

**Australian Practice in International  
Law 2008**

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## **I. Sovereignty, Independence, Self-Determination and Democracy**

### **Burma**

On 1 May 2008, the Minister for Foreign Affairs, Mr Stephen Smith, issued a media release on the constitutional referendum in Burma. An extract from Mr Smith's release follows:

On 29 and 30 April, the Burmese Embassy in Canberra conducted voting for certain Burmese citizens ahead of the constitutional referendum in Burma on 10 May.

Regrettably, this process does not signal any intention by the Burmese regime to listen to the will of the Burmese people on their future.

The proposed constitution is deeply flawed and intended only to entrench the military's grip on power. It was drafted without any genuine involvement of opposition groups, including the National League for Democracy, and Burma's ethnic minorities.

The regime's lack of good faith is clear as criticism of the referendum or the constitution is illegal in Burma.

Australia has consistently called for the full and free participation of all political players in Burma in a political reform process supported by the international community.

I fully understand the frustration of the Burmese community in Australia at the failings in current processes, including the frustration of those Burmese community members living outside of Canberra.

I call again on the Burmese regime to engage in a genuine process of political reform and national reconciliation, not a 'sham roadmap to democracy'.

On 28 May 2008, the Minister for Foreign Affairs, Mr Stephen Smith, responded to a parliamentary question without notice regarding the Burmese military regime's detention of opposition leader Aung San Suu Kyi. An extract from Mr Smith's response follows:

I regret to advise the House that overnight the Burmese military regime extended the detention of opposition leader Aung San Suu Kyi, the last democratically elected Burmese leader. Given the terrible human tragedy that has unfolded in Burma, the Australian government has recently tempered its remarks so far as the Burmese military regime has been concerned. That has obviously been in order to seek to maximise our efforts to get humanitarian assistance into Burma in the aftermath of Cyclone Nargis. But this particular matter cannot go without comment.

Aung San Suu Kyi has been under house arrest continuously for the past five years and has been in detention for more than 12 of the last 18 years. Since her most recent detention in May 2003, Australia has repeatedly called for her release and for the immediate and unconditional release of all political prisoners in Burma. Australia's embassy in Rangoon renewed these representations yesterday. Our estimates are that there are around 1,500 political prisoners in Burma.

Aung San Suu Kyi was first arrested after her party, the National League for Democracy, won a majority of votes in the 1990 Burma election, an election that the Burmese military were happy to agree to until it saw the result. In 1991, she was awarded the Nobel Peace Prize. She is a testament to the desire of the Burmese people to freely determine their own future and to bring democracy and respect for human rights to Burma. Sadly, she is also a symbol of the lengths to which the military regime in Burma will go to stay in power.

## **Georgia**

On 27 August 2008, the Minister for Foreign Affairs, Mr Stephen Smith, responded to a parliamentary question without notice on Australia's response to events in Georgia and the implications of the conflict for Russia's standing in world affairs. An extract from Mr Smith's response follows:

Members would be aware that overnight the Russian President, President Medvedev, indicated that the Russian Federation had recognised the independence of South Ossetia and Abkhazia, often known as the separatist region of Georgia. Australia does not support such recognition. That is Australia's longstanding position. Australia recognises the territorial sovereignty of Georgia over the provinces of South Ossetia and Abkhazia. The declaration by the Russian Federation is not a helpful contribution to tensions in that area of the world and not a helpful contribution to international relations. Indeed, some might say that such a declaration was provocative. It does not help the standing of the Russian Federation. In the Australian government's view, it diminishes and lowers its standing.

Members would recall that earlier this month, following the incursion of Georgian forces into South Ossetia, the Russian Federation deployed a large-scale military offensive in Georgia, not restricted to South Ossetia. That large-scale military offensive implemented and effected large-scale devastation upon parts of Georgia, including military and economic points. We saw, regrettably, civilian casualties and a large number of displaced persons, as a consequence of which the Australian government announced humanitarian assistance of a million dollars through relevant international agencies.

The actions of the Russian Federation in this respect were clearly disproportionate. We welcomed very much the efforts of President Sarkozy, the President of France, in his position as European Union chair, and the Finnish Foreign Minister, my counterpart from Finland, in his position as chair of the Organisation for Security and Cooperation in Europe, in effecting a ceasefire agreement between Georgia and the Russian Federation. Regrettably, Russia has not abided by that ceasefire and, as we have done publicly and through officials in both Canberra and Moscow, we again call upon the Russian Federation to return its troops to the positions they occupied prior to the commencement of hostilities on 6 and 7 August.

The Russian Federation is a significant and influential player in world affairs. It is essential that it engages in dialogue and peaceful conduct. We urge the Russian Federation to abide by the ceasefire brokered by President Sarkozy and return its forces to those positions, and to engage fully in international affairs through the relevant regional multilateral forums — through discussion, not through the disproportionate use of military force of arms.

## **Kosovo**

On 18 February 2008, the Minister for Foreign Affairs, Mr Stephen Smith, delivered a speech to Parliament in which he set out the criteria for Australia's recognition of Kosovo's independence. An extract from Mr Smith's speech follows:

The Australian government's approach to recognition is that the Australian government recognises nation-states not governments. The criteria for the recognition of nation-states are that we find a permanent population, a defined territory, a capacity for effective government and a capacity to have relations with other nation-states. We believe that these criteria are met in the case of Kosovo; and, as a consequence, we are very favourably disposed to recognition of Kosovo.

On 19 February 2008, the Minister for Foreign Affairs, Mr Stephen Smith, issued a media release announcing Australia's recognition of Kosovo's independence. An extract from Mr Smith's release follows:

Australia has today formally recognised the Republic of Kosovo as an independent state.

Kosovo declared independence on 17 February 2008. Australia respects the decision of the people of Kosovo. The United States and the United Kingdom have also indicated their recognition of Kosovo's new sovereignty, and a number of others are expected to do so soon.

It has been a long and difficult road to peace for Kosovo since the devastating conflict in the late 1990s. The United Nations and NATO have worked tirelessly since 1999 to assist in setting up self-governing institutions and to help the people of Kosovo rebuild their lives. Much remains to be done, and it is important that the international community, in particular the United Nations and European Community, continue efforts to bring about a lasting peaceful future for Kosovo and the region.

Australia wishes the Government of Kosovo well in the tasks ahead. Ensuring the rights and safety of minorities, as well as protection of cultural heritage sites, must be key priorities for Kosovo. Australia strongly urges the leaders of Kosovo and Serbia to demonstrate the resolve and political determination to settle their differences peacefully. Australia hopes the Serbian Government will continue to engage with European and other partners in the interests of stability and economic development of the region as a whole.

Australia will soon consider the establishment of diplomatic relations with Kosovo.

## **Western Sahara**

On 16 October 2008, Special Minister of State and Cabinet Secretary, Senator John Faulkner, as the Minister representing the Minister for Foreign Affairs, responded to a parliamentary question on notice concerning Western Sahara. An extract from Senator Faulkner's response follows:

The Australian Government's policy reflects its strong support for the efforts of the United Nations, and of the relevant parties – the Government of Morocco, and the

Polisario Front – to press ahead to find an enduring settlement in relation to Western Sahara.

The Government believes that the people of Western Sahara must have a fair opportunity to determine their own future. The UN process currently underway provides that opportunity.

In his report of 14 April 2008 on Western Sahara, the UN Secretary-General welcomed the parties' commitment to continuing negotiations commenced in 2007. For many years, the UN focused on achieving agreement between the parties on the terms of a referendum on independence in the Western Sahara. Efforts are now focused on negotiations.

This new phase of international efforts to resolve the conflict began with the presentation of proposals by both parties – the Government of Morocco, and the Polisario Front – to the UN Secretary-General in April 2007.

That same month, UN Security Council Resolution 1754 took note of the proposals, and called upon the parties to enter into negotiations 'without preconditions and in good faith' and stated the clear objective of such negotiations was to achieve 'a just, lasting and mutually acceptable political solution, which will provide for the self-determination of the people of Western Sahara'. UNSC 1813 of 30 April 2008 again welcomed the progress made by the parties to enter into direct negotiations.

The Australian Government endorses the spirit and the substance of these resolutions. It supports the efforts of the UN Secretary-General and the UN to improve the security and humanitarian situation of the people of Western Sahara.

The Government is aware of allegations of human rights violations with respect to Western Sahara and Western Saharans, which have been raised by both relevant parties. The Government gives a high priority to the protection of human rights, and calls on both parties to uphold international human rights standards.

There is no doubt that the peace negotiations are still very difficult. The Government affirms its strong support for UN efforts to find a durable solution to the Western Sahara conflict acceptable to both parties.

