

**Government Response to the Report of the Joint Standing Committee on Foreign Affairs,  
Defence and Trade on "Australia's Role in United Nations Reform"**

***Recommendation 1***

*The committee recommends that Australia should only commit support to peace operations where there is:*

- *Proper authorisation of the Security Council and the mandate is sufficient to meet the circumstances; or*
- *In the absence of Security Council authorisation, an agreement and commitment between all parties to end a conflict; and*
- *A specified exit strategy within the operation.*

**Response**

Noted.

**Comment**

The Government places high importance on Security Council authorisation of peace operations, and looks to the Security Council to exercise its responsibility in authorising action to preserve international peace and security. This remains an important consideration for Australia when making deployment decisions. The assessment of the mandate is one of the criteria considered in the decision-making process, as stated in the Defence White Paper 2000. The need for an adequate mandate was underlined by the Minister for Foreign Affairs in his statement to the UN General Assembly at UNGA 55, when he said that "peace operations must have a mandate from the Security Council that is appropriate to the job they are being asked to do."

The Government agrees with the committee's emphasis on the importance of exit strategies. Australia has previously nominated a specific end-point for our participation in peace operations where it has been possible and appropriate to do so. The Government has done this with respect to our participation in the UN Mission in Ethiopia and Eritrea and to our contribution to the (non-UN) International Military Advisory and Training Team (IMATT) in Sierra Leone.

Australia will continue to encounter circumstances where the exit strategy decision must focus on the achievement of a lasting peace, rather than on set time limits. In complex post-conflict situations like East Timor and Bougainville, a date-defined exit strategy may be challenging to achieve, and must be weighed against other important issues such as ensuring the sustainability of the peace and security of those areas and ensuring the stability of our close neighbourhood.

## ***Recommendation 2***

*The committee recommends that the Australian Government support and encourage other member states in the UN to expand both the personnel and financial capacity of the Department of Peacekeeping Operations, in particular through the reintroduction of a system of gratis personnel and/or the specific funding of places from the regular budget for a Deployable Headquarters within the department.*

### **Response**

Noted.

### **Comment**

Australia has consistently argued for the provision of additional personnel and financial resources to the United Nations Department of Peacekeeping Operations (DPKO). This objective was supported by the Report of the Special Committee on Peacekeeping Operations (the Brahimi Report) which included it as a key recommendation. The DPKO is responsible for the critical functions of planning and managing peace operations, and the bulk of the staff required to effect this role are funded from the Support Account, rather than the regular budget. Member States have recognised that DPKO has been seriously underfunded in the past.

We have been pleased with the Secretary-General's efforts to implement the Brahimi Report's recommendations, including by undertaking a full organisational review. Member States have agreed to a major increase in personnel as part of the DPKO's management reform.

A key Australian interest is to assist in improving UN response times to crises. Our response to the Brahimi recommendations has included examining the feasibility of contributing to UN rapid reaction military planning capability and facilitating the nomination of ADF personnel for vacancies within the DPKO.

Australia was an active participant in the previous system of providing military officers to strengthen the capacity of the DPKO at no cost to the UN budget (*gratis personnel*). However, a majority of Member States opposed the concept on the grounds that it allowed an undue level of influence in peacekeeping operations by more affluent Member States which were able to provide the personnel. The system was therefore discontinued in 1999, thus increasing the need to provide greater resources to DPKO from assessed contributions. It is most unlikely that this scheme will be reinstated in the future. Given this situation, the Government has supported measures recommended through the Brahimi Report which respond directly to the inadequacies which the committee has identified.

## ***Recommendation 3***

*The committee recommends that:*

- *Australia should only support comprehensive economic sanctions as a last resort; and*

- *The Government examine and report on a range of new sanction strategies which might be proposed as an alternative.*

### **Response**

Noted.

### **Comment**

All UN Security Council decisions, including those imposing sanctions, are binding on Member States and implemented by Australia through appropriate legislative and regulatory action. Australia, along with many other countries, considers that, while military action is the last resort available to Member States of the United Nations under the UN Charter, economic sanctions also constitute a serious step that should only be taken if other measures have failed. The Government also supports international efforts to identify new targeted sanctions strategies, and notes that significant advances have been made in recent years to this end, as seen in recent targeted sanctions regimes authorised by the Security Council such as those against the Taliban.

Where a UN Security Council Resolution is not in place, the Government has implemented targeted sanctions in certain circumstances where they are judged to be appropriate and effective in helping to achieve specific political outcomes.

