in pursuing that line amongst a number of people. That is why aid has increased a little bit. It has been focused on governments in large measure. The Prime Minister's recent visit, the invitation to Yasser Arafat and the establishment of an office all are indications of the government, in fact, elevating its level of activity, but maybe not to the level you might like to see.

**Mr Nette**—Certainly, from a low of \$5.5 million in the 1997-98 budget, aid to the Middle East has gone up and there is no denying that. ACFOA is on record as welcoming several of these initiatives. To stress a couple of points, one is that we have no new funding commitment beyond the end of this year which is of great concern to us. We have no real information from DFAT or AusAID about when that will be forthcoming or even whether that will be forthcoming. Again, to reinforce that issue that I raised in my opening statement—

**Mr NUGENT**—When you say beyond the end of this year, do you mean beyond the end of this financial year?

**Mr Nette**—Yes, that is beyond the end of this financial year. This is a humanitarian issue; it is also a security issue. As you might note, on page 32 you are quoted as saying that these are—

**Mr NUGENT**—I missed that.

**Mr Nette**—On your 1998 visit to the Palestinian refugee camps, you said that it would seem to you that, if you keep people downtrodden, effectively poor, with minimal political representation and little prospect of improving their lot and then at the same time gradually, piece by piece, take over their property and their land, you are going to give them no option. They, the Palestinians, are going to just give up in despair, and young hotheads are going to indulge in things you might call terrorism.

**Mr NUGENT**—And I do not resile from a word of it.

**Mr Nette**—We have quoted it; we think that is important. We think the aid program is a vital part of that and cannot be divorced from it.

**Ms Van de Velde**—Can I add one small point to that? Even though the aid program goes up, it is important that, if you look now at the Palestinian areas—the Palestinian government being established, a completely new government, and so on—a lot of support is on the bilateral level. But, if you look at the Palestinian society at this moment and if you look at its evolution, it is very important that support is given to the building of a civil, democratic society in the Palestinian areas. ACFOA's point of view is that can be best done through the channelling of aid from non-government organisations working on the ground with Palestinian counterparts or partner organisations.

**Mrs CROSIO**—What did ACFOA think of Camp David not dissolving anything in July of this year? Do you feel that any positive results have come out of it? Also, have you discussed the possibility of, say, Jerusalem becoming an international city? It seems to be one of the points to be tackled in the peace process.

**Mr Pace**—Taken on its own merits, some people might call it a failure. Objectively speaking, it is a major step forward that Jerusalem, for instance, was put on the agenda. The way it was put is, in itself, a major breakthrough. If you look at the whole evolution of the peace process, I would never have expected Jerusalem to come so fast, as it were, and I think some others did not either. It has had the effect, also within the Palestinian camp, of giving new hope. There is a tendency to think more before going into unilateral declarations of independence and things like that. At the last round of Camp David talks, a lot of progress was achieved towards the objective of the process as a whole, as a totality. It is not complete yet and, God willing, it will continue. But, if you look at the way in which the whole process has been characterised since 1968, when the first Dayan plan was mooted, there has been a tremendous advance. Having said that, you never know which way it will go tomorrow. But it has come a long, long way.

**Mrs CROSIO**—The date of 13 September has passed. Without setting a date in the future, do you think we will eventually see a separate state in Palestine?

**Mr Pace**—Eventually, yes.

**Mr LAURIE FERGUSON**—Can I ask few questions about the refugees. Firstly, what is your general position on the desirable outcome with regard to the Palestinian refugees? Secondly, there is limited money, but do you think there is currently not enough focus on aid to Palestine and the Palestinians and not enough assistance to the camps, given the discrimination against them by the Lebanese government and the restrictions upon them? Thirdly, in that ballpark, what are you getting at in paragraph 2.6 on page 35 with regard to residency and asylum policies? I repeat that I would like to know: firstly, your view on where the refugee problem should go; secondly, the degree to which we should focus more on the people in the camps as being the worst off of all the refugees and all the Palestinians; and, thirdly, your view on paragraph 2.6.

**Ms Van de Velde**—On the question of the refugees, ACFOA supports the implementation of the UN resolution 194, which calls for repatriation or return of the Palestinian refugees to the area they came from or the right for compensation. Resolution 194 was voted in 1948, if I am not mistaken. The situation on the ground has, of course, completely changed. The refugees who are living in Lebanon—and most of them are in the heart of the debate on the refugee question—are refugees from 1948, and they came from the state of Israel. On a very practical level, having worked in Lebanon for four years—I worked with Palestinian refugees—I think amongst the refugees there is very much an understanding and an acceptance that the right to go back to exactly where they came from will not happen. It is practically not feasible. But what is very important to the Palestinian refugees from 1948, or from 1967 for that matter, is recognition of the stages of being a refugee—where they came from and their ability or choice to go back to a Palestinian state and their right to compensation because they lost their livelihoods, their houses and their lands.



The issue of the refugees of 1948 is not on the negotiating table at this moment; only the question of the refugees of 1967, who are mainly in Jordan and Syria, is being discussed. The crucial element on the refugee issue will be how to treat the problem of the people from 1948. Personally, a desirable outcome is the recognition that they lost their homeland and to have the right to go back to a new state. When you look at the identity cards of the refugees in Lebanon, you see that their nationality is not mentioned—their nationality is ‘stateless’. I think it is very important for the Palestinian refugees to be recognised as Palestinian refugees, that they have their own country that they can go back to if they want to. I think a lot of Palestinians will probably take the option of staying where they are, but it is up to them to make that choice.

**Mr LAURIE FERGUSON**—If they stay where they are, Lebanon will be very opposed to that, won’t they?

**Ms Van de Velde**—Yes, because of the political situation within Lebanon. So not dealing with the issue of the Palestinian refugees of 1948 is ignoring a fundamental problem for the refugees and for the Lebanese government. The stability of Lebanon is built on equality and balance amongst the various communities in the country. Also, looking at the size of Lebanon, I wonder whether they have the capacity economically and geographically to absorb more than 300,000 additional inhabitants. Most of them are still living in refugee camps. In Lebanon and the Gaza Strip there is the highest concentration of refugees living in camps still today after 50 years.

On the issue of aids to camps, if you look at the number of people in the Middle East living in camps, including Lebanon, Jordan, Syria, Gaza and the West Bank, and compare it to the aid given and divide it per capita, then the aid to refugees living in camps is very low compared to the aid which goes to Palestinians not living in camps. It is very difficult to say. The division of aid between camps or non-camps should be based on socioeconomic indicators—who are the most vulnerable and who have the highest incidence of poverty. Based on figures that I have available, they are the Gaza Strip and Lebanon. But there are certain camps in Jordan or Syria which are also affected by a high incidence of poverty and unemployment.

**Mr Pace**—With regard to recommendation 2.6, the purpose is essentially to seek an umbrella of protection for the status of that margin of Palestinian refugees who fall outside the UNRWA protection and who we feel could be given protection, on a case-by-case basis, through the application of Australian asylum and residency policies, treating them as stateless persons until such time as there is a more durable solution. At the moment, they do not have any such protection.

**Ms Van de Velde**—If I can add one point on that, the Palestinian refugees are, in fact, a very particular group of refugees because only the refugees who became refugees before 1951 are registered with UNRWA. There are a lot of Palestinians who became refugees after 1951 and who are not registered with UNRWA. If you look at the areas in the Middle East where those people are living, they are the even more vulnerable amongst the vulnerable because they have no entitlements to UNRWA assistance or are very insecure in their situation and their status where they are living—especially in Lebanon, where the number of unregistered refugees is, if I am not mistaken, about 50,000. Those people have no access to UNRWA services or to non-governmental services, no right to work—and you can go on.

**Mr LAURIE FERGUSON**—I do not want to start World War III over this, and I have actually made donations myself to Muslim aid, but I am just interested in your requirements of affiliates. My understanding of their focus is that they essentially aid Muslims, end of story. Is this an internal debate, are there any other parallels in the organisation, and is this a difficulty?

**Mr Nette**—I have to be honest and say that I am not in the part of the organisation of ACFOA that deals with these particular kinds of issues. To my knowledge, there is no particular debate or controversy around this. I would say it is no different to a lot of members who deal with particular religious faiths.

**Mr LAURIE FERGUSON**—My understanding is that they do not aid other faiths.

**Mr Nette**—I would have to check that; I could not comment on that now.

**Mr LAURIE FERGUSON**—I do not want to make a big thing about this but I am just wondering whether there is an internal issue.

**Mr Nette**—As far as I am concerned, it has not been a problem, there has not been an issue raised. I would have to check. I think you say ‘take it on advisement’—

**Mr NUGENT**—Take it on notice.

**Mr Nette**—before I answered that.

**Mr PYNE**—I asked a series of questions of DFAT witnesses about the rule of law program that we undertook in the Palestinian territories, in particular the one that began with Justice Marcus Einfeld and was then picked up by the government. I asked them what the goals of the first phase had been and whether those goals had been realised, and then what the goals of the second phase had been and whether they were being realised. It was suggested that you might be better placed to answer those questions than DFAT had been, so I pose them to you.

**Mr Pace**—The immediate objectives of the first phase were not completely realised because of a number of delays. We are now in the process of going for a third phase. The reason for that is clearly because our main partner there is the Palestinian Authority and, in particular, the Ministry of Justice, and the Ministry of Justice is in itself a very difficult partner, as you can imagine. However, in spite of that, or because of that, it has been possible to focus on the other components of our program. Those have been completed, I would say successfully, but it is not for me to characterise the result.

For example, one of the problems of the Palestinian Authority was legislation, how it was going to legislate. We first offered them a Strategic Plan for the Rule of Law in Palestine. That was in 1996. This overall plan still is now used by all donors in this field. It has various components, and under each component there are step by step achievement indicators to show you where you are. That is going on nicely. Obviously we have not been able to complete anywhere near what we wanted originally. Nevertheless, the last reading—which was the last assessment that we made of it, which was in May of this year—was very encouraging. The parliament had their own rules of procedure. Our support for the law centre at the university of Birzeit had managed to provide the Palestinian authority with the very first complete collection

of Palestinian laws—which, believe me, is a major achievement, because it is made up of all laws coming from the Ottoman Empire to now, made up in different languages for different reasons at different times. Now it is all on computer.

**Mr NUGENT**—It is bringing together about seven different sets, as I understand it.

**Mr Pace**—It is crazy, really. In any case, it is now available, and it is possible for a homogenous legislation program to be embarked on in various sectors by the Palestinian government once it becomes an independent state. Then there is the more particular projects that we undertook—for instance, the forensic laboratories. We have two in our projects: one was in Gaza, and one is under the Alquds University. The purpose of these was manifold, but essentially it was to ensure that security forces could really distinguish between examination of criminal incidents and other security related incidents. With a lot of work and cooperation with other donors it was possible to bring that about.

On the overall strategic plan also it was possible to support our embassy in Tel Aviv in its role as a member of the working group that meets about four times a year to monitor the progress in working towards the rule of law with other donors in other governments. Then there are other components. I mentioned the database and then, together with the Danes, the upgrading of Palestinian civil prisons, for example; because they had just about a police force but no real prisons of their own to put them in. That is now being upgraded as well.

All in all, the components that we set out to undertake have been either successfully completed or not completed for understandable reasons, and we are now seeking to maintain these in various degrees of priority. We are lessening our involvement with the authority per se, because we think we can get more success by focusing, for instance, on Birzeit, on Alquds University, on the forensic side, on the training of civil police, where we can actually achieve more concrete results more immediately. But we are keeping our fingers on the pulse in regard to the strategic development of the rule of law plan. That remains our matrix.

