



## **Dissenting Report – Senator Brian Harradine**

### **Preliminary observations**

- 1.1 Dissenting reports by nature are necessarily negative because of their need to point out problems in the main report. This requirement should not be taken as a reflection on the positive aspects of the main report.
- 1.2 The main report acknowledges the need for further reform of the United Nations and in particular its treaty body systems structures, accountability and cost-effectiveness. Yet, it urges increased funding and merely records, without critical analysis, the statements made by UN bodies to Committee members who visited New York.

### **Peacekeeping: serious failures**

- 1.3 On a broader level, the report fails to condemn with sufficient force the failure of some UN operations. It has ignored extremely sensitive problems such as the increase in child prostitution associated with the arrival of peace-keeping forces. A report that flinches from criticism on these issues lacks the kind of intellectual rigor and courage that could serve to point up the fundamental reforms needed in the UN. The few relatively minor criticisms of the UN made in the report, for example, those relating to more places on the Security Council or the recommendation of more money for the UN, or for more personnel and more assistance for countries to submit more reports, do not get to the heart of the reforms needed.

- 1.4 Infamous failures include the disastrous performance of UN troops in Somalia in 1993; the mistiming of intervention and the culpable delay that allowed the Rwandan genocide to proceed in 1994 and the unconscionable withdrawal of UN protectors as the Bosnian Serb forces moved in to massacre Muslims in Srebrenica in 1995. Brief references to these failures (3.37, 3.67) and the Committee's observation that the international community does not have the ability to put a stop to all internal conflicts throughout the world (3.63) cannot ignore the fact that in recent years a terrible precedent has been set: that UN protectors have withdrawn or withheld their protection from the most vulnerable civilians - the elderly and the wounded, refugees, men, women and children - who have been abandoned in situations deemed too dangerous for UN forces to stay or to intervene.
- 1.5 Another disturbing failure of UN integrity is to be found in a discreet investigation currently being conducted in Kenya by the UN's own rather ineffective watchdog, the Office of Internal Oversight Services, into a corruption scandal involving staff from the United Nations High Commission for Refugees (UNHCR). An immense scam involving bribes for UNHCR personnel responsible for resettlement programs for refugees has been uncovered. It is understood that the corruption is not confined to Kenya, and that other national and international UNHCR staff are under investigation.<sup>1</sup>
- 1.6 Another serious scandal was revealed January 28 this year by Ms Radhika Coomaraswamy in her *Report of the Special Rapporteur on violence against women, its causes and consequences (1997-2000)*. Amidst all the brutality perpetrated against women and girls in conflicts ranging from Afghanistan to Chechnya, from Sierra Leone to East Timor, the Special Rapporteur expresses particular concern about the growing number of reports of rape and other sexual abuse committed by UN peacekeeping forces and staff and UN refugee camp and border guards.
- 1.7 The report also raises alarm about women being trafficked from refugee camps and other shelters set up for their protection, as well as being trafficked to service UN peacekeepers in countries where such peacekeepers are located. It is important, the report says, that such trafficking be curtailed, exposed and the perpetrators punished, 'even if such punishments involve UN personnel'.
- 1.8 Numerous accounts are given of torture, rape, murder and other serious abuses by peacekeeping units in Mozambique, Angola, Cambodia and
- 

1 Riley, M. 'UN staff accused over refugee bribes'. *The Sydney Morning Herald*, 22 Feb. 2001.  
Walsh, Declan. 'Refugee scam claim shakes UN'. *The Australian*, 22 Feb. 2001.

Bosnia. It was also noted that military contractors linked to peacekeeping forces and UN police typically increase the demand for prostitution and may even participate in the trafficking of women into forced prostitution. An earlier report prepared by the High Commissioner for Human Rights and the UN Mission to Bosnia and Herzegovina found widespread complicity in this by some international police, as well as foreign military troops.<sup>2</sup>

- 1.9 Then there is the problem of abuse of children by peacekeepers, recognised by Graça Machel, in her September 2000 UN report *The Impact of Armed Conflict on Children: A critical review of progress made and obstacles encountered in increasing protection for war-affected children*, Ms Machel stated: 'the arrival of peacekeeping troops has been associated with a rapid rise in child prostitution. These and other acts of violence committed by peacekeeping personnel against women and children are rarely reported or investigated. Even though the United Nations has taken some action to control the behaviour of peacekeeping personnel, it is still relatively rare for disciplinary measures to be taken'.

## **UN Aid Agencies' failures not adequately addressed**

- 1.10 The report of the meeting of agencies in May this year<sup>3</sup> appears more honest in its acknowledgement of substantial failure than the optimistic picture presented to the Committee on its visit to the UN in New York 7-20 October 2000. Under the heading 'Main issues in the dialogue', the report on Africa, states:

Though many African countries have embarked on structural reforms of their economies, the results in terms of growth and resource flows have been disappointing. This has given rise to scepticism about the usefulness of economic reforms, but also the perception that Africa is used as a laboratory for new economic policy experiments with uncertain outcomes. Thus, the question was posed whether the Poverty Reduction Strategy Paper (PRSP) was not just a re-packaging of the structural adjustment programmes, which had a dismal record in Africa.

In other words, how would the support of the UN system for Africa's development this time be different from the past? This

---

2 UNMIBH/UNCHR Report on Joint Trafficking Project, May 2000.

3 The UN Report on the Panel Discussion on Coordination of United Nations work in Africa: Meeting the International Development Goals (IDG's), 23 May, 2001 New York.

was important because given Africa's dismal economic and social performance in the past one and half decade, it would appear that the coordination of UN work had produced non-development in Africa! A revealing statistic in this regard was that the number of Least Developed Countries has grown from 25 in 1970 to 49 today, out of which Africa now accounts for 34 LDCs (about 70 percent of all LDCs).