### ***Recommendation 4***

*The committee endorses the amendment of the Defence Act 1903 to include reference to peace operations.*

### **Response**

Noted.

### ***Recommendation 5***

*The committee does not support the concept of a United Nations Standing Army and recommends that the Australian Government continue to consider requests for military assistance from the United Nations on a case-by-case basis.*

### **Response**

Agreed.

### **Comment**

The Government does not support the concept of a UN standing army, nor is it aware of strong support for the establishment of a UN standing army in any form amongst other Member States of the United Nations. All decisions on requests for assistance received from the United Nations will continue to be made on a case-by-case basis.

### ***Recommendation 6***

*The committee recommends that the Department of Defence give consideration to approaching regional countries with a view to conducting joint military exercises specifically focused on UN peace operations.*

#### **Response**

Noted.

#### **Comment**

The Australian Defence Force conducts regular exercises with a range of regional countries. These include Exercise Pirap Jabiru, which is conducted with Thailand on a biennial basis and has specific focus on peace operations. Our exercises with regional countries serve to increase interoperability and therefore contribute to our capacity to cooperate with them on peace operations. The Department of Defence coordinates an annual international peace operations seminar, which focuses on UN issues and attracts strong regional representation. Australia also recently coordinated a South-West Pacific seminar on regional peace operations issues in November 2001 (announced at the Pacific Island Forum).

### ***Recommendation 7***

*The committee recommends that the Australian Government develop a whole of Government strategy addressing the role of preventive action within Australia's foreign policy, including:*

- *Aid and development;*
- *Human rights initiatives;*
- *Strategic and defence partnerships;*
- *Preventive diplomacy; and*
- *Preventive deployment.*

#### **Response**

Noted.

#### **Comment**

The Government supports greater coordination in areas of humanitarian and peace operation response. While recognising the difficulties that some countries face with the concept of preventive measures, Australia continues to examine the merits of preventive action, including preventive deployment and preventive diplomacy measures.

Events in Bougainville, East Timor and the Solomon Islands have underlined the importance of well coordinated and targeted whole of government responses, particularly in the Asia-Pacific region.

AusAID is working closely with the Departments of Foreign Affairs and Trade and Defence, and the AFP, to develop multi-tiered conflict and poverty prevention models, including aid program operations, as key elements of conflict prevention. This includes identifying the causes of poverty and conflict and links to good governance; facilitating operational and policy links to multilateral organisations and other donors to ensure a coordinated international response. Examples include peace building and reconciliation activities in Bougainville and Solomon Islands, including support for Peace Monitoring Groups.

In its Development Cooperation Review for 2000, the OECD Development Assistance Committee (DAC) noted that Australia's mechanisms for coherence and consultation across departments were comparatively strong and well functioning. It also noted that in addressing conflict, AusAID has been able to draw on resources across government and civil society.

The Government agrees that a whole of government approach to human rights initiatives is desirable. For example, our bilateral Human Rights Dialogue with China is conducted on a whole of government basis and a broad range of Departments and Agencies are involved. Through the aid program, Australia contributes to the Asia-Pacific Forum of National Human Rights Institutions, the UN High Commissioner for Human Rights, the Human Rights Small Grants Scheme, and the Centre for Democratic Institutions (CDI), all of which support human rights observance in developing countries.

Australia has regular bilateral dialogues on regional security with all the major global and regional powers: the United States, Japan, China, Russia, Indonesia, Thailand, South Korea, the Philippines, Vietnam, Germany and France. In August 2001, an inaugural dialogue with India was held. These dialogues include representatives from DFAT and Defence, and are used to build support for Australian positions on key security issues, and to further develop bilateral defence cooperation programs. We have also used the opportunities provided by these dialogues to build support for preventive diplomacy, in particular, amongst the ASEAN Regional Forum (ARF) membership.

The ARF draws together 23 countries, including Australia, that have an impact on, or are involved in the security of the Asia-Pacific region. Participants have agreed on a three-stage evolution for the ARF, from confidence building to preventive diplomacy and, in the longer-term, to conflict resolution. At the 8<sup>th</sup> ARF Ministerial Meeting in July 2001, the ARF adopted a paper that outlines the "concepts and principles of preventive diplomacy".

The ARF has agreed to develop an enhanced role for the ARF chair that would involve both confidence building and preventive diplomacy applications. The ARF is also developing a Register of Experts drawn from all member states that would eventually be used as a resource in taking forward preventive diplomacy initiatives. However, these developments must be seen in light of the fact that there are varying levels of support for the development of the ARF's preventive diplomacy capacity, with some members concerned about the extent to which preventive diplomacy capacity could impinge on their domestic affairs.

