

UNITY

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

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to the United Nations

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Earlier editions of UNity 2004-2005 are on the UNAA website: www.unaa.org.au or e-mail the editor.

This is the final edition of UNity for 2005. Publication will resume later in January.

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The United Nations Information Centre will move from Sydney to Canberra, commencing operations from February 1, 2006. UNIC's Sydney office will close on Friday January 6, 2006. UNIC's address in the nation's capital, is **Level 1, 7 National Circuit, Barton ACT 2600**
UNIC's existing phone number will redirect calls to the new Canberra office.



[1] UK judgment in Hicks case heads to appeal

The British Government is considering an appeal against the granting of British citizenship to Australian David Hicks currently detained by the US in Guantanamo Bay awaiting trial before a US military commission on terrorism charges.

Mr Justice Collins ruled on December 13 that he was satisfied that there was no power in law to deprive the claimant, David Hicks, of his British citizenship and so he must be registered.

Mr Hicks's legal team [Michael Fordham, instructed by Bindman & Partners] lodged their claim some weeks ago on learning that his mother was English-born, and thus was able to pass on British citizenship by descent. Previously this had flowed from fathers and grandfathers; anti-discrimination laws now applied the same right for women.

The case was heard in the Queen's Bench Division of the British High Court between representatives of Mr Hicks (the claimant) and the UK Secretary of State for the Home Department (the defendant).

In his judgment, Justice Collins outlined Mr Hicks's situation. He says, "The claimant is an Australian citizen who is being held by the authorities of the United States of America at Guantanamo Bay. It is alleged that he has given active support to terrorists in that he has been involved with Al-Qaeda, has been guilty of attempted murder by fighting against American and other forces and has aided enemies of the USA, namely Al-Qaeda and the Taliban.

"He is due to be tried by a Military Commission. It was believed when this claim was instituted that preliminary hearings were due to take place on November 18, 2005, but on November 14 a District Judge of the District of Columbia ordered that there be a stay of the proceedings of the Military Commission pending the decision of the US Supreme Court in *Hamdan v Rumsfeld*, which involves a challenge to the lawfulness of the actions of the State against those at present held at Guantanamo Bay.

"Since the Supreme Court will not give judgment until some time next year, the immediate urgency of this claim has fallen away. Nonetheless, the claimant is held in what are no doubt far from pleasant conditions and it is desirable that this claim is dealt with as speedily as possible."

Justice Collins went on to say that other British citizens held by the US had been released and Mr Hicks wanted the same treatment if he could be registered as a British citizen. On their return to the UK no positive action in the form of prosecution or deprivation of their citizenship had been taken against them, although the allegations against some of them were very similar to those levelled against Mr Hicks.

He went on to say that the British Government accepts that the claimant [Hicks] meets the conditions which entitle him to be registered as a British citizen but asserts that he [the UK Minister] can refuse to register him on the ground of public policy. Alternatively, it is submitted that, if Mr Hicks must be registered, the Government can immediately make an order which deprives him of that citizenship, leaving it open to him to appeal against that order. The Minister can, it is said, deprive him of his citizenship because of his involvement with Al-Qaeda and his terrorist activities against the United Kingdom.

Mr Hicks's lawyers submitted that as a matter of law and on the true construction of the relevant statutory provisions it would not be open to the Minister to deprive him of his citizenship. Further, it is submitted that the Minister has not treated Mr Hicks fairly in that he has given him no proper opportunity either to know what is alleged against him or to answer such allegations and is proposing to treat him in a manner which discriminates against him and is inconsistent with the treatment of the British citizens who have been released from Guantanamo Bay and have not been deprived of their citizenship.



Justice Collins noted that the Government had indicated that if it had to grant citizenship it would immediately or in parallel make an order depriving Mr Hicks of the citizenship which he had just acquired. Or if this was regarded as impossible, the Minister would refuse to register the claimant on public policy grounds.

Justice Collins went on, "What evidence is available to support these allegations is unknown and the claimant denies that he was ever involved in any criminal or terrorist activities.

"The Australian government is not prepared to take any steps to prevent the claimant being detained at Guantanamo Bay or being tried by a Military Commission since it has said that it believed the system to be fair after representations made by it about the process had been addressed by the US government. It has accepted that the claimant could not be prosecuted in Australia for any offence under Australian law."

Justice Collins said the British Government had taken a somewhat different view, noting that the view of the Attorney General was that the Military Commissions as presently constituted would not provide the process which we would afford British Nationals.

He quoted the UK Attorney General's statement to the House of Lords in January as saying, in part, "... Some might say that it is the challenge of democracies today to meet the very important objectives of protecting citizens against potentially the most obvious outrages while at the same time defending the values that the Government continue to hold dear."

Justice Collins said, also, "My attention has been drawn to a report of the independent legal observer for the Law Council of Australia, Lex Lasry QC. He stated in September 2004 that he believed that a fair trial was virtually impossible for specific reasons, including the width of the charges, the lack of any proper appeal process, the absence of rules of evidence and the lack of independence of the Commission. Thus a miscarriage of justice was likely to occur. ..."

The judge noted that the [UK] Court of Appeal had expressed serious concerns about the process of detention at Guantanamo Bay, concluding that "in apparent contravention of fundamental principles recognised by both [the British and the US] jurisdictions and by international law, [a named man] is at present arbitrarily detained in a 'legal black-hole'.