- 1.11 The statement 'that the coordination of UN work had produced non-development in Africa!' is a terrible indictment of UN agency efforts. Such directness about agency failure is not reflected in the relevant sections of the Committee report.
- 1.12 The report on Africa, which focuses on dire necessities such as food security and massive disease crises, concentrates on the real issues, in contrast to the diversion of the efforts of some UN agencies away from their original purpose. For example, UN officials told committee members that a 'major aspect' of UNICEF's advocacy work centred on helping governments bring their legislation into line with the CEDAW convention (6.39).

## **CEDAW: The need for reform**

- 1.13 In recommending that the Australian Government ratify the Optional Protocol to the Convention, the Committee Report fails to mention the Government's specific reasons for refusing to do so at this stage. In the interests of objectivity, the Report might have at least recorded the general overall reason for the refusal to ratify.
- 1.14 The Government maintains it would give the wrong message for it to sign on to another individual complaints mechanism while seeking to reform the system. It points to problems with the system including 'inconsistent rules of procedure and reporting guidelines, duplication of information required by committees, varying quality of committee members and, at times, political bias and inaccuracy in their concluding observations'.<sup>4</sup>
- 1.15 While the CEDAW Committee pursues the type of ideological approach referred to at 11.48 of the Report, it will lose its needed influence to protect women's rights as recognised by charter.

---

4 Media Release, Australian Minister for Foreign Affairs, Alexander Downer. 'Australia's Criticisms of the UN Human Rights Committee System Validated by New Report', May 21 2001.

- 1.16 Over the last 12 months a number of commentators<sup>5</sup> have analysed CEDAW Committee Reports into individual countries. Some examples of the more contentious reports on the role of mothers in society, include:
- Belarus: The Committee is concerned by the continuing prevalence of sex-role stereotypes, as also exemplified by the reintroduction of such symbols as a Mothers' Day and a Mothers' Award, which it sees as encouraging women's traditional roles. It is also concerned whether the introduction of human rights and gender education aimed at countering such stereotyping is being effectively implemented.<sup>6</sup>
  - Croatia: The Committee is particularly concerned about the consistent emphasis placed on women's roles as mothers and caregivers in Croatian legislation pertaining to a variety of areas. While legislative provisions protecting maternity are important, the Committee is concerned that prioritizing that aspect of women's lives reinforces traditional and stereotypical role expectations, which tend to limit women's full participation in society.<sup>7</sup>
- 1.17 There is also controversy about the CEDAW committee's advocacy of abortion rights, for example in its reports on Mexico, the United Kingdom and Ireland.
- Mexico: The Committee refers to the high rate of teenage pregnancy and the lack of access for women in all States to easy and swift abortion.<sup>8</sup>
  - United Kingdom: The Committee notes with concern that the Abortion Act 1967 does not extend to Northern Ireland where, with limited exceptions, abortion continues to be illegal.<sup>9</sup>

---

5 See Bettina Arndt, 'The UN – deniable right to just say no'. *The Sydney Morning Herald*, 1 September 2000. See also Rita Joseph, 'Treaty monitors act more like dictators'. *The Australian*, 11 September 2000.

6 *Concluding Observations of the CEDAW Committee on Belarus: 22nd Session*, Jan/Feb 2000, Paragraph 27.

7 *Concluding Observations of the CEDAW Committee on Croatia: 18th Session*, Jan/Feb 1998, Paragraph 103. The Committee comments that despite the fact that women in Croatia are well-educated and participate in the labour force in large numbers, a careful and gender-sensitive analysis of the emphasis on motherhood vis-à-vis women's roles in the public sphere is needed on the part of the Government to assure de facto gender equality in the Croatian society of the future. Another example is Austria: The Committee considers that persisting cultural stereotypes of women as homemakers and care givers constitute an impediment to the full implementation of the Convention. *Concluding Observations of the CEDAW Committee on Austria: 23rd Session*, June 2000, Paragraph 14.

8 *Concluding Observations of the CEDAW Committee on Mexico: 18th Session*, Jan/Feb 1998 Paragraph 399.

- 1.18 There has also been criticism of the CEDAW Committee's failure to endorse freedom of conscience and religion as reflected in the following reports:
- Italy: The Committee expressed particular concern with regard to the limited availability of abortion services for women in southern Italy, as a result of the high incidence of conscientious objection among doctors and hospital personnel.<sup>10</sup>
  - Ireland: The Committee notes that although Ireland is a secular State, the influence of the Church is strongly felt not only in attitudes and stereotypes but also in official State policy. In particular, women's right to health, including reproductive health, is compromised by this influence. The Committee notes that Ireland did not enter a reservation to article 12 upon ratification of the Convention. The Committee recommends implementation of this article in full.<sup>11</sup>
  - Croatia: It is also concerned about information regarding the refusal, by some hospitals, to provide abortions on the basis of conscientious objection of doctors. The Committee considers this to be an infringement of women's reproductive rights.<sup>12</sup>
- 1.19 The CEDAW committee interprets reproductive rights and reproductive health to include easy access to abortion. The above are some examples of how the CEDAW Committee has re-interpreted the Conventions without the consent of member states who in good faith signed the Convention.

---

9 *Concluding Observations of the CEDAW Committee on United Kingdom: 21st Session*, June 1999, Paragraph 309.

Regarding Ireland: The Committee urges the Government to facilitate a national dialogue on women's reproductive rights, including on the restrictive abortion laws. It also urges the Government to further improve family planning services and the availability of contraception, including for teenagers and young adults. It also urges the Government to promote the use of condoms to prevent the spread of HIV/AIDS. *Concluding Observations of the CEDAW Committee on Ireland: 21st Session*, June 1999, Paragraph 186.

10 *Concluding Observations of the CEDAW Committee on Italy: 17th Session*, July 1997, Paragraph 353.

11 *Concluding Observations of the CEDAW Committee on Ireland*, Paragraph 180.

