

UNITY

United Nations – 60th anniversary year – A time for Renewal

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[1] Downer lists UN members' failings

Addressing the United Nations' 60th General Assembly on September 21 [New York time], the Minister for Foreign Affairs, Alexander Downer, said that despite the UN's achievements and welcome outcomes "many questions and, in some cases, vast disappointments, remain."

He said, "On arms control and non-proliferation we have absolutely nothing to show – an extraordinarily poor outcome given a contemporary global security environment in which proliferation threats are so clearly evident.



“The outdated ideology that too many delegations brought to negotiations was a damningly deep reflection on the intergovernmental process at the United Nations....”

He asked delegates, “How is it – after atrocities in Sharm el-Sheikh, Istanbul, Jakarta, Riyadh and on a daily basis in Iraq – that some continue to employ double standards, deceiving themselves that such terrorists could ever be considered to be ‘freedom fighters’?”

He expressed disappointment at the missed opportunity to reform the Security Council and the lack of detail on the new Human Rights Council, but said Australia would more than double its contribution to the Office of the High Commissioner for Human Rights – to \$650,000.

Mr Downer said the Secretary-General needed more authority and flexibility to manage the UN and the UN’s accountability, audit and oversight systems must be massively strengthened.

On humanitarian intervention Mr Downer said, “... where a population is suffering serious harm, and the relevant State is unwilling or unable to stop this, the principle of non-intervention should yield to the collective responsibility to protect. The Security Council must now rely on this new consensus to respond more effectively to humanitarian crises.”

He called on delegates to conclude the Comprehensive Convention against Terrorism during this session of the General Assembly.

Referring those captured in the war on terror, [such as David Hicks], Mr Downer said that effective international efforts to criminalise such acts were a vital step forward.

“The world today is confronted by a menace not envisaged at the time the Geneva Conventions were drafted,” he said and went on, “...terrorist organisations and their foot soldiers – like those captured in Afghanistan – who bear arms on a battlefield but pay no heed to the laws of war, fight for no regular army, wear no uniform, and no recognisable insignia.

“Just as international law evolved to deal with another scourge of another age – piracy – so today a Comprehensive Convention Against Terrorism is needed to help deal with these perpetrators of terrorist acts.”

Mr Downer said, “The Summit was a lost opportunity on disarmament and non-proliferation. Multilateral non-proliferation regimes are being tested now by a small minority of governments that flout the norms and standards observed by the rest of the international community. And who in doing so imperil the security of us all.

“A dangerous new dimension to this global challenge is the known ambition of terrorists to acquire weapons of mass destruction. It is therefore imperative that we take practical action against proliferation as it occurs through innovative measures like the Proliferation Security Initiative that complement and reinforce multilateral regimes.” He said it was unacceptable in the current global climate that UN member states had not started negotiations on a Fissile Material Cut-off Treaty...

PM sees UN’s limitations

The Prime Minister, John Howard, told the UN last week that people should not think that “the United Nations can solve all the world’s problems, nor that it should attempt to do so.”

He said that the type of multilateralism embodied in organisations such as the UN can only be but one element of a comprehensive foreign policy. “The nation state remains the focus of legitimate action for order and justice in our world,” he said. “As nation states, our collective challenge and responsibility is to identify those things that the UN can do and ensure that it is fully equipped to do them.

“It is a grim but inescapable fact that our world lives under the shadow of global terrorism. I have this week signed the Nuclear Terrorism Convention on behalf of Australia. We support the counter terrorism outcomes of this Summit, including the momentum to conclude the Comprehensive Terrorism Convention. More however, could have been achieved. And there has been understandable disappointment and criticism at the lack of language on disarmament and non-proliferation, particularly given the risk of proliferation of weapons of mass destruction to terrorists. ...”

Full text of Mr Downer’s speech at www.dfat.gov.au/minister
 Or call his office (02) 6277 7500 e-mail: A.Downer.MP@aph.gov.au
 Texts of PM’s speeches www.pm.gov.au

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[2] US undermines ICC at Summit

The United States undermined the status of the International Criminal Court during the UN Summit, according to the Coalition for the International Criminal Court (CICC), a network representing over 2,000 civil society organisations.

Less than six months ago, the UN Security Council referred the situation in Darfur to the International Criminal Court (ICC). On that occasion the US declared, “It is important that the international community speak with one voice in order to help promote effective accountability...”

William R. Pace, Convenor of the Coalition for the International Criminal Court (CICC) says, “Despite this historic recognition of the international community’s need for the ICC, UN Member States this week were forced by the US government into a situation where they needed to withdraw all language on impunity [exemption from punishment or penalty] out of the final “UN reform summit” document rather than concede to the use of diluted and insufficient language on impunity.

“This was due to the fact that just one country – the United States – opposed all negotiation proposals, even a compromise proposal which referred to cooperation with the ICC ‘in accordance with our respective international legal obligations’. It is unacceptable that one country can block an issue in the General Assembly because of ideological opposition.

“One hundred and forty-four UN Member States have declared support for the ICC by signing or ratifying the Rome Statute of the ICC. Since the endorsement of the ICC in the Millennium Declaration, the treaty has entered into force, the judges and prosecutors have been elected, and, in addition to the investigation of the situation in Darfur referred by the UN Security Council, the ICC is now operating and conducting investigations in Uganda and the Democratic Republic of the Congo and analysing eight other situations on four continents. One year ago this week, the General Assembly approved a ‘UN Relationship Agreement’ with the ICC.

“As the UN Secretary-General stated when the Rome Statute was adopted in July 1998, ‘[t]he establishment of the Court is still a gift of hope to future generations, and a giant step forward in the march towards universal human rights and the rule of law’ and on 11 March 2003 when the judges of the ICC were inaugurated he declared that ‘[t]he United Nations looks forward to working with the International Criminal Court in this cause, which is the cause of all humanity.’