"We have made clear our deep concern that, in apparent contravention of fundamental principles of law, [the man] may be subject to indefinite detention in territory over which the USA has exclusive control with no opportunity to challenge the legitimacy of his detention before any court or Tribunal."

Justice Collins said, "The Military Commission quite obviously does not provide the missing remedy and in any event it is itself an entirely unsatisfactory and potentially unjust means of trying and possibly ordering the very lengthy imprisonment of the claimant. Since *Hamdan v Rumsfeld* is now to be considered by the US Supreme Court, it may be that a trial before the Military Commission will be prohibited and any continued detention may be rendered unlawful. That, however, is at present a matter of speculation.

"It is clear that English law regards the detention and proposed trial of the claimant [Mr Hicks] to be contrary to the rule of law. It is equally clear from its statements and actions that the Government is of the same opinion. This is why it has negotiated the release of the nine British subjects. None of them has been charged with any offence in this country. At least three of them had dual nationality, but no steps have been taken to deprive any of them of their British nationality."



Justice Collins spent time on examining the grounds on which a citizen could be deprived of British citizenship traversing legislation from 1914 to the present day, noting that conduct pre-dating the granting of citizenship was not covered by the laws. He also commented on the ground of “disloyalty to the monarch”, as the monarch relates to the UK government.

He noted that such disloyalty “... must relate to a time when the person concerned owed some allegiance. While the paragraph refers to Her Majesty, it relates to Her Majesty in her capacity as representing the Government of the United Kingdom. Thus the fact that she is titular head of state of Australia is nothing to the point. Nor does the provision refer to disloyalty to or disaffection towards Her Majesty personally. ...”

Justice Collins added, “Since Parliament has not set down any precondition based on good character, it would be wrong to extend public policy to close what is now regarded as an unfortunate gap. The claimant [Mr Hicks] has not done anything wrong in order to establish the necessary conditions to be registered as a British citizen. The argument based on public policy cannot avail the defendant [the Minister].

On the UK Government’s argument that David Hicks had done things seriously prejudicial to the vital interests of the UK include extensive terrorist training in Pakistan and Afghanistan including training at an Al-Qaeda camp in Afghanistan; trained with known Islamic extremists in this camp, Justice Collins said, “These reasons are exiguous in the extreme and it is perhaps surprising that the defendant was not prepared at least to adopt (if he believed the allegations made to be true) the slightly fuller particulars given in the charges prepared by the US authorities. ...

“... I am satisfied that there is no power in law to deprive the claimant of his citizenship and so he must be registered.”

On the mechanics of administering the oath and pledge to be made by Mr Hicks before some official deputed to receive it, Justice Collins said, “If the US authorities refuse to allow this, the defendant [Minister] should consider using his powers to dispense with them at least for the time being and permit the claimant to make them at a later time. ...

“Once he is a British Citizen, he should be entitled to all assistance which can be given to a British citizen. There is no doubt that Her Majesty’s Government has discretion as to what assistance should be given (if any) in a given case. But in my view it would be improper to fail to give assistance which would otherwise have been given simply because the claimant was believed to be involved in terrorism and has not had any previous connection with this country. ...”

Text of judgment is at: <http://www.bailii.org/ew/cases/EWHC/Admin/2005/2818.html>

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[2] Hand-washing and hand-wringing in Australia

The Prime Minister, John Howard, commenting on the judgment in favour of David Hicks’s application for British citizenship, said, “Well that is a matter now between Mr Hicks and the British Government. It’s a matter for the British Government to decide what it’s going to do.

“Our view of Mr Hicks has not changed: the evidence is that he trained with Al Qaeda and after the terrorist attack on the 11th September he returned to Afghanistan. Our view has not altered; he cannot be tried in Australia for that behaviour because that behaviour did not represent a criminal offence under the laws of Australia at the time. We remain of the view that we had before

this decision and the decision has not altered our view. As to what the British Government does is a matter for the British Government. ...”.

The Leader of the Opposition, Kim Beazley commented, “Well it’s a bit embarrassing. The British have actually said to the Americans: ‘look I have no problem with you trying our citizens in your courts, no problem at all but we will not abide a military tribunal or something less than absolute justice.’

“Now, David Hicks is entitled procedurally to proper justice and the Australian Government should be insisting with the Americans, as the British do with the Americans, that when they have caught somebody, an Australian, up in their net in these activities, we’ve got no objection to people who have done wrong things, being properly tried. But *properly* tried is the operative word here.”

Democrats’ Attorney-Generals Spokesperson Senator Natasha Stott Despoja said the ruling had exposed the Australian Government’s neglect of citizen David Hicks.

“In contrast to our Government, the British Government has been outspoken in its condemnation of the military tribunal process, and has joined a number of other countries including Spain and France, in refusing to allow its citizens to be tried before the tribunals.

“The United Kingdom’s Attorney General, Lord Goldsmith, recently said that ‘the United Kingdom has been unable to accept that the US military tribunals ... offer sufficient guarantees of a fair trial in accordance with international standards’.

“It is a pity the Australian Government does not share the United Kingdom’s respect for international human rights law, in fact, our Government appears to have gone out of its way not only to avoid criticising the military tribunals, but to defend them.”