12 *Concluding Observations of the CEDAW Committee on Croatia: 18th Session*, Jan/Feb 1998, Paragraph 109: The Committee also expressed concern that there is evidence that church-related organizations adversely influence the Government's policies concerning women and thereby impede full implementation of the Convention. *Concluding Observations of the CEDAW Committee on Croatia*, Paragraph 108. *Concluding Observations of the CEDAW Committee on Belize: 21st Session*, June 1999, Paragraph 48: The Committee is of the view that the church-State system of education perpetuates an intermingling of the secular and religious spheres, which is a serious impediment to the full implementation of the Convention. The consequences of this system seriously affect girls' and women's rights to education and to health, protected under the Convention.

- 1.20 According to emerging international criticism, some treaty monitoring bodies are now infringing the international rules governing treaty interpretation, viz., the *Vienna Convention on the Law of Treaties* (1969). The Vienna Convention provides that: 'A treaty shall be interpreted in good faith in accordance with the ordinary meaning to be given to the terms of the treaty in their context and in the light of its object and purpose'.<sup>13</sup> At least some of the new human rights now being read into human rights treaties signed 30 years ago are not in the 'ordinary meaning'.<sup>14</sup>
- 1.21 That the CEDAW Committee is pursuing the reinterpretation of '*recognized rights, to which the States are already committed*' in order to bind the States to 'new' human rights, was made clear at a Round Table meeting in December 1996.<sup>15</sup>
- 1.22 Of particular interest at this meeting was the detailed plan put forward by Elizabeth Evatt, then Member of the Human Rights Committee, to 'identify each recognized right' and give it a revised meaning. As a successful model for emulation, Ms Evatt identified the Committee's Concluding Observations on Peru, November 1996, in which the Committee declared that Peruvian law against abortion subjected women to inhuman treatment and was incompatible with articles 3, 6 and 7 of the Covenant. Ms Evatt went on to propound that
- The protection of children (article 24, ICCPR) could extend to ensuring adolescent access to decision-making in respect to reproductive and sexual health services [including abortion];
  - The right to freedom of expression and to seek, receive and impart information (article 19 ICCPR) protects the freedom of women of all ages [including adolescents] to receive and impart information about health services, including abortion;
  - The right to protection of privacy and the home (article 17, ICCPR) could include consideration of women's right [sic] to make their own decisions about pregnancy and abortion ... or discrimination or sanctions based on sexual orientation.

---

13 Article 31, 'General Rule of Interpretation 1'.

14 Herbert Golsong 'Interpreting the European Convention on Human Rights Beyond the Confines of the Vienna Convention on the Law of Treaties' in *The European System for the Protection of Human Rights* eds. R. St J. Macdonald et al (Boston: Martinus Nijhoff, 1993), has cautioned treaty monitoring bodies that too broad an interpretation of human rights treaties may not always be in line with their 'noble purpose', that an expansive reading of the treaties may resemble an act 'of usurpation of overreaching power or at least an act of detournement de pouvoir' beyond the confines of the Vienna Convention on the Law of Treaties.

15 *Round Table of Human Rights Treaty Bodies on Human Rights Approaches to Women's Health, with a Focus on Sexual and Reproductive Health and Rights* (1998), 13.

- 1.23 The CEDAW Committee has no mandate to direct countries to adopt new rights concepts that have not been universally agreed.<sup>16</sup> The Committee should recognize and respect the fact that it is no part of its mandate to take on an advocacy role or judicial activist role to define unilaterally and then to promote 'new' human rights.

### **Reform of composition of the Treaty Monitoring Committees needed to ensure they work within their mandates**

- 1.24 The Report makes one brief reference (7.42) to and thereafter ignores the finding by the Australian Government's Review of the UN Treaty Committee System that 'the UN human rights treaty system needed a complete overhaul, especially...to ensure that committees and individual members work within their mandates...'. The Review of the Treaty Committee System was not given proper appraisal in this Report.
- 1.25 The Report acknowledges in Para 7.25 that the Human Rights Committee does not at present have an equitable geographic representation as mandated in the rules for its constitution. While equitable geographical distribution is important, it should be pointed out that it is only the first of three requirements. Australia's Response seems to have missed the need to assess how well the treaty bodies comply with the second and third rules for formation. For example, the Human Rights Committee does not represent equitably the 'different forms of civilization as well as the principal legal systems' also mandated.<sup>17</sup>
- 1.26 Reform of the CEDAW Committee should also have been indicated in order to comply with CEDAW Article 17 (1) which also requires:
- representation of the different forms of civilization
  - representation of the principal legal systems.

---

16 For example, the concept of 'sexual orientation rights' does not appear in any of the six core UN international human rights treaties. Given that numerous unsuccessful attempts over the past decade have been made by international lobbyists to introduce the notion of sexual orientation into the non-discrimination clauses in UN human rights documents, the CEDAW Committee would appear to be attempting to introduce 'reconceptualization' through a back door. (The term 'sexual orientation' as a specific basis for discrimination was rejected by the international community at the International Conference on Population and Development Cairo, 1994, the World Summit for Social Development Copenhagen, 1995, the Fourth World Conference on Women Beijing, 1995, the Second United Nations Conference on Human Settlements Istanbul, 1996, at five consecutive meetings of the Commission for the Status of Women New York, 1997-2001, the Cairo +5 Special Session of the General Assembly New York, 1999 and at the Beijing +5 Special Session of the General Assembly New York, 2000.

17 *Rules governing the formation of the Human Rights Committee* (Article 31(2)).



