



Australian Government

Department of Foreign Affairs and Trade

File Number: 07/504677-2

17 February 2009

Dr John Carter
Secretary, Foreign Affairs Subcommittee
Joint Standing Committee on Foreign Affairs, Defence and Trade

Dear Dr Carter

Thank you for your email of 23 January 2009 to Ms Monica Hart. The response to your questions on Burma is attached.

Yours sincerely

(signed)

Lyndall McLean
Assistant Secretary
South-East Asia (North) Branch

**RESPONSE TO QUESTIONS SUBMITTED TO THE DEPARTMENT OF FOREIGN
AFFAIRS AND TRADE ON 23 JANUARY 2009 FROM THE JOINT STANDING
COMMITTEE ON FOREIGN AFFAIRS, DEFENCE AND TRADE: ENQUIRY INTO
AUSTRALIA'S RELATIONSHIP WITH ASEAN**

1. Amount and nature of aid to the Thai-Burma border region

JSCFADT Correspondence: The Centre for Peace and Conflict Studies (CPSC) has called for aid to the Thai-Burma border region aimed at enhancing the local economy thereby allowing the refugee camps to be partially opened to allow refugees to participate in the local economy.

Q. Would you respond and include a discussion of the amount and nature of current aid to the region and whether the CPSC aim is achievable?

The Government has a strong commitment to supporting Burmese refugees in camps in Thailand and internally displaced Burmese people. Australia is in discussions with like-minded donors (the EU, the United States and the United Kingdom), key international organisations and the Royal Government of Thailand on developing durable long-term solutions for refugee camp residents. Development partners believe that strengthening the economic self-sufficiency of the refugees through improved access to education and vocational training, the promotion of income-generation schemes and the provision of access to employment and markets beyond the refugee camps is the way forward to address both the humanitarian needs of refugees as well as the security needs of Thailand.

The Government has provided humanitarian support to refugees along the Thai-Burma border for over ten years through the National Council for Churches in Australia which in turn provides funding to the Thai-Burma Border Consortium (TBBC). Australia has provided over \$5.2 million to TBBC to provide food and shelter for over 140,000 refugees along the Thai-Burma border. Australia provided \$700,000 in 2007-08 and further funding to TBBC for 2008-09 is currently being considered.

The Government has also supported the United Nations High Commissioner for Refugees (UNHCR) to improve protection for refugees in camps along the Thai-Burma border through AusAID's International Refugee Fund (\$1.48 million in 2007-08) and the Department of Immigration and Citizenship's Displaced Persons Program. In addition, Australia supported the placement of 17 volunteer positions on the Thai-Burma border in 2007-08 (through Australian Volunteer International; Volunteering for International Development from Australia; and Australian Youth Ambassadors) to build the capacity of local organisations working with refugees.

JSCFADT Correspondence: The Burma Campaign Australia notes that Australia doesn't contribute funds for cross-border activities unlike other aid donors.

Q. Would you discuss why Australia has taken this position (i.e. not to fund cross-border activities)?

The Australian Government's humanitarian assistance to Burma does not extend to cross-border interventions. Cross-border assistance is not authorised by either the Royal Government of Thailand or the Burmese regime. Australia provides ongoing humanitarian assistance to address the dire needs inside Burma. Funding unsanctioned cross-border activities could potentially compromise Australia's humanitarian assistance activities within Burma. The Government, however, remains in contact with organisations involved in cross-border operations. Work in these areas also attracts considerable security risks as target areas are often areas of ongoing conflict and heavy personal risk to those carrying humanitarian supplies. Monitoring is extremely difficult.

2. Transparency of aid provided after Cyclone Nargis

JSCFADT Correspondence: Burma Campaign Australia (BCA) raised the transparency and accountability of NGOs that had been provided aid after the cyclone. BCA drew the Committee's attention to the Three Diseases Fund as an example of good practice in transparency and accountability.

Q. How confident are you that Australian aid money provided after Cyclone Nargis reaches those for whom it was intended and has not been siphoned off by the Burmese junta?

Q. What procedures are in place to assure accountability and transparency for the aid that has been given?

The Australian Government is providing \$55 million in humanitarian assistance to the cyclone-affected people of Burma, making Australia one of the largest donors. Australia is delivering its assistance through credible aid organisations, such as United Nations and International Non-Government Organisations with extensive experience working on the ground in Burma.