Opposition spokesman on foreign affairs, Kevin Rudd said, “The Howard Government’s handling of this case has been appalling from beginning to end. It is unprincipled and unacceptable that David Hicks, whatever his crimes may be, has been left to rot in Guantanamo Bay for so many years now. This individual should be given access to a fair trial. He has not been given access to a fair trial through the American Military Tribunals. Enough is enough.”

For more information, Prime Minister’s office (02) 6277 7700 website: www.pm.gov.au
Leader of the Opposition (02) 6277 4022 e-mail: Kim.Beazley.MP@aph.gov.au
Senator Natasha Stott Despoja (02) 6277 3200 or (08) 8232 7595
e-mail: senator.stottdespoja@aph.gov.au
Kevin Rudd (02) 6277 4941 e-mail: Kevin.Rudd.MP@aph.gov.au

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[3] US bars torture but bans evidence

US President Bush has accepted legislation passed by Congress to outlaw the use of torture by US citizens serving in any capacity overseas.

At the same time, Amnesty International says that the trial of US citizen Ahmed Abu Ali was flawed as it failed to consider evidence about torture in Saudi Arabia. Ahmed Abu Ali was convicted on November 22 of nine counts of conspiracy to commit acts of terrorism, including plotting with al-Qa’ida operatives to assassinate President Bush.

According to Amnesty International’s trial observation and court documents, the jury was not allowed to hear evidence supporting claims by Ahmed Abu Ali that his videotaped confession, on which the prosecution relied almost exclusively, had been obtained following torture in Saudi Arabia. Ahmed Abu Ali says that he was flogged and beaten by the Ministry of Interior’s General

Intelligence (al-Mabahith al-Amma) security service and forced to "confess" while held in prison in Saudi Arabia, with the apparent knowledge of US officials. Amnesty International observed the trial that took place in the US state of Virginia, from November 7 to 10.

For more information on AI Index: AMR 51/200/2005, access <http://amnesty-news.c.topica.com/maaejgeabmPEDbfE1obb/>

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[4] More 'willing coalitions' favoured in Defence policy

The government launched the report, *Australia's National Security: Defence Update 2005*, emphasising its anti-terror offensive, weapons of mass production and regional agreements to combat both, favouring coalitions-of-the-willing rather than multilateral action.

Speaking at Victoria Barracks, Sydney, on December 15, Defence Minister Senator Robert Hill said Defence was better prepared than ever before to respond to any threats, both in Australia and overseas.

Senator Hill said, "Defeating the threat of terrorism, countering the proliferation of weapons of mass destruction and supporting regional states in difficulty remain the Government's highest priorities.

"The *Update* builds on the previously released *Defence White Paper* and *Defence Update 2003* and highlights the longer-term trends associated with the impacts of globalisation and changing relationships between the major powers of our region."

The report's key conclusions are:

- Terrorism, the proliferation of weapons of mass destruction and the consequences of state fragility and failure remain the most immediate strategic challenges for Australia.
- The ADF needs to confront current international security issues such as terrorism in Iraq and Afghanistan whilst helping build capabilities in South East Asia.
- The ADF will continue to be called on to provide humanitarian assistance, disaster relief, civil emergency response, offshore evacuation and peacekeeping capabilities on an ongoing and often short-notice basis.
- Continuing strategic complexity and uncertainty means that Australia needs to build a balanced Defence Force that is versatile, robust, joint and integrated.
- Defence industry is critical to meeting the ADF's capability needs and the Government is committed to policies that will build an internationally competitive Defence industry to support, sustain and upgrade Defence assets.

"The current high demands placed on the ADF in responding to the present threats and meeting other responsibilities are likely to continue, and our military forces can expect to conduct concurrent deployments domestically, regionally and internationally in support of Australia's interests," Senator Hill said.

Initiatives include:

Reinforcing Australia's counter-terrorism efforts with changes to the *Defence Act* to strengthen the ADF's powers to help civil authorities during periods of national emergency.

Further tightening export controls to ensure that Australian materials and technologies do not contribute to WMD proliferation.



Engaging private sector partners for Defence to increase efficiencies in logistic support to operations.

In addition to large-scale equipment acquisitions, "The Army will also become more capable of sustaining its deployed forces with plans for about 1,500 additional new personnel, as well as re-focusing the Reserves to provide high readiness forces which will support operations."

The Australian Democrats welcomed the release of *Australia's National Security: A Defence Update 2005* but raised serious concerns regarding the Government's intention to actively encourage 'coalitions-of-the-willing' as a means of securing Australia's interests.

Defence spokesman Senator Bartlett said, "The report fleetingly notes the lack of confidence in international institutions to address 'collective security arrangements' without acknowledging that a key reason for this has undoubtedly been the emergence of these 'coalitions', and deliberate undermining of **United Nations** and multilateral international frameworks. ...

"Our foray into Iraq has been nothing short of a disaster for Australia and its 'coalition' partners. It has made every member of the coalition greater targets of terrorism, has diminished our standing in the international community, has done little to bring terrorist ringleaders to heel and has destabilised an already fragile region.