In my short statement I tried to reflect the consistency with which Australia has been present. It is not glamorous—it is not out on the billboard, as it were—but Australia has been there and it has been consistent. If I may once more invoke my earlier existence, I happened to be in charge of the technical cooperation program of the High Commissioner for Human Rights, and I was inspecting our own program in the West Bank and Gaza when I came across Justice Einfeld's initiative. I had never heard of it and, to my surprise, it was the longest lasting that there was. That is a characteristic which you do not find in others—the Brits would come in and drop out, or get cold feet; the Americans have their own agenda, I suppose; and so on.

**Mr PYNE**—Thanks. That is a very comprehensive response.

**CHAIR**—The proposition is often put that if a Palestinian state was declared tomorrow, as an economic entity it would fall over straight away. I am just wondering whether or not ACFOA has thought through a list of priorities that will have to be undertaken to help in the viability of that state when it is established. I am particularly interest in where, on page 25 of your submission, you condemn the 'entrenched and institutionalised corruption' within the monopolistic enterprises supported by the Palestinian Authority. What could we do to try to overcome all that?

**Ms Van de Velde**—If you look at the present status of the Palestinian National Authority, they are faced with a lot of the issues which are listed there—corruption, accountability and all those things. A lot of those problems they are facing now are probably very much like those of any new government that is being established—you will probably see the same in other countries. It is good to point that out, and we should keep on pointing it out and keep on working with the Palestinian National Authority to overcome that and get rid of all the issues linked to corruption and so on. But it is a decision that the Palestinian National Authority has to take, with pressure and support from the international aid community.

One way of supporting that process is to have bilateral aid from government to government. But if you look at Palestinian society, especially the community based organisations and non-government organisations and the population as a whole, they have a long history of taking care of themselves. That creates a lot of problems and frictions between the Palestinian National Authority and those organisations because, for the last 20 or 30 years, those organisations were the ones that were providing medical services, social services and so on until the Palestinian National Authority came to power. What you see is that both sides—if you want to call them sides—are in fact working out this balance of cooperation, of who is doing what in which society. To come back to my previous point, the support to those non-government and community based organisations is very crucial to keep on having that pressure on the Palestinian National Authority to clean up its house, so to speak.

The sectors or areas of priority to be supported, from ACFOA's point of view, will be those organisations that work directly with the people. I want to illustrate this with a figure. If you look at the aid which went to the Palestinian areas since the start of the peace process, there is an incredible increase in the total package of aid and most of that aid went on a bilateral level. But if you look at the GNP per capita—and I am taking these figures from UNSCO, the Office of the United Nations Special Coordinator in the Occupied Territories—it was on average, until 1992, \$US1,911 and in 1997 it was \$US1,127. So, from ACFOA's point of view and the NGOs' point of view, aid needs to be directed not only to help to establish the Palestinian government, but very much to work with the people on the ground, through Palestinian NGOs, to tackle the problems of poverty, basic infrastructure, rural development and so on, and to look at the livelihood of people.

**Mr Nette**—To summarise that, the strongest guarantee against this kind of thing is a strong civil society that reinforces the need for a robust aid program that is targeted at these civil society groups. That includes everyone from journalists, trade unions, women's groups—basic groups providing basic social services. Obviously, in our submission to the inquiry, we do not set out a full blueprint for the emerging Palestinian state. There are some elements of it here. Under recommendation 1.2, it says:

1.2 Address the issue of Palestinian free trade and worker rights in Australia's bilateral relations with Israel.

Recommendation 1.6 says:

1.6 Address the issue of lack of financial accountability and transparency, and lack of progress on the rule of law development by the Palestinian Authority in Australia's bilateral Relations with the Authority.

As I said in my opening statement and as 1.7 says:

... technical assistance ... at both the governmental and community levels for education in financial management and accountability, fair trade practice, consumer protection, labour rights and occupational health and safety.

Paragraph 7.6 says:

7.6 Continue to fund activities that help build an environment of respect for human rights and peace, build a local capacity and contribute to post-conflict reconstruction and reconciliation in the Middle East.

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It is quite a broad brush, obviously, but within them are the seeds of where we would see ACFOA's role in whatever Palestinian state emerges from the current situation.

**Mrs CROSIO**—Page 59 of your submission says:

In response to recommendations of the Federal Government's 1997 review of its overseas aid ... ACFOA undertook a number of activities aimed at raising government awareness of the need for an ongoing Australian humanitarian presence within the Middle East region.

Could you tell us what the results were? It comes under 9.4, NGO initiatives in the Middle East, on page 58. I am actually looking at the second last paragraph on page 59.

**Mr Nette**—I was not there then but, as it has already been discussed, levels of aid have begun to creep up again from that low of the 1995-96 budget.

**Mrs CROSIO**—As you say, it is unfair if you were not there. It was not just looking at government increasing aid. Was it not to get government more involved with NGOs in other areas?

**Mr Nette**—My understanding from talking to people who were involved in it was that it was a much more broadly based activity which was trying to encourage a reassessment of the whole relationship and a deepening of the whole process.

**Mrs CROSIO**—But that report also touched on duplication of some of our NGOs, didn't it?

**Mr Nette**—I am sorry; I would have to look at the report again. One of the things we also asked for was a working group of parliamentarians to go to the Middle East. This happened and you were on that group, I think.

**Mr NUGENT**—It was not a formal working group as such.

**Mrs CROSIO**—It was the same as the one I went on at Christmas. It was not a formal one. It was just a group of interested people who paid their own way. Thank you.

**CHAIR**—Apart from the work that is being done with the Palestinians, what other countries or groups are being targeted by Australian NGOs in the Middle East at the moment?

**Mr Nette**—We have some members who work in Jordan and Yemen to my knowledge. We have one agency. I believe it is Care. It is the only agency that works in Iraq. The focus has been for various humanitarian reasons mainly with the Palestinians.

**Mr NUGENT**—A lot of the working neighbouring countries like Jordan would presumably also be with Palestinian refugees.

**Mrs CROSIO**—And working in Egypt as well.

**Mr Nette**—That is correct. There is an emerging understanding of the needs in Iraq and there is a need for that to potentially become another focus of work. Obviously, with the political situation and the sanctions, that is a very complex process and one that the member agencies are investigating. ACFOA have been approached by members of the Iraqi community in Australia

with regard to helping out with particular projects. There was one particularly interesting project, which was a women's refuge in the safe haven area of northern Iraq, a fascinating and very gutsy project. It involved a refuge for women who were—I cannot remember the exact term—basically victims of domestic violence and those kinds of issues.

**Mr LAURIE FERGUSON**—Honour killings.

**Mr Nette**—Honour killings, that is correct.

**Mr LAURIE FERGUSON**—Sulaimaniyya.

**Mr Nette**—Yes. As I said, Iraq is definitely something that some of the agencies are starting to potentially consider in terms of how they might want to be involved there.

**Ms Van de Velde**—But added to that, I think there would be an interest amongst the Australian NGOs to expand the geographical areas of interest. Our NGOs are probably also limited in their activities to aid which is available.

**Mr LAURIE FERGUSON**—I would like two quick responses and, ironically, both matters were raised by the chair before. Firstly, you said that some of your organisations would deal with Australia's Arabic community. I would be interested in getting a response from you as to whether you feel, from talking to your affiliates, that there is a problem with Australia's own priorities with regard to the community. To give you an instance, I deal with the Lebanese a lot and their preoccupation is with the local village. In Sydney, we would have easily 200 local village associations. I am not exaggerating. They are an instance of a group that is very hard to mobilise around national interests or national problems. Similarly, there is the preoccupation with religious division. I am just wondering what your affiliates are finding or whether they are working on that. I think people probably feel that it is all right for your submission to talk about having cultural ties, et cetera, but are efforts being made to counter these problems with regard to the foreign aid effort by this country, because they are citizens here as well? Secondly, you are aware of the aid program for Jordan. I am interested to know whether the program in Jordan in particular is in relation to displaced Iraqi Shia or stateless Kuwaitis. A lot of them are in Jordan at the moment, but is it a locally based, local citizen aid program in Jordan?

**Mr Nette**—I will respond to your first question. Obviously, the community is very diverse. You might want to use the word 'divided', I am not sure. Obviously, it is also a community that comes from some areas where there is, in some aspects, quite severe political repression. There is quite a lot of trauma and quite a lot of other associated problems. In that respect, I think you would have to be fair and say that the Middle Eastern community in some respects is no different from a lot of communities. Those issues take time to work through, so you have to have a long-term view of it. We are interested in building constituencies to push for more aid. We see the Middle Eastern community as a key constituency in that respect, but that is a long-term process. It is basically no different from some of the communities that have come from the Mekong region.

**Mr LAURIE FERGUSON**—To give you an instance, if you go to a Turkish community in Sydney you will not find one village association or town association. You will not find one.

With Lebanon, for instance, there is a major difference. It is an instance of a problem I see. There are others, as we said, around very strong religious divisions—

**Mr Nette**—Are you asking what our opinion is on that?

**Mr LAURIE FERGUSON**—You are trying to say that we should increase the Australian aid budget. I agree with that totally. I agree with your emphasis on the Middle East and Palestinians. But I am wondering whether there have really been any genuine efforts made by ACFOA and its affiliates to try to mobilise more fully the communities in Australia.

**Ms Van de Velde**—For my own organisation, if I look at links with the Middle Eastern community, I think it is very topical. Personally, I find it a good thing if the Lebanese community or the Palestinian community or whatever community organises itself to raise money amongst themselves to help support their own villages, which they have come back from, and all of those things. If they want to do that, that is their choice. If it is with the Middle Eastern community or with other communities, the way we work is mainly that you get more links with each other when you can work on very concrete issues.

It might be a special project that you want to organise. For instance, we are looking to do something with the Arab community on human rights day in December, and immediately you have a point that brings you together and from which you can see how you can work together. At this stage, in my experience, it is on very topical issue. There is room for improvement; it has to evolve, trust needs to be built up and all those things.

**Mr Nette**—I do not want to speak on behalf of my member agencies but, just from my knowledge, I know that the National Council of Churches are involved quite substantially with some of the Middle East communities in Australia. Australian Red Cross are also quite substantially involved. APHEDA have got quite a lot of links to those communities. Those are just the ones that I know of. It is also a resource question. To put my ACFOA hat back on, we have very limited resources in a lot of respects. We do have contact with Middle Eastern communities. I have to say that it is probably more when they initiate it than when we initiate it. That is just the reality of that situation. When we do have that contact, we take that very seriously and we try to follow it through. As a general question: could the NGO movement actually do more to engage a whole variety of migrant ethnic groups in Australia? I think the answer is definitely, yes, we could.

**Mr NUGENT**—I look to your new executive director to take that new direction.

**Mr Nette**—Yes, right.

**Mr Pace**—For what it is worth, our organisation seeks to stimulate and to attract input from the Middle East community and the legal sector, and it has met with some degree of success. It is encouraging anyway. Because of the nature of the product we deliver, we rely more on the Australian legal know-how and expertise, regardless of its ethnic origin.

**CHAIR**—I thank you very much indeed for your attendance today. If there are any matters on which we might need additional information, the secretary will be in contact with you and

we will send you a copy of the transcript of your evidence to which you can make any necessary corrections. Thank you very much indeed for your comprehensive submission.

**Proceedings suspended from 12.27 p.m. to 1.38 p.m.**



**HOGAN, Mr Des, Campaign Coordinator, Amnesty International****SHIHOFF, Ms Larissa, Volunteer, Amnesty International**

**CHAIR**—I reopen the hearing of the subcommittee and welcome Amnesty International Australia. 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 that request. Although the committee does not require you to give evidence on oath, I should advise you that these hearings are legal proceedings of the parliament and therefore have the same standing as the proceedings of the House itself. I invite you to make a short opening statement, if you wish, and then we will proceed to questions.

