

HUMAN RIGHTS AND AUSTRALIAN FOREIGN POLICY

Keynote address by Senator Gareth Evans, Minister for Foreign Affairs and Trade, to the National Annual General Meeting of Amnesty International Australia, Sydney, 19 May 1989.

Since its foundation in 1961 Amnesty International has been one of the pre-eminent voices of compassion and conscience in defence of fundamental human rights. Your concern has always been, first and foremost, with the victims of human rights abuses. You have been effective because you have remained credible as an organisation genuinely committed to the view that, if human rights are to mean anything, they must be universally observed. As a Government we share that view, just as we share Amnesty International's focus on achieving results in individual cases.

Amnesty International has served another very important role. You have been diligent in reminding Governments throughout the world of their duties and obligations in the field of human rights. The Hawke Government has welcomed this scrutiny. We value the contribution that Amnesty International - and other non-government organisations like the Australian Council of Churches, the Australian Catholic Social Justice Council. The Australian Council for Overseas Aid, the Human Rights Council of Australia, - make to the Government's understanding of human rights issues. Indeed, I see my speech to you today as part of an ongoing dialogue: an opportunity to talk to you, and to the Australian community, about the place of human rights in Australian foreign policy, focus in the process not only on what the Government is doing, and why, in the international arena to advance the cause of human rights, but also on how we are going about it and on what the results have been.

I also want to place these efforts in the wider context of the palpable improvement over the last few years in the international climate within which human rights issues are discussed. In large part this improvement flows from the relaxation of East-West tensions. Today, international discussions on human rights are less combative and much less distracted by proxy East-West conflicts. Significant differences remain along North/South and also religious lines but the intrusion of extraneous ideological issues is less now than it was a few years ago.

There is also a growing acceptance that human rights constitutes a valid subject for international dialogue, both bilaterally and multilaterally; and associated with that, a recognition that the old charge of interference in domestic affairs is no longer a credible excuse for avoiding legitimate international scrutiny. This is part of a wider trend towards

globalism in international affairs and it reflects a growing and constructive awareness of the interdependence of nations.

Before going into what we are doing on human rights, let me say something about why we are doing it. In looking at the "why" of human rights, there is sometimes a danger of missing the wood for the trees. Debates about the politics of the warm inner glow, or about the role of domestic pressures on foreign policy formulation, can obscure the simple fact that the primary objective of human rights policy is to improve the human rights situation on the ground. The Government's fundamental concern is with individuals and groups of individuals denied their basic rights. We have a human rights policy because we believe that we have a moral obligation to help ensure that universal rights are universally observed. And we do not believe that this moral obligation requires further justification

This is not to suggest that the moral imperative is the only strand in human rights policy. I have noted elsewhere that the Government's human rights policy involves an extension into our foreign relations of the basic values of the Australian community: values which are at the core of our sense of self and which a democratic community expects its Government to pursue.

My earlier reference to human rights knowing no boundaries was not just a rhetorical flourish. The historical record clearly shows that a right not defended is a right easily lost. It is not necessary to accept the view that no one is free until everyone is free, in order to understand that by embracing the cause of those who have been denied their rights, we also strengthen the position of those fortunate enough to enjoy their rights.

So there are elements of self-interest in our human rights policy, which is another way of saying that direct Australian interests are advanced by our activist stance on human rights. I will return to the growing role of enlightened self-interest, particularly economic self-interest, in securing human rights advances. But the point I want to emphasise here, in the context of the "why" of Australia's human rights policy, is that an international reputation as a good international citizen on human rights issues can be helpful to us in pursuing our other international interests, including commercial ones. And in the longer term, the evolution of just and tolerant societies brings its own international returns: in higher standards of international behaviour, and in the contribution that internal stability makes to international stability and peace.

The Government's human rights agenda covers both bilateral and multilateral efforts. In the multilateral field, our objective is threefold: to encourage adherence to existing human rights instruments; to ensure the effective operation of monitoring machinery; and to expand the body of human rights treaties in specific areas.

We use our participation in multilateral fora, like the Commission on Human Rights and

the Third Committee of the United Nations General Assembly, to lend support to the foundation stones of international human rights standards: the Universal Declaration of Human Rights, the Covenant on Civil and Political Rights, the Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination Against Women, the Declaration of the Rights of the Child, and Convention 111 of the International Labour Organisation covering discrimination in employment. Australia is a party to all these treaties and we encourage countries that have not yet ratified them, to do so.