- 1.27 This terminology has generally been interpreted to mean that 'various ideological and legal approaches' are actually mandated in the Committee's membership.<sup>18</sup>
- 1.28 One example in which the CEDAW Committee is clearly not representative of the different forms of civilization and different legal systems of the UN member states is with regards to the Committee's advocacy of abortion as a reproductive right. The Committee fails to represent any other ideological or legal approach.
- 1.29 For example, the Committee ignores Article 4 (1) of the American Convention on Human Rights (in force 1978 with 26 signatories):
- Every person has the right to have his life respected. This right shall be protected by law and, in general, from the moment of conception. No one shall be arbitrarily deprived of his life.
- 1.30 On controversial issues such as abortion, sexual and reproductive autonomy for adolescents, and sexual orientation, there are major ideological and legal approaches among the UN member countries other than the one adopted by the CEDAW Committee.
- 1.31 This single approach contrasts, unfortunately, with the original spirit of respect, cooperation and goodwill that characterized the foundational formulation of a set of universally agreed human rights.
- 1.32 Abortion cannot be acclaimed as a universally agreed human right as long as some sovereign states believe abortion is an act of violence against the child in the womb; or as long as some states continue to believe that they are obligated to provide 'appropriate legal protection for the child before, as well as after, birth', in accordance with the human rights obligations undertaken in the *1959 Declaration on the Rights of the Child* and the *1989 Convention on the Rights of the Child*. Nor can it be universally agreed that special support for marriage and the family proclaimed in the *Universal Declaration of Human Rights* should now be condemned as discriminatory against other partnerships.
- 1.33 Furthermore, it cannot be universally agreed that 'the sexual and reproductive rights of adolescents are the same as those of adults'<sup>19</sup> when the vast majority of the world's communities recognise that adolescents, by virtue of their immaturity, have a prior right to be protected from premature sexual initiation and from exploitation.

---

18 Dominic McGoldrick, *The Human Rights Committee* (Oxford: Clarendon Press, 1994),45.

19 Statement by the Women's Coalition for ICPD, 30 March, Cairo +5 Prep Com, New York. Number 3 of the 10 key future actions for ICPD implementation.

- 1.34 Indeed, the concept of national sovereignty was designed to provide checks and balances on the power of the UN to impose such anomalies.<sup>20</sup>

### **Reform of CEDAW Committee needed to ensure it works within its mandate**

- 1.35 Perhaps the most vital reform needed by the CEDAW Committee is that it re-focus on the most serious and the most urgent abuses of those rights that have been universally agreed by member countries to be genuine human rights to be protected by the Convention.
- 1.36 Too much of the CEDAW committee sessions on individual country reports are devoted to ideological positions, at the expense of addressing the urgent and fundamental human rights needs of women.<sup>21</sup>
- 1.37 The Report also ignores the Australian Government's expressed concern about fair and wise use of Optional Protocols. The Government noted that Bayefsky reports a disproportionate focus on just a few countries: of the 98 states currently participating in the individual complaints mechanisms

---

20 Dr. Michael G. Hains and Dr. John Fleming, 'On the Draft Universal Declaration of Human Responsibilities' in *Southern Cross Bioethics Institute Position Paper*, (1998), argue that while the *International Bill of Human Rights* reflects and codifies the fundamental human values all human societies have favoured and expresses them as human rights, different cultures and religions have agreed to these values for different reasons. They cite Jacques Maritain, deeply involved in framing the original *Declaration*, as noting at the time that the practical convergence on fundamental values despite profound disagreement on ideology: 'I have just said that the present state of intellectual division among men does not permit agreement on a common speculative ideology, nor on common explanatory principles. However, when it concerns, on the contrary, the basic practical ideology and the basic principles of action implicitly recognized today, in a vital though not articulated manner, by the consciousness of free peoples, this happens to constitute *grosso modo* a sort of common residue, a sort of unwritten common law, at the point of practical convergence of extremely different theoretical ideologies and spiritual traditions'.

21 An example of this: In February 1999, when Columbia was still reeling from a disastrous earthquake that came on top of prolonged internal war and endemic drug-trafficking, the CEDAW Committee noted that the budget allocation to the National Office of Equity for Women was only 1 million pesos. Is that sufficient, one Committee expert asked, to meet the needs and interests of women? Another expert demanded to know what specific obstacles were impeding the passage of five bills for establishing quotas for women in Congress. Yet another expert declared that the legal prohibition of abortion was in fact discrimination against women. 'Unlike in dealing with violence, poverty, and natural disasters, with abortion', she said, it was very clear that what the Government had to do was 'decriminalize it so women could enjoy their rights to life and health'. What stands out in the record of this meeting is that no mention was made of immediate need for safe water supply, shelter, urgent sanitation needs, shortages of basic medicine and food for the women of Colombia.

to the UN Human Rights Committee, 38% of all cases come from just five states—Australia, Canada, the Netherlands, France and Uruguay.<sup>22</sup>

- 1.38 On issues where there is deep dissent on religious, cultural and ethical grounds, the proper place for debate and resolution is in national Parliaments and the UN General Assembly.
- 1.39 For all these reasons and because of the urgent need for reform, it would be counter-productive to the best interests of women for the Government to ratify the Optional Protocol.

### **United Nations Population Fund (UNFPA): Implication in human rights violations ignored**

- 1.40 Paragraphs 6.60 to 6.67 of the Report simply record what UNFPA officials told those committee members who visited New York. These assertions need testing and evaluation.
- 1.41 UNFPA has received international criticism for its support of population/fertility control programs, most notably that of the People's Republic of China, which rely on coercive measures such as forced abortion, forced sterilisation, imprisonment, fines, penalties against unauthorised children and other punishments to ensure compliance with the program.<sup>23</sup>
- 1.42 It has been argued that financial support for the China program makes the UNFPA complicit in the human rights violations which continue to take place.<sup>24</sup> In a recent analysis of UNFPA support for the program, Dr John

22 Anne Bayefsky, *The UN Human Rights Treaty System: Universality at the Crossroads*. (Office of the UN High Commissioner for Human Rights, 21 May 2001).

23 Recent material documenting the coercive nature of China's one-child policy is sourced in the *Senate Legal and Constitutional References Committee 'A Sanctuary under Review: An Examination of Australia's Refugee and Humanitarian Determination processes'*, (June 2000), ch.9. See in particular the evidence of a former Chinese gynaecologist, Dr Wong: 'Some have physical force, emotional force and psychological force applied ... If the couple have two children ... one of them has to be sterilised, otherwise you cannot get medicare assistance or education assistance and accommodation ... many millions of women [are] forced into abortions ... I did the maximum – the 71/2 months abortion ... we transferred a lot of women who were over 71/2 months to the bigger hospitals ... To support my tribunal case in 1994, I asked my workmate, who worked for a public hospital, to get a photo of a baby aborted [in] a bedpan ... In that photo, you can see a 61/2-months-old baby'. (278-279).