**Ms Shihoff**—Chair, Honourable Members and Senators, on behalf of Amnesty International I would like to thank the committee for the opportunity to make comments before you in your inquiry into Australia's relationship with the Middle East. You have already received Amnesty's submission, which addressed key areas of significance to Amnesty in relation to the Middle East: the practice of torture and the discrimination against women in a number of Middle Eastern states. Amnesty's view is that it is everyone's right to be free from torture and all forms of cruel, inhuman or degrading treatment or punishment. In our submission, we listed the forms of torture which continue to be practised in a number of states. We made the point that torture often occurs against detainees, usually in situations of isolation. We pointed out that the practice of torture and cruel, inhuman or degrading treatment or punishment is one consequence of justice systems which are unaccountable and which fail to guarantee minimum international standards of fair trials and justice. Having said this, it is also important to recognise that forms of torture do not necessarily take place in prison cells or secret detention centres. Army or police camps can often be the locus for acts of torture. Rape, which is a form of torture, may occur anywhere.

We outlined the continuing forms of discrimination and, indeed, persecution which are practised against women in Middle Eastern states. While from the outside it may seem that women in several of these states are increasingly being given a role as vital actors in society, particularly in commerce, their struggle to defend basic human rights remains. Today we would urge the committee to take note of the serious abuses perpetrated against women and the prevalence of state condoned and informally accepted forms of torture in some Middle Eastern states as it considers the broader context of its review. Here I refer particularly to the related and relevant questions of Australia's relationship with the United Nations, of Australia's responses to the refugee outflows from the region and of the responsibilities of Australian businesses operating in the Middle East.

In relation to the question of the UN, and in light of recent government announcements about downgrading relations with UN human rights committees, we would like to table the letter from our Secretary-General to the Prime Minister in New York last week. That letter highlights Amnesty's concerns about the government's stance, in particular to the Middle East. Amnesty would like to register serious concern that the government's announcement may form a negative precedent in relation to the scrutiny of Middle Eastern states by UN committees. UN committees supervise and monitor implementation of the rights outlined in the main human

rights treaties. These rights include the right to a fair trial, the right not to be tortured, the right not to be raped, the right not to be discriminated against or persecuted on grounds of identity.

The importance of the UN committees to do their job and to call these states to account for abuses is vital. Abuses occur where individuals are isolated, either in a cold detention cell or in a system closed to outside scrutiny where impunity can occur. It is difficult enough for groups like Amnesty International to provide detailed information on state abuses on Iraq, on Saudi Arabia, on Egypt, and to advocate on behalf of victims to the international community, without having that right challenged by states such as Australia. If UN committees are suddenly to accept the interpretation of obligations by offending states and to ignore or overlook reports from independent human rights organisations, then the fabric of international fair play and Australia's hitherto credible record are called into question.

In relation to refugees, many asylum seekers in Australia at present, including those in detention centres, are from Middle Eastern states, notably Iraq. Many of those asylum seekers have transited through third countries to reach Australia. Amnesty International's view is that the terms of the 1951 UN refugee convention require Australia to examine each individual case on its merits, without attempting to devise new laws to send refugees back to third countries without seeking guarantees that they will receive protection. It is also unjustifiable, in our view, for the Australian government to work with other governments to try to overturn the right for refugees to seek and to enjoy asylum. By focusing on returning asylum seekers to putative countries of first asylum, it means that refugees are contained within regions and in countries where the problems are not dissimilar to those being escaped. It is also effectively saying that people leaving developing countries are not allowed to seek and gain protection in developed countries. Article 14 of the Universal Declaration on Human Rights is quite clear on this point. The Australian government needs to be quite clear that, by going down the track of denying asylum or by returning Middle Eastern asylum seekers to nearby countries, it is contributing to a climate of impunity in relation to human rights abuses; it is diminishing the obligations it has as a just society; and it is sending the wrong signals to its putative trading partners.

This brings me to the last point that I would like to open with: we are aware that Australia's relationship with Middle Eastern states focuses on trade. We would like to bring to the committee's attention a framework document entitled *Just Business*, launched recently at the Australian Stock Exchange by Amnesty International. The framework attempts to describe for business those fundamental human rights standards that all actors—be they government or non-government—are obliged to observe in all their dealings. Increasingly, our businesses are our diplomats. We can look to them to represent the values to which Australians subscribe. We can also expect of them accountable and just behaviour. As the World Economic Forum protests in Melbourne have demonstrated, the Australian government and Australian companies will be held to account by Australians. They will increasingly need to satisfy themselves that those they conduct commerce with are in no way linked to the commission of human rights abuses and that neither are any policies or practices propagated by trading partners. We are now happy to answer any questions.

**CHAIR**—Thank you very much for that. You generally paint a pretty bleak picture of human rights in the Middle East. Can you cite any bright spots, or any areas where there has been improvement?

**Mr Hogan**—In some states we do see at least an increasing recognition that international scrutiny is permissible. For example, if you go back through the different UN committee reports and country reports on countries like Iraq, Iran, Libya, Syria, Lebanon and Egypt over the last few years, you can see that increasingly the detailed information being asked for by those committees is being delivered. The situation remains intractable in many countries, but we do at least see the start of efforts to try to seem as if women are being included as actors in local society, as if laws are in place at least on paper, which would subscribe to international treaties. And we are seeing—for example, particularly in discourse over the issue of Israel and the occupied territories—more and more discourse about rights. So while we remain deeply concerned that those sorts of arbitrary detentions, unfair trials, imprisonment, torture, executions—extrajudicial executions are still happening—there are signs in certain states that things are changing. In Iran—as we have seen—elections return a majority in parliament to people who are supposedly in favour of democracy and fundamental freedoms. That itself suffers a reverse when forces within that society render that null and void, particularly by cracking down on freedom of association and speech.

**CHAIR**—Could you indicate to us, to your knowledge, how many Middle East countries have ratified UN human rights conventions. I understand a number of countries there have not signed any of them.

**Mr Hogan**—I would have to go through the list. We could make that information available to you. A lot of them have signed in the last few years covenants like the International Convention on Civil and Political Rights, the Convention on the Elimination of All Forms of Racial Discrimination, the torture convention, the International Covenant on Economic, Social and Cultural Rights, and even Saudi Arabia this year said it would sign the Convention on the Elimination of All Forms of Discrimination Against Women. We are seeing more accessions to these instruments. The big tests are how those rights are implemented domestically and how they are guaranteed.

**CHAIR**—If you could supply that information it would be most useful.

**Mr Hogan**—Yes, we will.

**CHAIR**—Is Amnesty International itself involved in any particular campaigns in the Middle East?

**Mr Hogan**—This year we are having a number of campaign actions, for example in Saudi Arabia. At the end of this month we are going to be launching a report on discrimination against women in Saudi Arabia, and listing the ongoing problems there. We have various actions happening in all Middle Eastern countries, usually from our European sections, who have very good links with those countries. Many Middle Eastern countries look for access to Europe, for example, for trading and other concessions. So the influence that can be brought to bear there is quite strong. For example, we have criticised not only Israel but also the Palestinian Authority for abuses that have happened in terms of the areas they control in the occupied territories. We would also be having ongoing campaigns on countries like Tunisia; in Algeria we are going to have a big action at the end of the year; and, more generally, we are going to be having a yearlong campaign on torture from October this year.

**Mr LAURIE FERGUSON**—I have questions mainly in regard to your opening statement rather than the submission itself. Ms Shihoff, you said that the Australian people and government might be held to account, as instanced by the demonstrators about globalisation in Melbourne. What do you say to the argument that the Australian government might be held to account by the Australian electorate for signing a significant number of conventions that a variety of NGOs and lawyers decide should be interpreted in the most technical fashion? The submission after you by the Refugee Council said the Australian government might be held to account for signing all these conventions and being held up with fairly extreme demands upon them. Your submission today indicates that the vast majorities of Middle Eastern countries sign these conventions and conduct the inhumane tortures that are set out in the submission.

**Ms Shihoff**—If I have understood your question, I think that, if the electorate did understand that their rights were being protected by these conventions, they would not question the government's intention to sign on, or the government's action in signing on, to many of these human rights conventions.

**Mr LAURIE FERGUSON**—Your submission has indicated that the vast majority of Middle Eastern countries have signed a number of these conventions. Yet we have still got these practices.

**Mr Hogan**—Perhaps I could intervene here. A lot of them have not ratified them or allowed special inspections to come from UN committees. A lot of them have not recognised the ability of the committees to accept individual petitions and things like this. I do not think Australia should be comparing itself with these countries. The other point is that a lot of those signings-on have only happened in the 1990s. By the time you sign something on, you are talking about getting your laws first of all to conform with international standards. But then, of course, there is a big gap between the laws and the practice. That is obviously going to be something which has to be tackled. But these international instruments at least are something which we can hold. They come from the Universal Declaration of Human Rights. They do hold states accountable and they are a principle of the evolving standards of international human rights law. From our point of view, it is very important for countries like Australia, which for so many years has been behind formulating and implementing these conventions, with so-called democratic and human rights principles, to strengthen and continue to push to make sure we can stamp out these abuses. The problem is, of course, that state sovereignty precludes a lot of organisations, including Amnesty International, from even visiting a lot of these countries and torture centres—so it is the interconnectedness between both of them. One of our difficulties is that, with the recent announcement by the Australian government, the knock-on effect is inestimable. From our point of view, any way, it allows other states to actually question the right of UN committees or even NGOs, such as Amnesty, to investigate and write reports, and the international scrutiny is in some way lessened. Of course, the only people who suffer at the end of the day are the people of those countries.

**Mr LAURIE FERGUSON**—With respect, with the exception of, maybe, mandatory sentencing—and, if we take a very extreme interpretation, detention of illegal entrants—to say that Australia is necessarily putting itself on the same level as Syria, Iraq or even Israel in its detention policies is an extreme interpretation. I am putting to you that it is all right to say that they do not give access to UN bodies and monitoring organisations et cetera, ad nauseam. When we say that the electorate might hold governments and parties to account over globalisation, I

think that, increasingly, they are holding the politicians of this country to account for signing a significant number of conventions which are just not worth the paper they are written on internationally, and yet we have lawyers and NGOs trying to enforce rather extreme interpretations in this country of what we should do internally. Overseas, a few people might attend well-paid conventions and write these documents after many weeks of discussions. So I think there is a fundamental problem here.

**Mr Hogan**—With respect, I would not agree in terms of not being worth the paper they are written on. I think they are very valuable. What we are striving to do is to get global coverage of recognition of fundamental human rights. If Australia has problems with these committees, that is fine, but in saying that Australia is not going to cooperate—if Australia's human rights record is second to none, it should have nothing to fear.

**Mr LAURIE FERGUSON**—Sorry, this is the point I am making: it might have something to fear because people choose to interpret these conventions in a very narrow, demanding way. That is not the way they are utilised in other countries—even by these bodies.

**Mr Hogan**—You have to go through different committees. Take administrative detention: at the end of the day, administrative detention says that, after a certain period of time in detention, you have the right to be brought before a judge. Whether that occurs in the occupied territories—

**Mr LAURIE FERGUSON**—Just one moment. I earlier distinguished mandatory detention and I said 'possibly'. For the purposes of not arguing, you might even say it about refugee detention as well. I am not arguing about those. I am talking about a broader political problem in this country: that the electorate is actually holding to account the politicians for signing a lot of these conventions at the moment, because they do see groups making rather excessive demands upon standards in this country, using every convention to justify every possible thing.