We take seriously our obligations to report to the international community on our implementation of these agreements. The machinery for monitoring adherence to international human rights agreements serves not only to verify that commitments are being kept, it also has an important role in establishing the principle that nations are accountable for their human rights performance. Certainly, in our national reports, we seek to meet the highest standards of international accountability.

The same is true for the special investigative machinery that operates under the auspices of the Commission on Human Rights. The appointment of Rapporteurs to investigate alleged human rights violations in particular countries is a means of bringing these violations to the attention of the international community. If the country concerned is prepared to cooperate - and we believe there is an obligation upon all governments to do so - the institution of the Rapporteur can also help to open up a constructive dialogue on the scope of the problem and on steps to improve the situation. Similarly, the appointment of Special Rapporteurs to investigate broader issues like torture or arbitrary and summary executions can sometimes serve as catalysts for concerted international action in these areas. In human rights, no less than in engineering, effective machinery is often the key to success.

As well as consolidating existing standards and structures, Australian human rights policy also seeks to expand them. We accord particular priority to securing the adoption of a second optional protocol on the abolition of capital punishment to the International Convention on Civil and Political Rights. We are not only active at the multilateral level on the issue of capital punishment, we also raise it bilaterally, for example as part of our representations to the United States, Malaysia and China. I know that the abolition of the death penalty is also a major item in Amnesty International's agenda. We see it as a recognition of Australia's leading role on this matter that Amnesty International has chosen Australia as the country in which to launch your global campaign for the abolition of the death penalty.

Australia has also been active in the UN in the negotiations on new international instruments to cover the rights of the child, the rights of human rights defenders and the rights of migrant workers. We have supported calls for the development of a set of

international standards on the rights of indigenous populations, and have been active in the review of ILO Convention 107 on Indigenous and Tribal Populations. Australia has already indicated its intention to ratify the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. And we have affirmed our support for the practical measures for the prevention of torture recommended by the UN's Special Rapporteur on Torture, including the banning of incommunicado detention. Australia also shares Amnesty International's concern to publicise more widely the activities of the UN on human rights. After all, in order to exercise your rights you must know them.

In terms of bilateral human rights representations, Australia probably raises more individual cases than any country in the world. In the past twelve months alone, Australia has raised over 400 human rights cases with 68 different countries. These representations covered both the plight of particular individuals and situations of widespread and systematic abuse. Three quarters of the cases were brought to the Government's attention by the Amnesty International Parliamentary Group which includes Senators and Members of the House of Representatives drawn from all political parties. It is a measure of the credibility of the AIPG, and its standing as a barometer of Australian community values, that the Government associates itself in this unique way with the concerns and activities of the Group.

There are several features of our approach to bilateral human rights representations which ought to be noted.

First, and most important, the representations are consistent and non-discriminatory. We do not cut our human rights representations to suit the cloth of bilateral political or commercial relations. Among the countries we have approached on human rights issues are close allies (the United States), important trading partners (China, Iran) and regional neighbours (Indonesia, Malaysia, the Philippines, Fiji). Ours is not a selective approach.

Secondly, we pay close attention to getting our facts right. Whether our representations cover refuseniks in the Soviet Union, Ba'hais in Iran, Tamils in Sri Lanka, dissident groups in Czechoslovakia or East Timorese in Indonesia, we seek to make them on the basis of the best available information. Australian Missions overseas are an important source of information, as are reports from credible human rights organisations like Amnesty International. And where the situation is confused or our information is deficient, we will often seek clarification or additional information from the Government concerned. The majority of our representations do not start by accusing the government in question of responsibility for the alleged violation. Rather it is a matter of seeking clarification on a credible report which, if correct, would be a cause for concern.

Thirdly, our concerns are firmly based on standards and rights which the international community accepts as having universal application, and which are an obligation under the

UN charter. I recognise that many of the intellectual assumptions underlying current human rights standards are of European origin. And that much of the friction and misunderstanding which sometimes characterise international debates on human rights reflect the differences between a liberal democracy, on the one hand, and countries where individual rights have no strong foundation in the national culture, on the other.

It is obviously important to appreciate the cultural and social context from which other nations assess questions of individual rights, although there is a big difference between understanding and endorsing. If we judge that certain rights are fundamental and universal, then there is an obligation on us to defend those rights. After all, we are not dealing here with rights that exist only within a particular cultural context, but with rights which are enshrined in the Universal Declaration of Human Rights and in widely ratified, legally-binding Covenants and Conventions. There is no culture that does not value human dignity and no country which seriously suggests that the Universal Declaration does not apply to it. We do the victims of injustice no good to dress their tormentors in the respectable garb of cultural relativism.