## **II. Law of the Sea**

### **Law of the Sea – United Nations Commission on the Limits of the Continental Shelf**

On 21 April 2008, the Minister for Resources, Energy and Tourism, Mr Martin Ferguson, issued a media release on the United Nations Commission on the Limits of the Continental Shelf's findings confirming Australia's seabed jurisdiction. An extract from Mr Ferguson's release follows:

Minister for Resources and Energy Martin Ferguson today welcomed findings from the United Nations Commission on the Limits of the Continental Shelf in New York confirming Australia's jurisdiction over an additional 2.5 million square kilometres of seabed.

The Commission's findings confirm the location of the outer limit of Australia's continental shelf in nine distinct marine regions and Australia's entitlement to large areas of shelf beyond 200 nautical miles.

The decision means Australia now has jurisdiction over an extra 2.5 million square kilometres of continental shelf, which is almost five times the size of France, seven times the size of Germany and almost 10 times the size of New Zealand. It gives Australia the rights to what exists on and under the seabed, including:

- oil resources
- gas resources; and
- biological resources, such [as] micro-organisms, which could be used in medicines.

“This is a major boost to Australia’s offshore resource potential and also to our ability to preserve the marine environment on the seabed,” Minister for Resources and Energy Martin Ferguson said.

“It demonstrates that Australia’s effective engagement in law of the sea matters delivers results. In many respects Australia has also led the way for other countries looking to confirm their continental shelf boundaries through the Commission. The Government will move quickly to proclaim the outer limits of the Australian continental shelf into law on the basis of the recommendations of the Commission.”

“The recommendations are further proof of the substantial benefits Australia has derived from ratification of the 1982 Convention on the Law of the Sea by the previous Labor Government. It’s also a strong indication of the real and practical benefits of engaging constructively with the United Nations and its agencies.”

...

### **Maritime Arrangements – Extension of the Mining Moratorium in the Torres Strait**

On 12 February 2008, the Minister for Foreign Affairs, Mr Stephen Smith, issued a media release on the indefinite extension of the moratorium on mining and drilling in the Torres Strait. An extract from Mr Smith’s release follows:

In Canberra yesterday, I exchanged letters with my PNG counterpart Sam Abal to extend the moratorium on mining and drilling in the Torres Strait for an indefinite period.

This is a major step in protecting the fragile environment of the Torres Strait and the way of life of its traditional inhabitants.

Established in 1985 by the Torres Strait Treaty, the moratorium prohibits mining or drilling of the seabed or the subsoil in the Torres Strait Protected Zone (TSPZ). The moratorium enjoys strong support among traditional inhabitants in the Torres Strait.

Initially in place for ten years, the moratorium has previously been extended on three occasions. In January 2008, the Australian Government proposed to the Government of Papua New Guinea that it be extended indefinitely, rather than for a fixed term.

...

The TSPZ was established by the Treaty to protect the traditional way of life and livelihood of the Torres Strait’s traditional inhabitants, and protect and preserve the marine environment and indigenous fauna and flora.

### **Maritime Arrangements – Timor Sea**

On 17 July 2008, the Minister for Resources, Energy and Tourism, Mr Martin Ferguson, delivered a speech to the South East Asia Australia Offshore Conference. An extract from Mr Ferguson's speech follows:

I would like to congratulate the Timor-Leste Secretary of State for Natural Resources, His Excellency Alfredo Pires, on the commencement of the Timor-Leste National Petroleum Authority on 1 July 2008.

It is a great achievement, with the National Petroleum Authority now taking over as the regulatory agency of the Joint Petroleum Development Area.

The JPDA will continue to be regulated in accordance with the arrangements established under the Timor Sea Treaty.

Staff from my Department have spent some months working with the former Timor Sea Designated Authority to help get to this point and I know that it has been a very rewarding exercise for them and a great opportunity for the two nations to work cooperatively together.

On 28 October 2008, the Minister for Resources, Energy and Tourism, Mr Martin Ferguson, issued a media release regarding the new Sunrise Commission. An extract from Mr Ferguson's release follows:

The Sunrise Commission has been established in accordance with the International Unitisation Agreement (IUA) between Australia and East Timor to facilitate the development of the Greater Sunrise gas fields in the Timor Sea as a single entity.

The Commission's role will include advising the Australian and Joint Petroleum Development Area (JPDA) regulators in their assessment of a development plan for the project.

The formation of the Commission is an important step in co-ordinating the two regulatory frameworks that will govern development of the Greater Sunrise gas and condensate fields. It will also provide the Joint Venture Partners with greater regulatory certainty and confidence in moving forward with development plans.

The first meeting of the Sunrise Commission demonstrates our commitment to work together to develop the Greater Sunrise gas fields for the benefit of our two nations. It also signifies a continuation of the deepening relationship between Australia and East Timor.

## **III. Aviation and Space Law**

### **Aviation – Air Services Arrangements – Bangladesh**

On 27 August 2008, the Minister for Infrastructure, Transport, Regional Development and Local Government, Mr Anthony Albanese, issued a media release concerning the conclusion of a Memorandum of Understanding on air services between Australia and Bangladesh. An extract from Mr Albanese's release follows:

Direct flights between Australia and Bangladesh are a step closer following the signing of an inaugural air services Memorandum of Understanding.

Up until now, those wanting to travel between Australia and Bangladesh had to do so on third country airlines via mainly Malaysia, Singapore or Thailand. The new arrangements open the door for Australian and Bangladeshi airlines to serve both countries with direct flights.

Subject to compliance with applicable safety regulations, airlines of each country are immediately able to operate up to five flights each way each week between airports in both Bangladesh and Australia.

If this capacity is not used for 'own aircraft' services, it can be used to market code-shared services operated by the airlines of other countries.

### **Aviation – Air Services Arrangements – European Union**

On 30 April 2008, the Minister for Infrastructure, Transport, Regional Development and Local Government, Mr Anthony Albanese, issued a media release welcoming the signing of the Agreement between the European Community and the Government of Australia on Certain Aspects of Air Services – also known as the Horizontal Agreement. An extract from Mr Albanese's release follows:

Australia has significantly improved its aviation relationship with the European Union (EU), opening up the possibility of greater competition and more flights on routes between the two continents.

In Brussels overnight, Australia signed the Agreement between the *European Community and the Government of Australia on certain aspects of air services* – also known as the Horizontal Agreement.

The Agreement is a significant breakthrough, bringing the Government closer to its ultimate goal of the complete liberalisation of air service arrangements between Australia and the EU.

The Horizontal Agreement recognises the existence of a single European market for air transport links to and from Australia, and provides for the designation of airlines based on their EU status rather than their Member State's nationality.

Australia currently has bilateral air services agreements with 16 EU Member States, including the UK, Germany and France.

The Agreement will lock in the benefits of those agreements and form the basis of future discussions on a single Europe-wide agreement that removes many – if not all – of the limitations on air services between Australia and Europe. It could also address issues around competition, environmental protection, and safety and security.

### **Aviation – Air Services Arrangements – Kenya and South Africa**

On 28 June 2008, the Minister for Infrastructure, Transport, Regional Development and Local Government, Mr Anthony Albanese, issued a media release concerning new air services arrangements with Kenya and South Africa. An extract from Mr Albanese's release follows:

New air services arrangements with the Republic of South Africa and Kenya will improve access to the African continent for Australian travellers and freight exporters.

...

The new arrangements between Kenya and Australia open the way for Australian travellers to access East Africa and increases the potential for new airlines to serve Australia.

Open code-share arrangements will help Australian and Kenyan airlines to pursue new and innovative ways to serve the developing East African market.

Australian and Kenyan airlines will also be able to operate services between Kenya and Australia, with the four major gateways of Sydney, Melbourne, Brisbane and Perth open for flight services. The arrangements will also allow for unrestricted capacity to regional international airports such as Cairns and Darwin.

...

The new air services arrangements with South Africa provide Australian and South African airlines with significant expansion opportunities, and provide for additional competition in this market. These new arrangements also remove capacity constraints which have existed in the Australia-South Africa market for some time.

The number of weekly frequencies available to Australian airlines for services to Johannesburg, Capetown and Durban will immediately double from five to ten. Four more weekly services will become available from October 2009, and triple daily services will be possible from October 2010.

Capacity available to South African airlines will undergo a similar phased increase to a total of 21 services a week from October 2010. This capacity can be operated to and from Sydney, Melbourne, Brisbane and Perth.

The new arrangements also allow for airlines of both sides to operate between Australia's and South Africa's regional international airports with unrestricted capacity.