**Mr Hogan**—I would not go that far. This has been said to me at previous committees as well: that the electorate out there is very concerned about what Australia is signing on to. But that is what the Joint Standing Committee on Treaties is there for: to vet these. We would say that these standards should be signed on to. Australia can differentiate itself from some of the severe abuses in other countries, but it has to accept—and it has to cop it—that, if a monitoring body like the Human Rights Committee or the Committee for the Elimination of All Forms of Racial Discrimination comes up with a view, it has to be answered. That is the monitoring body put together by the international system that Australia was part of. Actually, in 1949, Australia was one of countries that put together the thing on administrative detention for article 9 of the International Covenant on Civil and Political Rights. So from our point of view, there is a large number of the populace who are concerned about what sort of country Australia portrays itself as being. If there are concerns—globalisation is one—that Australia is somehow ceding its sovereignty, we would not see it that way, because we would see it as human rights being vital.

If the problem is the UN committees, if the Australian people would rather it be settled here, let us have it settled here. Let us have an umpire in Australia—maybe through the mechanism of something like a bill of rights—an Australian judge or whoever who can sit down and balance up these competing rights—the rights of the state, the rights of the individual—and provide a fair system. The UK, for example, has brought in a human rights act this year, and the

reason it has brought it in is because it was losing a lot of cases before the European Court of Human Rights. The problem is that Australia is not subject to any regional human rights treaty, and when we go to UN committees, we are jumping a long way from here to there. That is why sometimes these things can seem a bit out of sync. With respect to some parts of the government statement in terms of the secretariats and the level of cohesion between committees, Amnesty International shares a lot of those concerns. But what we said when we met with the Attorney-General about a month ago was that the way to deal with that is from within: get behind the committees, go in and try to sort it out from inside, instead of going outside with the knock-on effects it is going to have.

**Mr LAURIE FERGUSON**—In a similar vein, just on one of these interpretations, in the introductory statement, we have a philosophy which says if you claimed in Germany or you claimed in another signatory country, then maybe you should not be allowed to get on a plane or a boat to another country and make another claim. It has been put here today that the only possible reason that countries would like to have that kind of restriction is that the developed world feels that claimants should not be able to make claims in the developed world. I think that is very simplistic as to why that kind of restriction is there.

**Mr Hogan**—Yes, it possibly is restricted but that is a concern that is out there. Over the years, Europe in particular, the United States and now more so Australia, have been bringing in different visa restrictions on access to territory.

**Mr LAURIE FERGUSON**—Australia has always had visa restrictions.

**Mr Hogan**—At the moment, under the way that refugee status is determined in Australia, if somebody has applied in an overseas country, they are probably not going to get up here at all.

**Mr LAURIE FERGUSON**—That is if Australia is aware that they have made claims—they are often not aware.

**Mr Hogan**—It usually is.

**Mr LAURIE FERGUSON**—What do you mean ‘usually is’? If somebody comes in a boat, claiming to be an Iraqi Shia, are we easily able to establish that they did not make an earlier claim overseas?

**Mr Hogan**—If you do look through the decision records of the department of immigration delegate and the Refugee Review Tribunal, they will go through the history of the individual.

**Mr LAURIE FERGUSON**—As known to them.

**Mr Hogan**—And the credibility test that they use, we would say, is probably a bit low. It is always going to be a little bit difficult. It is not only Australia that has to deal with this issue but many other countries do as well.

**Mr LAURIE FERGUSON**—You are putting forward a position today, as in that earlier statement, that the only possible reason that governments around the world would seek to do this is that they do not want claimants coming to the developed world.

**Mr Hogan**—No, that is not what we said. What we said is that there would be a concern if this campaign to review the refugee convention announced by the government takes place internationally. We have said this for many years. We had an international refugee campaign in 1997 and, at that stage, after speaking to a lot of governments, to UNHCR and many others, we came to the view that if the refugee convention was going to be looked at again, the result would come down in favour of state sovereignty and against the individual. If you start tinkering with one of the human rights in the Universal Declaration of Human Rights—namely, the right to seek and enjoy asylum from persecution—and if you are going to say, ‘We’re going to reinterpret that in terms of state as opposed to focusing on individual rights,’ that is going to have a knock-on effect elsewhere.

The laws that are now in place in Australia are very restrictive—they are extremely restrictive. The border protection amendment act, which has not come into effect yet, would more or less send someone back if they spent seven days in another country. Basically, you are going to be pushing people back and they are going to end up in third countries—Indonesia and, before Indonesia, Singapore—and what usually happens is that they are pushed on to the next country. Where are they going to get protection? The international right is that you have got the right to seek and to enjoy asylum from persecution. I am not talking about people who are looking for a better way of life; I am talking about persecution. We have to have a test, find out if that person fits that test and then we have to say that we are going to give protection. We are not talking about a huge number of people either.

**Mr LAURIE FERGUSON**—There is a broad debate as to disincentives for people to attempt it.

**Mr Hogan**—Yes.

**Mr LAURIE FERGUSON**—I personally think that the number of overstayers coming in by plane is a bigger worry than boat people, quite frankly—no-one talks about that. However, to disregard the possibility that, if you are seen as basically a walk-in situation, you are going to attract more is just ridiculous. We have a situation with the lawyers in this country. I personally have a belief which I cannot sustain by examination of all the cases, but when you see success rates of 87 per cent or 97 per cent as cited in regard to boat people claiming to be from Iraq, part of the reason is that essentially the courts in this country now say that, even if the department of immigration has a very substantial area of doubt—that basically the person’s story has no credibility whatsoever—unless you can disprove their story, the department will lose.

**Mr Hogan**—In most cases, the number of detainees who actually go to the Federal Court is very small.

**Mr LAURIE FERGUSON**—That is because the department has to surrender at an earlier stage because they know that this is how ridiculous the laws have become in this country.

**Mr Hogan**—With respect, I would not agree because I do not think that the credibility level, in the UNHCR handbook, speaks about balance of probability. The actual test used, from our evidence of casework that we looked at, is actually higher than that.

**Mr LAURIE FERGUSON**—I will leave you with one final point as to how ridiculous this is and why the Australian electorate is getting very concerned. The success rate of these people is 10 to 15 times greater than parallel attempts to get UNHCR support.

**Mr Hogan**—I would be happy to hear the details of that because I have heard Minister Ruddock say that a few times and he has, for example, compared Indonesia with Australia. I would be interested to see that.

**Mr NUGENT**—You said earlier that you wanted to table a copy of the letter that you sent to the Prime Minister. Mr Chairman, could we have that tabled?

**CHAIR**—Yes.

**Mr NUGENT**—Ms Shihoff, I think you were reading your opening statement. Would you have any problem with tabling that as well?

**Ms Shihoff**—That is fine.

**Mr NUGENT**—I want to make sure that we have got it verbatim in the *Hansard* transcript. One of the reasons that I want to look at that is because I think you said—I stand to be corrected—that Australia's human rights approach now was on a par with Iraq.

**Mr Hogan**—No.

**Ms Shihoff**—No.

**Mr NUGENT**—I think you made a comment of that nature.

**Mr Hogan**—No.

**Mr NUGENT**—I want to be clear.

**Mr Hogan**—To clear that up, can I quote from that piece again?

**Mr NUGENT**—It was just before you talked about the World Economic Forum, I think.

**Mr Hogan**—The quote was:

It is difficult enough for groups like Amnesty International to provide detailed information on state abuses on Iraq, on Saudi Arabia, on Egypt, and to advocate on behalf of victims to the international community, without having that right challenged by states such as Australia.

**Mr NUGENT**—I thought that there was another piece there.

**Mr Hogan**—I think that is the only reference to Iraq. Certainly, we would table it.

**CHAIR**—If you could do that, that would be great.



**Mr NUGENT**—With one of our witnesses this morning, there were some declarative statements made about things that were or were not happening in Israel. One of my colleagues, who unfortunately is not with us this afternoon, challenged that by asking the witness to provide some substantive evidence. Therefore, in the interests of equity of treatment of our witnesses and on my colleague's behalf, it would be useful if you could take on notice—not only in the case of Israel but also in the case of other countries that you quoted, when you made a number of statements about 'these things happen'—and provide the firm evidence or on what sort of basis these statements are made. I am not necessarily disputing much of it but I think it is useful to find out the evidence on which these statements are made, particularly in a current context.

**Mr Hogan**—Okay.

**Mr NUGENT**—As I think you alluded to in an earlier comment, it seems to me that your submission did have an omission in terms of Palestinians not being included.

**Mr Hogan**—Yes.

**Mr NUGENT**—You said that you thought there were some problems in that area as well.

**CHAIR**—Just on that line, right through, you seem to have cited the World Organisation Against Torture. Can you tell us who they are?

**Mr Hogan**—That is a non-governmental organisation based in Geneva. It is one of the NGOs that Amnesty International does a good bit of work with.

**Mr NUGENT**—I would like to go back to your opening statement this afternoon. Could you re-read the bit where you talked about the demonstrations at the World Economic Forum?

**Mr Hogan**—What we said was:

Increasingly our businesses are our diplomats. We can look to represent the values to which Australians subscribe. We can also expect of them accountable and just behaviour. As the World Economic Forum protests in Melbourne have demonstrated, the Australian government and Australian companies will be held to account by Australians. They will increasingly need to satisfy themselves—

that is, the companies and the government—

that those they conduct commerce with are in no way linked to the commission of human rights abuses and that neither are any policies or practices propagated by trading partners.

**Mr NUGENT**—How do you justify the demonstrations that went on at the WEF as being representative of the Australian people?

**Mr Hogan**—We would not take any position on that.

**Mr NUGENT**—But you have just made the statement. You said that the government was being held accountable by those demonstrators and you quoted them as the Australian people. We live in a democratic society—

**Mr Hogan**—Absolutely.

**Mr NUGENT**—I assume you are not challenging that we live in a pretty genuinely democratic society and yet we have a mob in Melbourne. Quite clearly, sections of them were publicly avowing in advance that they believed it to be a legitimate tactic to obstruct and to use violence and, of course, that is what happened. We could debate all night what the police reaction was. The reality is that, by that statement, you are proposing to this committee in all seriousness that that is a representative holding to account of the Australian government by the Australian people. If that is what you are actually saying, we need to understand that.

**Mr Hogan**—I could clarify it.

**Mr NUGENT**—If you want to clarify it, I think it would be an appropriate time.

**Mr Hogan**—Thank you. Firstly, Amnesty International, as you know, does not advocate violence. We do support the right to free protest and free speech. In relation to Melbourne, the protests were not only the S11 protests. There were protests by trade unionists, church organisations, community groups and even fora by groups including Amnesty International such as pre-seminars and different things around that.

You do not need to be on the street to protest. Amnesty International members can protest in a number of ways: by lobbying parliamentarians, writing letters and appearing before committees. It is all the same form of advocacy for human rights. If you want to call it a violent protest, of course, Amnesty International would not support violent protests because we do not support that sort of behaviour. However, we do support the right to protest.

Increasingly, in terms of economic relations, and not just in relation to Australia but globally, we are saying that where commerce is conducted, one must ensure that one's trading partners are absolutely free of any taint of complicity in human rights abuses. Those actors include governments and non-governments, including multinational organisations. Therefore, we have made a submission to the Joint Standing Committee on Treaties on the WTO, for example, in which we have said that there are certain things that need to happen. Amnesty International's business group has launched this Just Business framework to hopefully give companies direction. It was launched at the stock exchange in Sydney in August this year. We look for collaborative approaches with business but, of course, if there are questions of abuses, they need to be answered. This is basically just coming from our mandate and the premises of the UDHR. In relation to the process in Melbourne, you will find that Amnesty International was not connected with the S11 protests, but we do recognise the rights of those protestors to demonstrate their right to protest.

