

## XIV. Disputes

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### **Peaceful settlement of disputes – Security role of United Nations**

Following are extracts from an address of 28 September 1992 by the Minister for Foreign Affairs and Trade, Senator Gareth Evans, to the Forty Seventh Session of the General Assembly of the United Nations:

This UN General Assembly gives us the opportunity of systematically reviewing where we have got to, and how far we still need to go, on the range of acute problems – political, economic and humanitarian – now confronting us around the globe. We are much assisted in this respect by the Secretary-General's report, *An Agenda for Peace*, on some key aspects of which I want to focus in this statement. The report, although concentrating specifically on the UN's role in peace-making, peace-keeping and related areas, was written very much against the background of the total challenge facing the UN international system, and in particular the critical importance of finding lasting solutions to the age-old problems of basic human survival and, in the words of the Charter, "better standards of life in larger freedom".

If we have learned anything from the passage of years about the sources of conflict and war, and what is necessary to achieve peace and security, it is that these problems have to be addressed at many different levels. Threats to security arise not only from military ambition and the race to acquire armaments, but from economic and social deprivation, from ignorance of countries about each other, from a failure to address problems that by their nature cross international boundaries, and from a failure by national leaders to trust the sense and judgement of their own people. An effective system of international cooperation to meet threats to peace and security itself has to operate at all these levels simultaneously.

#### **The UN's Security Role: Intervention, Assistance and Prevention**

In the first place, when unbridled aggression occurs across national frontiers, the international community has to have a credible collective capacity to resist that aggression. Chapter VII of the Charter provides such a peace enforcement function. So long rendered impotent by the veto in the Security Council, there is now in the post-cold War era a manifest willingness in the international community to utilise interventionist Chapter VII functions in cases of overt aggression and other obvious cross-border threats to international peace and security.

Of course not every case of aggression, or the deliberate infliction of suffering, occurs across State borders or in such a way as to clearly and unambiguously constitute a threat to international peace and security. And there will be a number of such situations where the intervention of the international community could make a difference – so much so that there are large moral and political pressures upon us all to take action. It seems likely, unhappily, that the UN will be increasingly confronted by situations where the

principle of non-intervention in internal affairs will be matched by a compelling sense of international conscience. It may be that our Charter will never be capable of formal amendment so as to precisely define those circumstances where such intervention is legitimate and those where it is not. But recent experience has shown that there is an emerging willingness – which my country has certainly shared – to accommodate collective intervention in extreme conscience-shocking cases, and it may well be that a body of customary precedent will emerge over time that will constitute its own source of authority for such intervention in the future.

The second level of necessary UN involvement in peace and security matters is *peace-keeping*: that activity which falls short of actual enforcement, but involves assistance on the ground in monitoring, supervising, verifying and generally securing the implementation of agreements once made. As the various peace-keeping operations now in place or planned for Cambodia, Africa, the Middle East and elsewhere amply make clear, an increasingly wide variety of activities, involving both military and civilian personnel, are being subsumed under this general umbrella: none of them are very clearly described in the letter of the UN Charter, but all of them are very clearly within its spirit.

Australia strongly endorses the call by President Bush on 21 September to strengthen United Nations peace-keeping and related operations, and welcomes in particular the stated intention of the United States to look at ways of ensuring adequate financial support for these activities as well as for the UN's humanitarian activities. Financing and administration of UN peace-keeping operations are obviously key areas of UN activity where decisions are necessary at this year's General Assembly. It is a source of regret that we, the nations of the world, have still not given the UN Secretary-General the financial resources or flexibility needed to undertake UN peace-keeping operations expeditiously. For its part, Australia would support the Secretary-General's call in *An Agenda for Peace* for the establishment at this Session of a peace-keeping reserve fund, and for virtually automatic approval of one-third of the anticipated budget for a peace-keeping operation to enable it to be deployed speedily and efficiently. We would also recommend that the Secretary-General consider further structural changes in the Secretariat as a means of improving the administration of peace-keeping operations, including the relocation of the Field Operations Division into the Department of Peace-keeping Operations.

The third level of UN involvement in peace and security, and the most basic and important of all, is the *prevention of conflict* before it occurs. We in the international community should be working hardest through the United Nations to create conditions which minimise insecurity and threats to peace, and which enable specific high risk situations to be specifically addressed – before they get to the point of requiring either peace-keeping or, worse still, coercive peace enforcement responses.

The effective prevention of conflict and risk minimisation involves three quite distinct kinds of activity. In the first place, it involves addressing a variety of non-military threats to security; secondly, addressing the military risk to security posed by uncontrolled arms build-ups; and thirdly, putting in place the most effective possible preventative 'diplomacy and peace-making arrangements to deal at an early stage with specific high-risk situations. I want

to concentrate my remarks on what we should be doing, in this General Assembly and beyond, in each of these areas in turn.

### **Non-Military Threats to Security**

Among the gravest of all life-threatening non-military risks are those posed by humanitarian disasters, especially *famine*. The recurring tragedy of mass starvation in Africa – often made worse by accompanying military conflict, but not wholly explained by that conflict – underlines the need for the United Nations system as a whole, and the Security Council in particular, to strengthen its capacity to meet the problems of potential famine.

Australia proposes the establishment of a group of senior officials from developed and developing countries and relevant UN agencies, supported by a strengthened Department of Humanitarian Affairs and comprehensive data base, which would convene regularly to conduct high level reviews of the global famine situation and identify emerging crisis situations. It would be responsible for turning pledges into timely, life-saving deliveries of food to people in need, and would seek to ensure that donor contributions were complementary, properly coordinated and well-targeted. That High Level Review Group would report regularly, with appropriate recommendations, to the Security Council.

Famine is only the most extreme example of a much more widespread global problem. The Secretary-General, in his address to the NAM Summit, identified our "ultimate enemy" as *poverty*. He argued for the indivisibility of peace and prosperity, political and economic security, democracy and development, and environmental protection and sustainable development, making the point that unless we meet the threat posed by poverty it will undermine all the advances we have made elsewhere. We need to have this firmly in mind as we act for the rest of this decade and beyond to meet non-military threats to peace and security.

There are two issues in particular, which will have a crucial influence on our ability to prevail over these threats. One is the retreat to *protectionism* which could well result from a failure to reach agreement in the Uruguay Round, which will do untold damage to many economies around the world, particularly those of the poorest nations who would effectively be excluded from the benefits of an expansion in world trade. We cannot let pass the opportunity, provided by this Round of negotiations, to liberalise world trade and establish equitable disciplines for the new components of world trade. The recent NAM Summit illustrated beyond doubt that this is a view shared equally by developed and developing countries.

The other important need in this context is for prompt and effective follow-up to the outcomes of the UN Conference on Environment and Development, and in particular the creation of an effective Sustainable Development Commission. ...

### **Preventive Diplomacy and Peace-Making**

Pursuing an effective arms control agenda, and addressing a variety of non-military threats to security, are all important ways of creating a general environment in which risks to security are minimised. So too are the "peace-building" strategies described in the Secretary-General's Report, many of

which are as much applicable to pre-conflict as to post-conflict situations. But the tools with the cutting edges in specific situations of conflict prevention and avoidance of conflict escalation are preventative diplomacy and peace-making.