### **Aviation – Air Transport Agreement – United States**

On 15 February 2008, the Minister for Infrastructure, Transport, Regional Development and Local Government, Mr Anthony Albanese, issued a media release concerning the conclusion of negotiations for an Australia-United States 'open skies' aviation agreement. An extract from Mr Albanese's release follows:

Minister for Infrastructure, Transport, Regional Development and Local Government, Anthony Albanese, announced today that Australia and the United States had settled the terms of a new "open skies" air transport agreement.

Australian and US airlines will now be able to determine the frequency of their air services, and the routes they wish to serve without government interference.

...

Australian travellers, trade and tourism will benefit as designated airlines will be able to operate unlimited services between the two countries, via other countries and beyond to other countries.

### **Space – Registration of Space Objects**

On 22 December 2008, the Permanent Mission of Australia to the United Nations in Vienna notified the United Nations Secretary-General of the launch of a commercial satellite by the Australian Government in October 2006. An extract from that notification follows:

The Australian Permanent Mission to the United Nations Office in Vienna presents its compliments to the Secretary-General of the United Nations and, in accordance with Article IV of the Convention on Registration of Objects Launched into Outer Space (General Assembly Resolution 3235 (XXIX), annex), has the honour to furnish information concerning the Optus D1 satellite launched by the Government of Australia in October 2006.

## **IV. International Criminal Law**

### **Anti-Corruption Cooperation – Vietnam**

On 1 July 2008, the Minister for Foreign Affairs, Mr Stephen Smith, issued a media release announcing Australian assistance to Vietnam to fight corruption. An extract from Mr Smith's release follows:

Australia will provide up to \$500,000 to help train senior members of the Communist Party of Vietnam and the Government of Vietnam in fighting corruption.

Corruption is a major threat to Vietnam's future economic growth and sustainable development.

It harms foreign investment and undermines the quality of basic health and education services and it hits the poor the hardest.

Australia is working closely with Vietnam to assist implementation of its commitment to fighting corruption.

The assistance I have announced today will support an inaugural training program for up to 25 senior Communist Party of Vietnam officials to strengthen Vietnam's corruption prevention, detection and enforcement efforts. This support reflects the key role that the Communist Party of Vietnam plays in anti-corruption policy development and capacity building within government.

The training will be provided in Australia and will draw on our expertise which reflects international best practice.

The new training program complements a number of Australian initiatives to combat corruption in Vietnam including work to improve the transparency of financial planning and better monitoring systems to track money flows.

### **International Criminal Court (ICC)**

On 17 July 2008, the Attorney-General, Mr Robert McClelland, and the Minister for Foreign Affairs, Mr Stephen Smith, issued a joint media release regarding the tenth anniversary of the adoption of the Rome Statute of the ICC. An extract from that joint release follows:

The Australian Government strongly supports the Rome Statute's aims of ensuring that those accused of the most serious crimes of international concern do not go unpunished. The ICC provides a permanent forum to address the most egregious of atrocities. In a relatively short period of time, the ICC has established itself as a central institution of international criminal justice.

The Court is currently investigating situations in the Democratic Republic of the Congo, the Central African Republic, Uganda and the Sudan. It has so far issued twelve warrants for the arrest of people accused of crimes against humanity, war crimes and genocide. Several trials are under preparation by the Court.

In a sign the ICC is continuing its important work, the Court's Prosecutor has this week requested an arrest warrant be issued against Sudan's President, Omar Hassan Ahmad al-Bashir for genocide, crimes against humanity and war crimes allegedly committed against the Sudanese people in Darfur. These matters are now before the Court and Australia calls on all parties to respect the Court's processes.

Mr McClelland said, "Australia attaches the highest importance to the International Criminal Court. Since its existence, all those who commit, encourage or tolerate heinous crimes understand that their actions today may lead to international prosecution tomorrow."

The Australian Government urges all countries to cooperate with the Court, consistent with their obligations under international law.

"Australia has consistently supported the Court since its establishment. We continue to play an important role in the administration of the ICC, and in the campaign for universal ratification of the Rome Statute, especially in the Asia-Pacific region," Mr Smith said.

On 30 October 2008, Australia's Ambassador and Permanent Representative of Australia to the United Nations in New York, Mr Robert Hill, delivered a statement to the Sixth Committee of the United Nations General Assembly on the Report of the ICC on behalf of Canada, New Zealand and Australia (CANZ). An extract from Mr Hill's statement follows:

I have the honour to speak on behalf of Canada, New Zealand and Australia (CANZ). We thank Judge Philippe Kirsch, the President of the International Criminal Court, for his presentation of the report of the important work of the International Criminal Court.

The Court is making significant steps forward. In the past year the Court has issued four new warrants of arrest – three in the situation in the Democratic Republic of the Congo and one in the situation in the Central African Republic. CANZ welcomes and commends the actions of the Democratic Republic of the Congo in surrendering Germain Katanga and Mathieu Chui to the Court and Belgium in arresting and surrendering Jean-Pierre Bemba Gombo to the Court. These surrenders provide examples of the results that can be achieved with close cooperation with the Court.

CANZ recognises that the Court continues to face challenges, particularly where it is entirely reliant on cooperation and support from others to fulfill its mandate. It is of the utmost importance that States rise to meet these challenges. Failure to do so risks the international community betraying the victims of serious crimes. CANZ encourages all States to assist the Court through practical measures.

CANZ calls upon all relevant actors, including the authorities in Uganda and the Democratic Republic of the Congo, to cooperate closely with the Court and one another in ensuring the full implementation of their obligations under the Rome Statute, including the execution of the outstanding arrest warrants, and assisting the Court to fulfil its mandate.

We again call on the Government of Sudan to help bring an end to impunity for the most serious international crimes. In particular, we urge the Government of Sudan to cooperate with the Court and to take all necessary steps to arrest Minister of State for Humanitarian Affairs, Ahmad Harun, and to transfer him and militia leader, Ali Kushayb, to the Court for trial. Acting on the arrest warrants will demonstrate not only respect for the rule of law but also support for international criminal justice generally.

The judicial work of the Court has continued apace with preparations for trials continuing and the Court deciding on the confirmation of charges and applications for victim participation. These are all signs of a Court that is conducting itself professionally, expeditiously, without political interference and according to its mandate.

...

Universal ratification of the Rome Statute is crucial to the Court's success. If we are to ensure that the perpetrators of the world's most egregious crimes are denied a safe haven, we must step up our collective efforts to promote the universality of the Rome Statute. We are pleased that there have been three additional ratifications and accessions to the Rome Statute in the last year. We welcome Madagascar, Suriname and the Cook Islands as parties to the Rome Statute. It is notable that there are now 108 States Parties – over 55 per cent of the UN membership.

CANZ has continued its efforts at the regional level to encourage further ratification. Australia and New Zealand, for example, have over the last year worked with Pacific Island States to encourage their ratification and implementation of the Rome Statute. In August, New Zealand and Australia participated in a regional seminar held by the Samoan Government to raise awareness of the Court and develop a model Pacific law for the Statute's implementation.

...

On 17 July 2008, we celebrated the tenth anniversary of the adoption of the Rome Statute. The anniversary provided an opportunity to reflect on the Court's achievements and reinforce our collective support for it. In this relatively short period of time, the Court has established itself as a central institution of international criminal justice.

Providing a permanent, impartial and fair process for the investigation and prosecution of those accused of serious international crimes is a key component in the fight for international justice. We are convinced that having mechanisms to promote and ensure justice in conflict situations can only contribute to sustainable peace.

As noted earlier, the Court has now reached a crucial stage of its development – and it has become clear that the establishment of a global justice system brings with it many challenges. The Court needs our full support and cooperation to bring

individuals responsible for the most serious violations of international law to justice without delay. In particular, we must ensure that any use of Article 16 to defer cases is only contemplated in exceptional circumstances. To fail to do so would represent a failure to ensure justice for egregious international crimes.

### **International Criminal Tribunals – Extraordinary Chambers in the Courts of Cambodia (ECCC)**

On 21 October 2008, the Minister for Foreign Affairs, Mr Stephen Smith, issued a media release regarding Australia's contribution to the United Nations for the ECCC. An extract from Mr Smith's release follows:

I am pleased to announce a further \$5 million Australian contribution to the United Nations (UN) for the Extraordinary Chambers in the Courts of Cambodia (ECCC), also known as the Khmer Rouge Tribunal.

I advised Cambodia's Ambassador for Australia, Meas Kim Heng, of this contribution today.

Under an agreement between the United Nations and the Royal Government of Cambodia, the ECCC will conduct trials of former Khmer Rouge leaders charged with crimes against humanity during the 1975-1979 period, in which it is estimated up three million people perished under the Khmer Rouge regime.

In 1997 the then newly formed Cambodian Government requested UN assistance in establishing a trial process to prosecute the senior leaders of the Khmer Rouge. The Cambodian National Assembly in 2001 passed a law to create a Court to try serious crimes committed during the Khmer Rouge regime.