"Legitimate responses need to be channelled through the international bodies such as the United Nations to ensure an appropriate, legal and sustainable response. Making 'coalitions-of-the-willing' part of our defence strategy will cost a fortune and work against to achieve the Government's aim – and duty - of making 'Australia secure.'" Senator Bartlett concluded

For more information

Minister for Defence (02) 6277 7800 or 08 8237 7920 Department 02 6265 3343

www.defence.gov.au

Senator Bartlett (07) 3252 7101 e-mail: senator.bartlett@aph.gov.au

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[5] Sydney riots prompt soul searching

The Race Discrimination Commissioner, Tom Calma, expressed on December 13 his great concern at the riots on Sydney's Southern beach suburbs over the last few days.

"The nature and level of the violence and intimidation that was exhibited on the weekend and the subsequent retaliations demands immediate attention from government and the community," Mr Calma said.

"Mob violence and racial hatred do not spring up overnight and we need to closely examine the issues that lie behind these attacks. In the long term we need to break down the us/them mentality. That will require community and government leaders working concertedly towards this goal.

"There can never be any excuse for criminal behaviour, there are criminal laws to deal with the hooliganism and violence that erupted over the past few days and previously. It is hoped that the announcement of a new taskforce by the State government to deal with the criminal element that operated last week does its work effectively and expeditiously."

Mr Calma said: "As Race Discrimination Commissioner I am concerned at the ripple effect that the weekend events can have within the wider community. People should be aware that federal



and state discrimination laws provide legal recourse to those who are the victims of racial hatred and incitement".

Commenting on the Cronulla riot, the **Prime Minister**, John Howard, said, "Clearly there were things said, there were epithets hurled at people, there was racial abuse used. Clearly, that is quite unacceptable. But I am not going to make the mistake, and I don't think the Australian community should make the mistake, of just accepting some glib assertion that this country has suddenly become very racist.

"I don't believe Australia is a racist country. The overwhelming majority of Australians accept people, irrespective of their racial background, provided they behave as part of the Australian community. That's always been the Australian way and it always will be the Australian way. We have been one of the most successful countries in the world in absorbing millions of people from around the world and they have peaceably absorbed themselves into the Australian community and we've done it brilliantly, better than most, and it would be a huge mistake if we allow the behaviour of a few to intimidate us into thinking otherwise.

Questioned on the use of the Australian flag during the riot, the Prime Minister said he would "never condemn people for being proud of the Australian flag. I don't care I would never condemn people for being proud...."

NSW Greens MP and Justice spokesperson **Lee Rhiannon** has criticised the riot laws passing through the NSW Parliament at a special sitting on December 15 as "knee-jerk, PR driven and ineffective."

The new NSW laws allow police to confiscate vehicles, mobile phones and to close down licenced premises.

Ms Rhiannon said, "The police already have extensive powers to handle whatever situation arises. The Law Enforcement (Powers and Responsibilities) Act already allows police to stop and search vehicles, and establish roadblocks. The Crimes Act contains specific penalties for riot and affray.

For more information
Human Rights and Equal Opportunity Commission (02) 9284 9880 www.humanrights.gov.au
Prime Minister's office (02) 6277 7700 website: www.pm.gov.au
NSW Greens MP and Justice spokesperson Lee Rhiannon (02) 9230 3551, 0427 861 568

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[6] ADF aid to civilian authorities – submissions wanted

Individuals and organisations are invited to make a submission to a parliamentary inquiry into the *Defence Legislation Amendment (Aid to Civilian Authorities) Bill 2005* which the Senate referred to the Senate Legal and Constitutional Legislation Committee on December 8 for inquiry. The Committee is due to report by February 7, 2006.

The Bill seeks to amend Part IIIAAA of the *Defence Act 1903* to boost the Australian Defence Force's (ADF) ability to support domestic security and to provide appropriate powers and protections for ADF personnel during callouts, including powers to search and seize and to use force in specified circumstances.

Proposed amendments include those relating to:

- Use of Reserves in domestic security operations;
- ADF call-out notification requirements;



- Expedited call-out procedures for sudden and extraordinary emergencies;
- Identification of called-out ADF personnel;
- Criminal laws and procedures applicable to called-out ADF personnel; and
- ADF powers to protect designated critical infrastructure and respond to domestic security incidents or threats in offshore areas or the air.

The Committee wants written submissions to its inquiry by Monday, January 16, 2006.

The Bill, second reading speech and Explanatory Memorandum are on the Committee's website at www.aph.gov.au/senate/legal. Hard copies are also available from the Secretariat. For more information, contact the Secretariat on ph (02) 6277 3560 e-mail "Legal and Constitutional, Committee (SEN)" LegCon.Sen@aph.gov.au

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Bill to give ADF powers in domestic terrorism

Legislation giving new powers to the Australian Defence Force "to respond quickly and effectively using reasonable force when called-out to a domestic terrorist incident" has been introduced to Federal Parliament.

The Minister for Defence, Senator Robert Hill, said the Bill amends the *Defence Act* to give appropriate powers and protections to Defence personnel if called out for an incident which is beyond the capacity of the civil authorities to resolve. The Bill will be debated in the Senate Committee stage next year before being voted on.

Senator Hill says current call-out provisions for domestic security operations are complex and are not flexible enough to allow the ADF to respond quickly to a range of possible terrorist incidents.