In *An Agenda for Peace* the Secretary-General emphasised the importance of preventive diplomacy as a cost-effective means of avoiding the human and material costs of conflict and the burdens involved in using armed force to resolve conflicts. Indeed, if we examine the worst conflicts over the last twelve months – in the former Yugoslavia, Somalia, and Afghanistan – we could plausibly argue that, at least in the first two cases, more attention to preventive diplomacy may have avoided the catastrophes that befell those nations and peoples. Australia considers, therefore, that the challenge before the UN in the coming year will be to establish more effective processes for converting the promise of preventive diplomacy in all its aspects into reality.

Effective preventive diplomacy cannot be *ad hoc* or peripheral to the other activities of the UN. What is required is a strengthened capacity within the UN to encourage and assist parties to disputes to peacefully resolve their differences. The crucial elements in making preventive diplomacy work are timing, adequate resources and a willingness of Member States to invest the UN with the authority to use all the means available for its effective implementation.

In practice, the trigger for UN action, and the threshold for defining a situation as a threat to international peace and security, has tended to be the outbreak of armed hostilities. The earliest possible attention to potentially significant disputes is crucial if they are to be addressed before the parties have become committed and entrapped by their own rhetoric and actions.

This in turn calls for the formation of a permanent unit within the Secretariat with an enhanced capacity to gather, receive and analyse not only basic facts but information about the concerns and interests of the parties to a dispute, in order better to prepare recommendations on possible action. ...

A significant challenge to an enhanced Secretariat role in preventive diplomacy will, of course, be the deep reluctance of many States to accept any suggestion that a contentious bilateral issue be internationalised. While there will no doubt continue to be caution about too early resort to Articles 35 and 99 (which enable Member States and the Secretary-General respectively to bring disputes to the Security Council), there should not be the same degree of reluctance to have regard to Article 33, which requires parties to a dispute to first seek a solution by negotiation, mediation or the like. What has been lacking hitherto is any real institutional capacity within the UN system to respond to such approaches on other than a wholly *ad hoc* basis. The building of such a capacity for quiet diplomacy in the way I have been describing would be a major step forward, and help over time to increase members' confidence in other more formal UN processes.

On 23 December 1992 the Minister for Foreign Affairs and Trade, Senator Gareth Evans, issued a news release which read in part:

The 47th regular session of the United Nations General Assembly (UNGA 47) had been very successful from Australia's point of view, the Minister for Foreign Affairs and Trade, Senator Gareth Evans, said today. The General

Assembly is due to adjourn in New York on 23 December (24 December AST).

Senator Evans said that a key theme of his General Debate statement at the United Nations in September had been the importance of "Preventive Diplomacy" and Australia played a crucial role in the General Assembly's adoption by consensus of a resolution which encourages the Secretary-General to strengthen the United Nations Secretariat's preventive diplomacy capacity.

"The adoption of a consensus resolution on strengthening the coordination of the United Nations humanitarian emergency assistance was another important outcome of the session", he said. "The resolution included Australia's proposal for the Secretary-General to consult governments on ways and means of improving further the United Nations' capability in the areas of prevention and preparedness in relation to national disasters and other emergencies." ...

Senator Evans said that the establishment of a peace-keeping reserve fund designed to provide immediate funding for start up costs for peace-keeping operations was a useful start in meeting an Australian objective in this key area.

### **United Nations – Capacity for preventive diplomacy, peace-keeping and peace-making**

On 25 June 1992 the Minister for Foreign Affairs and Trade, Senator Gareth Evans, said in the course of an answer to a question without notice (Sen Deb 1992, Vol 153, p 4605):

The UN Secretary-General, Boutros Boutros-Ghali, has submitted a report to the Security Council on ways of strengthening the UN capacity for preventive diplomacy, peacemaking and peacekeeping. ...

The Senate will be aware that Security Council resolutions are mandatory and the UN has a range of measures at its disposal to seek to enforce those resolutions, including through negotiation, economic sanctions and arms embargoes as well as the option of military action. However, the complexity and size of the UN operations in Cambodia and now in Yugoslavia as well have highlighted a number of deficiencies in the UN's current modus operandi and, to that extent, both the Australian Government and I welcome the general thrust of the Secretary-General's recommendations which address that issue.

We do support UN efforts to strengthen capacity in all these various areas. That will contribute to the capacity of the international community to respond effectively to resolve a number of these conflicts, and particularly we are concerned to strengthen the preventive diplomacy and peacemaking aspects of the UN's role – and I have to say that from my preliminary scrutiny of the Secretary-General's report in this respect that does seem to be disappointingly thin as compared with the recommendations elsewhere. But we do have a preliminary response of enthusiasm for the inclusion, for example, of proposals made initially by Australia, together with New Zealand, Canada and the Nordics, which include improved information gathering, an integrated peacekeeping mechanism and the creation of a peacekeeping reserve fund.

It is just too early to comment sensibly, I think, on the recommendations about the creation of a rapid deployment force and a number of other matters of that kind. This is an issue that has in fact been around for almost as long as the UN has existed. There is provision for the identification of forces that can be earmarked for UN use. That has not happened and countries have not been willing for the whole history of the UN so far to put themselves in that position to respond rapidly in that way. There are a number of pros and cons to the argument. I will be in a better position to give Senator Bourne a more considered answer on this when we resume.

### **Peaceful settlement of disputes – International Court of Justice – Acceptance of compulsory jurisdiction of ICJ**

On 10 September 1992 the Minister representing the Minister for Foreign Affairs and Trade, Mr John Kerin, answered a question upon notice from Mr Hollis (HR Deb 1992, Vol 185, p 877). The question and answer were as follows:

(Q) Since the answer to Question No 215 (*Hansard*, 11 October 1990, page 2806) which countries have (a) made, (b) terminated or (c) modified declarations accepting the compulsory jurisdiction of the International Court of Justice?

MR KERIN: The Minister for Foreign Affairs and Trade has provided the following answer to the honourable member's question:

(Aa) Since the answer to Question No 215 on 11 October 1990 the following States have made declarations pursuant to Article 36(2) of the Statute of the International Court of Justice: Bulgaria, Estonia, Guinea-Bissau, Madagascar, Poland and Spain.

It should be noted however that some of those States have included reservations in their Declarations accepting the compulsory jurisdiction of the Court.

(b) Nil.

(c) Nil.

### **Peaceful settlement of disputes – International Court of Justice – Cases involving Australia – *Nauru v Australia* – *Portugal v Australia***

The following is extracted from the "Review of Developments in International Trade Law" prepared by the Commonwealth Attorney-General's Department in November 1992 (p 41):

Australia is involved in two International Court cases. These are *Nauru v Australia* and *Portugal v Australia*. In the *Nauru* case, the Court delivered its judgment on the Preliminary Objections of Australia on 26 June 1992.<sup>1</sup> The Court decided by 9 votes to 4 that it had jurisdiction and that the Nauruan claim concerning compensation for rehabilitation of mined out phosphate land

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1 Case Concerning Certain Phosphate Lands in Nauru (*Nauru v Australia*) – Preliminary Objections – Judgment of 26 June 1992.

was admissible. As a consequence the Court has directed Australia to file a written counter-memorial by 31 March 1993 setting out its defence on the merits. A further round of written pleadings may then be held.

The case concerns the question of rehabilitation of the area of the phosphate land on Nauru mined during the trusteeship period. Australia, New Zealand and the United Kingdom jointly administered Nauru from 1947 to 1968 under a Trusteeship Agreement approved by the United Nations. Only Australia has been sued by Nauru, but the International Court held this was not a barrier to the case against Australia proceeding.