**Mr NUGENT**—I do not think anybody disputes people's right to protest. But you made the sweeping statement in the opening address—and I do not think you have just refuted it—that the protest, peaceful or otherwise, represented the Australian people holding the government to account.

**Mr Hogan**—No, we said that increasingly in the future the Australian government and Australian companies will be held to account by Australians.

**Mr NUGENT**—And you have also just said in your most recent statement quite specifically, that Australian companies should not trade overseas with countries that have not got a good human rights record.

**Mr Hogan**—We did not say with countries. We said with actors. For example, if you have a situation where you are trading with a company which employs bonded child labour outlawed in international conventions or if you are trading in, say, tools for military security police transfers, we would have a problem with that. Even going beyond that, we say that actors, including multinational corporations and local businesses, should satisfy themselves. That is what our framework for business tries to do. It tries to say these are the things you should be looking for and you should be asking questions if you are not sure.

**Mr NUGENT**—I am not specifically agreeing or disagreeing. I am trying to establish what you are saying and the actual practical impact. Are you saying, for example, given that child labour in the Indian subcontinent is pretty widespread, that because of that Australian companies should not deal in the Indian subcontinent?

**Mr Hogan**—No, we would not say that.

**Mr NUGENT**—So you are just restricted to saying that, if they are dealing with a particular company, they need to satisfy themselves there is no child labour?

**Mr Hogan**—Exactly.

**Mr NUGENT**—And if you cannot find a company that does not have child labour in your particular sector of business, you should not deal with India?

**Mr Hogan**—When it comes to child labour—

**Mr NUGENT**—That is the logical consequence.

**Mr Hogan**—That is one way of looking at it but when it comes to child labour, many NGOs working in areas such as the Indian subcontinent see that there is a balance. If child labour is supplying economic sustenance for a family, to take away that child labour overnight is going to itself contribute to another human rights abuse. It is a similar situation to the sanctions on Iraq. The sanctions on Iraq themselves are a certain tool but if you put the use of that tool over a 10-year period, of course that has a disastrous effect on the civilian population, particularly children. With the balancing of those two things, which you always have to look very carefully at, we would not say that you should stop overnight or anything like that but, if child labour is outlawed in international covenants, you should take all steps not to be participating in child labour in any way.

**CHAIR**—Allied to that, one of your recommendations was that human rights be given a greater concern in our foreign policy. I was wondering if you could spell out for us what particular courses of action the government should be taking in that regard and, realistically, what is achievable.

**Mr Hogan**—What is achievable is always the tough question. Recently, we met with the Australian Ambassador designate to Jordan and we were thrashing a lot of these questions out. Where Australia can use its good offices to push for more inclusion of women and more accountability before the law, it can suggest ways forward which will not offend local custom or sentiment. Of course, using those good offices is probably one of the most important things that can happen. At the same time, Australia needs to be principled where abuses do occur and to make very clear what its position is if, for example, incommunicado detention and torture is continuing or if, for example, a government takes a unilateral action or something like that.

Of course, we would hope that the Australian government would be working with a lot of other like-minded states—particularly European and North American states, who have an emphasis on human rights—insofar as being able to come up with creative solutions to moving the whole thing forward. But if you look at some of the recommendations from the UN committees, those can be implemented—and the first phase might be getting the justice laws into conformity with international standards. The second one is getting a breakdown of ethnic composition where there is persecution or discrimination against them. Then you should look at the practice. Does the law reflect the practice as well as the policy? Those questions can be asked, informally as much as formally; these can happen. Also, multilaterally Australia can use its good offices in the UN Commission of Human Rights and other UN fora to call states to account where they do continue with these abuses. That is very important.

**Mr LAURIE FERGUSON**—You might not have knowledge of this but what is the state of Amnesty groups in these various Middle Eastern countries—actual internal groups?

**Mr Hogan**—Some countries, we are not allowed access to—we cannot even visit them. In others, we have a number of groups there. For example, in Tunisia we have a few groups, in Morocco we have a few groups and in Israel we have a section. I think we have a group in the occupied territories in Palestine.

**Mr LAURIE FERGUSON**—Do you have any in Egypt at all?

**Mr Hogan**—No, not in Egypt. It all depends, really, on whether the government will allow us in as much as anything and how deep the movements towards civil society are in those states. But for example, even in some of those countries where we do have presences, our members are often harassed, arrested or even detained for a week or two on various whims.

**CHAIR**—Does Amnesty have a few on the right of return for the Palestinians and do you have any specific view on the Israeli occupation?

**Mr Hogan**—We do not have a view because, under our mandate, we do not take a view on self-determination issues. However, in the context of claims for self-determination and counterclaims, we would take views and where we can encourage the recognition of human rights in terms of any evolving peace standards, we would insist on that. For example, when the Palestinian Authority came into being, we did press the authority to make sure that it introduced human rights safeguards straight away and did not replicate any of those forms of incommunicado detention and ill-treatment that had happened before. Unfortunately, that did not happen. But that is an example of a peace deal—and you can look at the Bosnian Dayton deal, the one in East Timor, or those of Kosovo or Rwanda—where we always try to tell the

international community what minimum human rights standards ingredients should be in there from the start.

**Mr PYNE**—Does Amnesty operate in Lebanon?

**Mr Hogan**—No.

**Mr PYNE**—Why not?

**Mr Hogan**—As far as I am aware, we do not have permission to operate there.

**Mr PYNE**—Or Syria?

**Mr Hogan**—Definitely not in Syria; we are not even allowed to visit.

**Mr PYNE**—Do you think that sometimes there is a bit of a jarring of reality against perception, when Amnesty International criticises countries like Israel and others—where Amnesty is allowed to operate because they are a free democracy—and create the impression that Israel is not doing the right thing with respect to human rights towards some of its citizens, when in fact the public do not even know that Amnesty International is not allowed to operate in dictatorships like Syria?

**Mr Hogan**—We always make clear the countries which we try to get access to, in open letters and things like that. For example, with Israel or with any other country in the Middle East, the research is not initiated by the local Amnesty office: it is always done by the headquarters in London through research missions. It is to the credit of Israel that they would allow Amnesty International onto their state territory to investigate whatever things we would like to have a look at—and that, I should say, extends to countries like Australia, the UK and the US as well.

**Mr PYNE**—What about Jordan?

**Mr Hogan**—We do have an office in Jordan. We have, I think, one or two local groups in Jordan.

**Mr PYNE**—So it is very hard for you, therefore, to comment, isn't it, on a lot of the Middle Eastern nations that are denying people their human rights because, of course, you do not have Amnesty International groups there?

**Mr Hogan**—Our groups do not do our research; that is the province of our international secretariat in London. In terms of access to states, if we do not have access to a state, you are correct—and that is the problem that the UN and other human rights organisations have as well—if you do not have access, it makes it very difficult. In our campaign actions in Saudi Arabia this year, we make that clear as well. They have a justice system that operates in secrecy, there are a number of executions every week. We only find this out through migrant workers or through different sources. Often we have to go into neighbouring countries to interview

refugees, or diaspora, and use different research methods to try to get information when we are not actually allowed access to territories. So it is an ongoing problem.

**CHAIR**—There being no further questions, I thank you very much indeed for your attendance today. If there are any matters on which we might need additional information, the secretary will be in contact with you. We will send you a copy of the transcript of your evidence to which you can make any necessary corrections. Thank you very much indeed.

**Proceedings suspended from 2.23 p.m. to 2.43 p.m.**

**PIPER, Ms Margaret Claire, Executive Director, Refugee Council of Australia**

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

**Ms Piper**—The Refugee Council's submission to this inquiry focused very much on the issue of the arrival of a large number of people by boat, predominantly from the Middle East, in the last 12 months. We feel this is an important issue for the committee to consider in its deliberations on the Middle East, most particularly because of the impact this is having on public opinion about the region and towards people from that region. We are concerned about this issue on a number of levels. First and foremost is the issue of the public comments that are being made about the boat arrivals: the use of a number of terms that are imputing criminality, the fact that they are carrying communicable diseases or the fact that they are bringing to this country religious practices that would destroy the way of life of this community. We feel these are very negative both for the boat arrivals themselves and for people from the Middle East who are living and working within our community.

Another area of great concern to the council is that of the temporary protection visa regime that has been used for all unauthorised arrivals who are granted refugee status. I have presented to you an information paper, which sets out the differences in entitlements between temporary protection visa holders and permanent protection visa holders—that is, those people who arrived in the country with documentation and were later granted refugee status. I would be very happy to talk to this or answer questions in relation to it later. The extreme limitation of the entitlements of temporary protection visa holders is creating in itself a major dilemma for the community. This is largely as a result of the need to create or recreate a whole set of services designed specifically for this group, given that they are not entitled to mainstream settlement services. I have tabled with the secretariat a paper that looks at some of the initiatives in the three cities to which most of the temporary protection visa holders are going.

The final point—and we might expand on this further—is the impact the arrival of boat people and the granting of temporary protection visas are having on the broader ethnic community. There is a sense that is being created by certain arms of government and the bureaucracy that these people should not be assisted. This is creating divisions within ethnic communities, particularly within the Iraqi and Afghani communities, who have been working very hard to create a sense that they are constructive law abiding citizens. They are being told that if they assist the new arrivals it will impact on their community, and this is causing a great deal of concern because they recognise new arrivals who do have very particular needs and also people with their same background whom they would like to assist. We are also very concerned about the creation of division between communities. We are seeing a lot of evidence that the suggestion that these people are taking away places from other humanitarian entrant groups is setting one community against another. At this particular point in time this is something that the

Refugee Council sees as highly regrettable. We are very proud of the multicultural tradition that Australia has and would hate to see anything that would greatly disrupt it. Thank you.

**CHAIR**—Do you think in terms of the public perception there is much difference in attitude between the line taken on Chinese boat people and that on the Middle East?

**Ms Piper**—I think both are feeding into fears in the Australian community about the outsider and the potential for invasion. There are a couple of different aspects to it as well that do need to be distinguished. On the one hand, you have very few of the Chinese boat arrivals entering the Australian community. The vast majority are people who have been the victims of unscrupulous traders who have sold them a package which has no substance. They are returned to China without going through status determination procedures, whereas the people who are coming in from the Middle East are, to a large extent, being allowed to go through those procedures. The vast majority of them—in fact, over 90 per cent—are being granted refugee status and will be entering the Australian community. People are confronting them once they come out. We are seeing at the moment bus load after bus load of these people entering cities such as Perth, Adelaide and Brisbane, coming in on a weekly basis, being taken to backpacker accommodation quite often in the centre of town—highly visible to the broad community. When you couple this with some uncertainty in the broader community about the Islamic religion—people from that part of the world—and some of the public statements that have been made linking these people to criminal elements, drug traffickers and the potential for carrying diseases, there is a real concern out there that has been generated as a result of this movement.

**CHAIR**—They are principally Muslim.

**Ms Piper**—Principally. There is a small component of Christians and there are even some Jews amongst this group and other religious minorities—Ahmadiyyas and Baha'i.