Australia attaches importance to maintaining accountability of assistance to Burma. The Australian Government recognises that Burma is a particularly difficult and challenging operating environment and it places a premium on monitoring and reporting to ensure aid reaches intended beneficiaries. All aid agencies funded by Australia have monitoring systems in place to ensure funds are accounted for and aid is closely monitored. AusAID staff attached to the Australian Embassy in Rangoon also undertake regular field visits to ensure Australian aid is used appropriately.

3. Sanctions applied to Burmese individuals and companies

Correspondence from JSCFADT: BCA told the Committee that the names of individuals and companies on the sanction lists of different countries do not match (Transcript, 2 October 2008, p. 69). The countries were later identified as America, Canada and Australia (Transcript, 2 October 2008, p. 73).

Q. Are the lists of other countries also inconsistent?

The lists are consistent, but not identical.

The scope of the lists differs as each country's sanctions regime operates under a different legislative framework. Differences also occur as each country's list is updated at a different time. In compiling Australia's revised list (released in October 2008), the Department consulted UK and US authorities through our Embassy in Rangoon.

Q. What steps are being taken to rectify these inconsistencies?

See above.

4. Nature and effectiveness of APF training to the Burmese police

Correspondence from JSCFADT: BCA suggested that AFP training the Burmese police is tantamount to assisting the Burmese military—

Since 1995 police officers have been under the direct control of the military, with police intelligence and their 'Special Branch' subordinate to regional military command structures. Police training therefore directly serves the military junta.

(Submission No. 18, p. 10)

The BCA submission stated that—

In November 2006, three Australian Federal Police trained 20 senior intelligence officers from the Burmese authorities at the [Jakarta Centre for Law Enforcement Cooperation]. The AFP further maintains a Liaison Office in Rangoon which trains local police. (Submission No. 18, p. 10)

BCA witnesses also suggested that this training was likely to be ineffective in combating transnational crime (Transcript, 2 October 2008, p. 72).

The Committee questioned AFP witnesses on this matter in Melbourne on 2 October 2008. They responded that there were AFP-DFAT guidelines and that the AFP sought advice and permission of DFAT for training, and unless permission was granted the training did not proceed (Transcript, 2 October 2008, p. 27).

Q. Would you provide to the Committee with a copy of the AFP-DFAT guidelines?

See Attached.

Q. Would you respond to BCA concerns that AFP training is not advancing human rights in Burma, is assisting the military, and is unlikely to be effective?

BCA claim: AFP training is not advancing human rights in Burma

The purpose of AFP cooperation, including training, with the Myanmar Police Force is to protect Australia's national interests. Burma is a major source country for narcotics entering Australia. The AFP also pursues cooperation in a range of other transnational crime areas relevant to the Australian national interest.

BCA claim: AFP training is assisting the military

The Government recognises that the Myanmar Police Force is part of the Burmese military regime. Australia does not provide training to any Burmese military personnel. All training provided by the Australian Government to the Myanmar Police Force is consistent with international principles of human rights and ethical law enforcement conduct.

BCA claim: AFP training is unlikely to be effective

DFAT notes that the Committee has asked the AFP to respond on this matter and endorses the AFP's response.

Burma: Australian law-enforcement cooperation

Joint guidelines for training of Burmese police

Minister for Foreign Affairs

Minister for Home Affairs

The Myanmar Police Force (the Burmese police) is a law enforcement institution and performs tasks typical of all police forces. As a branch of the Burmese government and ultimately subject to the direction of Burma's military regime, it is also engaged in supporting a political system that suppresses human rights and freedoms.

It is in Australia's national interest that the Australian Federal Police (AFP) co-operate with the Burmese police in international law-enforcement activities. Any training courses or activities to further this end should have due regard to the Burmese police's role in support of Burma's political system and should take appropriate care not to assist that role. The guidelines below are to effect that principle.

1. Burmese police may participate in training courses or activities organised, funded or sponsored by the AFP only if such participation is of clear benefit to operational cooperation and Australian interests in combating transnational crime or counter-terrorism.
2. Burmese police may be included as appropriate in regional training courses and activities (such as a training course with participants from several ASEAN police forces) organised, funded or sponsored by the AFP, subject to paragraph 1.
3. The AFP may fund, organise or sponsor training courses or activities in Burma on a bilateral basis with the Burmese police only with the approval of the Minister for Foreign Affairs.
4. No police officer above the rank of Police Colonel (equivalent to superintendent) should participate in training courses or activities organised, funded or sponsored by the AFP, except with the approval of the Minister for Foreign Affairs.
5. No serving member of the Burmese military should participate in a training course or activity organised, funded or sponsored by the AFP.