In the *Portugal* case, both parties have lodged their first written pleadings in the case. Portugal is due to file its reply in December 1992 and Australia its rejoinder by May 1993. The case will then be ready for hearing. The claim brought by Portugal relates to the validity of the agreement concluded between Australia and Indonesia establishing a Joint Authority to explore and exploit petroleum resources in the Timor Gap area, off East Timor. Portugal alleges that only it can represent the people of East Timor. Australia considers that it has breached no international duty not to deal with Indonesia in relation to East Timor and, in any event, the Court cannot hear the claim against Australia as determination of the responsibility of Indonesia is a necessary prerequisite to a determination of Australia's responsibility. Indonesia has not accepted the Court's jurisdiction. Unlike the *Nauru* case, Australia has not sought to have its objections to the admissibility of the claim heard separately from the merits. A hearing on both admissibility and merits issues is expected toward the end of 1993.

### **Settlement of disputes – Former Republic of Yugoslavia**

On 31 March 1992 the Minister for Foreign Affairs and Trade, Senator Gareth Evans, said in the course of an answer to a question without notice (Sen Deb 1992, Vol 151, p 1374):

Australia, along with the rest of the international community, is insisting that the parties to the conflict, including the Yugoslav Army, act in a moderate and rational manner to enable all the issues to be resolved peacefully. The international community has put in place the necessary structures in the form of UNPROFOR [United Nations Protective Force in Yugoslavia] and the European Community's peace conference, chaired by Lord Carrington, to allow for the peace to be kept and for a political solution to be found. We as a government have strongly supported a UN role in Yugoslavia, and we do urge all the parties involved to abide by the cease-fire arrangements so that the deployment of UNPROFOR can continue on track.

We also recognise that the safety of UN personnel in Yugoslavia is the responsibility of the force commander, as elsewhere with peace-keeping operations, and the decision on how quickly he can deploy the full force will depend on his assessment of the situation on the ground.

On 26 May 1992 the Minister for Foreign Affairs and Trade, Senator Gareth Evans, said in the course of an answer to a question without notice (Sen Deb 1992, Vol 152, p 2600):

At the Lisbon conference I attended on the weekend, I joined with other foreign Ministers represented there in calling on the parties to exercise maximum restraint and warning those responsible for the continuation of violence and disrespect for human rights that they would be held responsible before the international community. Observers agree that all the principal groups do share some responsibility for this tragedy, but it is also generally agreed that the greatest responsibility has to be attributed to the Yugoslav National Army and its allies which are pursuing Serbian interests.

The Government already has economic measures in place against the republic of Serbia, if it can now be so described, which is excluded from our program of assistance for eastern Europe and which is being denied the benefit of the Australian system of tariff preferences. The size of the Australian Embassy in Belgrade has been severely reduced. May I say now that, when the Australian Ambassador leaves this week at the natural conclusion of his posting, he will not be replaced, as yet another indication of our displeasure with the authorities in Belgrade.

Two of the former Yugoslavia's three consulates in Australia will close down by the end of May according to the authorities in Belgrade. We are consulting with other countries on what further steps could now be taken. I have just asked the Australian delegation to the UN to add its voice to the growing call for mandatory international sanctions against Serbia. Australia would, of course, immediately implement such sanctions. The question does arise of other forms of UN action under chapter VII of the UN charter. That is now being actively discussed and I will do my best to keep Parliament informed of what is happening in that respect.

On 1 June 1992 the Minister for Foreign Affairs and Trade, Senator Gareth Evans, said in the course of an answer to a question without notice (Sen Deb 1992, Vol 153, p 3080):

It is clear that the authorities in Serbia and Montenegro are overwhelmingly responsible for the horrific conflict which continues in Bosnia-Herzegovina with its very devastating toll of innocent human life. On 15 May 1992, a couple of weeks ago, in response to this situation, the UN Security Council, through resolution 752, called on all parties to the conflict to immediately cease the fighting and to withdraw from Bosnia and Herzegovina. As the demands of resolution 752 were not complied with, the UN Security Council adopted unanimously resolution 757 at its meeting a couple of days ago, on 30 May, implementing a comprehensive list of mandatory sanctions against Serbia and Montenegro.

The UN resolution comprises a trade embargo, excluding foodstuffs and humanitarian goods; an arms embargo; prohibitions on the flow of funds; an air embargo on flights to and from Serbia and Montenegro; a reduction in Yugoslav diplomatic representation; and suspension of sporting, cultural, technical and scientific links.

The Government is well aware that sanctions will hurt not only the governments of Serbia and Montenegro but also their people. None of us take any joy in the hurt that these sanctions will inflict. But I think that all Australians now accept that the tough measures embodied in the UN sanctions are required from the international community in order to bring to an end once



and for all the enormous suffering that has been created by this conflict throughout the region.

The resolution places mandatory obligations on member States to implement measures which put this tough sanctions regime into effect. The Australian Government is moving very expeditiously to implement the UN decision. Ministers and departments are now working on the details of implementation, with decisions expected to go before the Executive Council tomorrow.

The Australian Government's measures will include the following: the Yugoslav national airline, JAT, which flies out of Australia twice a week, will have its services suspended from this week; Australia has already downgraded its diplomatic representation in Belgrade and cuts to the Yugoslav diplomatic and consular presence in Australia will be introduced; and Australia will enforce a trade ban. Statistics for trade with the former individual Yugoslav republics are not readily available. However, we are aware that imports from Serbia and Montenegro in the first three months of this year totalled only \$3.2m. So it cannot be suggested that this will involve a major impact on either side. Measures will become fully operative over the next few days as the necessary regulations and measures are introduced.

Finally, by acting under Chapter VII of the UN Charter, the UN Security Council has opened the possibility of further action against Serbia and Montenegro, or any other party failing to abide by the earlier Security Council resolution, if sanctions do not bring an end to the violence. We can all simply hope that they will.

On 22 June 1992 the Minister representing the Minister for Social Security, Senator Bolkus, answered a question without notice from Senator Zakharov (Sen Deb 1992, Vol 153, p 4160). The question and part of the answer were as follows:

SENATOR ZAKHAROV: My question is addressed to the Minister representing the Minister for Social Security. Is the Minister aware of concern about Australian pensioners at present in the former Yugoslavia who have been prevented by United Nations sanctions from receiving their pensions which they desperately need? Is the Australian Government seeking ways of enabling these payments to be made, including persuading the United Nations that money needed for food and medicine is humanitarian aid?

SENATOR BOLKUS: I am advised by the Minister that he is aware of the effect of the UN sanctions and the fact that because of them the paying of Australian pensions to some 1,561 eligible pensioners in those republics has in fact been suspended. The genesis of the problem is that those payments were made in US dollar cheques drawn on a US bank and airmailed to their destinations. Of course, in the last month the US has blocked the honouring of US cheques paid into Serbian and Montenegrin banks.

In addition to this part of the problem, mail deliveries in the republics have been severely curtailed and alternative methods of payment cannot be guaranteed. The Australian Government did in fact approach the UN sanctions committee on 12 June and was given a response to its request. The response

was that our request was rejected. Basically, our request was for special consideration to be given for pensions to be paid on humanitarian grounds.