**CHAIR**—Have you heard of any reaction from the UNHCR on our temporary visa policy?

**Ms Piper**—As I understand it—and I do not want to be seen to be speaking for UNHCR—UNHCR's view is that the granting of protection is the ultimate aim and, therefore, it does not matter per se whether it is a temporary visa or a permanent visa that is granted. To a large extent, that would tally with the Refugee Council's response as well. Our concern, however, is not primarily to do with the temporary nature of the visa but with the restrictions that are placed on the visa holders. These include the restriction of access to the settlement service, which will make it so much more difficult for these people to enter the Australian community in a productive way. You then have the potential that they will stand out as being a group of people who are going to be problematic within the community as whole.

For instance, these people are not eligible for the funded English language instruction. This is a matter I have debated with the minister and he said, 'But they have English instruction in the camps.' The reality is that a sizeable proportion of the people are coming out of the camps without functional English. If they are not eligible for the structured English language provision, their ability to enter the work force is significantly impaired. They will then end up being on social security for longer periods. They are then fulfilling the prophecy of these people coming in and bludging off the system, so to speak. We also have issues in relation to lack of access to the kind of specialist settlement services that help people link into the supports that



exist within the community during that initial period. The absence of these services again creates a situation where these people could fall through gaps, could encounter problems, could be exploited in the workplace and could end up having a much worse path over the next few years in Australia. By being visible they then bring into disrepute not just themselves but their community as a whole.

**CHAIR**—Just to take you up on something you said in your opening remarks, you suggested the difference was that the Chinese boat people had been subjected to racketeers. Accusations have been made that there have been some pretty good rackets operating out of the Middle East as well. You have had no evidence of that?

**Ms Piper**—I think it is undisputed that these people are coming to this country via organised channels. It does not justify the exploitative nature of the activities of the people who are organising the passage. I suppose one of the differences between the two—and I would contend that it is an important difference—is that the people who are coming here from the Middle East are people who have protection needs. They are coming to seek asylum in this country and it is something that they are entitled to seek, whereas the people who are coming here from China are being told that they will be allowed to enter this country, they will be free to work, they will have a better standard of life, et cetera, and it is not something that they will be able to achieve. So there is a significant difference there, I would contend.

**Mr NUGENT**—I do not want to misrepresent what you are saying, but I get the feeling from the summary of your recommendations and from what you have been saying that you appear to be more concerned about people coming from the Middle East than from any other part of the world. Is that true?

**Ms Piper**—No, in fact not at all. However, the context that we are looking at at the moment first of all is an inquiry into the Middle East. Secondly, we are looking at a situation where the vast majority of people—

**Mr NUGENT**—But you do say in your recommendations—and I am sorry to interrupt—you want the number of resettlement places allocated to the Middle East to be increased?

**Ms Piper**—Yes, the second part of what I was saying is that the vast majority of people who are coming irregularly to this country at the moment are coming from two countries, Afghanistan and Iraq. What we are seeing, and this is touched on in the paper, is a breakdown of protection for these people in countries of first asylum which the Refugee Council contends needs to be addressed in a number of ways. One is looking at addressing that particular problem to ensure that these people are not necessarily being forced to move or find another country and are able to find sustainable protection outside their country of origin, given that return to both Afghanistan and Iraq at this point in time and for the foreseeable future, is not possible. Given that within any refugee population, there will be people who need to be relocated, there also needs to be regular channels for them to move. The fact that it is very difficult for people from the Middle East to access resettlement programs is part of the reason that people are choosing to come through other means.

I would use as an example the Hazaras which make up the bulk of the Afghans we are seeing arrive now. The Hazaras, as you are probably aware, are a minority ethnic group. They are

highly distinguishable because of their facial features and, therefore, it is very difficult to hide in Pakistan. They are just as vulnerable in Pakistan as they are in Afghanistan. Yet it is very difficult for them to get resettlement to come to Australia because the majority of resettlement places for Afghans are under the special humanitarian program, which requires community sponsorship from here. We have a very small Hazara population in Australia. Therefore, if they do not have links to Australia, it is almost impossible for them to come under the program.

**Mr LAURIE FERGUSON**—How big would you say the small population is?

**Ms Piper**—I do not know the figures I am afraid. I am not even sure whether the department would, given that ethnicity has not, until very recently, been used to distinguish entrants; it has just been nationality. But the vast majority of the—

**Mr LAURIE FERGUSON**—You are saying small. There are thousands, I would say.

**Ms Piper**—Of Hazaras?

**Mr LAURIE FERGUSON**—Yes.

**Ms Piper**—As opposed to the Pushtoons?

**Mr LAURIE FERGUSON**—In Sydney. From the numbers coming into the office in my electorate, there certainly are.

**Ms Piper**—In comparison to the other Afghan communities, they are much smaller.

**Mr LAURIE FERGUSON**—No argument about that but when you say small, some people might take that as a picture of 10 people.

**Ms Piper**—I cannot give you quantum.

**Mr NUGENT**—What I wanted to pursue was the question of a person in genuine fear in their country of origin going to a third country where they have at least temporary refuge. How would you justify them then coming here illegally, either as part of an organised racket or under their own steam, rather than applying and being processed in a normal way? Whilst I am not going to give you names because it would not be appropriate, I have had constituents who have applied for relations to come from third countries and, whilst the application to immigrate has been under consideration, they have turned up in the detention camp in Port Hedland. Then their relations here want me to get them out. As somebody who migrated to this country myself—I was not a refugee and I am not suggesting that I was—I had to wait quite a long time to get in at the time that I came. It is beyond my comprehension why people who are not in immediate danger cannot go through the normal process and can justify actually coming here illegally and expecting the citizens of this country effectively to look after them. My question is, I suppose, how do you justify that?

**Ms Piper**—We have to look at the reasons why we are seeing this movement of people coming now as opposed to five or 10 years ago, when a lot of those people were actually

outside their countries of origin. There are a number of changes in the Middle East that we contend have led to this population movement now—not just to Australia. Particularly, Iraqis are going in very large numbers to Europe—much larger than are coming here. First of all, you have the changed conditions in Iran, which has been a country of first asylum for very large numbers of refugees for a very long period. The Afghans started to flee into Iran in 1979 and the Iraqis have been there since the Gulf War, so over 10 years.

Iran has been saying at international meetings for a very long time, ‘We need help to deal with this.’ They are dealing with more than two million refugees—it has been more than three million at certain periods. But because Iran’s status in the international community is not high, it has been receiving very little assistance. It has been saying for a number of years, ‘There is a limit on how long we can continue to provide this assistance; we want more help.’ That help has not been forthcoming, and so Iran has drawn a line in the sand, which is March 2001, and has threatened to expel people. There have already been returns from Iran to Afghanistan, and these are enough to make the people who have been in Iran for a number of years feel very uncomfortable about the prospect of future protection in that country. At the same time, they are recognising that the opportunities to be resettled through the conventional channels are very much long shots. For anybody facing the prospect of March 2001 and a two-year waiting period to be resettled in Australia, the notion of conventional channels would not necessarily seem all that viable.

We also see those people coming through from Pakistan at the moment. Pakistan—as you would be aware—has had major political changes during this year. You also have the very strong support in Pakistan of the Taliban, so the people who are afraid of the Taliban for one reason or another—be it because of their political associations or their ethnicity—do not necessarily feel any safer in Pakistan. That is why we are seeing a number of people coming through at the moment from Pakistan.

**Mr NUGENT**—The Taliban is not in control of Pakistan.

**Ms Piper**—It is not in control of Pakistan, but it is active inside Pakistan. You also have the support of the Pakistani government for the Taliban.

**Mr NUGENT**—If somebody lives in Pakistan, and they are obeying the law, and they have a job and an income, and they do not like the Taliban—and I would venture to stress most people in the room, looking at what the Taliban does, do not like it—that does not necessarily put them in fear of their lives. So why should Australia give somebody like that refuge?

**Ms Piper**—I do not profess to be an expert on the conditions inside Pakistan and Afghanistan, and on this I would refer you to the Refugee Council’s chairman, Dr William Maley, who I gather will be addressing you separately. I would definitely urge you to talk to him on that specific issue. I do, however, know anecdotally from members of the Afghan community with whom I speak, that life has become for many of them very difficult in Pakistan. If there are incidents—and as you would be aware there have been a number of terrorist bombings, et cetera—these can be used by the police as an excuse to round up large numbers of Afghans to detain them. They have been treated very badly in detention, released, redetained, harassed and found it extremely difficult to get any kind of employment. There are others who speak about fear for their lives. There is also great concern expressed for female headed

households, because where you have an intensification of the Islamic practices, for women to be able to access any kinds of support services—even to go out and shop—can be very difficult in certain areas.

**Mr NUGENT**—I do not dispute that life in Pakistan is very hard and I have been to Afghan refugee camps in Pakistan and they are, to use your words, a very difficult environment. That is a masterpiece of understatement. But there are literally tens of thousands of people in that situation and there is a process through UNHCR for people to be resettled around the world. Australia proportionately has taken a very high number of offshore refugees over the years. Clearly, we are not in a position to absorb everybody who wants to come here. Therefore, why should we give welcoming treatment—with all the signals that sends overseas—to people who then try and jump the queue by coming here illegally, when there are equally deserving cases patiently waiting in very difficult circumstances trying to go through the proper process?

**Ms Piper**—I think that there are multiple answers to that and it can be answered on a number of different levels. First of all, we have to recognise that whether or not we want these people to come here, they are here and we have certain obligations towards them.

**Mr NUGENT**—What obligations have I got, as an Australian citizen, to an economic refugee from Pakistan?

**Ms Piper**—I am not talking about economic refugees from Pakistan. In fact, I do not actually accept the term ‘economic refugee’. I am talking about the obligation that Australia has as a country towards people who are fleeing persecution and who meet the definition of a refugee.

**Mr NUGENT**—What limits would you place on Australia’s responsibilities to accept such people? How many should we take?

**Ms Piper**—Can I go back, if I may, to your previous question, because I made reference to the fact that there were multiple levels of answers. I started off by saying that, yes, we do have obligations under international law to those who are here. I think we also have very important obligations, as a member of the international community, to look at the international protection regime and to ensure that it is as fulsomely sustained as possible. We are seeing people moving out of the Middle East at the moment because of the failure of the international community—not just Australia, but the community as a whole—to sustain protection, to support the countries of first asylum so that there is appropriate protection and dignity for people who have had to flee their home countries.

Nobody would deny the very grave situation for people in Iraq and in Afghanistan at this point in time, nor their right to seek protection from the abuses that are taking place. What we collectively have to look at is what happens to them once they flee. I would argue that there is a real problem internationally—and I am not just talking about Australia here but I am talking about the international community as a whole—where the international community is so easily swayed, by crises such as Kosovo and Rwanda, away from looking at the long-term situations that we have in some parts of the world, and I think we have a classic example in the Middle East. These are not CNN situations; they are long-term intractable problems where people have been forced to live in difficult and increasingly precarious situations, and they are voting with their feet. If we are concerned about the numbers of people coming here, we have to work with

other countries to look at ensuring that the conditions that are making people look elsewhere for protection are reversed.

**Mr NUGENT**—But you would give preference to onshore refugees. Is that what you are saying?

**Ms Piper**—It is not a case of giving preference to one over the other. We have obligations towards the people who come here. We cannot deny those obligations. If Australia were to turn its back on the 4½ thousand boat arrivals that we have coming here and say, ‘Sorry, we don’t want to deal with these,’ how can we then turn around to a country like Malawi—which had one million people cross its border—and say, ‘Of course you should accept these people’? It is about sharing the responsibility and accepting responsibility for people who are here but looking at the broader context of the situation, rather than just looking at it in a narrow parochial environment.