The fourth and final feature of our bilateral representations is that we do not shrink from having the tables turned. Some countries to which we make representations have reacted with accusations that Australia is itself a human rights violator, most notably with regard to the treatment of Australian aboriginal and Islander people. In such circumstances, we readily admit the past wrongs done to the aboriginal people and acknowledge that much more remains to be done before aboriginal Australians can be truly said to be equal participants in the Australian community. At the same time, we point to measures now being taken to redress the situation. Indeed, we have found that our willingness to discuss the plight of aboriginal Australians becomes a useful step towards a dialogue on the position of minority groups in other countries.

These four features - consistency, attention to detail, a focus on universal rights, and a willingness to respond to criticisms directed at us - combine to give Australia's human rights policy a basic credibility. And, as Amnesty International has understood from the beginning, nothing is more crucial to an effective human rights policy than credibility.

None of this is to suggest that Australia's human rights policy is the uncomplicated application of high principle irrespective of the consequences. There are obviously occasions when we have to make choices about how best to handle a human rights issue in order to be effective and protect our national interests at the same time. Human rights policies tend to be long term policies but with careful handling they need not conflict with the short term needs of other policies to achieve political, defence, trade, investment, tourism or other objectives.

At all times we have to take into account our special national interests when deciding how

best to approach a particular human rights case. That is part of the responsibility of governing. But we never retreat from our commitment to do something. Our record bears this out.

Australia is not one of those countries that dumps its human rights concerns in the face of commercial opportunity. A case in point was our decision to make available an Australian expert to take part in the UN investigation into allegations, subsequently proven, of Iraqi use of chemical weapons against Iran. Several other countries which were approached declined, in large part out of concern for their intensive commercial relations with Iraq. We participated, notwithstanding our own significant trade links with Iraq.

All efforts in support of human rights entail fine judgements about how best to achieve results - which is the yardstick by which our endeavours must ultimately be measured. We must make a judgement, for example, about how public our efforts should be. There are occasions when measured public criticism of oppressive regimes has its place. The recent election fraud in Panama and the situation in South Africa are good examples. But more often, repeated quiet entreaties, grinding away at an administration are more effective.

What is clear is that grandstanding is counterproductive. At best it draws attention to an issue but with virtually no prospect of achieving improvements. At worst, it can lead to a hardening of attitudes and even to the execution of the victims. Examples of the latter unfortunately include some ill-judged public comments by some western governments on the human rights plight of particular individuals in Iran and Ethiopia.

Judgements are also required on the difficult question of what actions, additional to representations and humanitarian appeals, ought to be pursued in support of our human rights policy. For instance, if we are considering placing a trade embargo against a country, we must first ask ourselves what will be achieved by that embargo. In most cases we have come to the view that trade embargos or other punitive measures are not an effective way to bring about human rights reforms. They tend to be very blunt instruments. In many instances the capacity to influence events is greater the more diverse the bilateral relationship is. This was certainly our assessment in relation to Fiji. South Africa is an exception, because apartheid is so far beyond the moral pale, because there are very few other avenues of persuasion, and because, in the view of the Australian Government, mandatory economic sanctions would be effective.

I would like to think that on these various matters of judgement and approach Australia has made the right calls. We can certainly point to some results. Of the over 400 bilateral cases that I have referred to, we have received responses to 25 per cent of them. It is difficult to precisely assess success rates, but we calculate that in the past six months there has been some form of positive result in at least 14 per cent of cases. This includes, for example, advice that a detainee has been released, or an assurance that steps are being

taken to ensure the human rights of an individual are being protected.

Specific examples of successful Australian representations include the release from the Soviet Union of almost 30 refuseniks as a result of a continuing process of cooperative discussions and representations which commenced with the meeting between the Prime Minister and Mr Gorbachev in Moscow in 1987. In Vietnam Australian officials have been able to develop a very constructive dialogue on human rights and this has produced important results such as the commutation of death sentences against two Buddhist monks last year. During my own visit to Vietnam this year I expressed concern about the situation of Catholic Archbishop Thuan who had been under various forms of detention since 1975. I asked whether he could be allowed to come to Australia for a visit. Shortly after my departure Archbishop Thuan was issued a passport and permitted to visit Australia, Rome and the Philippines.

We have also been successful in helping to reduce the severity of human rights abuses in Fiji after the coups. Following Australian representations detained University lecturer Som Prakash was released and is now living in Australia. Moreover, the Internal Security Decree under which he was detained without trial has since been suspended.