The DSS does have staff in Belgrade and, in the light of this, they have made efforts to advise pensioners of options. These options include having payments made to Australian bank accounts, which many of those people still maintain; making payments to nominated addresses outside Serbia and Montenegro; or, of course, keeping pensions suspended until sanctions are lifted. Those who cannot get their pensions now have been assured that they will be entitled to full back payment when those sanctions are in fact lifted.

On 14 August 1992 the Minister for Foreign Affairs and Trade, Senator Gareth Evans, issued a news release which read in part:

The Minister for Foreign Affairs and Trade, Senator Gareth Evans, said today that the Australian Government gave its full backing to the two resolutions on Bosnia-Herzegovina passed overnight by the United Nations Security Council.

Resolution 770 called for an immediate end to the fighting and authorised States to take all measures necessary to facilitate humanitarian assistance to Sarajevo and other parts of Bosnia-Herzegovina. Resolution 771 condemned violations of humanitarian law including the practice of "ethnic cleansing" and demanded that the Red Cross be given access to all detention camps in the former Yugoslavia.

"The United Nations has sent a very tough message to the warring parties and in particular to the Serbian forces which have been held to bear the principal responsibility for the bloodshed and human rights abuses", Senator Evans said.

"The inhumanity and brutality which have been such appalling features of this conflict must be brought to an end."

Senator Evans noted that Sarajevo airport remained open for the provision of humanitarian relief under an existing UN plan and that the Security Council's decision should not be taken as an indication that the international community would immediately resort to force. The option to use force related only to facilitating the delivery of humanitarian relief supplies.

On 15 September 1992 the Minister for Foreign Affairs and Trade, Senator Gareth Evans, answered a question without notice from Senator Zakharov (Sen Deb 1992, Vol 154, p 863). The question and part of the answer were as follows:

**SENATOR ZAKHAROV:** My question is addressed to the Minister for Foreign Affairs and Trade. Is the Minister aware of a belief by some sections of the Australian community that the Government has been prejudiced in its attitudes to the parties involved in the conflict in the former Yugoslavia? Is there any basis for this belief? What part is Australia playing in working for peace in the former Yugoslavia and the relief of hardship for its people?

**SENATOR GARETH EVANS:** I am well aware of the views of different Australian communities of Balkan origin because I have talked to their representatives on a regular basis, as have a number of other Ministers. It is quite clear from these discussions that members of Australia's Serbian community in particular are concerned at Serbia's portrayal in the media as

"the guilty party" in the conflict in the former Yugoslavia. They are particularly concerned that this could lead to what they refer to as the "demonstration" of Serbs in Australia.

Let me say that it is certainly not the intention of the Australian Government to cast any of the Australian-Balkan communities in a poor light. ...

At the same time, I have to say that we have not shirked our international obligations. Government statements have pointed out that all sides in the conflict must bear some of the responsibility for these tragic developments. But we have also accepted the judgment that has been widely made in the international community that the Serbian side probably does carry a principal responsibility for the continuation of that conflict.

When the United Nations Security Council decided that Serbia-Montenegro were in breach of the UN charter's obligations and mandatory sanctions were imposed, Australia did, of course, take the necessary action and continues to do so. But we certainly do not assume, I repeat, that all fault is borne by Serbia-Montenegro, and I will certainly speak up in response to other violations and breaches as the occasions demand.

On 15 December 1992 the Minister for Foreign Affairs and Trade, Senator Gareth Evans, said in the course of an answer to a question without notice (Sen Deb 1992, Vol 157, p 4990):

I think we are all deeply concerned by recent reports that we have seen speculating on a possible expansion of conflict into the former Yugoslav republic of Macedonia. Certainly, the Australian Government welcomes the adoption on 11 December of UN Security Council resolution 795, which unanimously approved the Secretary-General's proposal for an 800-strong deployment of UNPROFOR [United Nations Protective Force in Yugoslavia] personnel to be located on the territory of the former Yugoslav republic of Macedonia along its borders with Albania and the Federal Republic of Yugoslavia (Serbia and Montenegro).

This force will have an essentially preventive mandate of monitoring and reporting any developments in the border areas which could undermine confidence and stability in the former Yugoslav republic of Macedonia or threaten its territory. That deployment will comprise a 700-member infantry battalion, 35 military observers, 26 civilian police monitors and a small civil affairs and administrative component. As the Secretary-General has said, this is the first example of preventive peacekeeping deployment as outlined in his "Agenda for Peace" recently published in the UN General Assembly.

I am pleased to see the UN taking action in this way to prevent possible conflict. This is an occasion of a number of precedents being set. The Somali enforcement exercise is the first time chapter VII of the UN Charter has been used in that way in a humanitarian exercise. This is the first time we have seen a preventive deployment of UN personnel. Both, I believe, would be regarded by the international community generally, and certainly in this country, as entirely appropriate roles for the UN to be playing in the post-Cold War environment.

**Settlement of disputes – Cyprus**

On 17 December 1992 the Minister for Foreign Affairs and Trade, Senator Gareth Evans, answered a question upon notice from Senator Bourne (Sen Deb 1992, Vol 157, p 5537). The question and answer were as follows:

(Q1) What is the Australian Government's position in relation to the latest report from the United Nations (UN) Secretary-General detailing his efforts in finding a settlement to the Cyprus issue?

(Q2) As the latest resolution of the Security Council was unanimous and as all decisions are binding, what action will the Australian Government take to support and promote the confidence-building measures proposed by the UN Secretary-General in his report?

SENATOR EVANS: The answer to the honourable senator's question is as follows:

(A1) Australia has a long-standing and active concern that a peaceful settlement to the Cyprus problem be negotiated and has firmly supported the UN Secretary-General's efforts to achieve this settlement. In keeping with this concern, the Australian Government supports the latest report by the Secretary-General on the Cyprus issue. While little concrete progress appears to have been achieved in the negotiations to date, the Australian Government urges all parties to look with fresh resolve to achieving a negotiated settlement on the resumption of talks in 1993.

(A2) The Australian Government also firmly supports Security Council Resolution 789 on the Cyprus issue and endorses the confidence-building measures proposed by the UN Secretary-General. The Australian Government sees the confidence-building measures as a means of increasing trust between all the parties to the Cyprus problem and as a step towards a just and equitable solution to the Cyprus problem. Our High Commission in Cyprus has reiterated Australia's support for the UN's efforts in the Cyprus problem. During my forthcoming visit to Cyprus, I will emphasise the high priority the Australian Government places on the recommendations made by the UN Secretary-General in his recent report and the UN Security Council in its latest Resolution to find a solution to the Cyprus problem. Australia's commitment to a resolution of the Cyprus problem has been demonstrated through its contribution of Australian Federal Police to the UN Force in Cyprus (UNFICYP) and through its support of the UN's efforts to date.

**Settlement of disputes – Armenia–Azerbaijan**

On 7 October 1992 the Minister for Foreign Affairs and Trade, Senator Gareth Evans, answered a question upon notice from Senator Bourne (Sen Deb 1992, Vol 155, p 1362). The question and answer were, in part, as follows:

(Q1) What is the Australian Government's assessment of the ongoing conflict between Armenia and Azerbaijan?

(Q2) What is Australia's relationship with the Conference on Security and Cooperation in Europe and its attempts to mediate a peace settlement to the dispute?

(Q3) Will Australia consider using its position within the United Nations to urge that the Security Council intervene in the dispute?