"The legislation addresses a wide range of potential tasks that could be faced by both Permanent and Reserve Forces during periods of heightened alert - such as the 2006 Commonwealth Games," Senator Hill said.

"The legislation will give the ADF the necessary statutory legal authority to use reasonable force during domestic security operations and extend these powers to aviation and maritime security and the protection of critical infrastructure.

"The current legislation is designed primarily to resolve siege and hostage situations where the location of a threat is known and there is sufficient warning time to establish the requirement for a call-out. However, it is currently not suitable for the wide range of potential threats in the current threat environment, such as a mobile terrorist incident or a major event. ..."

The relevant State and Territory police, and emergency services, will remain the first responders in a terrorist incident. The ADF will at all times be subject to relevant criminal and civil laws.

For more information, call Senator Hill's office **08 8237 7920** www.defence.gov.au

The report of The Senate Legal and Constitutional Affairs Committee into recently enacted anti-terrorism laws including its 52 proposed amendments are at http://www.aph.gov.au/Senate/committee/legcon_ctte/terrorism/index.htm

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[7] ABC (by any other name) to service Asia-Pacific TV

The Government has selected the Australian Broadcasting Corporation as the preferred provider of Australia's television service to the Asia Pacific region for the period 2006-2011.

In June the Government open a tender to test the market and identify the most efficient and effective provider for Australia's television service to the Asia Pacific region for the next five year period (2006-2011). The ABC was selected after evaluation of two proposals through a full and open Request for Tender process.

The Government says it considers that an independent Australian television service projecting accurate images and information about Australia and its way of life is very much in the national interest. Further discussions will include the move to a generic and timeless name for the service which will be phased in at the start of the new contract.

For more information, Minister for Foreign Affairs (02) 6277 7500

e-mail: A.Downer.MP@aph.gov.au Departmental 02 6261 1555 www.dfat.gov.au

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[8] Myanmar: UN Security Council must act

Amnesty International wrote to all members of the United Nations Security Council this week, welcoming their unanimous decision to schedule a discussion of the human rights situation in Myanmar.

It urged that the Security Council place Myanmar on its agenda and demand that the government of Myanmar put an end to all violations of international human rights and humanitarian law, and implement reforms towards improving the general human rights situation.

Amnesty International has long-standing concerns about the human rights crisis in Myanmar. Grave violations of international human rights and humanitarian law continue to be reported there and have led to the displacement of hundreds of thousands of people, both within and outside the country. These include torture, extrajudicial executions, and forcible relocation, requirement to take part in unpaid forced labour and military portering, and the forcible recruitment of children to the military. There is widespread impunity enjoyed for these violations by state officials.

The Myanmar authorities have failed to act on recommendations aimed at rectifying this grave situation in successive resolutions passed by the United Nations General Assembly and Commission on Human Rights.

Amnesty International drew attention to its two reports of September and December 2005 that highlight the continued use of unpaid forced labour and misuse of the legal system to silence dissent. It expressed concern that the Myanmar authorities have stepped up the prosecution of individuals who have reported allegations of human rights violations, and have displayed an unwillingness to cooperate with the international community in protecting the fundamental rights of its population. This includes denying access to the United Nations Special Rapporteur on the Situation of Human Rights in Myanmar and to the United Nations Secretary General's Special Envoy for Myanmar.

For more AI information on Myanmar, access:

<http://amnesty-news.c.topica.com/maejmiabmPU0bfE1obb/>

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[9] Ombudsman reports on detention cases

The Commonwealth Ombudsman has reported to Parliament that, at June 29, there were 149 people who had been in detention for more than two years on whom reports were to be prepared by the Department of Immigration for the Ombudsman by the end of this year.

“During the first six months as many as 50 other people in detention will become subject to this reporting obligation. It is hoped that by 2006 an orderly and predictable reporting schedule will be in place,” the report states.

The need for such reports was prompted by both the excessively long detention – up to seven years – of some asylum seekers; and by the unlawful detention of Cornelia Rau, an Australian citizen; and the unlawful deportation of an Australian citizen, Vivian Solon Alvarez. Other alleged unlawful deportations are being investigated.

The Senate Committee which investigated the unlawful detention and deportation of Vivian Solon recently reported to the Senate. The report, including additional comments from The Greens, is available at www.aph.gov.au/Senate/committee/FADT_CTTE/asylum/report03/index.htm

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[10] Australia-Timor agree on oil resources

Timor-Leste's Prime Minister, Mari Alkatiri, says that the agreement achieved last week by the Government of Timor-Leste and Australian governments about the petroleum resources on the Timor Sea was positive, “This is a good agreement for Timor-Leste but it is also a good agreement for Australia”, he said.

He added: “This agreement also opens the way for the construction of a pipeline between Greater Sunrise and Timor-Leste and for the installation of a refining facility that will be the starting of petroleum activities on Timorese soil.”

The agreement, reached in Darwin on November 29, will be signed on January 12, 2006 in Sydney by the Foreign Ministers of both countries, in the presence of both Prime Ministers. The agreement is without prejudice to the positions and claims of both countries in respect of maritime boundaries: Timor-Leste maintains it has not compromised its legal claim and legal position in respect of the question of maritime boundaries.

