

XII. International Organisations

Human Rights Committee – Election of Australian national

On 11 September 1992 the Acting Minister for Foreign Affairs and Trade, Mr John Kerin, issued a news release which read in part:

Justice Elizabeth Evatt, President of the Australian Law Reform Commission, has been elected to the United Nations Human Rights Committee (HRC). ...

The Acting Minister for Foreign Affairs and Trade, Mr John Kerin, welcoming her election, said Justice Evatt was the first Australian to be elected to the 18-member Committee since it was established in 1976.

"Justice Evatt is a distinguished Australian whose membership on this prestigious body brings great credit to her", Mr Kerin said. "The HRC is the supervisory body for the International Covenant on Civil and Political Rights (ICCPR) and is regarded as the most influential international human rights treaty body." ...

Members of the Committee are recognised for their competency in the field of human rights and serve in their personal capacity. The Committee, which normally meets three times a year, is empowered to consider reports by the States Parties on measures adopted and progress made in achieving the observance of the rights enshrined in the ICCPR. The Committee also considers communications from individuals who claim that their rights, as set out in the ICCPR, have been violated and who have exhausted all domestic remedies. More than half of the 112 States Parties have, by acceding to the First Optional Protocol to the ICCPR, accepted the competence of the Committee to consider communications from individuals subject to their jurisdiction. ...

[Justice Evatt's] election to the HRC is for four years from the beginning of 1993.

UN Commission on the Status of Women and UN Statistical Commission – Election of Australia

On 30 April 1992 the Department of Foreign Affairs and Trade issued a news release which read in part:

Australia has been elected to two United Nations agencies – the UN Commission on the Status of Women and the UN Statistical Commission – for four years starting in 1993.

The elections took place at a meeting of the UN's Economic and Social Council (ECOSOC), of which Australia is a member, in New York yesterday. ...

Australia's election to [the Commission on the Status of Women] recognises the country's long-standing commitment to advancing the status of women internationally and domestically.

As a member of the Commission between 1983 and 1990 Australia sought, in particular, to improve the level of resources and support for the Committee on the Elimination of All Forms of Discrimination Against Women.

In March 1991 the Australian Government, with the New Zealand Government and the Division for the Advancement of Women in Vienna, sponsored a workshop in the South Pacific to increase regional awareness of the Convention for the Elimination of All Forms of Discrimination Against Women.

In New York, Australia has been a strong advocate for the improvement of the status of women in the UN Secretariat, especially at senior levels.

The Statistical Commission was established by ECOSOC in 1946 to assist the Council in developing international statistical services and promoting development of national statistics. It also coordinates the statistical work of specialised agencies of the UN and advises on general questions relating to the collection, analysis and dissemination of statistical information. The Commission meets biennially, usually in New York.

UN Commission on Crime Prevention and Criminal Justice – Election of Australia

The following is extracted from an item which appeared on 13 March 1992 in the Department of Foreign Affairs and Trade publication *Backgrounder* (Vol 3 No 4, p 6):

Australia has been elected to a new United Nations Commission formed to target organised crime operating across international boundaries.

In a joint statement issued on 7 February, the Australian Attorney-General, Mr Michael Duffy, and the Acting Minister for Foreign Affairs and Trade, Dr Neal Blewett, said the United Nations Commission on Crime Prevention and Criminal Justice would seek to ensure that organised crime could not exploit the differences between different legal systems. The Commission, consisting of 40 member states, will assume responsibility for the development and implementation of the UN crime prevention system. It will target both developing and developed countries and provide technical and professional assistance when requested. ...

Mr Duffy said that in recent years, in part because of Australian initiatives, the UN had paid greater attention to organised crime. This had resulted in the adoption, at the Eighth UN Crime Congress in 1990, of model extradition and mutual assistance treaties. The same meeting also had recommended the overhaul of the UN program and its administering body.

United Nations – Role and future

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.