SENATOR EVANS: The answer to the honourable senator's question is as follows:

(A1) Australia is gravely concerned about the continuing conflict between Armenia and Azerbaijan and urges all parties to search for a negotiated peaceful settlement to the dispute.

(A2) Australia is not a member of the Conference on Security and Cooperation in Europe [CSCE], but supports the efforts of the CSCE to mediate in the conflict.

(A3) In February Australia expressed its concerns in a major address to the United Nations Human Rights Commission. At that time we actively worked towards obtaining a consensus Chairman's statement but this initiative was unsuccessful due to lack of agreement on the terms of the statement. In its latest statement on the issue on 26 August the Security Council expressed its deep concern at the deterioration of the situation in Nagorno-Karabakh and strongly appealed to all parties for an immediate ceasefire and urged positive participation in negotiations to reach a peaceful settlement of the dispute. The Security Council noted that the Secretary-General had despatched a fact-finding mission to the region and was ready to send observers to the CSCE negotiations. It stated that the Council would consider further the role of the United Nations in Nagorno-Karabakh.

### **Settlement of disputes – Withdrawal of Russian troops from Baltic States**

On 2 November 1992 the Minister for Foreign Affairs and Trade, Senator Gareth Evans, issued a news release which read in part:

The Minister for Foreign Affairs and Trade, Senator Gareth Evans, today urged Moscow to reconsider its decision to halt the withdrawal of Russian troops from the Baltic States.

"Russia has an obligation to fulfil an agreement made with Lithuania on the withdrawal of troops and should also conclude troop withdrawal agreements with Latvia and Estonia as soon as possible", Senator Evans said.

He said the Australian Government renewed its call for an early, orderly and complete withdrawal of Russian troops from the Baltic States in line with the commitments made by all sides at the Conference on Security and Cooperation in Europe (CSCE) Summit in Helsinki on 10 July this year. ...

President Yeltsin issued a decree on 29 October suspending the withdrawal of Russian troops from the Baltics until agreements to ensure social guarantees for departing servicemen and their families could be signed with each Baltic State. ...

Troop withdrawals began recently in Lithuania after the signing in September of an agreement between the Russian and Lithuanian Defence Ministers. Russia has also withdrawn some troops from Latvia and Estonia.

### **Settlement of disputes – Sri Lanka**

On 13 August 1992 the Minister for Foreign Affairs and Trade, Senator Gareth Evans, issued a news release which read in part:

The Minister for Foreign Affairs and Trade, Senator Gareth Evans, today condemned the continuing conflict in Sri Lanka.

"Australia deplores the violence and urges both the Sri Lankan Government and the Liberation Tigers of Tamil Eelam to continue to pursue avenues for a political solution. ...

"Our High Commissioner in Colombo has expressed to the highest levels of the Sri Lankan Government the Australian Government's concerns over the renewed fighting in the North and East of Sri Lanka since the end of May.

"The Government has also reaffirmed Australia's preparedness to assist, through its initiative for a possible Commonwealth 'good offices' role, in the process of arriving at a peaceful solution."

### **Settlement of disputes – British nuclear testing in South Australia – Negotiations for compensation**

The following is extracted from a statement made on 28 July 1992 by Mr Robert Tickner, Minister for Aboriginal and Torres Strait Islander Affairs, to the Tenth Session of the United Nations Working Group on Indigenous Populations:

Madam Chair, another important issue of ongoing concern to Aboriginal people, the South Australian State Government and the Commonwealth Government is the plight of Aboriginal people in South Australia who lost the use of their land as a result of nuclear testing which was carried out by the British Government during the 1950's and 60's.

Last year I reported on the quest of representatives of the Maralinga people to obtain the cooperation of the British Government in decontamination of those traditional lands.

The Australian Government established a Royal Commission into the testing program as a result of serious concern about the after-effects of that British nuclear testing program. The Royal Commission recommended that an assessment be carried out of how best to clean up radioactive contamination. It established the principle that traditional owners should be compensated for loss of use of enjoyment of the lands as a result of the test program.

Negotiations between the Australian Government and the British Government on the issue of site rehabilitation and Aboriginal compensation have been progressing with a view to resolution of all outstanding issues of concern with minimum further delay.

The Australian Government believes that the British Government does have obligations to clean up its former nuclear-weapons test sites in Australia which has been contaminated by plutonium having a half life of 24,065 years.

The British Government made specific undertakings to Australia in 1956 concerning the conduct of the tests and the rehabilitation of the test sites following the test program.

On the basis of information provided by the joint Australia/British/United States Technical Assessment Group (TAG) study report (1990) and surveys undertaken by the Australian Radiation Laboratory, Australia now knows that the nature and extent of contamination is markedly different from that said to exist in the 1960's. The Technical Assessment Group has confirmed the potential radiological hazard still presented by the plutonium contamination from Britain's so-called "minor trials" at Maralinga.

Australia is pleased that the issues arising from the British Nuclear Testing Programme are being taken seriously by that Government as these issues are enormously important to Aboriginal people and must be addressed.

### **Settlement of disputes – Middle East**

On 21 February 1992 the Minister for Foreign Affairs and Trade, Senator Gareth Evans, issued a news release which read in part:

The Minister for Foreign Affairs and Trade, Senator Gareth Evans, today urged all parties in the Middle East to show restraint in the face of escalating violence in the region.

He called on Israel to withdraw its forces from the areas north of its self-declared security zone in southern Lebanon where they had advanced yesterday.

Senator Evans also called on Israel to abide by United Nations Security Council Resolution 425 of 1978, which demanded Israel's complete withdrawal from Lebanon and respect for Lebanon's territorial integrity and sovereignty.

He said it was of serious concern that Israeli forces had been in conflict with members of the United Nations Interim Force in Lebanon (UNIFIL) and that UN soldiers had been wounded.

"Israel's 1982 invasion of Lebanon, which caused so much grief to both countries, demonstrated conclusively that occupying foreign territory is not likely to solve Israel's security problems. This can only be done by negotiation and compromise. Further violence will only lead to more suffering", he said.

Senator Evans condemned the provocative attacks in Israel and Lebanon during the past week that had preceded the Israeli army's move into southern Lebanon and had caused several deaths.

On 6 May 1992 the Minister for Foreign Affairs and Trade, Senator Gareth Evans, issued a news release which said of his forthcoming visit to the Middle East:

A central objective of the Middle East visit will be to confirm Australia's support for a comprehensive solution to the Arab-Israeli conflict based on UN Security Council Resolutions 242 and 338 and the principle of land for peace.

"Our policy continues to have two main pillars: a total commitment to Israel's right to exist within secure and recognised boundaries, and recognition of the right to self-determination of Palestinian people including, if they so choose, their own independent state", Senator Evans said.

"I want to encourage all parties involved in the present peace negotiations to be flexible, and not miss the present unique opportunity for peace and stability."

A particular focus of the visit will be to encourage the development of effective regional arms control arrangements, including effective barriers to the spread of weapons of mass destruction (chemical, nuclear and biological weapons) and ballistic missiles, and support for international arms control arrangements and agreements.

"Since the end of the Gulf War Australia has been playing a very active role in strengthening international efforts towards effective arms control and disarmament measures, particularly in relation to chemical weapons. An arms control agreement is a crucial element if the longer term stability of the Middle East region is to be assured", Senator Evans said.