For more information

Minister for Foreign Affairs (02) 6277 7500 e-mail: A.Downer.MP@aph.gov.au Departmental 02 6261 1555 www.dfat.gov.au

ACFID Executive Director, Paul O'Callaghan access Australian Council for International Development Ph: (02) 6281 9227 www.acfid.asn.au

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[11] League players tackle racism

The National Rugby League (NRL) has joined the Human Rights and Equal Opportunity Commission to tackle racism through support for ‘Voices of Australia’ – a project to celebrate the 30th anniversary of the Racial Discrimination Act.



The aim of 'Voices of Australia' is to encourage greater understanding and friendship between people of different backgrounds through sharing the stories of their experiences.

NRL stars from diverse cultural backgrounds including: Dean Widders (Parramatta Eels), Darren Lockyer and Petero Cioniceva (Brisbane Broncos), Steve Price (New Zealand Warriors), Hazem El Masri (Canterbury Bulldogs), Alex Chan (Melbourne Storm), Anthony Minichiello (Sydney City Roosters) and Matt Bowen (North Queensland Cowboys) share their real life stories. Players are also featured in a poster showing them working together as equals on the sporting field.

To access NRL stars' stories and to contribute personal stories, log on to www.humanrights.gov.au/voices.

Selected stories will be placed online.. Stories can relate to one of the following themes: *Australia: our home; Unexpected friendships; Breaking down barriers; Racism: not in my backyard; and From tolerance to respect*. Stories should be no more than one A4 page (400 words)..

For more information about 'Voices of Australia' or how to submit a story, access the abpve website, or e-mail voices@humanrights.gov.au or call **(02) 9284 9829**.

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[12] Australia and the birth of Malaysia

A new historical publication outlining the story of the Australian Government's role in the establishment of Malaysia in the 1960s, entitled '*Not a matter for negotiation: Australia's commitment to Malaysia 1961-1966*', is the second number in the historical series, *Australia in the World: The Foreign Affairs and Trade Files*.

The monograph gives an account of how Australia supported the establishment of a Federation of Malaysia and, once it came into being on September 16, 1963, fulfilled its undertaking to defend the new state against external aggression. The period served to strengthen Australian ties with Malaysia and Singapore and deepen the friendship that had grown out of shared experience of the Second World War.

The publication also reveals how Australia fostered closer dialogue between the countries of the region as they worked to resolve differences and gain regional and international support for the new state of Malaysia. It is significant that it was only 12 months after a regional settlement was achieved in 1966 that the countries involved in the story told by these documents—Malaysia, Indonesia, the Philippines, Singapore and Thailand—became the founding members of what has become the region's premier political organisation—the Association of South East Asian Nations (ASEAN).

The book will be available from bookshops, the distributor (Melbourne Publishing Group 03 9509 2407) or from the market information officer in the Department of Foreign Affairs and Trade (02) 6 261 3114 or online at <http://dfat.gov.au/publications/index.html>).

Topical titles

Voice for Peace: The Spirit of a Social Activist – Irene Greenwood 1898-1992 by Kaye Murray [ISBN 0 646 49935 1]\$30 + p&p from author, Unit 101/6 Manning Terrace, South Perth WA (08) 9474 3998 e-mail: kayemurray@inet.net.au

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



The Third Try: can the UN work? By Alison Broinowski and James Wilkinson [ISBN 1 920769 617] rrp \$35 pp 304 Published by Scribe Publications www.scribepub.com.au
Employee Protection at Common Law by Joellen Riley [ISBN 1862875901] 280pp published by The Federation Press rrp \$59.95; and
Australia and the Birth of the International Bill of Human Rights 1946-1966 by Annemarie Devereux [ISBN 1 86287 562 6] 292pp published by The Federation Press rrp \$49.95
For more information contact The Federation Press (02) 9552 2200
e-mail info@federationpress.com.au

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[13] New Human Rights Commissioner

Graeme Innes AM is the new Human Rights Commissioner and acting Disability Discrimination Commissioner, taking over from Dr Sev Ozdowski OAM.

Commission President John von Doussa QC said, "Mr Innes has a wealth of experience in the human rights and equal opportunity area, he is a dedicated advocate on disability issues and has worked within the Commission for 12 years. He was instrumental in the development of the Commonwealth Disability Discrimination Act and in the continuing development of the **UN Convention on the Rights of People with Disabilities**.

"He has worked in equal opportunity in New South Wales, Western Australia and nationally and will bring to the Commission his expertise as a legal practitioner, an advocate and a negotiator."

Commissioner Innes has been deputy disability discrimination commissioner since 1999 and has been a member of various tribunals - the NSW Administrative Decisions Tribunal; the NSW Consumer, Trader and Tenancy Tribunal; and the Social Security Appeals Tribunal. He was also a Hearing Commissioner with the Human Rights and Equal Opportunity Commission.

HREOC reports on complaint handling

The Human Rights and Equal Opportunity Commission has recently produced a paper - *'Five years on: An update on the complaint handling work of the Human Rights and Equal Opportunity Commission'* which outlines the findings of two research projects undertaken by the CHS in the 2004-05 reporting year.