This court is called the Extraordinary Chambers in the Courts of Cambodia for the Prosecution of Crimes Committed during the Period of Democratic Kampuchea (Extraordinary Chambers or ECCC). While the court was created by the Cambodian Government and UN, the ECCC is independent and will provide a new model for court operations in Cambodia. Australia has been a long-term supporter of Cambodia's efforts to bring Khmer Rouge leaders to justice.

This new funding will support the United Nations' contribution to the work of the ECCC over the next two years. Australia has previously provided over \$4 million towards the ECCC's operations.

There has been significant progress since the ECCC began its work, with five individuals charged and held in provisional detention awaiting trial.

The ECCC provides an historic opportunity to achieve justice for the victims of the brutal Khmer Rouge regime.

Australia urges Cambodia and the international community to intensify their cooperative efforts to ensure that the trials are completed in a timely manner and according to internationally acceptable standards of justice, fairness and due legal process.

**International Criminal Tribunals – International Criminal Tribunals for the former Yugoslavia and Rwanda**

On 13 October 2008, New Zealand's Permanent Representative to the United Nations in New York, Ms Rosemary Banks, delivered a statement to the Sixth Committee of the United Nations General Assembly on the Reports of the International Criminal Tribunal for the former Yugoslavia and the International Criminal Tribunal for Rwanda on behalf of CANZ. An extract from Ms Banks' statement follows:

At the outset, Canada, Australia and New Zealand wish to reaffirm our strong support for the International Criminal Tribunals for the former Yugoslavia and for Rwanda. Both tribunals have made, and continue to make, a significant contribution towards fulfilling our shared goal of ending impunity for genocide, crimes against humanity, and war crimes.

The jurisprudence of both tribunals forms part of their legacy, and one which other international criminal tribunals, including the International Criminal Court, as well as national courts, will continue to draw on for years to come. By bringing to justice the perpetrators of these most shocking crimes, the Tribunals have helped to strengthen the rule of law and promote long-term stability and reconciliation in the Balkans and in Rwanda, showing that peace and justice can indeed go hand-in-hand.

...

CANZ is encouraged by the commitment of both tribunals to implementation of their completion strategies. We welcome the ongoing work on residual issues being done by both the tribunals themselves and the Security Council informal working group. We acknowledge the many and varied challenges this issue presents. We welcome also the increased efficiency measures for the trial and appeal processes. At the same time CANZ acknowledges the difficult balancing act that is required in order to wind down the operations of the tribunals while still retaining sufficient staff capacity to deal with the remaining cases in a manner that is consistent with due process.

...

Referral of cases to national jurisdictions is another key component of the completion strategies. CANZ recognizes that there are a number of benefits in referring cases to the national jurisdictions where the crimes occurred, including the positive contribution domestic proceedings can make to national reconciliation processes.

...

CANZ welcomes the work that both tribunals are doing on residual issues in the context of the completion strategy. A number require careful consideration. These include how to deal with the enforcement of sentences, the preservation and protection of archives, the monitoring of cases referred, issues relating to protected and relocated witnesses, as well as possible future applications by convicted persons, for example, for review of their cases on the basis of newly discovered facts. These issues present practical challenges that require the development of principled but effective mechanisms.

**Mutual Assistance in Criminal Matters – East Timor**

On 22 April 2008, the Minister for Foreign Affairs, Mr Stephen Smith, made the following statements in a media conference concerning East Timor's request for information regarding Alfredo Reinado. An extract from Mr Smith's media conference follows:

[F]rom the middle of March, the relevant Australian authorities have made it clear to East Timor that if they require information for purposes of their investigations, whether that information is telephone records or financial transactions, then all they have to do is to follow the well-designated appropriate procedure and that information will be made available to them.

In the case of telephone records, my understanding is that has been made available. In the case of financial records, all the East Timorese authority need to do is to follow the well set out appropriate procedure, and that information will also be provided to them.

...The investigation is being conducted by the East Timorese authorities. That was their desire. They have asked the Australian authorities to provide some assistance to them. That has in the main, been assistance in a specialised technical area forensically. They wanted to - as is entirely appropriate - to conduct that investigation as an individual nation state would want to.

...

The East Timorese authorities have been told since the middle of March that if they want information along those lines, there is a standard procedure in process designated by the Attorney-General's office and department, which they need to follow. All they need to do is follow that procedure and the information will be provided to them.

...

**Mutual Assistance in Criminal Matters – India**

On 23 June 2008, the Minister for Foreign Affairs, Mr Stephen Smith, issued a media release regarding the June 2008 Australia-India Foreign Ministers Framework Dialogue (FMFD). An extract from Mr Smith's release follows:

Legal cooperation, especially in relation to law enforcement, is another key and expanding area of the Australia-India relationship. Mr Smith and Mr Mukherjee signed an extradition treaty and a mutual legal assistance treaty, underscoring the willingness of the two countries to collaborate and address criminal matters in a practical way.

**Terrorism – Counter-Terrorism – United Nations**

On 6 May 2008, Australia's Ambassador and Permanent Representative of Australia to the United Nations in New York, Mr Robert Hill, delivered a statement to the United Nations Security Council on counter-terrorism efforts. An extract from Mr Hill's statement follows:

The UN's comprehensive legal framework in the field of counter-terrorism is of fundamental importance to the international community in developing a global response to the continually evolving threat of terrorism. Australia strongly supports the work of the UN counter-terrorism committees to bring practical effect to the UN's counter-terrorism framework and the Global Counter-Terrorism Strategy. We encourage close engagement by these committees with the Counter-Terrorism Implementation Task Force to ensure appropriate coordination in efforts, to avoid duplication and to encourage effective implementation by Member States of the Global Counter-Terrorism Strategy.

Australia's international engagement on this issue is focused on enhancing security and capacity building efforts with partner countries to combat terrorism and prevent terrorist attacks. Regional counter-terrorism successes are continuing to have an impact on the primary terrorist threat to our region, Jemaah Islamiyah. Bilateral, regional and international cooperation are essential to effectively combat terrorism, in all its forms. Australia remains committed to working at all levels with Member States to overcome the grave threat to our security posed by terrorism.

Australia strongly supports the work of the Security Council's Counter-Terrorism Committee and its Executive Directorate. Australia encourages the Committee in its efforts to improve facilitation of technical assistance to countries with vulnerabilities in counter-terrorism responses and in the monitoring and implementation of counter-terrorism measures.

Australia welcomes the Counter-Terrorism Executive Directorate's comprehensive strategy in engaging with donors active in the counter-terrorism field and matching donor capabilities with recipients' needs. Effective relationship building between donor and recipient countries, and a practical focus on capabilities and needs, are critical for success.

Australia recognises the importance of the work of the 1267 committee in the UN's counter-terrorism efforts. In March this year, Australia significantly increased the maximum penalties upon conviction for breaching Australian measures implementing the obligations set out in Resolutions 1267 and 1373 and subsequent resolutions.

Australia welcomes the steps being taken by the 1267 Committee to engage more closely with Member States and regional bodies to better coordinate its work and improve the exchange of information. This will be important if global counter-terrorism efforts are to be effective, as a strong legislative and regulatory framework is essential to disrupting terrorist networks and dealing with specific threats.

Australia welcomes the unanimous adoption of United Nations Security Council Resolution 1810, extending the mandate of the 1540 Committee for a further three years. We encourage the Committee to continue building on its efforts of the past four years in support of the universal and effective implementation of the goals of Resolution 1540. Australia particularly commends the Committee for seeking to promote and develop greater Asia-Pacific coordination and cooperation of 1540 implementation, including facilitating assistance to regional countries to fulfil their 1540 obligations.

...

As chair of the Australia Group, Australia works with 40 other member

governments, and the EC, to strengthen the Group's control lists, and through outreach we complement the goals of 1540 and the outreach efforts of the 1540 Committee. Australia will also chair the planning meeting of the 34-member Missile Technology Control Regime in Canberra in November this year, providing us with a further opportunity to contribute to strengthening international non-proliferation frameworks and norms.

On 4 September 2008, the Director of the Counter-Terrorism Cooperation Section at the Department of Foreign Affairs and Trade, Ms Susan Grace, delivered a statement to the Sixth Committee of the United Nations General Assembly concerning the Global Counter-Terrorism Strategy. An extract from Ms Grace's statement follows:

The adoption of the Global Counter-Terrorism Strategy in 2006 was a significant achievement for the General Assembly, as Member States united to take action on one of the most pressing threats facing the international community today.

Australia warmly welcomes the re-affirmation of the Strategy by the General Assembly offered in Resolution A/62/L.48 and we remain committed to implementing the Strategy's Plan of Action in its entirety.