The following is extracted from an item on Senator Evans' May 1992 visit to the Middle East which appeared in the Department of Foreign Affairs and Trade publication *Backgrounder* of 5 June 1992 (Vol 3 No 10, p 7):

Senator Evans's statements on the peace process, based on Australia's long-standing and unshakable commitment to Israel and its security, emphasised the need for all parties to the Arab/Israeli conflict to demonstrate restraint and flexibility in negotiating a comprehensive regional settlement. Australia's role, he explained, was to use its good relations with all parties to promote engagement and encourage measures to build mutual confidence among them. To this end, the Minister restored high-level Australian contact with the Palestine Liberation Organisation (restricted at the time of the Gulf Crisis) by meeting senior PLO officials in Cairo and Amman.

On 16 June 1992 the Minister for Foreign Affairs and Trade, Senator Gareth Evans, said in the course of an answer to a question without notice (Sen Deb 1992, Vol 153, p 3644):

In the first place we are acutely conscious, as we always have been, of the very great and grave security problems that Israel faces – both external and internal – and the need for Israel to have long term guarantees about that security situation.

Secondly, we argue – and I think the rest of the world agrees with us in this respect; indeed, there is a common, united position on this – that the present peace process that is under way is the best possible way, and probably the only way, of guaranteeing that kind of secure future for Israel. We argue, thirdly – and I think not naively in this respect – that there is a constituency for such a peace settlement within the neighbouring Arab countries and within the Palestinian community that has never previously existed. It is a function of lapse of time; it is a function of the end of the Cold War and the realignment of international relationships as a result of that; it is a function, in particular, of the outcome of the Gulf war and the dynamics that have been operating in the region since then. We argue further in that context – and I put this point in Israel – that it is tremendously important that every nation in the region do everything possible within its power to assist that particular peace process and not undermine it or set obstacles to it.

We are concerned, as a great many other countries around the world are concerned – and I can vouch for that on the basis of very direct conversations with some very key Foreign Ministers in that respect – with the continued, very active program of settlement building not just in East Jerusalem but in



many other locations on the West Bank and indeed Gaza; with the policy that is being implemented in the West Bank and Gaza; and with these combined with the kind of approach that Israel has adopted across the conference table. The third mentioned of those things is probably less significant than the other two in the particular timing context we are talking about, with the Israeli elections and so on, but the combination of those three factors has been formidable. And there is a very real prospect, in my judgment and in the judgment of a great many other people around the world, that the peace process will collapse if those obstacles are maintained in the way that is the case at the moment. The fragile constituency of moderates within the Arab nations and within the Palestinian community – both within Israel and in the Occupied Territories and beyond – simply cannot be held together if that present conjunction of policy attitudes continues.

### **Settlement of disputes – Bougainville**

On 7 May 1992 the Minister for Foreign Affairs and Trade presented the Government's response to the Report of the Joint Committee on Foreign Affairs, Defence and Trade on Australia's Relations with Papua New Guinea (Sen Deb 1992, Vol 152, p 2524). The response included the following statements:

Australia has not sought to involve itself directly in talks involving the PNG Government and Bougainvilleans, but the Government has repeatedly encouraged the promotion of a settlement through dialogue and negotiation. Australia recognises that, in the first place, the Bougainville problem is one for Papua New Guinea. The solution to the Bougainville problem must be a Papua New Guinean one and cannot be constructed by non-Papua New Guineans.

We also agree with the PNG Government that a lasting solution cannot be imposed by force and have made known our strong conviction that the settlement should be reached through a political process. We have made it clear that we are willing to help, if all those involved want us to. Australia indicated a willingness to participate in the multilateral supervisory team proposed in the 1991 Honiara Declaration, but later it became clear that our participation was not acceptable to the Bougainville Revolutionary Army (BRA). We are prepared to help in any practical way that might contribute towards a solution. We are providing humanitarian assistance, including medical aid, and we have undertaken to help Papua New Guinea and Bougainvilleans rebuild Bougainville once a settlement has been reached. ...

The Government's view is that only a political settlement reached by Papua New Guineans themselves will produce a lasting solution to the problems of Bougainville. A solution to the Bougainville problem, to be enduring and to be implemented, must be a Papua New Guinean one which takes full account of local views and knowledge.

The Bougainville Revolutionary Army (BRA) has not viewed Australia as an acceptable negotiating partner because of our close links with the national government in Port Moresby, our declared position that the constitutional authority in the province is the national government and our wish to see the territorial integrity of Papua New Guinea maintained. The Government has nonetheless made clear on many occasions its support for the PNG

Government's efforts to seek a peaceful solution and its readiness to provide any practical assistance which is acceptable to all parties to facilitate a political settlement. The Government has also indicated its willingness to make a venue available for talks should that be helpful and acceptable.

The Government recognises the importance of NGO humanitarian assistance to Bougainville. The Minister for Foreign Affairs and Trade took the initiative in November 1990 to raise with the PNG authorities the possibility of using NGOs to deliver medical supplies to Bougainville. Since then the Australian Government, through AIDAB, has made available \$A258,000 to finance a program coordinated by Australian Council for Overseas Aid (ACFOA) to deliver medical supplies and medical assistance. The Government has also provided \$A177,300 in support of a Red Cross appeal for funds for an immunisation program, transport and emergency medical supplies in the province. In addition, the Government has made clear to Papua New Guinea the importance it attaches to the speedy and successful implementation of NGO medical assistance programs in the province and has facilitated discussions between NGO and PNG representatives intended to improve their coordination.

At present, and following assurances given by Prime Minister Namaliu in November 1991, NGO and PNG medical supplies are reaching most centres in the province, although distribution to central Bougainville has been hampered by the actions of BRA militants, such as the burning of the relief vessel *Cosmaris* on 28 January 1992. By seizing and burning the *Cosmaris* the BRA have made it harder to obtain vessels and crews to land medical relief in central Bougainville.

On 24 November 1992 the Prime Minister, Mr Paul Keating, said in the course of an answer to a question without notice (HR Deb 1992, Vol 187, p 3372):

I think the honourable member ought to understand the fundamentals of the issue which are that the Papua New Guinea Government is dealing with armed secession on Bougainville, which is part of the territory of Papua New Guinea. We hope this can be done in a way which avoids further bloodshed. Ultimately a political solution will be needed to bring about a lasting settlement of the issue. This is a long running issue; it has been on for a long period of time. Bougainville has been the centre of wealth for the nation of Papua New Guinea and the community of Papua New Guinea. We as a neighbouring member State have provided humanitarian assistance and we have counselled the Government of Papua New Guinea to seek a political solution.

But there is no evidence ... that Australian supplied defence equipment is being used in ways other than those agreed by Australia and Papua New Guinea upon that equipment being delivered.

I know this has raised some concern in the Solomon Islands, and I have had some communication with Prime Minister Mamaloni on this issue. He wrote to me about it, and I have responded, saying that Australia is ready to review our annual defence cooperation program and to address any concerns that he might have; that we have made clear our concerns about the situation in Papua New Guinea and the Solomon Islands border and have called for both governments to resolve their differences through direct high level contact; and that we are

willing to consider requests from the Solomon Islands Government for appropriate assistance in border management.

