

HUMAN RIGHTS AND AUSTRALIAN FOREIGN POLICY

Address by Senator Gareth Evans, Minister for Foreign Affairs and Trade, to the Amnesty International Parliamentary Group, 1 June 1989.

I want at the outset to pay tribute to the work of the Amnesty International Parliamentary Group (AIPG) and the important role which it plays in the implementation of the Government's human rights policy. Three quarters of the more than 400 human rights representations which the Government raised last year were brought to the Government's attention by AIPG. 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.

We think the arrangement works well, and I think other governments that share our views on the importance of human rights will be interested in how it has performed and what it has achieved. Obviously, we do not want to be seen on the international stage to be crowing about our efforts, or generally giving advice of the egg sucking variety. But there is, I think, scope for us gently to urge other governments to look at the merits of the arrangement, and during my forthcoming visit to Western Europe and Scandinavia, I intend to pass on to my counterparts my views on this. Talking to other governments is, of course, only one part of the process. Australian Parliamentarians also need to pursue the idea with their counterparts; to urge them to set up similar organisations; and to continue your efforts to have associations like the Commonwealth Parliamentary Association involved in human rights issues.

In discussing tonight the place of human rights in Australian foreign policy and in giving you what is, in effect, an abbreviated version of the major speech I made on this subject at the National Amnesty Annual General Meeting on 19 May, I want to focus on what the Government is doing in the international arena to advance the cause of human rights; how we go about it; and what the results have been.

The general point worth making as a prelude to all that is that in developing and implementing any international human rights strategy, it is crucial that we keep a clear head and do not lose sight of basic objectives. Whether one is driven by a sense of moral imperative or anything else, what matters is ensuring that human rights are observed: it's not making the gesture or feeling the warm inner glow that counts, but getting results, improving the human rights situation on the ground for individuals and groups. The need to ensure that our activities are productive and not counterproductive for the people we are trying to help is a constant theme of Australian human rights policy in action, and one to

which I will return later.

What the Government is doing. 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 forums, like the Commission on Human Rights and the Third Committee of the United Nations General Assembly, to lend support to the various Conventions and Declarations that are 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, but 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. The second optional protocol has progressed

with Australian support through both the Commission on Human Rights earlier this year and only last week through the UN Economic and Social Council; it will be considered for possible adoption at the next UN General Assembly. 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. The abolition of the death penalty is of course a major item in Amnesty International's agenda and 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 its global campaign for the abolition of the death penalty.

In terms of bilateral human rights representations, Australia probably raises more individual cases than any country in the world. As I noted at the start, 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 - and, as I have said, three quarters of these cases were brought to our attention by AIPG.

The methodology of human rights representations. Bearing in mind the force of the point I made earlier about the need for human rights activities to be results oriented, there are several features of our approach to bilateral human rights representations, which have I think been helpful in getting Australian representations taken seriously.

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, as I explained at the outset, on standards and rights which the international community accepts as having universal application, and which are an obligation under the UN charter and other international instruments. In some very

limited respects - most notably in relation to the death penalty - we go a little further than rights presently acknowledged as such in the UN or related instruments, but do so on the basis that there is broadly evident cross-cultural support for the claim of right in question, and that it is only a matter of time before it gains full international recognition.

Having said all that, one has to recognise that many of the intellectual assumptions underlying current international civil and political 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, overwhelmingly, 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.

The characteristics I have mentioned also combine, importantly, to minimise - if not entirely remove - the danger of hostile backlash when we make human rights representations. In making such representations, whether at Ministerial or officials level, it

is extremely helpful to be able to make the point that the country in question is not being singled out, that we are trying to apply universal values consistently, repeatedly and without double standards.

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. With careful handling, human rights policies 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 particular 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. The choice is not about whether to act, but how to act, and our record bears this out.

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 can be very 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 - as happened not so long ago with ill-judged public comments by some western governments on the human rights plight of particular individuals in Iran and Ethiopia - execution of the victims.

Punitive measures. 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.

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 - and particularly financial sanctions, on which we are continuing to devote a great deal of analytical and inter-governmental effort

- would be effective.

Another important question is the relationship between aid and human rights. This issue was addressed in some detail, although not entirely consistently, in two recent reports by the Parliamentary Joint Committee on Foreign Affairs Defence and Trade - on Australia's Aid Program, and on Australia's Relations with the South Pacific respectively. Aid has an obviously important role to play in improving human rights in the broadest sense of the term, i.e. when economic, social and cultural values and interests are taken into account. And human rights considerations ought to be taken into account when formulating aid programs, not least in determining how effective aid delivery is likely to be in the country in question, given prevailing political, social and economic conditions. But experience has shown that it is not especially helpful to try to directly link - as some advocate - the level of Australian aid to the recipient's human rights performance in any obvious carrot and stick fashion.

We should never lose sight of the fundamental point that our primary objective in both aid policy and human rights policy is to improve the situation on the ground for the ordinary citizen. There are occasions - such as in Fiji after the coups and in Burma - when a temporary suspension of aid, in tandem with other strategies, can be used to signal concerns about human rights abuses. In my view, the only way one can approach these delicate and complex situations is not by trying to lay down ground rules in advance, but on a case by case basis - by an approach that takes into account all the circumstances of a particular situation, that does not serve to make the plight of ordinary people worse but, at the same time, takes advantage of opportunities as they arise to encourage recipient governments to desist from human rights abuses.

Results. 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, largely as a result of a continuing process of cooperative discussions and representations including 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, unmatched as far as we are aware in that country's relations with others, 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 - and presumably not entirely coincidentally - Archbishop Thuan was issued a passport and permitted to visit Australia, Rome and the Philippines.

We have also been successful, I think it can reasonably be claimed, 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, along with those from a number of other countries, 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.

Many success stories do not attract publicity, such as the release from prison in El Salvador of the pastor of the 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.

We do not claim sole credit for all 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.

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 and Turkey, initial hostility has been followed by real cooperation on individual cases. And in other cases (like Vietnam, Brazil, Peru and China) we have been able to establish a dialogue on human rights issues which is unique.

The changing international context. Our efforts have also been assisted by the improvements in the general climate of international human rights discussions. 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.

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 agenda. 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. Not only are human rights abuses bad for business investment, but 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.

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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