...

Australia supports ongoing efforts to ensure the UN is equipped to meet the challenge of terrorism, and to maximise the contribution that Member States can make to the multilateral counter-terrorism agenda.

In this context, we welcome initiatives by the Counter-Terrorism Implementation Task Force (CTITF) to ensure overall coordination and coherence in counter-terrorism efforts at the UN. Australia appreciates the pro-active manner in which the Task Force has approached its work and welcomes further opportunities for dialogue between the Task Force and Member States.

Australia also strongly supports the efforts of the Counter-Terrorism Executive Directorate (CTED) to build global counter-terrorism capacity by engaging donors and match their capabilities with the priority needs of recipient countries. We also note with appreciation work that the United Nations Office on Drugs and Crime has been undertaking through its Terrorism Prevention Branch in South-East Asia and the Pacific to promote the ratification and implementation of the international counter-terrorism conventions and protocols.

...Since 2001, Australia has introduced a range of important measures aimed at protecting Australians and Australian interests.

Australia's domestic counter-terrorism arrangements are predicated first and foremost on a comprehensive approach to emergency management that recognises the need to prevent and prepare for and, if necessary, respond to and recover from terrorist attacks and their consequences.

An effective legal framework is also fundamental to addressing the global terrorist threat.

Australia has fully implemented its obligations to freeze terrorist assets under UN Security Council Resolutions 1267, 1373 and successor and related resolutions. We have also now ratified 13 of the 16 international counter-terrorism instruments of

universal application and are currently assessing the legislative changes necessary to implement the remainder.

...

Australia has signed thirteen Counter-Terrorism Memoranda of Understanding with countries in the South-East Asian, Pacific, Middle East and South Asian regions. These MOUs are umbrella arrangements that set out a framework for counter-terrorism cooperation and sharing best practice amongst partner agencies.

Australia's counter-terrorism priorities to date have been South-East Asia, where Australians and Australian interests have been subject to direct attack, and the Pacific, where governments may require assistance from regional partners to meet their international CT obligations.

Our regional approach to tackling the terrorist threat centres on a sustained program of building mutually beneficial cooperation through CT capacity-building. There is now an increasing convergence in the understanding of the threat and our approaches to countering it between Australia and its regional partners.

Since 2003 the Australian Government has allocated more than \$450 million to provide a wide-range of counter-terrorism assistance. The main areas of Australia's engagement have been in the fields of law enforcement, intelligence sharing, border and transport security, diplomacy, defence cooperation, countering terrorist financing, legal capacity-building, as well as countering the threat of chemical, biological, radiological and nuclear terrorism.

...

In close partnership with Indonesia, the Jakarta Centre for Law Enforcement Cooperation (JCLEC) is recognised as a model for counter-terrorism and law enforcement cooperation. Australia has committed \$36.8 million over five years to JCLEC to assist with the training of regional law enforcement officers involved in combating terrorism and other transnational crime.

...

Australia also pursues an ambitious counter terrorism and human security agenda through the APEC Counter-Terrorism Task Force (CTTF), which focuses on the economic aspects of terrorism.

Another key concern for all of us is the threat of terrorists acquiring and using chemical, biological, radiological or nuclear (CBRN) materials in an attack.

To reduce the risk of CBRN materials falling into the hands of terrorists, it is important that we have in place robust physical and legislative measures. Accordingly, Australia has assisted a number of regional countries to develop laws and regulations required to implement UN conventions on the protection of nuclear material, and improve the security of radiological, nuclear and laboratory biological materials.

...

Respect for human rights and the rule of law is the fourth and final cornerstone of the Strategy. We cannot effectively counter the threat of terrorism by using the same

methods as terrorists. Counter-terrorism measures must be accountable and subject to the rule of law.

Counter-terrorism measures must strike the right balance between the protection of the public from the terrorist threat and protection of civil liberties. In this context, Australia recognises the United Nations' vital role in advising Member States on ways to counter terrorism consistent with their obligations under international law, with particular regard for international human rights, refugee and humanitarian law.

As we go forward, Australia anticipates engaging further with United Nations agencies on all these issues, and contributing what we can of our experience towards a shared approach by the world community to eliminating the scourge of terrorism from the world stage.

### **Terrorism – Counter-Terrorism Cooperation – Bangladesh**

On 24 December 2008, the Minister for Foreign Affairs, Mr Stephen Smith, issued a media release regarding a Memorandum of Understanding on Cooperation to Combat International Terrorism which was signed by Australia's High Commissioner to Bangladesh, Mr Douglas Foskett, and the Secretary of the Home Affairs Ministry of Bangladesh, Mr Abdul Karim. An extract from Mr Smith's release follows:

The Memorandum will facilitate greater cooperation between Australia and Bangladesh to prevent and suppress international terrorism. It will provide a framework for operational agencies to cooperate in areas such as information and intelligence exchange, law enforcement activities, money laundering and the financing of international terrorism, and the development of effective counter-terrorism legal instruments.

### **Transnational Organised Crime – People Smuggling and Trafficking in Persons**

On 12 November 2008, the Minister for Foreign Affairs, Mr Stephen Smith, issued a joint media release with Indonesian Minister for Foreign Affairs, Dr N. Hassan Wirajuda, regarding people smuggling and trafficking in persons. An extract from that joint release follows:

Ministers reaffirmed Australia's and Indonesia's commitment to working together under the Lombok Treaty in the area of law enforcement cooperation. In particular, Ministers noted that people smuggling and trafficking in persons remain high-priority transnational issues, both bilaterally and regionally. Ministers acknowledged that these challenges should be addressed in a cooperative and comprehensive manner with source, transit and destination countries.

Ministers noted the success of our bilateral cooperation in combating people smuggling and welcomed the reduction in people smuggling ventures arriving in Australia. Ministers acknowledged the constructive bilateral activity between key domestic operational agencies in this regard. Ministers noted that Australia and Indonesia remained vigilant to the continuing threat posed by people smuggling syndicates, and agreed to enhance our cooperation through increased operational assistance and information sharing and exploring measures to better strengthen our respective domestic legal frameworks in a manner consistent with relevant

international instruments. Ministers also noted both the need to combat trafficking in persons, which undermined security due to links with organised crime, and to protect and assist the victims of such trafficking.

Ministers agreed that combating people smuggling and trafficking in persons in the region remained a high priority, including through bilateral cooperation and regional capacity building under the auspices of the Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime, co-chaired by Australia and Indonesia. Ministers welcomed the opportunity to reaffirm our shared leadership of the Bali Process, and looked forward to convening a Ministerial-level meeting of the Bali Process in the first half of 2009.

### **United Nations – Criminal Accountability of United Nations Experts and Officials**

On 10 October 2008, the Parliamentary Adviser to Australia's Permanent Mission to the United Nations in New York, Senator Kerry O'Brien, delivered a statement to the Sixth Committee of the United Nations General Assembly on behalf of CANZ concerning the criminal accountability of United Nations officials and experts on mission. An extract from Senator O'Brien's statement follows:

CANZ considers these on-going discussions on the criminal accountability of United Nations officials and experts on mission to go to the heart of the foundation of the United Nations as reflected in the UN Charter. The preamble to the Charter demonstrates our common desire to "establish conditions under which justice ... can be maintained". As part of this quest, we need to ensure that officials and experts of the United Nations are held to the highest standard by making them accountable when they commit criminal offences. The UN system must exemplify the rule of law principles it seeks to foster.

CANZ recognises that the resolution we adopted last year (A/RES/62/63), in encouraging Member States to exercise jurisdiction over their nationals who are participating in UN operations overseas, was a good first step. However more remains to be done to ensure that those who commit serious crimes are held accountable.

We need to strengthen measures to enhance cooperation between States, between States and the United Nations, and within the United Nations itself.

We need to take steps to ensure that inadvertent jurisdictional gaps do not lead to impunity.

And in the longer term, CANZ supports, in principle, the Secretariat's call for a convention that requires Member States to exercise jurisdiction over their nationals who are participating in UN operations overseas. CANZ would welcome further discussions and work to achieve this end.

As part of our consideration of this issue, we would like to commend the Secretary-General on his report, A/63/260. As a demonstration of the importance we attach to this work, Canada, New Zealand and Australia are proud to have submitted material reflected in this. We would like to commend colleagues who similarly responded to the Secretary-General's request for information.

Further we encourage the Secretary General to continue to support programs and policies that are designed to instil the highest standards for conduct and behaviour in UN experts and officials while on mission. Ensuring accountability further lends credibility to UN missions and promotes respect for the important work of the officials and experts on mission.