I have today sought to give some substance, not just rhetorical support, to the proposition that the changed conditions of the post-Cold War world do call for

new responses from the United Nations. The Secretary-General has shown us some new directions in his *Agenda for Peace*. What is needed now is action.

In nearly all cases no major new international machinery is called for or necessary, because the machinery is already there in the Charter – rusty, in some cases, but still serviceable. What is needed, however, in virtually every case is the lubrication of adequate financing and re-structuring within the UN system to meet the increasing demands being made on it. One of the really fundamental tasks we need to move forward at this session is continuation of the process of UN reform.

There is no single, or simple, enemy to peace in the contemporary world. The appalling situation in Somalia, and the looming crises in Mozambique and Sudan, are demonstrations – if any are needed – that problems do not come in neatly defined packages. The Somalian situation involves, simultaneously, humanitarian assistance, peace-keeping and political negotiation, with no one of these elements being capable of delivery in isolation. The UN is now organising itself in Somalia to deliver these elements in an integrated way, although it has been a difficult and protracted process to get to this point. The task for the UN in the future is to learn from this experience and devote the necessary resources to achieving this kind of coordination between humanitarian and political strategies that is going to be increasingly necessary in the future if durable solutions are to be found to many real world problems.

More and more attention is going to focus, as indeed it has already in this General Debate, on the role and representativeness of the Security Council itself. As President Suharto said last week, speaking in this respect on behalf of the whole Non-Aligned Movement, the post-Cold War world is not the world as it was after World War II. Our guiding light should continue to be the present terms of the Charter. But it should be within our collective capacity to work out the changes in the composition and methods of decision of the Security Council that will ensure it can both fulfil its duty and command overwhelming consensus for its decisions in the years ahead.

On 11 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 2752):

As honourable senators will no doubt be aware, the UN will be celebrating its fiftieth anniversary in 1995. The UN has recently established a preparatory committee to oversee all the arrangements for that anniversary, and I am very pleased to advise the Senate that Australia's permanent representative to the UN, Ambassador Richard Butler, was elected unanimously to chair that preparatory committee for the fiftieth anniversary. That does reflect very highly not only on Australia's standing but on Ambassador Butler's personal standing in the United Nations as well as, of course, continuing the fine tradition that Australia has established in terms of its commitment to the UN, going all the way back to Doc Evatt in 1945.

I think it is worth making the point that the fiftieth anniversary will not just be an occasion for celebrations – although it will certainly be that – but will provide a major focus for progress on key issues affecting the efficiency of the organisation, including placing the UN on a more secure financial footing; restructuring the membership and operation of the Security Council so that it

does more accurately reflect present global power realities – not those of the post-World War II era; and ensuring that it is better able to avert human tragedies, such as those we have seen this year in Somalia and the Balkans.

It is clear that the UN, certainly in Australia's judgment, is going to have to develop a very considered rethinking of its position in the whole peace and security area, not only in terms of creating a capacity, where necessary, for collective intervention in extreme cases, not only for creating a more effective capacity for providing collective assistance by way of peacekeeping and so on for the many situations that, unhappily, are likely to arise in the future, but also – and this has been a particular Australian preoccupation – creating a better preventive capacity through the measures in the area of preventive diplomacy, or so-called peace-making, through an intensified effort on arms control and disarmament issues and also through much more concerted international action on non-military threats to security, such as famine, poverty, natural disasters and environmental degradation.

United Nations General Assembly – 47th Regular Session – Outcomes for Australia

On 23 December 1992 the Minister for Foreign Affairs and Trade, Senator Gareth Evans, issued a news release which is reproduced in part below. Further references to "preventive diplomacy" may be found in this volume (see Chapter XIV pp 635–38), to the Commission on Sustainable Development, and to Australian involvement in the resolution concerning a draft statute for an International Criminal Court (see Chapter IX pp 497–99).

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." ...

"One of the other most important outcomes of UNGA 47 was the creation of the Commission on Sustainable Development which was called for by the United Nations Conference on Environment and Development held in Rio last June", Senator Evans said. "The Commission, which will meet for the first time in New York in 1993, will have 53 members representing all geographic regions and Australia is a candidate for election to the Commission." ...