“The ICC will be a vital new tool for peace for the international community in the 21st century. We are pleased to see that so many countries now cannot envision a landscape of international justice without the ICC. The ICC does not have an army or police force; it relies on cooperation of

states and international organizations. It is crucial that the ICC have the constructive support of the UN, its essential peacekeeping and peace-building capacities, including the Security Council.”

The ICC comprises 99 States Parties and is currently investigating situations in the Democratic Republic of the Congo and Uganda, following referrals from both countries to the ICC Prosecutor, as well as Darfur, Sudan which was referred to the ICC by the UN Security Council on 31 March 2005.

The Australia Government has not yet made a decision on agreeing to a US request to grant immunity to US citizens who could be referred to the International Criminal Court. The US has secured such agreements with dozens of other countries.

For more information, contact Sally Eberhardt at the CICC Secretariat in New York, +1 212 687 2863, ext. 17, eberhardt@iccnw.org or access CICC website: : www.iccnw.org
International Criminal Court website: www.icc-cpi.int

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[3] Benin gives US immunity from ICC

Amnesty International has called on the government of Benin to repudiate an illegal impunity agreement it has signed with the USA and to reaffirm its commitment to international justice.

For more than two years, the US has demanded that Benin sign the agreement committing the Benin government not to surrender US nationals accused of genocide, crimes against humanity and war crimes to the new International Criminal Court.

Amnesty says the agreement is contrary to international law, which provides that those responsible for the worst crimes known to humanity must be brought to justice. No one should have impunity for these crimes.

It also fails to provide any guarantees that the USA will itself investigate and prosecute such crimes if a US national is returned to the USA. In fact, this would be impossible in most cases as the USA does not have laws which criminalize many of the crimes listed in the Rome Statute.

Amnesty says that the US campaign for all states to sign impunity agreements is part of an effort to weaken a system of international justice which the international community has sought to establish over the past decade to act as an effective deterrent to these horrific crimes.

Amnesty International analysed impunity agreements in The International Criminal Court: US efforts to obtain impunity for genocide, crimes against humanity and war crimes (AI Index: IOR 40/025/2002):

<http://amnesty-news.c.topica.com/maad0GYabkwhEbfE1obb/>

All AI documents on Benin:

<http://amnesty-news.c.topica.com/maad0GYabkwfnbfE1obb/>

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[4] Hicks's 'rigged' trial looms

The US military commission hearing into charges against Australian David Hicks will begin in the next few weeks. The Pentagon, which is prosecutor, judge and jury in the hearing, put the case in

abeyance while civil court action was being undertaken to test just how legal the proposed hearings could be.

David Hicks has been held in Guantanamo Bay military prison in Cuba for four years. His US-appointed military counsel, Major Michael Mori, has continued his outspoken condemnation of the trial process. "The lifting of the abeyance in the case of David Hicks makes it clear that David Hicks will be the guinea pig for this unfair and rigged show trial," he said.

"The military commission system will not provide a full and fair trial, whether it starts today, in a month or three months. The rules are constantly changing. The system is controlled by those who have already condemned Mr Hicks."

Mr Hick's Australian lawyer, David McLeod, accused Foreign Minister Downer, Prime Minister Howard of persuading US Defence Secretary Rumsfeld to proceed urgently with the case. "In the last six months, the public has finally realised this is a human rights case, not a criminal case."

The Australian Government maintains Mr Hicks cannot be tried in Australia and has supported his detention and military commission trial in the US.

For more information

Prime Minister's office (02) 6277 7700 website: www.pm.gov.au

Minister for Foreign Affairs office (02) 6277 7500 e-mail: A.Downer.MP@aph.gov.au

It is completely unacceptable that someone is leaking information about American peace activist Scott Parkin's presumed activities yet, neither he nor his lawyers have been advised why his visa was cancelled, according to Democrats' Attorney-Generals Spokesperson Senator Natasha Stott Despoja.

"This Government supports unjust military commissions for Australian citizens, can cancel visas and deport people without any adequate explanation to them or their lawyers. The rights of the Australian people are under sustained attack. How can the Government assure Australians that the proposed anti-terrorism laws will not be used to further undermine our rights?" she said.

Senator Natasha Stott Despoja (02) 6277 3200 or (08) 8232 7595

e-mail: senator.stottdespoja@aph.gov.au

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[5] National launch for Human Rights Act campaign

The national launch of the Human Rights Act for Australia campaign will be held in Sydney Town Hall on 5 October.

Former Liberal Prime Minister Malcolm Fraser will launch the campaign, accompanied by Professor Larissa Behrendt, Elizabeth Evatt AC, Waleed Aly, Greg Combet, Nahid Karimi, Susan Ryan AO and John Menadue AO.

At the campaign launch the draft Bill that *New Matilda* has been preparing will be presented to the meeting and a range of prominent human rights experts will address the audience. Launches will follow in the other capital cities later in 2005 and in early 2006.



Australia is the only Western country that does not have a Human Rights Act. *New Matilda's* campaign sets out to change that. The campaign has been undertaken in response to concerns about the treatment of asylum seekers and the increased powers that the government has given itself through anti-terror legislation.

The *New Matilda* organisers urge readers to forward this campaign information to friends and family. To be successful, this campaign will require the support of individual members of the community and organisations

For more information about the campaign visit www.newmatilda.com/humanrightsact. New Matilda will be offering Human Rights Act campaign updates via email. To sign up for these go to: www.newmatilda.com/humanrightsregister.

October 5 National launch of the Human Rights Act for Australia campaign, Sydney Town Hall, 6.30pm. Free - pre-registration recommended as places are limited; to register through the website at www.newmatilda.com/humanrightsregister or call New Matilda **(02) 9211 1635**

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[6] On-again-off-again with N.Korea

Any implementation of the on-again-off-again agreement with North Korea over nuclear weapons and reactors was going to take time and work, according to the Minister for Foreign Affairs, Alexander Downer, currently in New York.