24 See Exhibit No. 68, John Aird, 'Human Rights and Foreign Aid for Population Control in China', (February 2001), 9. See also John Aird, 'Foreign Assistance to Coercive Family Planning in China', (May 1992, Tabled in Senate). In 1999/2000 Australia provided \$A2, 140,000 to UNFPA. (Budget Estimate Hearings 2000-2001, 31 May 2000)

Aird, former analyst on China to the United States Bureau of Census and expert witness to immigration hearings in the United States, has pointed out that for many years UNFPA denied human rights violations in the China program and maintained it was purely voluntary.<sup>25</sup>

- 1.43 UNFPA officers have since the 1980's commended the program. Then executive director Raphael Salas told China's Premier Zhao Ziyang that 'China's family planning policy is established on the basis of voluntary acceptance by the people and is therefore accepted by the people ... China should feel proud of the achievements made in her family planning program'. In 1983 China was given a population award by the UN. In 1987 the UNFPA representative in Beijing was quoted as saying that 'the [Chinese] government has shown its full commitment to a family planning program that has been internationally acknowledged as one of the most successful in the world' and that US charges of coercion in the Chinese program were 'groundless'.<sup>26</sup>
- 1.44 In 1989, new executive director Nafis Sadik claimed Chinese program was 'totally voluntary' and added that in China there was 'no such thing as, you know, a license to have a birth, and so on.' By that time the requirement that couples obtain an official birth permit before falling pregnant was widely reported in foreign media. In 1991 Sadik praised China's program, saying: 'China has every reason to feel proud of and pleased with its remarkable achievements made in its family planning policy and control of its population growth over the past 10 years. The UNFPA is going to employ some of [China's demographers] to work in other countries and popularize China's experiences in population growth control and family planning'.<sup>27</sup>
- 1.45 In October 1999, UNFPA representative Sven Burmeister declared that 'China has had the most successful family planning policy in the history of mankind in terms of quality and with that, China has done mankind a favor'.<sup>28</sup>
- 1.46 When the evidence of coercion became too great to ignore, UNFPA argued it could exert a moderating influence and announced a new project to show the Chinese authorities fertility reduction could be achieved through voluntary program.<sup>29</sup>

---

25 John Aird, Exhibit 68.

26 John Aird, Exhibit 68, 3

27 John Aird, Exhibit 68, 4

28 John Aird, Exhibit 68, 5

29 John Aird, Exhibit 68.

- 1.47 I have tried to obtain evidence through Senate Committee examination of the Department of Foreign Affairs Budget Estimates, that the UNFPA-sponsored programs were indeed voluntary, as alleged. For example, at the Budget supplementary estimates (2000-2001 November 23, 2000), in response to my question: 'Has the Department been able to obtain specific information from the UNFPA relating to unplanned pregnancy in Sijui City in Guangdong province and the response of authorities to those pregnancies, and the subsequent outcome?', the answer provided read: 'UNFPA informed AusAID that UNFPA collects information on unplanned births, not on unplanned pregnancies, in the areas in which UNFPA works in China'.
- 1.48 The expression 'unplanned' has always been used by the PRC authorities to refer to pregnancies and births that were in excess of those authorized by the local birth plans, which means pregnancies begun without prior official permission. These pregnancies and births were 'unplanned' by the family planning authorities, but in many, perhaps most, cases they were planned by the couples, who hoped to escape detection and have another baby without permission. If UNFPA does not collect information on 'unplanned pregnancy', how is it able to determine whether voluntarism is actually permitted in a couple's decision about the pregnancy?
- 1.49 UNFPA told committee members that it 'had programmes in 32 counties. In these programmes there were no targets and no quotas'. (6.64)
- 1.50 What was not disclosed, however, is the fact that certain coercive measures have not been removed. In an answer I received to a question asked at the Estimates hearings in February this year, I was informed: 'UNFPA advises that the information it collects on unplanned births is informal and derives from monitoring missions to the project counties and dialogues with provincial and county officials. The information covers numbers of unplanned births and the level of social compensation tax'.<sup>30</sup>
- 1.51 Even if the UNFPA-sponsored programs were in fact voluntary, there is no sign that the Chinese government is interested in generalising the experimental programs to the rest of the country, where targets, quotas, and penalties for officials who fail to fulfill them, still prevail. The Chinese media are careful to say nothing about the experiments in domestic news media. Central declarations since the late 1990s implicitly - and

---

30 *FADT Legislation Committee, Additional Information Received, Additional Estimates 2000-2001, (April 2001) 2:50.* I raised this issue again in the Estimates hearings of June 6. The Ausaid officer responded: '... we recognise that social taxes, fines and incentives can, in particular circumstances, be regarded as coercive. But, as previously stated, we are prepared to support multilateral activities in such a coercive context in the interests of trying to achieve change'. *Hansard, June 6, 2001, 258.*

sometimes quite explicitly - affirm that the present low levels of fertility in China are 'unstable', that the rural people have not accepted voluntarily the fertility constraints imposed on them, and that any relaxation of the 'administrative measures' could cause a serious increase in the birth rate.