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.

Another major development, in which Australia was instrumental, was the adoption by consensus of a resolution which requests the International Law Commission to begin drafting a statute for an International Criminal Court.

"Expectations of the United Nations system are now immense, and the recent session demonstrated that there is a collective will to meet such challenges", Senator Evans said. "Australia played an active and very constructive role in advancing this process."

United Nations Industrial Development Organisation – Application by Australia of the 1947 UN Convention on the Privileges and Immunities of the Specialized Agencies

On 25 June 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 184, p 4093). The question and answer were as follows:

(Q) Further to the answers to questions No 978 (*Hansard*, 9 October 1991, p 1632) and No 1551 (*Hansard*, 27 May 1992, p 3023), when will Australia apply to the United Nations Industrial Development Organization (UNIDO) the 1947 UN Convention on the Privileges and Immunities of the Specialized Agencies?

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

(A) By virtue of its status as a UN Specialized Agency, the United Nations Industrial Development Organization (UNIDO) was recognised by the Specialized Agencies (Privileges and Immunities) Regulations of 1986 to be a "declared international organization" to which the International Organizations (Privileges and Immunities) Act 1963 applied. Consequently, UNIDO and its high officers were granted various privileges and immunities in accordance with the terms of that Act and UNIDO was thereby effectively granted such privileges and immunities as were required under the 1947 Convention on the Privileges and Immunities of the Specialized Agencies.

Following Australia's withdrawal from UNIDO on 31 December 1988, UNIDO's status as a Specialized Agency was consequently terminated by a 1989 amendment to the Specialized Agencies (Privileges and Immunities) Regulations.

With Australia's subsequent accession to UNIDO on 1 January 1992, UNIDO and its high officers are again entitled to those privileges and immunities which they had previously enjoyed before 1989 pursuant to the International Organizations (Privileges and Immunities) Act 1963 and the Specialized Agencies (Privileges and Immunities) Regulations of 1986.

Therefore, new regulations amending the Specialized Agencies (Privileges and Immunities) Regulations of 1986, reinstating UNIDO's status as a Specialized Agency, are being drafted for approval by the Federal Executive Council. Upon gazettal of these regulations, UNIDO shall enjoy such

privileges and immunities as Australia grants to all other UN Specialized Agencies (and which UNIDO had enjoyed before 1989).

[The Specialized Agencies (Privileges and Immunities) Regulations (Statutory Rules 1992 No 238) were notified in the *Commonwealth of Australia Gazette* on 29 July 1992 and commenced upon gazettal.]

Convention on the Law of Treaties between States and International Organisations or between International Organisations – Proposed Australian Accession

On 7 October 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 186, p 1681). The question and answer were as follows:

(Q1) Was Australia represented at a UN conference, which on 21 March 1986, adopted the Vienna Convention on the Law of Treaties between States and International Organisations or between International Organisations?

(Q2) Was Australia among the 127 States which voted in the UN General Assembly on 3 December 1986 in favour of a resolution expressing the hope that States would consider taking the steps necessary to become parties to the Convention at an early date?

(Q3) Which States have become a party to the Convention and on what date did each become a party?

(Q4) Further to the answer to question No 112 (*Hansard*, 2 November 1987, p 1869), is the question of possible Australian accession still being considered?

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

(A1) Yes.

(A2) Yes.

(A3) ... Eighteen States have ratified or acceded to the Convention on the dates specified; the Convention will enter into force following the deposit of the thirty-fifth instrument of ratification or accession... [The eighteen States were then listed with date of each ratification or accession.]

(A4) The Government has decided to become party to the Convention and is completing the constitutional procedures necessary prior to accession.

[Australia's instrument of accession to the Convention was deposited on 16 June 1993.]