He said on September 20, "I think the fact that there has been an agreement on the principles is a very good step forward; that really is a significant step forward. But remember all that's been reached is an agreement on principles and the implementation of this agreement, I think, is going to take a good deal of time and a lot of work. ..."

Questioned on Iran's nuclear program and intentions, Mr Downer said he was disappointed in Iran's stand at the United Nations.

"We would like to feel that Iran would contribute to the global non-proliferation regime," he said. I think for us, the stopping of the proliferation of weapons of mass destruction is a fundamental tenet of international security."

He said he was concerned that Iran's earlier agreement with the European Union would now not going to be implemented by the Iranians and "they think they should proceed with their nuclear program. That's of great concern to us."

He added that the International Atomic Energy Agency was concerned that Iran has not always fulfilled its obligations under the IAEA. "Many of the members of the Board of Governors, including Australia, believe that this is a matter that should be referred to the United Nations Security Council for further consideration," he said.

Uranium export plans upset Greens

Commenting on what she called the Prime Minister's "hypocrisy on non-proliferation", Greens Senator Christine Milne said he should be the last national leader to lecture the world on the shortcomings of the nuclear Non-Proliferation Treaty (NPT) since Australia is set to undermine and weaken it further through exporting uranium to China.

Senator Milne said China had already sent to Pakistan the capacity to make nuclear weapons and recently China stated that it would not rule out using nuclear weapons in a conflict with the United States over Taiwan.



"Whatever Mr Howard or Foreign Minister Downer claim about preventing leakage of uranium from Australia into a weapons program, there can be no guarantees that this would not occur in China," she said.

"And if the export of uranium to China is not bad enough, Resources Minister Macfarlane has already begun talking about exporting uranium to India, a non-signatory to the NPT and a nuclear weapons state. It would be illegal under the NPT for Australia to export uranium to India.

"At the very time that Prime Minister Howard was flying to New York the Greens in the Senate moved to rule out exporting uranium to India and both Liberal and Labor refused to support it."

For more information, call the office of Senator Christine Milne **03 6234 4566** e-mail: senator.milne@aph.gov.au website: www.greens.org.au
Minister for Foreign Affairs office **(02) 6277 7500** e-mail: A.Downer.MP@aph.gov.au

MAPW, uranium explorers, n-power firm at hearing

Representatives of Medical Association for the Prevention of War – WA Branch as well as prominent Australian uranium exploration companies, together with the nuclear power and uranium mining company, Areva, were scheduled to attend today's [September 23] public hearing in Perth for a parliamentary inquiry investigating the strategic importance of Australia's uranium resources.

The House of Representatives Standing Committee on Industry and Resources inquiry is examining the global demand for Australia's uranium resources, the strategic importance of these resources and the potential implications for global greenhouse gas emission reductions from the further development and export of Australia's uranium resources

The Committee will receive evidence from six uranium exploration companies that have figured prominently in recent market interest in uranium, including Nova Energy, Arafura Resources, Deep Yellow and Paladin Resources. The Committee will also be hearing from the Areva Group, which is the world's only corporation operating in every stage of the nuclear fuel cycle. Areva is the world's second largest producer of uranium, with around 20 per cent of global market share. Areva has uranium exploration interests in the Northern Territory and South Australia.

Submissions to the inquiry are available on the Committee's web site:
<http://www.aph.gov.au/house/committee/isr/uranium/subs.htm>

Witnesses (and their submission numbers) are: Areva (submission no. 39); Association of Mining and Exploration Companies (sub no. 20); Eaglefield Holdings Pty Ltd (sub no. 18); Paladin Resources Ltd (sub no. 47); Arafura Resources NL (sub no. 22); Jindalee Resources Ltd (sub no. 31); Nova Energy Ltd (sub no. 50); Deep Yellow Ltd (sub no. 16); Medical Association for the Prevention of War – WA Branch (sub no. 8).

For more information, contact the Inquiry Secretary on: **(02) 6277 4609** or e-mail: ir.reps@aph.gov.au

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[7] Churches disappointed by world leaders' summit

World Council of Churches (WCC) general secretary Rev. Dr Samuel Kobia says, "The outcomes of the UN world summit, the largest gathering of heads of state in history, fall far short of the vision and the expectations of churches and people during this critical period in world history,"

Marking the International Day of Prayer for Peace, September 21, he said, "The results of the summit reveal that member states have failed to live up to commitments made in the areas of poverty reduction and disarmament, both fundamental areas affecting the lives of millions of people worldwide. Poverty now needs to be addressed without the strong commitment of UN member states to deliver. Peace and security must be built without clear support for disarmament. The renewal and strengthening of the United Nations must now continue without a substantial consensus.

"The states which have shown their inability to respond to the urgent issues of the day must bear the burden of responsibility for this situation, and for the failure to respond to the needs of the world's poorest and, in a world growing in interdependence, also to their own security concerns,"

The International Day of Prayer for Peace was initiated by the World Council of Churches (WCC) in support of the United Nations' International Day of Peace, following a meeting with UN secretary general Kofi Annan in 2004. Additional information about the International Day of Prayer for Peace is available in the web site of the Decade to Overcome violence: www.overcomingviolence.org

For more information about the WCC UN liaison office:

<http://www.wcc-coe.org/wcc/what/international/unliaison.html>

or contact Juan Michel, +41 22 791 6153 +41 79 507 6363 media@wcc-coe.org

For more information in Australia e-mail: Doug McIver dougmci@netspeed.com.au

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[8] Avian flu 'worse than terror threat'

The Federal Health Minister, Tony Abbott, has warned twice in the past week that a bird flu pandemic could be more devastating in Australia than terrorism attacks. He will attend a meeting of Health Ministers in Canada later this year to discuss this issue.