### **Settlement of disputes – Border problems between Papua New Guinea and Solomon Islands – Absence of Australian responsibility**

On 16 September 1992 the Minister for Foreign Affairs and Trade, Senator Gareth Evans, said in the course of an answer to a question without notice (Sen Deb 1992, Vol 154, p 944):

[T]here is no basis for any criticism of Australia that has been made by the Solomon Islands, and we are certainly disappointed that it has been made. In that context, we also regret the apparent decision that has been made to refuse permission for HMAS *Bendigo* to visit. I should say that we do understand the very real and very acute sense of shock and consternation that is being felt in the Solomon Islands at the moment at the violation of its borders by elements of the Papua New Guinea defence forces. The outrage felt in the Solomon Islands is legitimate. It is a feeling we also share. We just do not feel that any of it ought to be directed at us.

We do categorically reject any suggestion or insinuation that Australia is in any way responsible for the deaths of Solomon Islands citizens. It is quite incorrect to claim that because we have a defence cooperation program with Papua New Guinea or because Papua New Guinea sources some of its military equipment from Australia we are in any way responsible for any renegade actions by elements of the PNGDF. Indeed, there has been, in any event, no indication that the reported raid on Kamaleai involved the use of helicopters or, for that matter, any other Australian supplied equipment, to the extent that that is relevant.

The Government does deplore the loss of life in the Solomon Islands. We are very concerned about the stresses and the tensions these developments are imposing on relations between Papua New Guinea and the Solomons, which seem to be reflected in the statement from the Solomon Islands Government National Security Headquarters.

I should make the further point that we are certainly not siding with either party in the current border problems. We hope that solutions arise from early discussions between those directly involved and we encourage such discussions to occur as soon as possible. ...

There is no basis for the claims that Australia has been approached to send troops to the Solomon Islands border. That reference first appeared in a press release issued yesterday, 15 September, by the National Security Headquarters in Honiara. As I said yesterday, on a number of occasions the Australian Government has offered to provide appropriate assistance to the Solomon Islands to help manage its borders. Our current assistance is already substantial. Our defence assistance in total amounts to some \$4.97m. We hold regular bilateral defence cooperation talks with the Solomons, most recently in May. In January this year, in response to a specific request, we provided five 5.3 metre fast patrol craft, specifically to enhance border control capabilities. That is in addition to the two full-size patrol boats which were previously

given. We recently supplied the Solomon Islands police with replacement communications equipment which would be used, among other things, to support border surveillance.

In all of that, our offers of appropriate assistance have not extended to providing troops to patrol the border with Papua New Guinea, nor have we received, as I said, any request from the Solomons for such troops. We do consider it important for the two sides to agree on strategies for managing their common border and for such discussion to identify their needs. We would be willing to consider sympathetically providing appropriate assistance to meet these needs once they are identified and defined. While we do not want to impose any concepts of border management on the two countries, we could help with advisory assistance. We could provide the necessary communications equipment to facilitate better communication between the Solomon Islands coordination centre and the appropriate PNG authorities.

### **United Nations peace-keeping operations – Cambodia – United Nations Transitional Authority in Cambodia**

On 1 April 1992 the Prime Minister, Mr Paul Keating, spoke to a motion before the House of Representatives as follows (HR Deb 1992, Vol 183, p 1593):

MR KEATING: I move:

That this House:

- (1) recalls the long suffering of the Cambodian people;
- (2) notes the remarkable diplomatic achievement enshrined in the Agreements on the Comprehensive Political Settlement of the Cambodia Conflict signed in Paris on 23 October 1991;
- (3) recognises the difficult task ahead of the United Nations Transitional Authority in Cambodia (UNTAC);
- (4) affirms Australia's commitment to assist the Cambodian people to take control again of their own affairs and return to peaceful and productive lives;
- (5) affirms Australia's support for the United Nations in its new and enhanced role in promoting world peace and solving longstanding regional conflicts;
- (6) affirms its support for Australia's positive response to the request made by the UN Secretary-General for support in implementing the Cambodian peace accords;
- (7) expresses its full confidence in, and support for, Australian Defence Force men and women deployed for peacekeeping in Cambodia and looks forward to their safe return;
- (8) congratulates Lieutenant-General Sanderson on his appointment as UNTAC military commander and wishes him well in his assignment.

It is appropriate that the House focus today on the subject of Cambodia, and on the prospects for a lasting peace in that long-suffering country. Great crimes have been committed against the Cambodian people. The tragedy of the

conflict has been brought home to us all through the personal witness of many Cambodian Australians.

On 28 February the United Nations Security Council passed a resolution formally creating the United Nations Transitional Authority in Cambodia or UNTAC, the body responsible for implementation of the historic comprehensive political settlement of the Cambodia conflict. In response to the UN Secretary-General's request for contributions to UNTAC's operations, Australia has agreed to provide 495 Defence Force personnel to form the force communications unit. This total includes 65 communicators already deployed as part of the UN advance mission in Cambodia. ...

The Government also expects to contribute to UNTAC's civilian component ...

The main objectives of the settlement are to end the civil war and to allow the Cambodian people to choose a new government through genuinely free and fair elections. Reflecting the complexity of the Cambodian conflict, the Paris agreements provide for an unprecedented and ambitious role for the United Nations in the implementation of the peace plan. UNTAC will have a peacekeeping role supervising, monitoring and verifying the ceasefire, partial demobilisation of armed forces and the cessation of external military assistance. UNTAC most definitely will not have a role enforcing or imposing the peace if hostilities break out.

In the civilian sphere, not only will UNTAC have a role in organising and conducting the elections, it will also play a role in monitoring and supervising the interim administration of the country to ensure a neutral political environment for the elections. In addition, the United Nations will be responsible for coordinating and assisting the repatriation and resettlement of some hundreds of thousands of Cambodian refugees and displaced persons.

Australia played a significant role in the long process leading up to the Paris agreements. In the mid-1980s, former Foreign Minister Hayden was active in regional diplomacy which sought to identify a basis for dialogue between the parties to the Cambodian conflict. In late 1989 Senator Evans played a key role in breaking the impasse following the first Paris Conference on Cambodia in July and August 1989. The core of Senator Evans's proposal, which was taken up by the permanent five members of the Security Council, was an enhanced role for the United Nations in the transitional period preceding elections in Cambodia. Senator Evans's resourceful and energetic pursuit of peace in Cambodia has earned him nomination for the Nobel Peace Prize. It has also earned international respect for Australia.

The Minister for Foreign Affairs and Trade, Senator Gareth Evans, said on 1 April 1992 in the course of a ministerial statement on Cambodia (Sen Deb 1992, Vol 151, p 1516):

The deployment of the Australian troops will be a matter for the military commander on the ground, who happens, of course, to be an Australian – Lieutenant-General Sanderson – but wearing a United Nations hat, not an Australian one. It is not a matter of defining with the kind of precision that we needed to in the Gulf conflict, rules of engagement and the circumstances for the exercise of independent discretion and so on, because in the Gulf conflict

the Australian component of the forces was acting as an independent agency, in effect, although in coordination, of course, with the other forces there concerned. Here it is a rather different operation where the Australians are fully integrated into a UN military exercise and are subject to UN command. Of course, it is always capable for the Australian Government to make the decision that it is unhappy about the way something is developing on the ground and to decide to withdraw the forces thus engaged. But essentially their deployment will be a matter for the UNTAC force commander.