## **V. Human Rights and Social Law**

### **Human Rights – Children and Armed Conflict**

On 12 February 2008, Australia's Ambassador and Permanent Representative of Australia to the United Nations in New York, Mr Robert Hill, delivered a statement on children and armed conflict to the United Nations Security Council. An extract from Mr Hill's statement follows:

Australia places the highest priority on protecting children and we remain extremely concerned about the plight of those affected by armed conflicts.

We welcome the significant steps which have been taken to address this issue and commend the Special Representative of the Secretary-General on Children and Armed Conflict for her leadership and dedication to the issue at hand.

The UN system must continue to draw upon its full range of expertise and coordinate its efforts to address children and armed conflict. We recognise the important role of UNICEF in child protection, including in supporting the work of the Security Council and the Special Representative on children and armed conflict. We also commend Professor Pinheiro, Independent Expert for the Secretary-General's Study on Violence Against Children, for his work on this crucial child protection issue.

We are particularly pleased that significant progress has been made to operationalise the monitoring and reporting mechanism mandated in Security Council Resolution 1612 on children and armed conflict and that the Security Council Working Group has continued its consideration of country reports in this regard.

We commend the real progress made in Cote d'Ivoire in halting the recruitment of child soldiers and in progressing the Ouagadougou Agreement.

We need, however, to maintain attention and seek further progress in all situations of children affected by armed conflicts, among them those in Sudan, the Democratic Republic of Congo, and Somalia.

Children in situations of armed conflicts, including those displaced by conflict, are not only vulnerable to recruitment as child soldiers, but also to other grave violations, including killing and maiming, rape and other grave sexual violence, abductions, attacks on schools and hospitals and the denial of humanitarian access. All these violations are egregious and no hierarchy can be ascribed to the abuses suffered by children in times of conflict. We would, however, encourage the triggering of the monitoring and reporting mechanism when any of these violations occur, and especially for situations of rape and other acts of sexual violence.

We encourage the Council to continue to call on parties listed in the annexes of the Secretary-General's reports to prepare time-bound action plans to stop the recruitment of children into armed forces and other violations against children.

Many of those who commit violations against children in situations of armed conflict do so persistently and have been cited repeatedly in reports of the Secretary-General. We therefore encourage the Council to continue to consider targeted measures which may be taken against these persistent violators of child rights.

Efforts of all key stakeholders remain essential in combating violations against children in times of conflict and ensuring adherence to relevant international law. As well as ensuring that measures are taken at the international, regional and national level to combat such crimes, governments must also ensure that the perpetrators of these crimes are brought to justice. We echo the Secretary-General in highlighting the important role of the International Criminal Court in investigating and prosecuting violations against children in armed conflict that fall within its jurisdiction.

We encourage those member states that have not done so to ratify the Optional Protocol on the Involvement of Children in Armed Conflicts and the Rome Statute of the International Criminal Court without delay.

If we, as an international community, are to create an environment in which children not only survive, but thrive – a goal of ‘A World Fit for Children’, which was reaffirmed at the Commemorative High-Level Plenary Meeting in December last year – then we must reaffirm our commitment to protect all children, particularly those affected by armed conflict, from harm and exploitation and ensure that those who would abuse them are brought to account. Australia remains firmly dedicated to this end.

### **Human Rights – Convention on the Rights of Persons with Disabilities (CRPD)**

On 18 July 2008, the Minister for Foreign Affairs, Mr Stephen Smith, issued a joint media release with the Attorney-General, Mr Robert McClelland, and the Parliamentary Secretary for Disabilities and Children’s Services, Mr Bill Shorten, regarding Australia’s ratification of the CRPD (adopted 13 December 2006). An extract from that joint release follows:

Australia has today ratified the UN Convention on the Rights of Persons with Disabilities, making Australia one of the first Western countries to ratify the Convention.

Australia joins 29 other countries around the world in a move that aims to promote a global community in which all people with disability are equal and active citizens.

“Ratifying the Convention clearly demonstrates the Rudd Government’s international commitment to ensuring people with disability are treated equally and not as second-class citizens,” Attorney-General Robert McClelland said.

“This significant achievement is the result of substantial collaboration by Government and Non-Government stakeholders,” Mr McClelland said.

“I applaud the co-operation of these bodies who have successfully worked together to promote this historic international instrument,” Minister for Foreign Affairs Stephen Smith said.

“Australia has a long-standing commitment to upholding and safeguarding the rights of people with disability and ratifying the Convention sends this unequivocal message to the world,” Mr Shorten said.

The ratification, which took place overnight in New York, comes after the Rudd Government expedited its ratification processes and the Joint Standing Committee on Treaties supported taking binding treaty action last month.

It also means Australia can participate in the inaugural election of the Committee on the Rights of Persons with Disabilities. The Committee will oversee the implementation of the Convention.

### **Human Rights – Optional Protocol to the Convention Against Torture**

On 2 May 2008, the Minister for Foreign Affairs, Mr Stephen Smith, issued a joint media release with the Attorney-General, Mr Robert McClelland, concerning the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (adopted 18 December 2002). An extract from that joint release follows:

“Today I have written to my State and Territory counterparts to consult them on Australia acceding to the Torture Protocol. This is a necessary step towards Australia becoming a party to this important instrument,” Mr McClelland said.

“This sends a strong international message that torture is completely out of place in a humane and civilised society. It demonstrates the Government's commitment to strengthening Australia's engagement with the United Nations,” Mr Smith said.

### **Human Rights – Standing Invitation to United Nations Human Rights Experts**

On 8 August 2008, the Minister for Foreign Affairs, Mr Stephen Smith, issued a joint media release with the Attorney-General, Mr Robert McClelland, extending a standing invitation to United Nations human rights experts to visit Australia. An extract from that joint release follows:

The Rudd Government will extend a standing invitation to United Nations human rights experts to visit Australia, demonstrating its willingness to engage positively with the international community to implement human rights obligations.

“The Government supports both the promotion of human rights internationally and the development of international standards and mechanisms for the protection and enforcement of these rights,” Mr McClelland said.

“That's why the Government has agreed to issue a standing invitation to UN human rights experts to come to Australia.”

The United Nations Human Rights Council has a mandate to examine, monitor, advise and publicly report on human rights situations in specific countries, or on major human rights issues anywhere in the world. But in order to send a Special Rapporteur or a working group to any country, permission of the receiving country must be obtained.

### **Human Rights – Situations – China**

On 19 March 2008, the Minister for Foreign Affairs, Mr Stephen Smith, responded to a petition in Parliament regarding the human rights situation in Tibet. An extract from Mr Smith's response follows:

We urge China to allow free access to Tibet and other affected areas so that the international community may gain an accurate understanding of what is occurring there. The government welcomes the Dalai Lama's call overnight for an end to the violence. The government believes that constructive dialogue offers the best prospects for peaceful resolution of the issue and certainly the long-term stability of the affected areas. As I have said before in this chamber, Australia recognises China's sovereignty over Tibet, but we believe it is in China's best interests to implement policies which will foster an environment of much greater respect and tolerance.

On 9 April 2008, the Prime Minister, Mr Kevin Rudd, delivered a speech at Peking University, entitled 'A Conversation with China's Youth on the Future'. An extract from Mr Rudd's speech follows:

Australia, like most other countries recognises China's sovereignty over Tibet. But we also believe it is necessary to recognise there are significant human rights problems in Tibet. The current situation in Tibet is of concern to Australians. We recognise the need for all parties to avoid violence and find a solution through dialogue. As a long-standing friend of China I intend to have a straightforward discussion with China's leaders on this.

### **Human Rights – Situations – Democratic People's Republic of Korea (DPRK)**

On 29 October 2008, the First Secretary at the Australian Mission to the United Nations in New York, Ms Lara Nassau, delivered a statement to the Third Committee of the United Nations General Assembly regarding the human rights situation in the DPRK. An extract from that statement follows:

We remain gravely concerned about the human rights situation in the Democratic People's Republic of Korea, including the suppression of freedom of expression, religion and opinion, as well as torture and imposition of the death penalty for political reasons.

### **Human Rights – Situations – Democratic Republic of the Congo (DRC)**

On 13 November 2008, the Minister for Foreign Affairs, Mr Stephen Smith, responded to a parliamentary question without notice regarding Australia's assistance to the DRC. An extract from Mr Smith's response follows:

The Australian Government is very deeply concerned about the recent outbreak of violence and fighting in the Democratic Republic of the Congo. Regrettably, the Democratic Republic of the Congo is a country with a terrible recent history of conflict and suffering. Its people have suffered two civil wars between 1996 and 2003 and it is estimated that they have claimed over five million lives as a result of violence and consequent disease and starvation.