The Australian Government is stockpiling the antiviral medicine oseltamivir (Tamiflu) and protective face masks at its missions and offices in Vietnam, Cambodia, Indonesia, Thailand, Brunei Darussalam, China, East Timor, Hong Kong, Malaysia, Philippines, Burma, the Republic of Korea, Singapore, Taiwan, Japan and Laos for the use of staff and their families in the event of a widespread outbreak of avian influenza amongst humans.

Information about how the virus spreads from birds to humans, including frequently asked questions about avian influenza, is available from the [Department of Health and Ageing's](#) website or by phoning **1800 004 599**.

Commenting on the dangers, the Prime Minister, John Howard, said he was confident that measures adequate to the threat had been taken. "This is something where we need a lot of cooperation at an international level and both the United States and Australia will be placing an enormous amount of emphasis on this issue at the forthcoming APEC meeting. ... it's not an exaggeration to say that if it really occurred the consequences of it would be enormous."

Kevin Rudd, Shadow Minister for Foreign Affairs, Trade and International Security, has drawn attention to the World Health Organisation's assessment on the possibility of an AI pandemic. In a report to governments recommending action to combat AI, the WHO said: "The risk of a pandemic is great. Since late 2003, the world has moved closer to a pandemic than at any time since 1968."



“The early warning system is weak. A sensitive early warning system is needed to detect the first sign of changes in the behaviour of the virus. In risk-prone countries, disease information systems and health, veterinary and laboratory capacities are weak. Most affected countries cannot adequately compensate farmers for culled poultry, thus discouraging the reporting of outbreaks in the rural areas where the vast majority of human cases have occurred.”

Mr Rudd said the Opposition has been calling on the Government to adopt a regional strategy for dealing with AI.

Prime Minister's office (02) 6277 7700 website: www.pm.gov.au
Kevin Rudd (02) 6277 4941 e-mail: Kevin.Rudd.MP@aph.gov.au

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[9] Fears over new terrorism laws

Rights Australia has raised concern over the proposed new package of anti-terrorism laws which require agreement from State and Territory governments. Prime Minister John Howard will ask each of the State Premiers and Chief Ministers on September 27 to agree to the new laws and/or pass complementary legislation. Rights Australia says, “In the absence of any commitment on the part of the Federal government towards strengthening human rights protections, the State and Territory leaders should not agree to Mr Howard's request.”

It is urging its members and supporters to write to their State's Premier or Chief Minister “calling for effective human rights protection before supporting the new 'terrorism' laws.

Greg Barns outlines objections in an article at: <http://www.rightsaustralia.org.au/articles64.html>
Premiers' addresses are at <http://www.australia.gov.au/states-territories>

HREOC expressed concern last week at the federal Government's suggestion that there is a need for State legislation to be introduced due to a constitutional impediment to the Commonwealth legislating for preventative detention greater than 48 hours. While this view may or may not be correct, one consequence of the Commonwealth's proposed approach will be to avoid the **High Court's** jurisdiction over Commonwealth officers under section 75(v) of the Constitution. A former Chief Justice of Australia, Sir Gerard Brennan, has described the right of judicial review under this section as 'the lynch pin of freedom under the law in Australia'. Strong alternative review rights, perhaps to state courts, should be included in the legislation, says HREOC.

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[10] Bells and whistles at Baxter

The Immigration Department has disclosed, under freedom of information, that over the past three years, 878 people have tried to harm themselves while in Immigration detention.

The information comes at a time when the Minister for Immigration, Senator Vanstone, announced plans to improve mental health services in detention centres. She said on September 19 that the “action plan” specifically for Baxter Detention Centre, “not only respond to the recommendations in the Palmer Report [on Cornelia Rau's detention] concerning the need to improve mental health services in detention centres, facilities and amenity, but go beyond Mr Palmer's recommendations.”



She said that Baxter now had a mental health team managing and reviewing cases as well as proactively screening detainees to identify any mental health concerns. Other improvements to conditions announced by the minister include:

- New sports facilities
- Outside activities for detainees
- Improved entrance and visitors' centre
- Improved food services

Commenting on the number of attempted suicide attempts, Senator Vanstone questioned the context in which the figures were being seen and suggested they could be compared with similar incidents in prisons. Critics have been quick to point to the Minister's apparent admission of a similarity between Australia's detention and prison systems, something the Government has always denied.

For more information, Minister for Immigration and Multicultural Affairs **(02) 6277 7860** website: www.immi.gov.au/

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[11] Rights of the Child

Australia was examined earlier this month in Geneva by the Committee on the Rights of the Child on Australia's observance of the UN Convention on the Rights of the Child. The Australian Government has produced document in response to issues raised by the Committee. It gives some very useful background statistics concerning children in Australia - and the Australian Government position on a range of issues of concern.

For more information, access: http://www.rightsaustralia.org.au/display/facts_statistics.html

Led by the Australian Children's and Youth Law Centre, and Defence for Children International, Australian NGOs have produced some background material on the children's' rights process:

For more information, access: http://www.rightsaustralia.org.au/display/research_papers.html

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[12] Australia gives another \$3m for Afghan poll

Australia will give an additional \$3 million for election-related assistance for Afghanistan, bringing Australia's total support for the recently held 2005 elections to \$5 million. The assistance includes building capacity to manage the successful transition to a democratic government. This comes on top of Australia's contribution of \$4 million for the Presidential elections in 2004.

Australia has committed more than \$110 million in development assistance to Afghanistan since September 2001, making it one of Australia's largest humanitarian efforts after East Timor, Iraq and tsunami assistance to Indonesia. Australia will provide \$26 million for substantial and practical development support to Afghanistan in 2005-2006.