- 1.52 The most recent official policy documents and public exhortations demonstrate that coercive measures are to continue <sup>31</sup>
- 1.53 In the past two or three years, coercion in family planning has assumed the most extreme forms that have ever been reported since the start of the current drive in the early 1970s. Where is the public condemnation by UNFPA of these practices?
- 1.54 Last August a baby boy was drowned in a pond in front of his parents by family planning cadres in Hubei.<sup>32</sup> Amnesty International reported in February this year of a man in Hunan who was tortured to death for violating the policy.<sup>33</sup> There was another report last year of a man who died under mysterious circumstances in Changle County, Fujian, while arguing with family planning authorities over a fine imposed on him for a family planning violation.<sup>34</sup> In May, a 34-year-old woman also in Fujian was beaten to death by birth-control officials who wanted to sterilize her against her will.<sup>35</sup>
- 1.55 Because the UNFPA has been involved in supporting the Chinese family planning program, it has limited leverage in modifying it, and it is in no position to criticize or even to acknowledge frankly and honestly the coercive nature of the program. The use of the disingenuous phrase 'traditional methods' in the section on UNFPA (6.64, p127), demonstrates this. Thus the UNFPA has been, and apparently remains, a party to a cover-up regarding the program.
- 1.56 UNFPA failed to inform the group that it interprets its 'commitment to provide universal reproductive health care' (6.62) to include advocacy of the right to abortion. The executive director of UNFPA admitted that it is 'involved in advocacy' (6.62), and that the major program focus of the organization is 'Advocacy for such things as legislation on the age of marriage'. However UNFPA's advocacy for legalisation of abortion in

---

31 Aird op.cit. See also Antoaneta Bezlova, 'China to formalize one-child policy', *Asia Times*, 24 May, 2001.

32 'Woman was forced to have abortion, China confirms', *San Jose Mercury News*, 26 August, 2000.

33 'Torture: A Growing Scourge in China - Time for Action', 12 February, 2001.

34 Cindy Sui 'Twenty Years After China's 'One-Child' Policy Began, Abuses Run Rampant,' *AFP*, Hong Kong, 2 January, 2001.

35 [http://english.hk.dailynews.yahoo.com/headlines/asia/afp/article.html?s=hke/headlines/010519/asia/afp/Chinese\\_woman\\_refusing\\_sterilization\\_beaten\\_to\\_death\\_relatives.html](http://english.hk.dailynews.yahoo.com/headlines/asia/afp/article.html?s=hke/headlines/010519/asia/afp/Chinese_woman_refusing_sterilization_beaten_to_death_relatives.html)

countries where abortion is against the law, and for inclusion of a right to abortion in 'reproductive health rights'<sup>36</sup> was not disclosed to the committee. Another serious omission in the UNFPA's presentation to the group is the failure to acknowledge its role as one of the world's leading providers of chemical abortion in the developing world. It works closely with the International Planned Parenthood Federation, which is the world's principal promoter and provider of abortion on demand.

- 1.57 This substantially qualifies its assertion that abortion was not a family planning method for UNFPA. (6.64).
- 1.58 The issues listed under 6.65 (emergencies and humanitarian assistance, refugees, HIV aids, violence against women) are largely the work of other agencies and individual countries.
- 1.59 UNFPA's interventions with sterilisation and abortion programs for refugees and other vulnerable women in need of urgent humanitarian assistance, have not always been commendable or welcomed. There is no reference to UNFPA's reprehensible role in Milosevic's ethnic cleansing campaigns, in the midst of which UNFPA was revealed in international media reports to have been collaborating with officials of the Milosevic regime to target Kosovar women for birth control.<sup>37</sup>
- 1.60 More generally, the UN has been criticised for some of its priorities. In answers to questions asked at Budget Estimate Hearings 2000-20001 May 31, 2000, UNFPA provided a breakdown of their contraceptive procurement in 1999. It spent a total of \$US39, 411,795 on various contraceptives. UNFPA's procurement branch informed AusAID that contraceptives ranked third in the list of the top 10 items/product groups procured by UN-wide agencies during 1998. It was also confirmed that water equipment did not rank in the top 10 items procured during 1998 despite the fact that unsafe water is one of the major causes of death in less developed countries.
- 1.61 UNFPA has also been criticised by British aid agencies for ignoring minimal medical standards in the area of reproductive health in refugee

---

36 See UNFPA's *The State of World Population: The Right To Choose: Reproductive Rights and Reproductive Health 1997*. See also *The Roundtable on Human Rights Treaty Bodies' Approach to Women's Health 1996*, organized by UNFPA in collaboration with UNDAW and UNHCHR. See also UNFPA's *The State of World Population 2000* report, e.g. Chapter 7: 'Working towards a better future: Reproductive Health' in which UNFPA takes credit for Cambodia 'enacting comprehensive abortion legislation, liberalizing the circumstances under which abortion can be performed'.

37 See *The Kosovo File*, [www.pop.org/kosovo/kosovofile.html](http://www.pop.org/kosovo/kosovofile.html)

camps,<sup>38</sup> for its 'one-dimensional' definition of 'reproductive health'<sup>39</sup> and for undermining the rights of parents in regard to their children and failing to respect cultural values and religious beliefs.<sup>40</sup>

- 1.62 Paragraph 6.66 of the Report states that UNFPA monitors the statistics on world population. This is the function of the Population Division of the UN Department of Economics and Social Affairs.
- 1.63 UNFPA's population growth summary (supplied on the committee's visit to New York in October 2000) is misleading. For example, it is stated: 'Population is being added to the world total at about 77 million per year so that at the present rate the world total will increase by at least three billion over the next 50 years'.
- 1.64 The false implication is that the present rate, 77 million per year, is constant and will remain constant over the next 50 years.
- 1.65 The UN Population Division's most credible projection (the low variant position) makes it very clear that the rate of increase is falling and is expected to continue falling until 2040 when world population will peak at 7.47 billion, and then begin to decline by 120 million between 2040 and 2050, and thereafter to decline by over 25 per cent per generation.
- 1.66 Unfortunately, the UNFPA continues to prefer the 'overpopulation' crisis scenario, always choosing the constant fertility, high or medium variant projections, despite the fact that it has always been the low-variant projection for periods more than 25 years into the future that has proved by far the most accurate.
- 1.67 Nevertheless, under all three variants, high, medium and low, total fertility rate is expected to decline, with the low and medium variants showing fertility below replacement level by 2010 for the low variant and by 2040 for the medium variant.<sup>41</sup>
- 1.68 In a possible attempt to justify ever increasing UNFPA expenditure on population programs, the UNFPA's report *The State of World Population* has consistently forecast annual increments that are too high. In 1992 the report stated: 'Annual additions to world population in the next decade will average 97 million, the highest in history'. In 1993: 'the number of people added each year is still rising. It will peak between 1995 and 2000 at about 98 million annually'. In 1994: 'annual increases are at 94 million
- 

38 Melanie Phillips, 'The UN says it wants safe birth control for refugees – but risks killing the very women it aims to help', *The Observer*, London, 5 April, 1998.