The Democratic Republic of the Congo in conjunction with the international community, including the United Nations, has made considerable efforts in recent times to restore stability and rebuild national unity. Since 2000 a United Nations peacekeeping organisation has been present in the Democratic Republic of the Congo and over the years Australia has given substantial and strong support to that UN peacekeeping organisation, contributing over \$30 million as part of Australia's contribution to UN peacekeeping.

Very regrettably, as members would be aware, we have recently seen conflict break out again. In October the forces of General Nkunda moved through North Kivu province in the east, defying not just government forces but also those UN peacekeepers. There have been alarming reports of targeted violence against civilians, including lootings and killings and the use of rape as an instrument of war.

...

Whilst it is appropriate for Australia to make a contribution to peacekeeping through its contribution to the United Nations, it is not, in the government's view, appropriate to make a military or a peacekeeping contribution in terms of boots on the ground. But it is important for Australia to consider the need for urgent humanitarian aid and assistance.

Early in November, in response to the crisis, I announced that we would apply \$1 million emergency humanitarian assistance, enabling us to give consideration to further humanitarian assistance on the basis of the United Nations assessment.

I am able to advise the House today that Australia will make, all up, a contribution of \$5 million for humanitarian assistance in the Democratic Republic of the Congo. It comprises the \$4 million that I am announcing today, \$3 million of which will go to the United Nations High Commissioner for Refugees to deal with nearly 250,000 displaced people, to UNICEF and to the UN Office of the Coordination of Humanitarian Affairs. One million dollars will go to Australian NGOs who have a presence in Africa.

### **Human Rights – Situations – Zimbabwe**

On 30 April 2008, the Minister for Foreign Affairs, Mr Stephen Smith, issued a media release on Zimbabwe. An extract from Mr Smith's release follows:

I am appalled by the likelihood of further delays in the finalisation of the Presidential election result in Zimbabwe.

It is now a month and a day since the 29 March poll. The recounts in 23 constituencies concluded earlier this week and the result of the Presidential election is still to be released.

Like the recent raids on the headquarters of the Movement for Democratic Change and the Zimbabwe Election Support Network (a democracy-promoting non-government organisation), the continued delay demonstrates the Mugabe Government's utter contempt for democratic principles and processes.

Of great concern are the human rights abuses being perpetrated reportedly by groups that support the Mugabe Government, including elements of the Zimbabwean security forces targeting opposition supporters, civil society groups and human rights defenders.

I join the call of the UN High Commissioner for Human Rights for restraint by all parties and urge Zimbabwean authorities to put an end to the campaign of violence and intimidation immediately.

As well, I strongly support international efforts that prevent the Mugabe regime from being further equipped to commit further human rights violations against the already long suffering Zimbabwe people.

On 26 May 2008, the Minister for Foreign Affairs, Mr Stephen Smith, delivered a speech at Africa Day celebrations in Canberra. An extract from Mr Smith's speech follows:

One of the notable achievements of the past decades has been the spread in Africa of democracy.

Sadly, this is not the case in Zimbabwe.

I have discussed Zimbabwe with my counterparts in South Africa, Dr Dlamini-Zuma; in Zambia, Mr Pande; and Tanzania, Mr Membe; and with the Vice President of Botswana, Lt Gen Merafhe. I registered Australia's interest in and concerns on Zimbabwe, and benefited from our discussions of the situation in Zimbabwe.

Australia remains deeply concerned at developments in Zimbabwe and strongly urge Zimbabwe's neighbours to encourage President Mugabe to respect the will of the Zimbabwe people, including through providing a strong contingent of election observers to undertake comprehensive monitoring before, during and after the second round of presidential elections.

We welcome the Southern African Development Community's decision to increase substantially the number of observers in the second round run-off election. Australia stands ready, if asked, to provide election observer assistance.

Meanwhile we will continue to provide humanitarian assistance to the citizens of Zimbabwe through the UN and NGOs. We expect to provide aid to Zimbabwe totalling approximately \$12 million in 2007-08.

## **VI. International Economic and Trade Law**

### **Bilateral Economic Cooperation – European Union**

On 5 May 2008, the Minister for Trade, Mr Simon Crean, delivered a speech at the launch of the 2008 edition of the 'European Australian Business' publication concerning the future of bilateral cooperation between Australia and the European Union. An extract from Mr Crean's speech follows:

This Government has put Australian relations with Europe on a new footing. Within just one month of being sworn in, I visited the EU for detailed discussions to build and strengthen our bilateral relationship. And since that time I have been in constant contact with my EU counterpart, Trade Commissioner Peter Mandelson, as we work towards what I hope will be a successful outcome to the WTO Doha round of trade negotiations. My aim is simple: a constructive working relationship that reflects so many of our shared values and aspirations.

...We want to embrace the opportunities of Europe. Our disagreements over agriculture need to be addressed but they should not define our relationship. And as I

personally discovered when I visited Brussels in late January, this constructive approach is welcome in European capitals. That's because there are so many potential areas of cooperation between Australia, the EU and its member states. If we keep that in mind – if we keep in mind the need for a constructive conversation, then in that positive context, we can continue to air our differences.

On 16 September 2008, the Minister for Foreign Affairs, Mr Stephen Smith, delivered a speech at the European-Australian Business Council Dinner concerning the new era of Australia-EU relations. An extract from Mr Smith's speech follows:

The Prime Minister has signalled the Government's interest in a "new era" of engagement between Australia and the EU, an approach that has been welcomed across Europe.

In the past, it was not uncommon for an Australian Prime Minister to visit Brussels, engage in some combative discussions with the Commission, and go home.

We are determined to bring a new approach. We want to shift the focus from issues that have divided us to those that strengthen the bonds that pull us together.

One of our primary goals in this "new era" of the relationship is to develop a new Australia-EU Partnership Framework. The Framework will be a vehicle to take forward the re-invigorated partnership.

...

Spurred on by the Partnership Framework negotiations, we have seen marked improvements by both sides in the pace and quality of some long-standing bilateral negotiations.

We have recently concluded the Australia – EU Passenger Name Record (PNR) Data Agreement.

Our long-standing efforts to persuade the EU to negotiate a comprehensive air services agreement with us have borne fruit with formal negotiations due to begin with the EU in November.

Bilaterally, this agreement promises to be a good example of the practical gains of a renewed partnership: it will replace 17 air services agreements with one, generating considerable economic efficiencies for business.

...

A key emerging foreign policy pre-occupation for the EU is the growing economic and strategic importance of the Asia-Pacific region, an issue on which Australia is well positioned to share its expertise.

On 2 December 2008, the Minister for Agriculture, Fisheries and Forestry, Mr Tony Burke, issued a media release welcoming the signing of the Australia-European Community Agreement on Trade in Wine by the Minister for Foreign Affairs, Mr Stephen Smith, and the European Commissioner for Agriculture and Rural Development, Mrs Mariann Fischer Boel. An extract from Mr Burke's media release follows:

Australia's wine producers will benefit from improved access to our largest wine export market – Europe – with an important international agreement signed overnight in Brussels.

The benefits for Australian producers include:

- European recognition of an additional 16 Australian winemaking techniques, including the use of oak chips to add flavour;
- Simpler arrangements for the approval of winemaking techniques that may be developed in the future;
- Simplified labelling requirements for Australian wine sold in European markets, to allow optional information such as the number of standard drinks;
- Protection within Europe for Australia's 112 registered geographical indicators, including Barossa Valley, Mudgee, Margaret River and Rutherglen;
- Australia can continue to use a number of 'traditional expressions', such as 'vintage', 'tawny' and 'ruby'.

Australian producers agreed in return to ensure they did not use more than 2,500 European names such as 'champagne', 'port', 'sherry', 'chablis', 'burgundy' and 'tokay'.

### **Bilateral Economic Cooperation – Japan**

On 1 February 2008, the Minister for Foreign Affairs, Mr Stephen Smith, and the Australian Assistant Treasurer and Minister for Competition Policy and Consumer Affairs, Mr Chris Bowen, issued a joint media release announcing that Australia and Japan had signed the Convention between Australia and Japan for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income (done on 31 January 2008). An extract from that joint release follows:

The new treaty underlines the modern and sophisticated bilateral ties between Japan and Australia. It will enhance our important investment relationship, further assisting trade and investment flows, while reflecting current tax treaty policies and practices of the two countries.

In particular, it will substantially reduce withholding tax on certain dividend, interest and royalty payments. These changes reduce the cost to Australian businesses of accessing intellectual property, equity and finance for expansion. In turn, the new treaty reduces obstacles inhibiting further corporate expansion into Japan.

The new treaty will broadly update taxation arrangements between Australia and Japan. This includes broadly aligning capital gains tax treatment with Organisation for Economic Cooperation and Development (OECD) practice and providing for improved integrity measures.