The Minister for Foreign Affairs, Alexander Downer, has congratulated "the people of Afghanistan on their determination to hold successful elections for the National Assembly Lower House and Provincial Councils. The elections on 18 September 2005 were the first free legislative elections to be held in Afghanistan after a quarter of a century of armed conflict."

He also commended Pakistan's efforts to increase security along the border before the elections.

Minister for Foreign Affairs **(02) 6277 7500** e-mail: A.Downer.MP@aph.gov.au

Departmental **02 6261 1555** www.dfat.gov.au

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[13] Diplomatic appointments: Bangladesh and Chile

Douglas Foskett has been appointed Australia's next High Commissioner Bangladesh. Mr Foskett will replace Ms Lorraine Barker, who has been High Commissioner since November 2002. He is expected to take up his appointment in December.

Mr Foskett is currently Director, Consular Operations Section in the Department of Foreign Affairs and Trade, a position he has held since December 2004. He was Director, Ministerial, Cabinet and Parliamentary Services Section (2003-04) and has also held a range of positions in Canberra including in the Staffing and Executive Branches.

Overseas Mr Foskett has served as First Secretary, Australian Embassy, Rangoon (1997-2000); Second Secretary, Australian High Commission, Suva (1992-94); Exchange Officer, New Zealand Ministry of External Relations, Wellington (1991); and Third Secretary, Australian High Commission, Port Louis (1987-90).

Crispin Conroy has been appointed Ambassador to Chile. He will succeed Ms Elizabeth Schick, who has been Ambassador since January 2002, and is expected to take up his appointment in January 2006.

Mr Conroy is currently Deputy High Commissioner at the Australian High Commission, Port Moresby, a position he has held since November 2003. In Canberra he was Director, Sea Law, Environmental Law and Antarctic Policy Section (May-November 2003) and worked on the Iraq Task Force (February-May 2003). Mr Conroy has also held the position of Deputy Legal Adviser and Director of the International Law Section (1998-99), as well as various other positions in the Department.

Overseas, Mr Conroy has served as Australia's Ambassador to the Kingdom of Nepal (1999-2002); First Secretary (then Counsellor), Australian Permanent Mission to the United Nations, Geneva (1995-98); and Third Secretary (then Second Secretary), Australian Embassy, Madrid (1990-93).

For more information, call the office of the Minister for Foreign Affairs **(02) 6277 7500** e-mail: A.Downer.MP@aph.gov.au Departmental **02 6261 1555** www.dfat.gov.au

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Publications

[14] The cruelty of sending them home

Following them Home: the fate of the returned asylum seekers by David Corlett [ISBN 0 97507 6965] rrp \$24.95 published by Black Inc, Melbourne 03 9654 2000 website: www.blackincbooks.com

Architects leave a legacy, whether in stone or in policy. The architects of Australia's recent policy governing asylum seekers – Prime Minister Howard, Attorney-General Ruddock and Immigration Minister Vanstone – have ensured their legacy is and will continue to be the broken lives of asylum seekers who were sent back.

This book grew out of an article the author and academic Robert Manne wrote when Corlett was preparing his doctoral thesis. In the absence of any serious attempt by the media to find out what happened to unsuccessful asylum seekers, Corlett travelled to Pakistan, Iran, South East Asia to interview many frightened people, deeply scarred by their razor-wire detention in Australia and

traumatised by the fear in which they continue to live either in their home country or in the limbo of temporary residence in another country.

Corlett's research and the terrible accounts told by rejected asylum seekers reveal Australian deals between governments; cash inducements laced with threats; travel arrangements designed to skirt other countries' laws; no concern or compassion for tearing families apart; use of a private company to remove "difficult cases"; even occasionally benign corruption to give asylum seekers a chance to find a more sympathetic regime than Australia's; but more often the debasing corruption of pretending that asylum seekers were "voluntarily" returning home when threatened with indefinite detention.

These official tactics are worse than those of the people smugglers who at least offer a forlorn hope of haven. The returnees, some who were not strictly refugees and others who have been accepted elsewhere as refugees, will never forget the cruelty of Australia. David Corlett has done us all a service in showing that we are responsible for the shattered lives returnees continue to live.

Reviewed by Ian Mathews

US loss of balance affects UN

Dealing with America: The UN, the US and Australia by John Langmore [ISBN 0 86840 970 7]; published by University of NSW Press www.unswpress.com.au

If the Cold War had not suddenly ended with the collapse of the Soviet Union, it is probable that the United Nations could have continued to wobble along the barbed wire tightrope stretched between Washington and Moscow. It could have continued doing many of the things it does so well; and fudged the things that it could not do at all. The 50-year balance of the super-powers made the UN a valuable talk-shop. It also strengthened the get-on-with-the-job UN agencies.

John Langmore's book in the University of NSW's *Briefings* series, examines how the collapse of that balance of power set the US at odds with the United Nations. From being the founding champion of the UN and its financial backbone, the US sees itself as beyond the collective rules of the international community.

The Australian Government's mimicry of the Bush ballad of pre-emption, unilateralism and selfishness, he argues, is not in Australia's best interests. The best hope for both the UN and a change in US policy is, ironically, the vigorous debate in America.

Langmore notes that there is no alternative to intergovernmental cooperation – multilateralism – in dealing with such crises as avian flu, greenhouse emissions, and the many issues that do not recognise national borders. However, there is a trend now, led by the US, to establish bodies outside the UN framework to bypass its agencies and its legal entities, such as the Asia-Pacific Partnership on Clean Energy and Climate and the International Partnership on Avian and Pandemic Influenza (IPAPI).

This is a sobering examination of the UN as a target in the US Administration's belief that, as the world's only super-power, it will brook no dissent from other members of the club it helped to establish 60 years ago.