The first project provides a follow up to research undertaken by the Commission in 2001, which considered the initial period of operation of the Human Rights Legislation Amendment Act (No.1),1999 (Cth) (HRLA Act). This project focused on updating complaint statistics used in the 2001 research to provide a longer period from which to assess the impact of procedural changes introduced by the HRLA Act. The findings of the project, as documented in this paper, reinforce the Commission's previous finding that the changes introduced by the HRLA Act, including the move to a court determination process, have not had the negative impact on the Commission's complaint process that some had predicted.

The second part of the paper summarises findings of a survey undertaken by the Commission's conciliators over a six-month period in 2004. The survey findings provide a current snapshot of the Commission's conciliation work and include: statistics on party representation in conciliation across jurisdictions; details of the type of conciliation process conducted across jurisdictions; and information relating to the role of the conciliator.

See the paper online at:

http://www.humanrights.gov.au/complaints_information/publications/five_years_on.html

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[14] Youth Mental Health Foundation

The Prime Minister, John Howard, has announced that a consortium led by the ORYGEN Research Centre at the University of Melbourne will establish the Youth Mental Health Foundation as the centrepiece of the Australian Government's \$69 million "Promoting Better Mental Health" initiative.

The Foundation will have access to \$54 million in government funding over four years to improve the coordination of mental health services for young people. It will provide a centre of excellence for evidence-based practice in youth mental health, improve the skills of GPs and other service providers in helping mental health patients, increase community awareness of youth mental health issues and encourage young people to seek help when they need it.

The consortium consists of ORYGEN, the Brain and Mind Research Institute, the Australian Divisions of General Practice and the Australian Psychological Society.

Mr Ryan Stokes will be the inaugural Chairman of the Foundation which will be supported by an Advisory Board of youth mental health and drug and alcohol experts, young people and representatives from key national mental health bodies.

The Human Rights and Equal Opportunity Commission's Social Justice Commissioner has completed a research project examining the issues relating to Indigenous young people with a cognitive disability and/or mental health issue in Australian juvenile justice systems. The report provides the findings of a series of consultations and a national roundtable; highlights current policy and program approaches; provides a brief statistical overview and considers strategies and areas for future research.

The report can be downloaded at the Human Rights and Equal Opportunity Website at http://www.humanrights.gov.au/social_justice/index.html

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[15] Women in international diplomacy

To commemorate the 30th anniversary of the 1975 International Year of Women, the Department of Foreign Affairs and Trade developed *Women Working for Australia*, an exhibition which depicts the changing role of women in, and their contribution to, Australia's international diplomacy.

The exhibition was first launched by Minister for Foreign Affairs, Mr Downer, during International Women's Week in 2005. *Women Working for Australia* is now touring nationally and internationally.

Women today comprise more than 49 per cent of the department's staff. In 2005, women made up 25.5 per cent of the Senior Executive Service compared with 12.5 per cent a decade ago. Eighteen of Australia's diplomatic posts were headed by women during 2005, compared with six a decade ago.

Women Working for Australia includes photos, news clippings and official and personal correspondence depicting Australian women on the international stage (1920s), the department's first female cadets (1940s), female delegates to the **United Nations** in the 1940s, clerical staff (1920-1960s), the first high-level female diplomatic appointments (1950-70s), recent and contemporary female Ambassadors, Indigenous employees, women serving in war zones, women promoting peace, women in the department's Senior Executive and recent graduate recruits.



For more information, call the Department of Foreign Affairs and Trade, (02) 6261 1555
www.dfat.gov.au

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[16] Kyoto progresses, slowly

The Montreal Action Plan (MAP), a progressive agreement under the Kyoto Protocol, will lead to deeper emissions cuts in the next commitment period, which begins in 2013. Despite objections from Russia, the Kyoto deal initiates crucial negotiations on legally binding targets for industrialised countries and also sets in motion a wider review of the entire regime involving all countries, due to be discussed at talks next year.

Agreement was also reached under the UN Framework Convention on Climate Change (UNFCCC) despite the reluctance of the United States administration, which put forward new text to weaken the deal.

Friends of the Earth International Climate Change Campaigner Catherine Pearce said, "Scientific evidence clearly demands urgent action to cut the pollution that is warming our world. The international community has wisely taken these warnings seriously by agreeing to further action. This is a clear signal that the Kyoto agreement is alive and well. Leaders have shown that much-needed progress can be made. ..."

Countries signed up to the Kyoto Protocol (all major industrialised and developing countries, except the USA and Australia) have agreed to ensure new targets on cuts in greenhouse gas emissions will be in place to immediately follow the first commitment phase in 2012.

Rules governing the Kyoto Protocol's operation (the Marrakesh Accords) were agreed in Montreal, including the legally binding nature of the regime. Countries also agreed to a review of both the Kyoto Protocol and Framework Convention to start next year.

An agreement was also reached on reform of the "Clean Development Mechanism" (the mechanism allowing industrialised countries to claim carbon credits by investing in clean energy projects in the developing world). But concerns remain about what this includes and what will be delivered.

For more information, call: Catherine Pearce, Friends of the Earth International Climate Campaigner + 1 347 992 2505; Stephanie Long, Friends of the Earth Australia 0414 136 461

The World Council of Churches has been working on climate change ever since 1990, when this was identified by the scientific community as one of the most threatening social and ecological issues of our times, affecting creation as a whole.