Australian membership of international organisations – Intergovernmental Council of Copper Exporting Countries – International Bauxite Association – Australian withdrawal

On 26 March 1992 the Minister for Resources, Mr Griffiths, answered a question upon notice from Mr Langmore (HR Deb 1992, Vol 182, p 1331). The question and answer were as follows:

(Q) Why did Australia withdraw from the (a) Intergovernmental Council of Copper Exporting Countries and (b) International Bauxite Association?

The answer to the honourable member's question is as follows:

(A) Australia's withdrawal from the Intergovernmental Council of Copper Exporting Countries (CIPEC) in 1986 followed a review which found, in essence, that the costs of our membership (A\$217,000 that year) far exceeded the benefits.

Australia produces only a small volume of copper (around 3 per cent of world production) and thus our ability to influence the market and/or the organisation was limited. Moreover, the cost of membership of CIPEC was increasing disproportionately in relation to the benefits. Given this, and the fact that there were no foreign relations considerations which would justify our continued participation despite the costs, Australia withdrew its membership.

Contacts with other copper producing countries have, however, been maintained through our aid and other policies.

The decision in respect of Australia's withdrawal from the International Bauxite Association (IBA) was also based on cost/benefit considerations.

In 1991, a review conducted by my Department, in consultation with the Department of Foreign Affairs and Trade, concluded that membership of the IBA was not cost-effective – the costs of membership far outweighed the benefits; the organisation comprised producer members only and thus consumer views were not adequately represented; there were no compelling foreign policy considerations which would justify continued participation; and industry did not support continued membership. In reaching this conclusion, it was noted that notwithstanding budget cuts in 1986–88 (largely initiated by Australia), the IBA budget had increased 21 per cent in 1989–91 in US dollar terms, resulting in a 50 per cent increase in Australia's contributions to A\$388,000.

I therefore wrote to other IBA member governments in September 1991 advising that Australia had decided to withdraw from the Association. In accordance with the rules of the Association, this will take effect from October 1992.

Australia is the world's largest bauxite and alumina producer and the fourth largest aluminium producer. The industry is an important source of employment and export income. Accordingly, in publicly announcing the decision on 12 November 1991, I noted our continuing interest in developments in this industry and said that Australia remains willing to consider, with other countries, cost-effective ways of ensuring continued co-operation and information exchange. Australian officials are actively participating in the search for ways to continue dialogue on the bauxite/alumina/ aluminium industry.

Forum Fisheries Agency – Role and membership

See Chapter VI pp 447–48 of this volume for information on the Forum Fisheries Agency.

World Heritage Committee meetings – Australian representation

On 25 February 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 182, p 150). The question and answer were as follows:

(Q1) When Australia was a member State of the World Heritage Committee did it attend the first 12 ordinary sessions and the first extraordinary session of the committee?

(Q2) When Australia was no longer a member State of the committee was it represented by an observer (a) at the 13th ordinary session of the committee in December 1989 but not (b) at the 14th ordinary session in December 1990?

(Q3) Will Australia be represented by an observer at the 15th ordinary session of the committee in December 1991?

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

(A1) Australia attended the first 12 ordinary sessions of the World Heritage Committee and the first extraordinary session of the Committee.

(A2)(a) Australia was represented by an observer at the 13th ordinary session of the Committee in December 1989. (b) Australia was not represented at the 14th ordinary session of the committee in December 1990.

(A3) Australia will be represented by an observer at the 15th ordinary session of the committee in December 1991.

United Nations Security Council – Australian support for Japanese permanent membership of UNSC and role in UN peacekeeping

In the course of a Ministerial Statement concerning his visit to Japan, Singapore and Cambodia the Prime Minister, Mr Paul Keating, said on 13 October 1992 (HR Deb 1992, Vol 186, p 2002):

I affirmed Australian support for Japan's permanent membership of the United Nations Security Council so that the world body can better reflect changed world circumstances. I welcomed Japan's decision to participate in United Nations peacekeeping operations and the opportunity this provides for our military and civilian personnel to work together in support of the Cambodia peace process.

United Nations Conference on Environment and Development – Institutions with environmental role

See Chapter XIII pp 606–07 of this volume.