Reviewed by Ian Mathews

After those diaries, something for politicians

It is possible that federal parliamentarians have only one book by their bedsides at the moment, given the way Mark Latham's *Diaries* have captured attention, even if alienating hearts and minds. However, the Parliamentary Library has published its comprehensive reading list for

September, items from which that may have a bearing on Australia's UN membership are reproduced below.

Censorship: Schwartz, Morry. Government judge and jury on censorship? On Line Opinion, 22 July 2005: 3p.

Committees - witnesses: Levy, Gary. Privilege and protection of committee witnesses. The Parliamentarian, vol.86, issue 2, 2005: 166-71.

Indigenous matters: Gardiner, Greg. Recognition for Victoria's Aboriginal people. The Parliamentarian, vol.86, issue 2, 2005: 162-5.

European Union: Kenyon, Donald. Australia and the European Union in the World Trade Organisation: partners or adversaries? Australian Journal of International Affairs, vol.59, no.1, March 2005: 55-69.

Freedom of information: O'Brien, Denis. Democratic Audit of Australia. Freedom of information law in need of overhaul. Document, March 2005: 6p.

Snell, Rick. Open Government: missing the target by a country mile. Document, May 2005: 4p.

Freedom of speech: Chulov, Martin. Spook tactics. Walkley Magazine, no.32, April-May 2005: 3p.

Knoll, David. Free speech, anti-terrorism laws and racial vilification. On Line Opinion, 11 August 2005: 2p.

Lipski, Sam. Between protecting religion and curbing free speech. Australian Jewish News, vol.111, no.44, 22 July 2005: 16.

High Court – judgements: Douglas, Roger. The constitutional freedom to insult: the insignificance of *Coleman v Power*. Public Law Review, vol.16, no.1, March 2005: 23-38.

Immigration: Phillips, Janet. Australia's migration program. Research Notes (Information and Research Services), no.48, (2004-05), 10 May 2005: 2p.

Law reform: McCallum, Ron. The Howard Government's refashioning of Australian labour law: the neo-liberal labour law agenda. Dissent (Yarralumla, ACT), Spring 2005: 19-23.

Legislative scrutiny: Argument, Stephen. The Legislative Instruments Act 2004: is it the cherry on the top of the legislative scrutiny cake? Paper presented at the Ninth Australasian and Pacific Conference on Delegated Legislation & Sixth Australasian and Pacific Conference on the Scrutiny of Bills, 2-4 March 2005, Speech, 2-4 March 2005: 18p.

Bayne, Peter. Scrutiny in aid of parliamentary authority: a contemporary prospect. Paper presented at the Ninth Australasian and Pacific Conference on Delegated Legislation & Sixth Australasian and Pacific Conference on the Scrutiny of Bills, 2-4 March 2005, Speech, 2-4 March 2005: 21p.

Legislative Council of Western Australia. Standing Committee on Uniform Legislation and General Purposes. Rights issues and scrutiny: some recent examples. Paper presented at the Ninth Australasian and Pacific Conference on Delegated Legislation & Sixth Australasian and Pacific Conference on the Scrutiny of Bills, 2-4 March 2005, Speech, 2-4 March 2005: 24p.

Primrose, Peter. Scrutiny of bills in New South Wales: the first 18 months. Paper presented at the Ninth Australasian and Pacific Conference on Delegated Legislation & Sixth Australasian and Pacific Conference on the Scrutiny of Bills, 2-4 March 2005, Speech, 2-4 March 2005: 26p.

Worth, Richard and Debbie Angus. Orthodoxy or heresy? How scrutiny committees can maintain control of delegated legislation in the face of modern legislative practices. Paper presented at the Ninth Australasian and Pacific Conference on Delegated Legislation & Sixth Australasian and Pacific Conference on the Scrutiny of Bills, 2-4 March 2005, Speech, 2-4 March 2005: 15p.

Privacy: Cox, Kevin. How to make a privacy-friendly national ID card. On Line Opinion, 2 August 2005: 2p.

Hewson, John. Australia card is inevitable. Australian Financial Review, 22 July 2005: 74.

Riley, James and Selina Mitchell. Every move you make. Weekend Australian, 23 July 2005: 29.

Streak, Diana. Our identity crisis. Canberra Times, 23 July 2005: 1.

Refugees:

Taylor, Savitri. Sovereign power at the border. Public Law Review, vol.16, no.1, March 2005: 55-77.



Separation of powers: Gerangelos, Peter. Interpretational methodology in separation of powers jurisprudence: the formalist/functionalist debate. *Constitutional Law and Policy Review*, vol.8, no.1, August 2005: 1-24.

Women in politics: Parker, Robyn. Women in politics. *The Parliamentarian (Supplement)*, vol.86, issue 2, 2005: 33-5.

BOOK REVIEWS

Campbell, Tom. *Prescriptive legal positivism: law, rights and democracy*. London: Cavendish, 2004 – reviewed by Martin Shapiro, *Law and Politics Book Review*, vol.15, no.8, August 2005: 726-9.

Dauvergne, Catherine. *Humanitarianism, identity, and nation: migration laws of Canada and Australia*. Vancouver: UBC Press, 2005 – reviewed by Jonathan Klaaren, *Law and Politics Book Review*, vol.15, no.8, August 2005: 746-8.

Genocide and settler society: frontier violence and stolen indigenous children in Australian history edited by A. Dirk Moses. Oxford: Berghahn, 2005 – reviewed by Marilyn Lake, *Australian Book Review*, August 2005: 3p.

Human rights brought home: socio-legal perspectives on human rights in the national legal context edited by Simon Halliday and Patrick Schmidt. Oxford: Hart, 2004 – reviewed by John O'Dowd, *Public Law*, Autumn 2005: 673-6.