39 'Women in the world', *The Lancet* 346:8969 (1995),195.

40 *Key Facts about the UN Population Fund (UNFPA)*, SPUC Muslims, London, nd.

41 See *UN Population Division's World Population Prospects: The 1998 Revision*.



per year, the highest increases in history'. In 1996: '[Human numbers are] increasing by more than 86 million annually. Annual increments are likely to remain above 86 million until the year 2015'. All of these figures are substantially wrong: population increase peaked at 86 million in 1994 and has been falling every year.

- 1.69 The reference to population numbers at 6.66 of the Report, is without analysis or context. For example, the structural factors listed at para 6.4 have not been taken into account here.
- 1.70 Empirical evidence documenting the supposed negative net impact of population growth on development is either fragile or non-existent. There is a solid body of evidence in opposition to previous conventional wisdom about the effects of population growth. Economists, social scientists and statisticians have questioned the supposed negative link between population growth and development.
- 1.71 A fixation on 'numbers' and the subsequent need for 'population control' diverts attention away from the real economic development, poverty alleviation and health measures required.
- 1.72 The growth of population was a result in the first place of a great victory - the defeat of infectious diseases which led to a decline in mortality.<sup>42</sup>
- 1.73 The annual population growth rate is not necessarily a good indicator of long-term population trends. Annual population growth rates are heavily influenced by cohort effects, eg, lagged baby boom effects. It is quite possible for a population to be showing annual net growth even when the total fertility rate has fallen below 2.1 and the population is actually headed for long-term shrinkage. In terms of long-run population growth, the long term net reproduction rate needs to be examined against changes in infant mortality. Given the large numbers of child-bearing women who are HIV positive, total fertility rates which are higher than those of Western countries do not necessarily translate into proportionately larger population increases.
- 1.74 The section on the UNFPA and population fails to adequately acknowledge a world-wide rapid decline in fertility rates. *The Economist* recently pointed out:

---

42 As visiting fellow at the Harvard Centre for Population Development Studies, Nicholas Eberstat, has observed: 'The modern 'population explosion' was sparked not because people suddenly started breeding like rabbits, but rather because they finally stopped dying like flies ... it wasn't that fertility rates soared; rather, mortality rates plummeted. Since the start of our century, the average life expectancy at birth for a human being has probably doubled, it may have more than doubled. ('Starved for ideas: Misconceptions that hinder the battle against world hunger', in *Vital Speeches of the Day*, (New York, March 1, 1997).

In 50 or 100 years' time, however, most countries are more likely to worry about the lack of babies than the excess. For there is now a serious possibility ... that world population growth will stabilise by around 2040 at about 7.5 billion - and then start to decline. Repeatedly, the UN's demographers have revised down their population projections ... the number of babies born into the world will fall below the number needed for replacement ... with fertility rates in rapid decline, the debate about the global birth rate is now over when, not whether, it will fall below replacement level.<sup>43</sup>

- 1.75 There is also no mention of the fact that the United Nations Population Division has estimated that 44 percent of the world's people live in countries where the fertility rate has already fallen below the replacement rate, and fertility is falling fast almost everywhere else.<sup>44</sup>
- 1.76 *The Inquiry Report into Population and Development*, commissioned by the then Labor Government, found that 'there is little direct evidence on whether rapid population growth causes poverty'.<sup>45</sup> The report also stated: 'There is no simple and direct relationship between population growth and resource depletion and environmental degradation'<sup>46</sup> and: 'the effects of population growth on the environment are not unequivocally positive or negative'.<sup>47</sup>
- 1.77 The Report's authors found that poverty, environmental damage, educational inequalities, poor housing etc are caused by factors other than population growth per se.<sup>48</sup>

---

43 'Too many or too few', 25 September, 1999, 17.

44 Max Singer, 'The Population Surprise', *The Atlantic Monthly*, August 1999, 24.

45 *Final Report Executive Summary*, 3.

46 *Final Report* 19.

47 *Final Report Executive Summary*, 3.

48 The Inquiry found that: 'in many areas where the effects of reducing population growth are commonly judged to be advantageous (eg education, exhaustible resources, poverty, savings), the benefits of population policies are likely to be modest compared to the benefits of more direct policies that accomplish the same ends'. (*Final Report* 5) 'If governments seek to improve the economic position of the poor, it is best, where possible, to use direct policy instruments, such as increased access of the poor to land, credit, public infrastructure, and services, particularly education and health. Some of these policies will be opposed by powerful pressure groups'. (*Final Report* 19)

In their paper for the Inquiry, *Population Growth and Economic Development*, Allen C. Kelley, Duke University and Robert M. Schmidt, University of Richmond express the view that the 1986 US National Academy of Sciences Report - which they describe as 'the most current and useful rendering by American economic demographers on the specific economic impacts of population growth' - provides 'relatively good news'. 'The concern about population growth

- 1.78 In his review of *The Independent Inquiry Report into Population and Development*, Professor Ron Duncan, the Director of the National Centre for Development Studies at ANU and formerly of the World Bank, wrote:

It is important to make the point that it is not possible to make a general argument that slowing population growth will increase economic growth. Cause and effect does not run in this direction - or, at least it mainly goes in the opposite direction, from economic development to slower population growth ...