### ***Recommendation 8***

*The committee recommends that the Australian Government:*

- *set a target ratio for ODA/GNP of not less than 0.35 per cent;*
- *develop a plan for the implementation of this ratio by the financial year 2003-2004.*

### **Response**

Not agreed.

### **Comment**

For 2002-2003, Australia will provide an estimated \$1.815 billion in official development assistance. This represents an increase of nearly \$90 million over the 2001-02 budget figure of \$1.725 billion, a three per cent rise in real terms. The ratio of Australia's ODA/GNI for 2002-03 is estimated at 0.25 per cent, placing Australia consistently above the donor average which in the latest year available (2001) was 0.22 per cent.

ODA represents only one aspect of the Government's overall assistance to developing countries. For example, our efforts to reduce international trade barriers are important for development.

### ***Recommendation 9***

*The committee recommends that the Australian Government:*

- *Encourage member states to provide significantly increased funding appropriate to the needs of the treaty body system in order to ensure its effective and efficient working; and*
- *Pursue reform of the UN Human Rights Treaty Body system positively and constructively with all states within the UN.*

### **Response**

Noted

### **Comment**

The Government shares the widespread view that the Office of the High Commissioner for Human Rights requires greater funding from within the UN regular budget and will continue to push for this. Human rights are a core UN function and should be appropriately funded from the UN regular budget. The Government supports the allocation of appropriate financial and other resources to the UN treaty body system in order to ensure its effective and efficient working. However, the Government is of the view that any funding increase should come primarily from the UN regular budget rather than voluntary contributions.

The Government is working cooperatively with like-minded states in implementing its high-level diplomatic initiative on UN treaty body reform. The Government remains committed to working closely with these states, and other UN member states as appropriate, to build consensus around the practical, achievable measures it is seeking.

#### ***Recommendation 10***

*The committee commends the Australian Government for its contribution to the development of the International Criminal Court and recommends that the Government ratify the Statute of Rome as soon as possible.*

#### **Response**

Agreed.

#### **Comment**

The Government deposited Australia's instrument of ratification of the Statute of Rome with the United Nations on 1 July 2002, the same day on which the Statute entered into force generally. In accordance with its provisions, the Statute entered into force for Australia on 1 September 2002, thereby allowing Australia to participate as a State Party in the first meeting of the Assembly of States Parties, held from 3 to 10 September 2002.

Australia's ratification was accompanied by a declaration which reaffirms the primacy of Australia's criminal jurisdiction in relation to crimes within the Court's jurisdiction, and indicates how Australia will practically give effect to its obligations under the Statute. Where necessary, the matters dealt with in the declaration are incorporated in the legislation implementing Australia's obligations under the Statute. That legislation received royal assent on 27 June 2002.

The Prime Minister announced the Government's decision to ratify the Statute on 20 June 2002. In line with the transparent treaty process put in place in 1996, the Government's decision was made after the Statute and Australia's implementing legislation were considered by the Joint Standing Committee on Treaties (JSCOT). JSCOT's inquiry received over 250 submissions and undertook wide public consultations over a period of many months. JSCOT tabled its report on 14 May 2002, recommending that, subject to other recommendations in the report, Australia ratify the Statute and enact implementing legislation.

#### ***Recommendation 11***

*The committee recommends that the Australian Government pursue with reluctant member states a clarification of the outstanding issues of concern to them and use its good offices to persuade member states to ratify the Statute of Rome.*

#### **Response**

Noted.

## **Comment**

Australia continues to work closely with other States to clarify any outstanding issues that they might have in relation to the Statute. At the same time, we recognise that the decision by other States to ratify is ultimately a matter for them. We were an active participant in the International Criminal Court Preparatory Commission, which was established to elaborate instruments for the Court's operation by the Final Act of the Rome Diplomatic Conference that adopted the Statute of Rome on 17 July 1998. Now the Statute has entered into force, we are an active participant in the Assembly of States Parties.

## ***Recommendation 12***

*The committee recommends that the Australian Government continue to work for an expansion of the Security Council, including new permanent seats without veto power, for South America and the Caribbean, Africa and Asia.*

## **Response**

Agreed.

## **Comment**

The Government supports an expansion in the number of permanent and non-permanent seats on the Security Council, with new seats to be assumed by Japan, Germany and developing countries from Asia, Africa and Latin America and the Caribbean. The Government also supports a review of Security Council structures and membership being conducted ten or fifteen years after any expansion to ensure the Council remains representative of the full UN membership.