Loughlin, Martin. *The idea of public law*. Oxford: Oxford University Press, 2004 – reviewed by Richard Ekins, *Public Law*, Autumn 2005: 667-70.

Regulating law edited by Christine Parker, Colin Scott, Nicola Lacey and John Braithwaite. Oxford: Oxford University Press, 2004 – reviewed by Jacob Rowbottom, *Public Law*, Autumn 2005: 676-8.

Tierney, Stephen. *Constitutional law and national pluralism*. Oxford: Oxford University Press, 2004 – reviewed by Neil Walker, *Public Law*, Autumn 2005: 665-7.

Copies of these articles are available in selected public libraries, from the publishers or through your Federal MP or Senator.

The Health and Welfare of Australia's Aboriginal and Torres Strait Islander Peoples 2005, published by the Australian Bureau of Statistics and the Australian Institute of Health and Welfare [ISSN 1441 2004] confirms that the health of this group of Australian citizens remains poor compared to the rest of the Australian population.

The ABS report notes, however, that there has been improvement in education, employment, home ownership and health status. It includes, for the first time, information on disability which, in 2002, was found to be twice as likely as in the rest of the Australian population.

For more information, go to www.abs.gov.au/

Women's Health Australia is the Australian longitudinal study on women's health conducted by the University of Queensland and the University of Newcastle has published an interim report from its research on 40,000 women throughout Australia. The study is due to end in 2016. The study is examining such aspects as physical health, relationships, body weight, emotional and mental health, paid work and retirement, and caring roles. Information on the study is at:

www.health.gov.au/internet/ministers/publishing.nsf/Content/health-mediarel-yr2005-ta-abb110.htm

Project website: www.newcastle.edu.au/centre/wha

A Global partnership for development: Australia's contribution to achieving the Millennium Development Goals – 2005 Progress Report [ISBN 1 920861 327] published by AusAID is available online at: www.ausaid.gov.au/publications



Reform of the United Nations Commission on Human Rights: Report of inquiry and roundtable discussions of the Human Rights Sub-Committee of the Joint Standing Committee on Foreign Affairs, Defence and Trade [ISBN 0 642 78664 X], examines the need for reform in the light of the UN Secretary-General's report, *In Larger Freedom*. The Committee comes to no firm conclusion as the General Assembly is still discussing the matter. The Committee has asked the Department of Foreign Affairs and Trade for an updated briefing.

Joint Standing Committee on Foreign Affairs, Defence and Trade, Dr Margot Kerley (02) 6277 4629 e-mail at jscfadt@aph.gov.au.

The **United Nations University** has published its *Work in Progress* magazine, a Review of Research Activities Vol 17 No 2 [Northern] Summer 2005. It contains a range of articles on genetically modified organisms under the umbrella of Biodiplomacy. To access the UNU go to: www.unu.edu/

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[15] New members on Australian National Commission for UNESCO

Eighteen new members have been appointed to the Australian National Commission for the United Nations Educational, Scientific and Cultural Organisation (UNESCO).

They include a Chair and Deputy Chair, two specialists in each of UNESCO's fields of competence and one youth member. They also include four honorary members and a representative from the Government and the Opposition.

Professor Kenneth Wiltshire AO, Australia's representative on the UNESCO Executive Board, has been re-appointed Chair of the National Commission until the end of this year, while the majority of new members will serve a three-year term ending on 31 December 2007.

The Australian National Commission provides advice to the Government, and liaises with organisations, institutions and individuals, on matters relating to UNESCO. It also undertakes activities in Australia and the Asia-Pacific region in support of UNESCO objectives and ideals. It gives high priority to UNESCO programs in the Pacific. The National Commission meets approximately twice a year. It has six networks (education, culture, natural sciences, social sciences, communications and IT, youth), each of which is chaired and coordinated by a National Commission member according to his or her area of expertise. The inaugural meeting of the new National Commission was held on August 24 in Melbourne.

UNESCO is a specialised agency of the United Nations. Its major objective is to contribute to peace and security in the world by promoting collaboration among nations in the fields of education, the sciences, culture and communications. Australia was a founding member of the organisation.

New Members of the Australian National Commission for UNESCO

Professor Kenneth Wiltshire AO (Chair), University of Queensland Business School and Australian representative on the UNESCO Executive Board

Ms Susan Pascoe (Deputy Chair), Executive Director, Catholic Education Commission of Victoria

Dr Vijoleta Braach-Maksvytis, Deputy Vice Chancellor for Innovation and Development, University of Melbourne

Ms Joy de Leo OAM JP, Manager, Sustainable Learning Cities Project, SA Department of Further Education



Professor John Fien, Professor of Sustainability, RMIT University; Mr Andrew Laming MP, Member for Bowman and Representative of the Federal Government
Professor Ian Lowe AO, Emeritus Professor, School of Sciences, Griffith University
Dr Jan Lyall PSM, Chair, Australian Memory of the World Program Committee
Mr Ian McRae, Member, Australia Council, and Chair of its Theatre Board
Professor Frank Morgan, Associate Professor of Communication and Media Arts, University of Newcastle
Mr Craddock Morton, Director, National Museum of Australia
Professor Margot Prior AO, Professor of Psychology, University of Melbourne
Mr Kevin Rudd MP, Shadow Minister for Foreign Affairs and Trade and International Security and Representative of the Federal Opposition
Mr Alan Wu, Youth Representative.

New honorary members

Justice Michael Kirby AC CMG, Justice of the High Court of Australia
Professor Geoff Masters, Chief Executive Officer, Australian Council for Educational Research
Ms Patricia Worth, former Parliamentary Secretary for Health and Ageing/Education, Training and Youth Affairs
Dr John Zillman AO, President of the Australian Academy of Technological Sciences and Engineering and of the National Academies Forum.