**Mr LAURIE FERGUSON**—But equally the people in camps in Peshawar do see these waiting times of 1½, two or three years. Unless they had anything less than half a brain, wouldn’t they be pretty stupid to hang around putting applications in at Islamabad? If that philosophy were adhered to and encouraged, it would actually be stupid for them to launch claims. They would be far smarter to get in the boat, wouldn’t they? This is the fundamental debate.

**Ms Piper**—Yes.

**Mr LAURIE FERGUSON**—What you say is true. Iran has taken large numbers of Dari speakers from Afghanistan and it has taken Iraqi Shia—enormous numbers of people—the world should obviously finance them, and you cannot blame it for starting to be a bit hard line about this. Obviously, living in a camp in Peshawar is not fantastic if you are there for 10 years but, when you speak of dignity and of economic refugees, I put to you that this is the reality. People might not like living in those camps for that period of time, they might have a better standard of living in this country and, if you or I were there, we would pursue efforts to get to Australia, but in a very hard world should they get preference if they flee a camp or decide to leave that camp if they do not like it? If there was any level of Taliban support in Pakistan, it has been slightly reduced since the Nawaz Sharif government disappeared. If anything, the military government is probably slightly less supportive of the Taliban, so there is no new hardening there at all—but people have been there a long time.

**Ms Piper**—A number of the people that we are seeing coming through at the moment from Afghanistan through Pakistan have not been in Pakistan for a long time; they are coming out of Afghanistan.

**Mr LAURIE FERGUSON**—But you used in an argument a few minutes ago that two of the problems they are facing are Iran and Pakistan.

**Ms Piper**—Yes, and I made the point that a number of the Hazaris are expressing great fear about remaining in Pakistan, which is why they are moving onwards.

**Mr LAURIE FERGUSON**—There are instances in the camps of Sunni majority persecution of some minorities. There are some instances of that, of course. What you said a minute ago was that basically we have people coming in boats and we owe a responsibility to them. But, if you are an Afghan, why are you going to wait around for two years? Looking at the figures you supply, there is 92 per cent acceptance once you get off the boat—and there are a number of reasons for that, which are very worrying—as opposed to the case in Islamabad, where you are probably going to be rejected.

**Ms Piper**—I do not think you can make a direct comparison there. Are you talking about Islamabad in terms of refugee status or about a determination of resettlement eligibility?

**Mr LAURIE FERGUSON**—I am guessing and this is anecdotal, but I would say refugee acceptance. I get a significant number of people who are rejected as refugees, not just because there is not room for them.

**Ms Piper**—UNHCR does do an entirely separate determination in terms of resettlement eligibility.

**Mr LAURIE FERGUSON**—One of the big problems is that I do not find the Refugee Council or any other organisation in this country trying to actually give support to DIMA to realistically tackle some of the problems. One of the problems in Islamabad, if we are truthful, is that there is unfortunately a cultural attitude in the Afghan community that if water hits stone on enough occasions the stone will wear away. So, if you put in the same claim six, seven or eight times with no change of fact whatsoever and you have been rejected on the first five, six, seven or eight times, you are essentially increasing the waiting time for the others that have more viable claims. I am not exaggerating, because you know this.

**Ms Piper**—I know this.

**Mr LAURIE FERGUSON**—Every refugee group and every refugee lawyer in this country say how dreadful it would be if we actually stipulated that people can apply only twice. We have this so-called thing that you have to have a change of circumstances. It is an absolute joke—people put in the same claim and they clog up the system. I do not see any refugee groups that are so concerned about people coming by boat actually ever helping the department to reduce this slowing down of the process.

**Ms Piper**—I think that that is actually quite unfair. There are a couple of answers to that as well. The first is that we will all agree that multiple applications where there is no change of circumstance are problematic and causing many difficulties to the department and clogging up the system. The problem is that there are enough instances where sixth, eighth, tenth or twelfth applications are successful to make it such that people believe that if you keep doing it long enough, you will get there. It is also extremely difficult for advisers, and this is the second part in terms of talking to the department. Yes, there are multiple discussions on this very issue with the department, most particularly at the DIMA-IGO-NGO consultations that are held quarterly, where we are saying to the department and debating around the fact that, for an adviser who is working with somebody in the community, you cannot tell them, ‘Tell your family not to put in a second or third application,’ because you know that there are these instances where people are successful after multiple applications.

**Mr LAURIE FERGUSON**—We then have a failure to be honest with them about what it is doing to the actual system. We then have a situation where people do have to wait two years, three years, and we then have people getting frustrated and getting on boats to Australia.

**Ms Piper**—What we do have which is underlining all of this is a lack of understanding about the criteria for resettlement on all sides in all of this, and this would stress the importance of transparency about the process and the importance of greater clarity about the selection criteria that are used. We also have issues—I know that the department is acknowledging this and working very hard to address it—to do with locally engaged staff, both within the Australian High Commission in Islamabad, but also within UNHCR, IOM and other agencies in Islamabad. You need to have a situation where the people that are making the applications feel that they are being dealt with fairly and that they understand why certain decisions were made. Until you have that, yes, you will have people trying to look for other ways to address their needs.

**Mr PYNE**—Do you agree that one of the reasons why the public has so little sympathy for the refugees arriving from the Middle East is that there is an ethos in the Australian public that people should be given a fair go? You might be a Sudanese refugee in Kenya, for example, who has been waiting for several years to be given status to come to Australia and you find that they are pushed down the list further and further because of our 12,000 refugees we take each year there are these several thousands who have arrived on boats. The Australian public think that is bloody unfair, and that is why they have absolutely no sympathy for these Middle Eastern refugees.

**Ms Piper**—To some extent I think you are right, but I think that a very large part of the public's lack of sympathy is because of the way the arrivals have been portrayed.

**Mr PYNE**—How is that?

**Ms Piper**—The use of words such as 'rotters,' 'queue jumpers' and 'illegals'.

**Mr PYNE**—Do you think they are not queue jumpers?

**Ms Piper**—I do not agree with the term 'queue jumpers', and this is addressed in our submission.

**Mr PYNE**—So you do not think that when someone arrives because they could pay to get a boat out here to Australia and there is a poor Sudanese refugee who has waited three years in a Kenyan refugee camp like Karkuma, who then has to wait an extra 12 months to two years because they have run out of places, that the Middle Eastern refugee is not jumping the queue? What do you think they are doing?

**Ms Piper**—We have run out of places because the policy is to numerically link the onshore and offshore programs.

**Mr PYNE**—You do not think that we should have a cap on the number of refugees?

**Ms Piper**—I do not believe that the two programs should be numerically linked, nor do a large number of other agencies in the community sector, nor does UNHCR.

**Mr LAURIE FERGUSON**—For practical purposes, you did not answer the question. If you say they should not be connected, then you say there should not be a cap, don't you? It follows.

**Ms Piper**—Not on the number of onshore asylum seekers, no.

**Mr LAURIE FERGUSON**—You do not believe on a cap for the overall program.

**Ms Piper**—Again, this is addressed in our submission. It is the Refugee Council's position, and has been for a long time, that it is appropriate to pre-select the number of visas that you would issue offshore each year, but the number of people granted refugee status in this country is determined by need.

**Mr LAURIE FERGUSON**—As I put to you earlier, you would be very silly to try offshore, wouldn't you, if your philosophy was adhered to by the government?

**Ms Piper**—On the contrary, I say that the current policy of linking the two programs is increasing the incentive of people to come directly here. Where you have a situation where the number of offshore places is radically reduced, as it has been this year, you are increasing the incentive for people to come directly.

**Mr PYNE**—But I think Mr Ferguson is saying that the logical conclusion of not linking the two categories is that, if you continue with 12,000 refugees in the one category and you leave the other category open for however many people are granted visas in Australia, you would just invite a flood of people to arrive in Australia and apply for visas here—by the thousands, more than the 4,500 that have already arrived, because there was no link between the two programs. So you might as well just catch a boat here. Why would you bother to make an application?

**Ms Piper**—There has only been a link since 1996. It is a new policy.

**Mr PYNE**—Why do you think there is a link?

**Ms Piper**—Because the government have made a decision that they will spend only a certain amount of money on this particular area. We would argue that that is not necessarily reflective of the international situation and that it is far better to look towards allocating a particular amount of money to the resettlement program, which is something that Australia does voluntarily as part of its international contribution to UNHCR, and to look at the asylum program as something that is very much like an emergency situation which may or may not happen. We have had a smaller number of asylum seekers coming through for the last few years; we have had a peak this year. It is swings and roundabouts financially in much the same way as you might have a bushfire, a cyclone or some other kind of natural disaster that requires a call on government funds occasionally.

**Mr PYNE**—You do not think it is because it is a disincentive for people to arrive illegally that we have capped it?



**Ms Piper**—As I said, I believe it creates a greater incentive for people to arrive illegally.

**Mr LAURIE FERGUSON**—If it was 12 before, for instance, and then you decide to offset the numbers by those that come here by boat, why is there a disincentive? It was 12?

**Ms Piper**—Yes.

**Mr LAURIE FERGUSON**—You then decide, because you are having a significant number—the government's view is you are having a significant number—of people coming by boat, to therefore reduce the—

**Ms Piper**—The offshore program.

**Mr LAURIE FERGUSON**—Why is that a disincentive? One led to the other.

**Ms Piper**—But I am saying that, because there are fewer offshore places available—

**Mr PYNE**—There are the same number—there are 12,000.

**Ms Piper**—No, there are not.

**Mr PYNE**—This is the number of people arriving onshore.

**Ms Piper**—There are fewer offshore places available this year.

**Mr PYNE**—But that is because of the number of people onshore who were coming.

**Ms Piper**—Yes, that is right. But I am saying that, because fewer offshore places are available, this is increasing the incentive for people to become asylum seekers—they have less chance of being granted an offshore place.

**Mr PYNE**—That is because people are jumping the queue.

**Mr NUGENT**—Could I put the question another way: regardless of what the cap is on offshore, you advocate that we should accept anybody who is a genuine refugee who is onshore?

**Ms Piper**—We are obliged under international law to do that.

**Mr NUGENT**—I do not know how many genuine refugees there are in the world, but let us say there are five million.

**Mr PYNE**—There are 20 million apparently.

**Ms Piper**—Fourteen million.

**Mr NUGENT**—All right, 14 million. If we said in future we will allow onshore refugees who are genuine refugees without any cap on the number or without taking any steps to discourage them—the steps that we have already taken, which you clearly tell us you disapprove of—what would your view be if half a million people arrived next year? Would you see no limit?

**Ms Piper**—There are some assumptions here. One is that half a million people would want to come here and would have the wherewithal to come here.

**Mr NUGENT**—And you would dispute that? You mean there would not be some enterprising person in the transport business who would not make sure that they brought the appropriate number of people here? Look what happened in Israel.

**Ms Piper**—I regard this as very alarmist talk and not necessarily based in fact.

**Mr NUGENT**—I am trying to get your principle.

**Ms Piper**—I think we need to be looking at focusing on realistic scenarios. I would like to come back to what I said earlier about the importance of looking not just at what is happening in Australia from a very narrow parochial perspective but at the refugee situation internationally and ensuring that there is effective protection for the 14 million refugees and the six or seven million other people of concern to UNHCR around the world. If we are able to do that collectively, as members of the international community, you do not have the same kinds of pressures that you are presupposing exist in countries such as Australia.

I do, however, think that there is another point that does need to be made here. We have to also be mindful of the fact that large numbers of people could come to Australia—if Indonesia became seriously troubled—as a country of first asylum. If there were a major blow-up there—and we are looking at a very fragile country with already very large numbers of people internally displaced—we cannot say, ‘No, we can’t accept these people; no, we can’t protect them,’ in exactly the same way as I made reference to Malawi earlier, to Tanzania, to Sudan, to Kenya and to many other countries around the world who have had half a million and more people cross their borders because of major developments internationally. We cannot see ourselves as necessarily immune to that kind of scenario.