## ***Recommendation 13***

*The committee recommends that the Australian Government support moves within the United Nations to limit the use of the veto power by the existing permanent members in the Security Council and that member states which use the veto should be required to justify its use to the General Assembly.*

## **Response**

Noted.

## ***Recommendation 14***

*The committee recommends that, in the absence of the Security Council giving any consideration to the abolition of the veto, the Australian Government support discussion in the relevant forums of the United Nations in order to establish:*

- *Process for greater involvement of the General Assembly in scrutinising the decisions of the Security Council;*



- *Standard mechanisms, with consideration of a role for the ICJ, for the scrutiny and monitoring of the legality of Security Council mandates governing UN intervention; and*
- *Greater consultation between the Security Council, the Department of Peacekeeping Operations and contributing powers in the course of the framing of mandates for peace operations.*

### **Response**

Noted.

### **Comment**

The Government supports recent reforms to the working methods of the Security Council which have resulted in enhanced dialogue with the broader membership of the UN and greater transparency in decision making.

Australia has strongly supported recent efforts to improve the level of consultation on peacekeeping operations between the Security Council, the UN secretariat and member states, and troop contributing states in particular. We are concerned to ensure, however, that any mechanisms established for this purpose do not impact negatively on timely and efficient decision making.

Australia encourages DPKO to conduct earlier and more frequent consultation with possible troop contributors. There also remains scope for greater consultation between the Security Council, the DPKO and troop contributors in the course of framing peace operations mandates. We welcomed Security Council Resolution 1353 (2001) on strengthening cooperation with troop contributing countries, and the Security Council's efforts in involving troop contributing countries when framing the mandate for the INTERFET operation (in East Timor).

The Government supports ICJ scrutiny of Security Council mandates as appropriate. However, given that Security Council mandates are generally political decisions, taken within legal restraints imposed by the UN Charter, the sphere of ICJ review will be limited. We would not wish such a process to delay unduly the passage of Security Council resolutions, hampering the peace and security work of the UN.

### ***Recommendation 15***

*The committee acknowledges the efforts of the Secretary-General to reform the administration of the UN and encourages Australia to continue to support the Secretary-General in the implementation of the program aimed at greater efficiency, accountability and independence in the Secretariat.*

### **Response**

Agreed.

## **Comment**

The Government agrees with the committee's assessment of the efforts of the Secretary-General and continues actively to promote and support the reform process.

### ***Recommendation 16***

*The committee recommends that the Australian Government urge the United Nations to:*

- *Set an incremental growth factor into its budgeting;*
- *Develop more assured and diversified sources of income; and*
- *Develop more effective penalties for the non payment of assessments.*

## **Response**

Noted.

## **Comment**

The Government continues to argue for strict budget discipline in UN budgets, recognising that further efficiencies within the UN system remain to be realised. The Government recognises strains on the UN budget, and accepts that some priority UN activities such as human rights require increased funding. Where possible, any such increases should come from within existing resources. The Government would not want the introduction of a regular incremental growth factor into UN budgets to ease budget discipline or to reduce incentives to find efficiencies and improve prioritisation across the UN system.

The various technical agencies of the United Nations have traditionally relied on voluntary funding – additional to assessed contributions – from member states. Australia continues to be a significant contributor in this regard. Some UN agencies have also successfully diversified their sources of funding and obtained financial support from non-government sources, including the private sector. Australia supports this development provided it does not compromise effective decision-making, performance and accountability by UN agencies.

Australia has a proud record of paying UN assessed contributions in full and on time. The Government will continue to explore ways of encouraging all Member States to pay their assessed contributions in full and on time, including through membership of the Committee on Contributions (COC).

### ***Recommendation 17***

*The committee recommends that the Government continue to support the electoral work of the AEC in UN missions but that principles of operation be developed which reflect the best practice for successful missions and that these be adhered to in any decision to deploy AEC officers or resources to future UN missions.*

#### **Response**

Agreed.

#### **Comment**

The role of elections in the post cold war period has seen a renewed emphasis on the nexus between electoral participation, the Universal Charter on Human Rights (article 21), and the principle of self determination.

In order for an electoral event to be successful a number of best practice principles should be adopted. The specifics of the assistance provided will of course differ depending on the needs of the requesting state. At the same time it is important to realise that ballots are increasingly tied to major peacekeeping operations, and in some situations peace-making operations, and this relationship must be defined as well. This is especially important given that successful resolutions to situations of conflict can require the establishment of democratic institutions as an integral element in conflict resolution.