For more information, call the office of the Minister for Foreign Affairs (02) 6277 7500 e-mail: A.Downer.MP@aph.gov.au Departmental 02 6261 1555 www.dfat.gov.au

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[16] Organic World Congress: IFAD helps Pacific region

The advantages of organic agriculture, which excludes the use of synthetic fertilisers and pesticides, genetically modified organisms and pharmaceuticals, are being discussed at the Organic World Congress in Adelaide which began on September 20 and ends today, September 23.

The UN's International Fund for Agricultural Development (IFAD) is participating in the congress, along with the International Federation of Organic Agriculture Movements (IFOAM). The congress is being hosted by the National Association for Sustainable Agriculture Australia (NASAA).

The congress theme, "Shaping Sustainable Systems", is reflected in the results of two recent IFAD thematic evaluations of experiences with organic agriculture in Asia and Latin America presented during a workshop led by rural development expert Daniele P. Giovannucci. His presentation draws primarily from the work of nine researchers on 14 case studies in China and India.

Australia has denounced its treaty with IFAD and will quit the organisation at the end of its current financial term. The reason given by AusAID for quitting IFAD was that its focus was not in Australia's sphere of aid interest.

Recently IFAD has approved a grant to IFOAM in support of a regional program to promote organic agriculture in the **Pacific island** countries. The program will be executed by IFOAM and implemented in collaboration with local partner agencies in **Fiji, Kiribati, Papua New Guinea, Samoa and Timor Leste**. The program will help producers get certification for their harvests at an affordable cost, build the capacity of private institutions or government to certify organic agricultural products, and develop a set of region-wide standards for certification. It will also carry out a market analysis of current organic agriculture and fair trade producers in Pacific Island



countries. IFAD will contribute US\$200,000 towards the total cost of US\$250,000. IFOAM and governments of Pacific Island countries will contribute the remainder of the funding.

“This program is the beginning of a long term engagement by IFAD in organic agriculture in the Pacific” said Mattia Prayer Galletti, Country Program Manager, Asia & the Pacific division.

In China and India, organic production is growing steadily. The value of Chinese organic exports grew from less than US\$1 million in the mid-1990s to about US\$142 million in 2003 and was expected to reach US\$200 million in 2004, with more than 1,000 companies and farms certified.

In India, there has also been remarkable growth, with about 2.5 million hectares under organic farming and 332 new certifications issued during 2004. Organic farming also leads to job creation, because it is labour intensive. Creating more jobs in areas with high unemployment can increase revenues in rural areas and reduce migration.

IFAD has found that organic agriculture can be particularly useful in environments where resources are scarce and cultivation is problematic. The emerging market opportunities for organics appear to be conducive for the adoption of organic agriculture among small-scale farmers in India and China.

Through its holistic nature, organic farming integrates wild biodiversity, agro-biodiversity and soil conservation, and takes low-intensity, extensive farming one step further by eliminating the use of chemical fertilizers, pesticides and genetically modified organisms (GMOs), which is not only an improvement for human health, but also for the fauna and flora associated with the farm environment. Organic farming also offers more employment opportunities precisely because it is more labour intensive.

For more information: Farhana Haque-Rahman, Chief, Media Relations, Special Events and Programs Tel: +390654592485 e-mail: f.haquerahman@ifad.org or Ian Doyle, Media Coordinator, IFOAM 2005 e-mail: dms@portal.net.au website: www.ifoam2005.info

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[17] Traditional owners seek help

The South Australian government is currently attempting to pass legislation the Anangu Pitjanjatjara Land Rights Act (1981) without full and proper consultation with the Traditional Owners on those lands, according to campaigners for the Anangu people.

A letter to the SA Premier, South Australian MPs and the media criticises the legislation which campaigners say “waters down” existing law.

A petition from representatives of Pitjanjatjara, Ngaanyatjara and Yankunytjatjara traditional owners will be sent to South Australian Premier, Mike Rann.

Campaign organisers are appealing for people to sign the petition or to make a donation to advertise the grievances.

For more information, e-mail Deirdre Tedmanson at the School of Social Work and Social Policy at the University of South Australia: Deirdre.Tedmanson@unisa.edu.au

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[18] How far do you go?

The United Nations Association of Australia wants to know how many people receive *UNity*. We know we send it to some 2000 e-mail addresses and we know that some subscribers forward *UNity* to their own networks – which delights us.

What we would like to know is the number of people you pass *UNity* to, whether it's one friend or another 500 people on your network. Just e-mail imathews@ozemail.com.au with the number, not the names.

UNity can only survive by having readers. If you are an enthusiastic reader, the most important person you can recruit as a *UNity* reader is one of those constant critics of the United Nations who need an opportunity to learn the facts! You can do this by forwarding your copy to an individual or network; or you can send their e-mail address to imathews@ozemail.com.au

As a regular reader of *UNity*, please make sure you notify us if you change your e-mail address by sending your new e-address to imathews@ozemail.com.au

If you want more information about the United Nations Association of Australia in your state or if you want to join UNAA, contact:

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UNAA Tas.	secretary@UNAATasmania.org	ph 03 6229 4269 www.UNAATasmania.org
UNAA Victoria	UNAA.VIC@bigpond.com	ph: 03 9482 3655
UNAA WA	unaawa@tpg.com.au	ph 08 9221 9455 www.unaa-wa.org.au

Daily news about the United Nations can be accessed at:

UN News www.un.org/apps/news/ *UN Wire* un.wire@smartbrief.com *UN Connections*, the World Federation of UN Associations newsletter, send an e-mail to:

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The Dag Hammarskjöld Library has launched a web blog, *UN Pulse*, an alert to just-released UN online information, reports, publications and documents. <http://www.un.org/depts/dhl/unpulse/>

Items [19] Diary Dates [20] International Years [21] Job vacancies [22] Links to conferences and reports are in the Supplement to UNity transmitted separately

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