The context in which that deployment will occur has been unequivocally made clear by Lieutenant-General Sanderson as a peacekeeping role, not a peace enforcement role. I do not honestly think there is room for any further confusion about these particular kinds of identified roles. Peace enforcement does involve something analogous to the Gulf war situation where you are going into a manifestly hostile situation, separating forces at war, exercising military force. Peace keeping, as that concept is now well understood, involves not any of that but simply the monitoring, supervision and verification of agreements already reached.

There is some ambiguity about the further expression "peacemaking". Peacemaking is usually used in the context of preventive diplomacy or the kind of diplomacy that was involved in actually crafting and bedding down the settlements agreements signed in Paris. But there is a looser sense in which we can talk about peacemaking as being an ongoing task and we can talk about the various UNTAC components having, in a sense, an ongoing peacemaking role to the extent that their presence on the ground will involve confidence building, will hopefully involve the resolution of local disagreements and difficulties, the renegotiation of ceasefire terms, things of this kind that we have seen already happening in Kompong Thom. In an extended sense, that does involve, I suppose, a degree of peacemaking. But the basic peacemaking has been done with the settlement agreements. What is necessary simply is to ensure that those agreements work themselves out.

If the situation should deteriorate to the point where a major conflict erupts between the various Cambodian armed forces, then it will not be the job of the UN forces to endeavour to separate them, and it will become a matter for judgment by the international community as to how the situation is handled thereon in. But in the worst case scenario, it would involve, of course, the UN and the international community walking away completely from the situation on the ground. That would be a desperately unhappy outcome, but that is the logic of this kind of role, and it has been identified.

### **United Nations peace-keeping operations - United Nations Operation in Somalia (UNOSOM) - "Operation Restore Hope" - Australian contributions**

On 14 October 1992 the Minister for Defence, Senator Robert Ray, said in the course of an answer to a question without notice (Sen Deb 1992, Vol 155, p 1788):

The Government has decided that Australia will contribute a 30-person movement control unit to the United Nations operations in Somalia, known as UNOSOM. The UN operation in Somalia will provide a security force to assist

the UN and its specialised agencies and non-governmental organisations in delivering humanitarian assistance to the people of Somalia. The security situation in Somalia, with armed gangs overrunning distribution points for food and looting supplies, has posed major difficulties for the effective delivery of humanitarian assistance. The Government's decision is in response to a formal request from the United Nations Secretary-General to contribute to the UN operation in Somalia. ...

### **United Nations peace-keeping operations – Extent of Australian support**

On 14 October 1992 the Minister for Defence, Senator Robert Ray, issued a news release concerning the Australian contribution to the United Nations Operation in Somalia (UNOSOM) which contained the following statements:

"The deployment [to UNOSOM] of the Movement Control Group takes Australia's support for United Nations peace-keeping activities to its highest ever level, directly reflecting our commitment to the peaceful resolution of disputes following the end of the cold war", Senator Ray said.

Australian personnel are currently supporting UN peace-keeping operations in Cambodia (503), the Western Sahara (45), the United Nations Truce Supervision Organisation in the Middle East (12), and the United Nations Special Commission in Iraq (7). Australian Brigadier John Wilson is the Chief Military Observer in the United Nations Protection Force in the former Yugoslavia. A non-peace-keeping task is the stationing of an Australian mine clearance training team (9) in Pakistan under UN supervision to assist Afghans.

On 25 November 1992 the Minister for Foreign Affairs and Trade, Senator Gareth Evans, said in the course of an answer to a question without notice (Sen Deb 1992, Vol 156, p 3462):

Australia has fully supported the earliest possible commitment of the planned 4,200 UN security personnel to the UNOSOM operation in Somalia to ensure the security of the international relief operation there. We are going to contribute a 30-member movement control unit [MCU] to UNOSOM; an advance party has already been deployed and the remainder hopefully will be there quite soon. The MCU is intended to coordinate and control the deployment of stores and personnel involved in the UNOSOM operation. ...

The primary need is for some kind of political settlement or some approach which can involve not just the relief of the humanitarian situation but also peace-keeping and political negotiation at the same time. None of these things can be delivered in isolation. The task for the UN, which it still has not succeeded in so far, is to devote the kind of resources that will achieve this coordinated response and one that will produce a durable solution. I suppose one ray of hope in this respect is the UN-sponsored conference on the mechanisms of aid delivery that is now to take place in Addis Ababa on 3 and 4 December and is to be attended by the Somali factions. We will be represented at that conference. We hope very much that something positive emerges from it.

On 10 December 1992 the Minister for Foreign Affairs and Trade, Senator Gareth Evans, said in the course of an answer to a question without notice (Sen Deb 1992, Vol 157, p 4668):

I am sure that all senators will join me in very warmly welcoming the commencement of Operation Restore Hope and, in particular, America's leadership in breaking the impasse that had developed over Somalia and in providing an effective and coherent response, again using the machinery of the United Nations to do so. This is a Chapter VII UN Charter enforcement operation which the Security Council has unanimously authorised. While it does break quite new ground by committing the United Nations to enforcement action to secure humanitarian relief, not too many people – with the possible exception of Dr Kissinger, whose remarks I noticed this morning – would think that it is a bad precedent to be set, at least for extreme situations like the one prevailing in Somalia.

The immediate objective of this operation is the alleviation of the horrendous suffering that has been created by famine and civil and political chaos in the country and the disarming of factions and other freelance bandits as far as possible. Both of these objectives should be capable of achievement within a relatively short time frame of two or three months, but we cannot get a conclusive opinion about that at this stage. ...

As to Australia's contribution, I was asked by the US Ambassador earlier this week whether we would consider, first, contributing to this enforcement operation and, secondly, making an additional contribution to the existing UN peacekeeping operation in Somalia known as UNOSOM. The Government is considering various options in this respect, and decisions will be taken shortly. I am not in a position, however, to indicate right now what our reaction will be.

Australia remains committed to participating in UNOSOM, at least to the present extent already committed through the 30-member movement control unit of whom 11 are already deployed, seven of them in-country. UNOSOM is a peacekeeping operation which will need to replace the shorter term enforcement operation once that shorter term operation has completed its tasks. We hope that the enforcement action and then the expanded UNOSOM will be able to quickly create the conditions conducive to the formation of a stable government in Somalia. The task ahead for UNOSOM is to support national reconciliation in Somalia and to prevent a return to chaos and lawlessness once the enforcement operation is completed.

### **United Nations peace-keeping operations – Former Republic of Yugoslavia**

Relevant materials may be found on pp 639–43 of this chapter under the heading "Settlement of disputes – Former Republic of Yugoslavia".



**United Nations peace-keeping operations – Australian support for Japanese participation**

On 24 June 1992 the Minister for Foreign Affairs and Trade, Senator Gareth Evans, said in the course of an answer to a question without notice (Sen Deb 1992, Vol 153, p 4444):

Australia supports Japan's participation in UN peacekeeping activities and, therefore, we do welcome the passage of the Japanese UNPKO [United Nations Peace-Keeping Operations] legislation. This is consistent with our often expressed desire to see Japan assume greater international responsibilities commensurate with its economic status. Clearly, the scope of Japanese participation in UN peacekeeping operations is tightly circumscribed by this legislation and it does not involve a wider regional Japanese military role which, in any case, is not of course sought by Japan. Australia would very much welcome a contribution of Japanese personnel to the current UN peacekeeping operation in Cambodia.