### **Recommendation 18**

*The committee endorses the announcements made by the Australian Government in April 2001 that it intends to conduct workshops with other member states in the UN to achieve:*

- *A more streamlined system for the consideration of country reports;*
- *The election of Australia to the Human Rights Commission in 2003-2005;*
- *Greater resources for the High Commissioner for Human Rights and the treaty body system; and*
- *Wider regional ratifications of the human rights treaties and increased technical assistance on human rights to regional countries.*

#### **Response**

Noted.

#### **Comment**

The Government welcomes the committee's endorsement of its high-level diplomatic initiative on treaty body reform. It notes that, since the release of the committee's report, good progress has been made in its implementation, including Australia's election to the Commission on

Human Rights for the term 2003-2005 and an increase in resources from the UN regular budget for the Office of the High Commissioner for Human Rights. The UN Secretary-General notes the need for treaty body reform in his reform package for the UN as a whole, and there is a greater acceptance by the treaty bodies themselves of the need for reform. The Government remains committed to moving ahead with this important initiative.

***Recommendation 19***

*Given Australia's laudable record of support for UN human rights treaties, a majority of the committee recommends that the Australian Government proceed with the ratification of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination Against Women.*

**Response**

Not agreed.

**Comment**

The Government remains of the view that it would not be appropriate to sign the Optional Protocol to CEDAW while shortcomings with the UN treaty body system remain. The rights of women in Australia will not be diminished as a consequence of the decision not to sign. Australia has already established a world-class regime of legislation and institutional mechanisms to protect women against discrimination.

***Recommendation 20***

*The committee recommends that the government recommence the practice of referring all Australia's periodic reports to the UN treaty body committees to the Joint Committee on Foreign Affairs, Defence and Trade for inquiry and report to the Parliament.*

**Response**

Noted.

**Comment**

The Government supports wide public dissemination of reports to treaty committees. All reports are published on the internet and copies are made available on request.

The Government notes, by way of clarification, that its past practice did not involve "referring all Australia's periodic reports to the Joint Committee on Foreign Affairs Defence and Trade" (paragraph 11.52 of the committee's report). The report that was examined by the Joint Committee in 1991 was a report by the Department of Foreign Affairs and Trade on the Government's international efforts to promote and protect human rights. This report was not prepared under one of the core human rights treaties for the purpose of reporting on Australia's domestic implementation of that treaty.

### ***Recommendation 21***

*The committee recommends that the Government continue to support the position of a youth representative at the General Assembly and that the position be fully funded for a prescribed period of time each year.*

#### **Response**

Noted.

#### **Comment**

The Government funded the accommodation expenses for a youth representative to UNGA 57, as it has in previous years. Funding for the youth representative in future is subject to the availability of funds. The youth representative is formally accredited as a member of the Australian delegation.

### ***Recommendation 22***

*The committee recommends that the Australian Government consider providing increased funding for both the United Nations Association of Australia and United Nations Youth Association so that they might properly assist the government in providing information on the United Nations to the Australian public.*

#### **Response**

Noted.

#### **Comment**

The Government has provided funding to the United Nations Association of Australia and the United Nations Youth Association, with the level and form of support varying from year to year subject to the availability of funds and competing priorities. The Government will not fund the United Nations Association of Australia in 2002/2003 as its discretionary funds are fully committed. The Government prefers to support specific projects rather than core budgets, as this enables better accountability for the expenditure of public funds.

### ***Recommendation 23***

*The committee recommends that, as part of a review of the annual report of the Department of Foreign Affairs and the annual report of the Department of Defence, the joint committee conduct an annual public hearing at a set time during the year on Australia's activities at the UN, with particular reference to:*

- *The status of our treaty obligations;*
- *The deployment of Australians within peacekeeping operations;*

- *Australia's multilateral aid program delivered through agencies of the UN;*
- *Australia's contribution to and benefits from the specialised agencies of the UN;*
- *The effectiveness of Australia's permanent missions to the United Nations;*
- *The progress of reform within the structural, administrative and fiscal systems of the UN;*
- *The extent of public information about the United Nations provided to Australians by the Australian Government; and*
- *The costs of and benefits to Australia of participation in the UN.*

**Response**

Noted.

**Comment**

The Government participated in the committee's first annual review of Australia's relations with the United Nations, in July 2002.