Australian representations in Malaysia have supported the release from detention of the leader of the Parliamentary opposition and some 105 other prominent citizens held without trial following a wave of arrests in October 1987 which the Malaysian Government said were necessary to calm communal tensions.

In South Africa, Australia was prominent amongst the group of countries which successfully urged the South African Government to commute death sentences against the Sharpeville Six.

There are, of course, many more success stories, mostly cases which do not attract publicity, such as the release from prison in El Salvador of the pastor of the Baptist church where Archbishop Oscar Romero was assassinated. And in an unknown proportion of cases our representations may achieve results of which we are never officially informed. Evidence of this comes from occasional and unexpected letters of thanks from individuals overseas who have apparently benefited from Australian representations which never received any official response.

Significantly, we have been able to pursue all these cases without any adverse impact on other areas of our bilateral relations. Certainly, bilateral human rights representations have met with resistance and sometimes hostility on the part of individual interlocutors, especially when the country concerned is not accustomed to receiving human rights representations. But despite such reactions by individual officials, there has been no identifiable instance where a country has retaliated in economic or other unrelated areas to

human rights criticisms. Indeed, in some cases, such as the Philippines, Burma, Turkey and Vietnam, initial hostility has been followed by real cooperation on individual cases. And in other cases (like Brazil and China) we have been able to establish a dialogue on human rights issues which is quite unique.

We do not claim sole credit for these successes. Many of the individual cases were also the subject of representations by other countries. This is as it should be because respect for human rights ought to be an international concern.

Our efforts have also been assisted by the improvements, to which I have already referred, in the general climate of international human rights discussions. The most dramatic changes in human rights performance have taken place in the Soviet Union and other east bloc countries such as Hungary and Poland. But there have also been improvements outside Eastern Europe, for example in Chile and Vietnam. And still other governments like the Philippines and Mexico are making genuine attempts to institute changes.

The changing face of international consultations on human rights also reflects the way in which economic imperatives are driving and transforming national agendas. We are witnessing everywhere, and most dramatically in centrally planned economies, the ascendancy of pragmatism in economic planning. One consequence of this is a growing understanding of the link between respect for human rights and economic growth.

This link is not a simple equation between growth in human rights and economic growth. But it is nevertheless true that systems which greatly inhibit freedoms of expression and association are also likely to impede economic performance by restricting economic decision making and the mobility of resources such as capital and labour to areas of the economy where they can most effectively be used. The same is true of systems which discriminate against their citizens on the basis of sex, race or religion. Put simply, the freeing up of political institutions and economic and social controls is, arguably, essential to successful modern economies which place a premium on adaptability, free flows of information, dissent and debate, unfettered scientific research and technological change.

It is sometimes argued that human rights is a luxury which developing countries, struggling to meet the basic needs of their people, can ill afford. Australia does not accept that there is a conflict between development and human rights or that one can be traded off against the other. Developed countries have an obligation to assist developing countries meet the economic needs of their people. But it is a distortion of both values and priorities to suggest that the right to human dignity is somehow less important to the individual than the right to a decent standard of living. We firmly believe that civil, political, economic, social and cultural rights are indivisible.

There is a further and important dimension to the relationship between economic

development and human rights. And that is that human rights abuses are bad for business investment. Finance is today more internationalised than ever and attracting foreign business investment is crucial to the economic development of many countries. Countries which systematically abuse human rights at home are unlikely to be seen by the international financial community as offering a stable environment for long term investment. They are not good lending risks which is one reason why such countries care increasingly about their international image and seek energetically to avoid or rebut criticisms of their human rights record.

So, for a variety of reasons - increasing globalism, decreasing east-west hostility, economic self-interest, enlightened or otherwise - there is some basis for optimism. We are still a long way from that advent, foreshadowed in the preamble to the Universal Declaration of Human Rights, of a world in which all human beings shall enjoy freedom of speech and belief and freedom from fear and want. But if the quest is a long one, perhaps a never ending one, we should not lose sight of the progress that has been made. In the forty years since the Universal Declaration was penned we have seen its high ideals accepted as fundamental truths by the majority of the world's governments. And from that base, the international community has gone on to forge other weapons - other standard setting instruments - which reinforce that irrefutable assertion set out in the first article of the Universal Declaration: that all human beings are born free and equal in dignity and rights.

Successive Australian Governments have played an honourable part in this process. The Hawke Government is committed to keeping Australia at the forefront of international efforts to safeguard human rights. The duties of good international citizenship is and will remain a high priority of our foreign policy, because we take seriously our obligations to guarantee human rights at home and defend them abroad.

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