The full text of the WCC statement and spiritual call is available at:
<http://www.wcc-coe.org/wcc/what/jpc/climatechange-cop11.html>

January 11–12 Inaugural Asia Pacific Clean Development and Climate Partnership Ministerial Meeting, Sydney, with Foreign, Energy and Environment Ministers from the six Partner countries: the United States, China, India, Japan, South Korea and Australia. Info office of the Minister for Foreign Affairs (02) 6277 7500 e-mail: A.Downer.MP@aph.gov.au Departmental 02 6261 1555
www.dfat.gov.au

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[17] Journalists honoured for UN coverage

At the 2005 UN Correspondents' Association Awards for Excellence in Journalism, UN Secretary-General Kofi Annan presented Sir Brian Urquhart, one of the original members of the UN, former UN Under-Secretary General, and pioneer of peacekeeping, with UNCA "Citizen of The World" Award

UNCA offers \$US10,000 prizes in three categories for journalism in all media for coverage of the United Nations at Headquarters and in the field.

The winners were:

- Elizabeth Neuffer Memorial Prize for Print Journalism: Sponsored by the *Boston Globe* and UNCA - Joint Gold Medal: Mohamad Bazzi, *Newsday*, New York USA, for *The UN and the Iraqi Election*; and Dafna Linzer, *The Washington Post*, Washington DC, USA, Coverage of the US and the Iran/IAEA crisis
- Silver Medal: Siddarth Varadajaran, *The Hindu*, New Delhi, India, Series on The IAEA, Iran, and India
- The Ricardo Ortega Memorial Prize for Broadcast Journalism: Sponsored by *Antena 3 TV* of Spain - Gold Medal: Ishbel Matheson & Dan McMillan, BBC Radio 4 and World Service for coverage of Darfur
- Joint Silver Medal: Rory O'Connor, *Globalvision*, New York, USA, for *Malaria: It's simply unacceptable*; and Nara Ferreira, *Radio Senado*, Brasilia, Brazil, for coverage of the Sixtieth Anniversary of the UN
- The UN Foundation Prize for Reporting on Humanitarian and Development Affairs, sponsored by the UN Foundation - Gold Medal: Supara Janchitfah, *Bangkok Post*, Thailand, for *The UN and Human Rights in Thailand*
- Silver Medal: Roberta Jansen, *O Globo*, Brazil, for *AIDS in Africa*

This year's UNCA/Ranan Lurie Political Cartoon Award winners were: First Prize \$10,000 - Gerald Mayer Hofer of Austria; Second Prize \$5,000 - David Pope of **Australia**; and Third Prize \$3,000 - Osamni Simanca of Brazil.

In 2003, UNCA instituted the Sergio Vieira de Mello 'Citizen of the World Award,' in honour of the UN High Commissioner for Human Rights, killed in Baghdad. UNCA also renamed two of its journalism prizes in honour of colleagues, Elizabeth Neuffer, who died covering Iraq, and Ricardo Ortega, killed in Haiti.

For further information on the UNCA Awards see www.unca.com

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UN briefs

[18] Millions for patient safety program

The World Health Organisation (WHO) has welcomed the United Kingdom's announcement that it will donate a total of £25 million (US\$ 43 million) to support global efforts to improve patient safety.

The UK contribution will be used to build on existing efforts and work being done in six major areas and to develop new work programs:

- Global Patient Safety Challenge for 2005-2006, "Clean Care is Safer Care"
- Patient empowerment and involvement, "Patients for Patient Safety"
- Developing a patient safety taxonomy
- Research in the field of patient safety
- Solutions to reduce the risks of health care, "From Information to Action"



- Reporting and learning to advance patient safety.

For more information contact: Dr Agnès Leotsakos, World Alliance for Patient Safety, Tel: +41 79 221 7802, e-mail: leotsakosa@who.int

The World Health Organisation **Framework Convention on Tobacco Control** has recorded the 100th instrument of ratification with the recent ratification by Brazil, the country that led the Treaty negotiation process.

Tobacco is still the leading preventable cause of death in the world, killing nearly five million people every year. If current trends continue, this toll will double by 2020. Developing countries will suffer the highest burden with 70% of the deaths.

For further information, contact Marta Seoane, Communications Officer, Tobacco Free Initiative, WHO Geneva, Tel: +41 22 791 2489, e-mail: seoanem@who.int. All WHO Press Releases, Fact Sheets and Features as well as other information on this subject can be obtained on Internet on the WHO home page: <http://www.who.int/>

Leprosy: All leprosy patients in the world will continue to benefit from free medicines under an agreement signed recently by the World Health Organisation (WHO) and the pharmaceutical company, Novartis AG. This extends the current agreement until the end of 2010 and is valued at between US\$14.5 and US\$24.5 million depending on the number of cases detected over the next five years. The first phase of the donation (2000 to 2005) has led to the cure of about 4 million patients and was worth US\$40 million.

For more information contact Dick Thompson, Communications Officer, Communicable Diseases, Tel: +41 22 791 2684, e-mail: thompsond@who.int or Iain Simpson, Communications Officer, Office of the Director-General, WHO, Tel: +41 22 791 3215, e-mail: simpsoni@who.int

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[19] UNAA contacts

If you want more information about the United Nations Association of Australia in your state or if you want to join UNAA, access www.unaa.org.au or contact:

UNAA ACT unaaact@cyberone.com.au ph 02 6247 4499

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