**Mr NUGENT**—I am not sure that I would agree with your scenario about Indonesia because Indonesia has gone through two huge, traumatic upheavals in its time, hundreds of thousands of people have been killed and they have never resorted, in fact, to mass migration to Australia.

**Ms Piper**—I would agree with you on that.

**Mr NUGENT**—My view would be that it would be very unlikely. If it happened, we are then the country of first resort. What Australia is faced with today—while we are doing the correct thing in trying to persuade the world community to deal with the problem at source—is that we actually have a real, live issue onshore. Before the world does the right thing to deal with the problem at source, if it becomes known that we have no cap in respect of onshore refugees, don’t you think that would send a signal to people to come here in huge numbers? My question is: if that were the case, what would your limits be?

**Ms Piper**—I do not agree with you that it would necessarily make such a huge difference because we had many years without that, as you say, cap.

**Mr LAURIE FERGUSON**—I have two points to make. Firstly, a few minutes ago, you said that you thought that you had answered the question of claims of queue jumpers and illegals. I am wondering whether you think it is answered by these comments: ‘They have not committed a criminal offence. They have simply arrived here without documentation.’ In regard to queue jumpers, ‘Under international law, there is no such thing as a queue for victims of persecution to join.’ Is that what you think is a response to those comments?

**Ms Piper**—Yes.

**Mr LAURIE FERGUSON**—We do actually have a queue, don’t we, at embassies, as far as we are concerned, in regard to applications?

**Ms Piper**—There is a process whereby people can apply to come to this country. There is no legal obligation that they come through that process.

**Mr LAURIE FERGUSON**—You also equally think: ‘Big deal, people haven’t got documentation; we shouldn’t even have any visas; everyone should just walk in; get rid of the whole system; nothing wrong with them coming without documentation’?

**Ms Piper**—That is a complex issue, depending on particular circumstances. I think that the notion that, per se, people seeking protection be required to have full documentation is an extremely dangerous idea to hang on to. I think back to the words of a previous UNHCR regional representative here, who I am sure you know well—Pierre-Michel Fontaine—who would quite often say, ‘When your house is burning, you don’t ask for permission to leave.’ The notion that all refugees can obtain appropriate travel documents and visas is farcical and it is not required in international law that they have these. In fact, the convention quite explicitly states that people should not be penalised because of their inability to arrive with proper documentation.

**Mr LAURIE FERGUSON**—Before getting to my final question, the other point is that many claimants obviously can get documentation and choose not to or put it down toilets at Bangkok and Sydney airports, et cetera.

**Ms Piper**—That is why I qualified my statement.

**Mr LAURIE FERGUSON**—You make the point of how dreadful it is that we are calling these people queue jumpers and illegals, that it is very dreadful and we are dividing communities, et cetera. You earlier had an analysis of people who have concerns about this process as perhaps being motivated by racism, anti-Islamic rhetoric, notions of criminality and of the spread of disease et cetera. Equally, I would put to you that I find it very divisive that people can construe the debate as being totally about that kind of rhetoric. I think there are a number of people who have legitimate concerns about the need for process and regulation. Many of the people that have a view contrary to yours have not gone around in any way denigrating Shiah or Sunni as opposed to Baha’i or Jew; they have not put any comments on the public record about any degree of criminality amongst these people, separate from criminality

with regard to visa documentation. So I put to you that anyone that does not see a broader debate and sees it as all being motivated by this is also very divisive.

**Ms Piper**—I accept the point that there are various issues being expressed in this debate. I started by saying that I was very alarmed by the kinds of comments that have been circulating quite liberally in the media. I have even heard from your fellows from this House in press releases and other things which are fuelling the kind of debate that you hear on talkback radio which, I hope we would all agree, is not the way that will make this country progress. I do agree that there is a lot more to this issue than that debate. My concern is that that debate is skewing things in a highly deleterious direction. You were talking about process. One of the things that I do not think gets spoken about enough in this whole issue is that Australia does have a refugee status determination process.

**Mr LAURIE FERGUSON**—Despite lawyers, we still do have a process, yes.

**Ms Piper**—I think that is an unfair comment, Mr Ferguson. I would contend that it would be a lot more difficult without the lawyers that are working with these applicants, which is why the lawyers are being provided for them by the government. It is really important to get the message across to the community that these people are not just waltzing in the door, that they are going through a very thorough examination, not only of their refugee status claims—and Australia does have obligations towards these people under international law—but also through the character and health checks that they undergo. Presenting these facts clearly to the community would very much alleviate some of the fears that are being expressed.

**Mr LAURIE FERGUSON**—I do have to go, but character checks on people you know nothing about? Come on!

**Ms Piper**—That is an issue that you should possibly be taking up with the minister.

**Mr LAURIE FERGUSON**—Well, you just said they get character checks. Ninety per cent of them you cannot check on. Come on!

**Mr PYNE**—I want to go further on the subject of queue jumpers. We had the case of the 4,000 or so Kosovar refugees who were accepted into Australia. At the same time there were a few hundred who applied in refugee camps in Macedonia and Albania as refugees and who chose to stay in the refugee camps rather than come here under the temporary visa with the other 4,000. Do you agree that the government pursued the right course in sending the 4,000 back or do you think the government should have allowed those 4,000 to remain here?

**Ms Piper**—The 4,000 did not want to remain here.

**Mr PYNE**—Many of them did.

**Ms Piper**—Not many of them—a small proportion, less than 10 per cent, expressed a desire to remain. The vast majority of the Kosovars wanted to go back; in fact, a sizeable proportion of them wanted to go back ‘yesterday’—when the bombing stopped they wanted to be out of here and they were champing at the bit to go back.

**Mr PYNE**—Not in the one that I was the patron of, I have to tell you. They were very happy to stay and wanted to stay for good.

**Ms Piper**—There was a small proportion who did, but not the majority, by any stretch of the imagination.

**Mr PYNE**—Regardless of that, should those who wanted to stay have been allowed to stay?

**Ms Piper**—I think Australia made a bad error of judgment in the drafting of the safe haven legislation, and that was to prevent people from being able to lodge applications for refugee status. The Kosovars who came here under Operation Safe Haven did so, in the main, while the NATO bombing was still under way and well before there was any sense of what the future Kosovo would look like. That legislation was also drafted in that context. We had no way of knowing for whom it would be safe to return and for whom it would not. The reality, given that part of the world, is that there would be groups who would find it very difficult to return, irrespective of how the cards fell at the end of the day.

**Mr NUGENT**—How many of them have been killed since they returned?

**Ms Piper**—I do not know, but had we had an opportunity to examine people's fears about returning through the conventional refugee status determination process, and then to look at whether or not there were other compelling humanitarian reasons for these people to stay, I believe that the end of Operation Safe Haven would have been conducted in a much less fraught way. There was that period of great uncertainty between about December last year and March this year when people had very little understanding of what would happen to them. Those who did have fears of returning, be they objective or subjective fears, were left in a state that caused them great anxiety and, in many cases, substantially increased their trauma—the people that went through the northern winter in this country, our summer.

Had we had a situation where, say, a certain number had returned—draw a figure in the sand, 80 or 90 per cent had returned—to allow the rest to go through those channels, I believe that things could have been resolved in a way that would have left people feeling that they had had a chance to go through a process. The process that did happen, however, was one that caused concern—in its lack of transparency; in the lack of advice that was given to these people; in the susceptibility of the Kosovars to rumours within their own community, to misinformation and misadvice they received; and in the fact that more and more information was coming out of the woodwork. It was a big and complex situation, as you would know through involvement in the haven.

**Mr PYNE**—I do not accept that at all, but that really does not answer my question. On the one hand you have said that those people who have come from Afghanistan, Pakistan and Iran and so on who are refugees should be allowed to stay and that there should be no cap for those people—they should not be part of the 12,000 refugees. Then with the Kosovars, who were called refugees and wanted to stay but we would not let them stay, you did not really answer my question besides criticising the way the government handled it, which I do not mind—that is your right to do so. But if they had been regarded as refugees and they wanted to stay, should the government have let them stay?

**Ms Piper**—I believe that they should have been able to go through a refugee status determination procedure, given that there was a substantial change in their country of origin since the mass determination of refugee status was conferred.

**Mr PYNE**—And if they had gone through that and it had been decided that they could stay, what about the 200 or 300 that had stayed in the refugee camps in Kosovo and gone through the process of applying as refugees? Do you think that would have been unfair on them? They could have actually left 12 months beforehand with the other 4,000. They were offered that choice. Would that have been unfair on them to have waited 12 months unnecessarily?

**Ms Piper**—I do not think that necessarily the direct comparison can be made. We had people who elected to go through a particular channel, people who would be reconsidered in the light of events. If I can turn it around, what you are suggesting by saying that all 4,000 people have to return to Kosovo is that it is perfectly all right to send back people who could be subjected to persecution or worse on return. There is substantial evidence from UNHCR and other credible sources that certain groups of people in Kosovo are very much at risk.

**Mr PYNE**—What I am really saying is that it would have been tremendously unfair, palpably unfair, for the 200 or 300 who have stayed in the refugee camps and applied as refugees—who are basically in the same position as the 4,000 who came out here—to have suddenly been told, ‘Well, actually, you shouldn’t have bothered to stay in Kosovo refugee camps; you should’ve come out with the other 4,000, because you’re going to be treated in exactly the same way as the, say, 1,000 or 500 or 300 who decided they wanted to stay in Australia once they got there.’ What I am saying is: in refugee politics, or in the setting of principles, you do actually have to set principles of fairness and who is in the queue first; otherwise, you create new unfairness if you allow people to take advantage of the position that they have got which other people have not taken advantage of. The Kosovo refugees are a perfect example of that.

**Ms Piper**—But a country cannot turn its back on its obligations under international law—I am thinking, in particular, of the obligation of non-refoulement—simply because it made an offer to people 12 months before in relation to setting up a resettlement program. We cannot send back people into a situation of persecution.

**Mr NUGENT**—We did not send them back in isolation. We did not make the judgment about whether it was safe to go back. That was a judgment that was made by the United Nations. They were the ones that said, ‘It is now safe to send these people back.’ We were not sending them back into a situation where they were going to get killed.

**Ms Piper**—With respect, they said that it was safe for the majority of people to return to Kosovo, and that was correct. But there are particular profiles of people who were, and still are, at substantial risk in Kosovo. UNHCR has been very clear about that throughout, and they were at the time that the decision was being made to send people back.

**Mr NUGENT**—Can you produce some documents on that?

**Ms Piper**—Yes, I can.

**Mr NUGENT**—I think the committee would be very interested to see a statement by the UNHCR at the time those Kosovo refugees went back itemising who, by name, was at risk.

**Ms Piper**—Not by name, but by group, yes. Not individual names of people, but by groups, yes there was, most definitely.

**CHAIR**—Thank you very much indeed for your attendance today, Ms Piper. If there are matters on which we might need additional information, the secretary will certainly be in contact, and we will send you a copy of the transcript of your evidence to which you can make any necessary corrections.

**Ms Piper**—I fly out of the country on Monday for three weeks, so I hope that that can be taken into account in terms of returning *Hansard*.

Resolved (on motion by **Mr Nugent**, seconded by **Mr Pyne**):

That the exhibits be accepted.

Resolved (on motion by **Mr Nugent**, seconded by **Mr Pyne**):

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

**Subcommittee adjourned at 3.43 p.m.**