As regards the relationship between population growth and social indicators or aspects of economic well-being - such as health, education, food availability, housing, resources, and the environment ... On most counts the available evidence does not point to a negative impact from high population growth - especially evidence from cross-country studies ... since individual country circumstances are so different, cross-country analysis presents enormous problems in isolating effects. Because of the pervasiveness of the feedbacks between these variables, examination of simple correlations between variables and drawing conclusions about cause and effect is dangerous ...

... population growth is not the main variable on which policy in developing countries should focus in order to make major improvements in environmental conditions, food availability, education, housing, etc. The first-best policies to resolve the problems that arise in these areas are far superior. Government policies should focus mainly on establishing appropriate property rights, making sure that activities generating externalities are taxed or otherwise penalised, providing education - especially at primary level, and especially for females - giving women equal rights and opportunities.<sup>49</sup>

---

resulting in resource exhaustion appears to be misplaced: the relationship between population growth and global resource use is not as strong as had been assumed'. (*Inquiry Report*, 9).

High population density in urban areas is often a result of large-scale migration from rural to urban areas. Rural to urban migration is often affected by a combination of restrictive land tenure arrangements, tax arrangements which penalise agriculture and the centralisation of government services in the cities. The complexity of causalities in the areas of land degradation and rural to urban migration have been recognised by a number of experts. For example, Kelley and Schmidt in the *Independent Inquiry Report into Population and Development* noted (again drawing from the NSA Report): 'Problems associated with excessive city growth are to be solved primarily by modifying government policies that encourage people to live in, or move to, cities' (10).

49 Tabled in the Senate, June 29, 1994. Another contributor to the Inquiry, Theodore Panayotou of the Harvard Institute of International Development in his chapter 'Population Growth and The Environment', stated: 'Again, it is tempting to blame population growth for rural/urban

- 1.79 In *The World Food Outlook*, Donald O. Mitchell, et al. observe: 'World food production has more than kept pace with population growth, and rates of food production growth show few signs of slowing ...'.<sup>50</sup>

migration and for the degradation of the urban environment, but this is largely a symptom of severely constrained responses to the interlocking forces of poverty and environmental degradation in the face of massive institutional and policy failures that are biased against agriculture and in favour of urban areas ...'(9) and 'In principle, population growth and rising density, within limits, need not lead to resource depletion and environmental degradation. The relationship between population and environment is neither immutable nor direct ... The critical factor is whether or not the costs of environmental degradation have been brought into the decision-making of individuals and communities by suitable definition of property rights, pricing policies and - where necessary - regulation; often the opposite has been the case, with price policies, taxes, and subsidies which encourage environmentally destructive behaviour ... To make local ecosystems sustainable as development proceeds, governments need to pursue policy reforms which raise agricultural productivity, and labour mobility. Measures for these purposes include: secure and transferable land titles, liberalized interest rates and encouragement of rural credit, undistorted crop-prices, investment in rural infrastructure'. (40-41)

The *Inquiry Final Report* also observed: 'The direct cause of water scarcity and water pollution from agriculture, industry, and households is not population growth but inappropriate policies and mismanagement ... What is required is a reform of water (and air) management policies that internalises the costs of supply, delivery, depletion, and pollution to users, and so provides the necessary incentives for efficient use and conservation. Land degradation in the form of soil erosion, salinisation, waterlogging, and desertification is caused by deforestation, overirrigation, poor farming practices, soil "mining", overfertilisation, and underinvestment in soil conservation. These are in turn caused by inappropriate policies (subsidies and price supports), mismanagement, insecure land ownership, and lack of access to credit. Again, lowering the rate of population growth is unlikely to have much of an effect on these root causes of land degradation ...' (*Final Report*, 22-23)

- 50 Donald O. Mitchell, et al. *The World Food Outlook* (Cambridge: CUP, 1997), 1, 7, 11, 13, 120. state, '... prices of agricultural commodities are at their lower level in history, crop yields continue to rise faster than population, and world cereal yields grew more rapidly during the 1980s than during the 1960s or the 1970s ... the food situation has improved dramatically for most of the world's consumers ... World food production has more than kept pace with population growth, and rates of food production growth show few signs of slowing ... the world is feeding itself better than ever ... the growth of world grain production, which is a good measure of world food production, is ahead of targets ... the outlook for the world food situation is good, despite regional problems. ... Most consumers can expect to have increased food supplies and a greater variety of food at lower price. The prices of staples such as grains will continue to decline relative to other consumer prices and incomes'. The authors have also questioned assumption behind food deprivation: 'Seventy percent of the estimated absolute poor are supposed to be found in South and Southeast Asia. Yet reconciliation of these numbers with the fact that this part of the world has experienced the highest per capita income and the highest food production growth rates over the past decade or more is never attempted (xv).

The worst food crises in recent years have been in countries experiencing armed conflict and political instability. In most countries, severe food problems have resulted from poor policies: low mandated prices; state control of farm support systems including marketing, processing and input supply; overvalued exchange rates; and high costs of transport, marketing services and farm inputs ... Irrigated areas are below potential in most areas [of Africa] and where developed are poorly managed. Inherent soil constraints to production expansion have not

- 1.80 For these reasons, I cannot concur with the simplistic approach to population taken in the section on UNFPA, nor with the complete disregard for coercive programs which operate with this agency's support.

Senator Brian Harradine

---

been tackled effectively in most countries. Underdeveloped infrastructure has resulted in high transport and marketing costs'. (xv, 181).

Nicholas Eberstadt, 'Starved for ideas: Misconceptions that hinder the battle against world hunger', in *Vital Speeches of the Day*; (New York, March 1, 1997), has observed that famines often have political causes. 'If we examine the actual record, we will see that modern famines are a quintessential political phenomenon. In the modern world, people starve en masse not because famine is unavoidable. They starve instead because their own rulers happen to be indifferent to their plight, or because the state under which they live has actively contrived to bring about their death ... famine has been caused not by an ominous excess of people, but instead by a frightening surfeit of callous rulers and killer states. Malthusian delusions would distract us from this central and gruesome fact...'