Responding to requests from both Australian and Japanese businesses, the new treaty will streamline taxation arrangements between Australia and Japan to the benefit of both economies.

**Free Trade Agreements – General**

On 23 January 2008, the Minister for Trade, Mr Simon Crean, delivered a speech to the Australian Chamber of Commerce in Tokyo. An extract from Mr Crean's speech follows:

Our multilateral agenda will be complemented at the regional level via APEC and at the bilateral level via Free Trade Agreements, including the FTA with Japan.

Another important aspect of my approach will be to ensure that trade liberalisation at Australia's border is supported by productivity enhancing economic reform behind the border. This will be achieved by ensuring that trade policy is part of our broader economic policy – all arms of policy working together to drive productivity growth.

I see this in the context of the twin pillars for sustainable economic growth. That is, the benefits of trade liberalisation at the border will only be maximised by economic reform behind the border.

On 20 May 2008, the Minister for Trade, Mr Simon Crean, delivered a speech at the Australia-India Joint Business Council Dinner. An extract from Mr Crean's speech follows:

Our Government has taken a new approach to FTAs. We have recalibrated the focus of our trade negotiations by putting multilateralism back at the centre, we are committed to pursuing high-quality, comprehensive FTAs. We want to strike agreements that not only promote our bilateral economic and trade relationships, but which also support the multilateral trading system.

Our aim is to make sure these agreements are as comprehensive as possible.

On 25 July 2008, the Minister for Trade, Mr Simon Crean, issued a media release regarding free trade agreement negotiations with Japan. An extract from Mr Crean's release follows:

"While Australia's top priority is achieving multilateral trade liberalisation, we pursue comprehensive FTAs that support multilateral trade reform, that are WTO plus and that set liberalising benchmarks which can serve as models for other countries," said Mr Crean.

On 26 August 2008, the Minister for Trade, Mr Simon Crean, made a ministerial statement to the House of Representatives regarding the WTO Doha Round. An extract from Mr Crean's statement follows:

The government is actively engaged in building the regional architecture. It is committed to FTAs that enhance and build on the multilateral system, not those that detract from it...

I have already reported to the House the conclusion of an FTA with Chile, the most comprehensive bilateral trade agreement Australia has ever entered into. We are also negotiating FTAs with China, Japan and the Gulf Cooperation Council. We have FTAs in the pipeline with Malaysia, Indonesia, India and, I hope soon, the Republic of Korea. In fact, I will be attending over the next three days an important and, I hope, final negotiating session for the ASEAN-Australia-New Zealand Free Trade Agreement... We are also working to build on these efforts regionally and I will be

involved this week also in important discussions in the East Asia Summit process. In addition, we are working intensively on a strong forward agenda for APEC beyond the leaders meeting in Peru in November, engaging the next three chairs of APEC: Singapore, Japan and the US. But none of this activity detracts from our efforts to secure a strong multilateral platform for our trade reform efforts internationally, a platform that brings order to world trade and that will boost world trade and economic growth. The relationship that we build at the WTO level creates a level of trust with our negotiating partners that will ultimately boost our prospects for stronger trade reform at all levels.

On 7 October 2008, the Minister for Trade, Mr Simon Crean, delivered a speech at the Monash University Sunway Campus, in Kuala Lumpur, Malaysia. An extract from Mr Crean's speech follows:

At the same time as we continue to work assiduously to finalise the Doha Round, we're also negotiating free trade agreements, FTAs.

Australia sees no tension between our pursuit of FTAs and our abiding commitment to multilateral trade liberalisation. We simply have an overriding objective of liberalising trade across all sectors.

It's the Australian Government's policy that we will pursue bilateral, regional and plurilateral FTAs where they support our objectives for the wider multilateral trading system.

We recognise that FTAs can deliver market access gains deeper and faster than might otherwise be possible in multilateral talks.

Having in May concluded negotiations for a very comprehensive FTA with Chile, we are currently negotiating further FTAs with Japan, China and the Gulf Cooperation Council.

And we're looking into starting negotiations with Korea, and are currently undertaking FTA feasibility studies with Indonesia and India.

We are also considering the potential of pursuing trade liberalisation through important regional institutions like APEC and the East Asia Summit.

### **Free Trade Agreements – ASEAN and New Zealand**

On 28 August 2008 the Minister for Trade, Mr Simon Crean, issued a media release on the conclusion of negotiations of the Agreement Establishing the ASEAN-Australia-New Zealand Free Trade Area (AANZFTA). An extract from Mr Crean's release follows:

Minister for Trade Simon Crean today announced that Australia has concluded negotiations for the region-wide ASEAN-Australia-New Zealand Free Trade Agreement (AANZFTA).

Australia stands to gain considerably from this agreement across many sectors. We've locked in goods market access gains in a wide range of sectors including agriculture and industrial products.

We've also secured a good outcome on services, which will create more certainty for exporters in sectors such as engineering, education and the financial sector.

The agreement includes provisions providing greater certainty and transparency for Australian investors.

We have achieved significant tariff reductions and are working to secure further improvements with two countries.

### **Free Trade Agreements – Australia New Zealand Closer Economic Relations Trade Agreement (ANZCERTA)**

On 28 March 2008, the Minister for Trade, Mr Simon Crean, issued a media release concerning the 25<sup>th</sup> anniversary of the ANZCERTA. An extract from Mr Crean's release follows:

The Minister for Trade, Simon Crean, is using the 25th anniversary of Australia's free trade agreement with New Zealand to reiterate the opportunity for extending trade pacts "beyond the border".

...

The World Trade Organization has recognised ANZCERTA as a model FTA (free trade agreement) for its comprehensive scope, its effective operation, and its compatibility with international trade liberalisation objectives.

On 16 June 2008, the Minister for Trade, Mr Simon Crean, issued a ministerial statement to the House of Representatives concerning ANZCERTA. An extract from Mr Crean's statement follows:

It is...well worth noting that this year marks the 25th anniversary of the Australia New Zealand Closer Economic Relations Trade Agreement—commonly referred to as ANZCERTA—which was signed in 1983 by the Hawke Labor government...

In the case of our relationship—the trans-Tasman relationship—trade has grown at an annual rate of 8.4 per cent over the 25-year life of ANZCERTA. This highlights the tangible benefits to business and the wider community of a truly liberalising and comprehensive agreement.

...

ANZCERTA has served Australia and New Zealand well by being a free trade agreement of the highest quality. Indeed, the World Trade Organization has spoken of it as 'the world's most comprehensive, effective and mutually compatible free trade agreement. There is no question that this is one of the most successful examples of economic integration in the world. It covers substantially all trans-Tasman trade in goods. Services were brought into the agreement from 1989 with the addition of the services protocol. The introduction of the services protocol itself broke new ground by demonstrating that services trade reform could be tackled when there was some uncertainty as to whether it was possible.

The negative list approach used in the services protocol, whereby everything was included except those limited sectors specifically excluded, was particularly significant and innovative. It is a fact that the list of excluded items has been progressively diminished over time with only a very limited number of exclusions now remaining.

ANZCERTA is also supported by a web of bilateral arrangements, including on the movement of people, mutual recognition of standards, taxation, government procurement and aviation. With most of the early trade liberalisation goals met, the broader CER work program has now reached a more mature phase, focusing on third generation behind-the-border trade and economic facilitation issues...

I should also note that much of this focus of effort to achieve seamless trans-Tasman commerce now comes under the single economic market agenda. I acknowledge that the breadth of these behind-the-border reforms to progress the deregulation and cooperation agenda now involves much more a whole-of-government approach.

...

The closer economic relationship, including the services component, has also significantly assisted investment flows. But there is unfinished business when it comes to investment, and the Australian government is enthusiastic about the opportunity to continue building on that initial CER agreement with the addition of investment to our model agreement.

### **Free Trade Agreements – Chile**

On 27 May 2008, the Minister for Trade, Mr Simon Crean, issued a ministerial statement to the House of Representatives concerning the conclusion of negotiations of the Australia-Chile Free Trade Agreement. An extract from Mr Crean's statement follows:

I am very pleased to convey to the House the news that I have this morning concluded negotiations with Chile on the Australia-Chile Free Trade Agreement...

This is the most comprehensive free trade agreement ever negotiated by Australia... On goods, at the end of the implementation period or in 2015, the agreement will cover all existing trade—100 per cent of it. Tariffs covering 97 per cent of trade will be eliminated from day one of the agreement, which I expect to be 1 January next year.

...this is a World Trade Organization-plus agreement, an FTA that truly enhances what can be achieved in the multilateral and regional fora.

On services and investment the outcomes that we have achieved go beyond the commitments both Chile and Australia have locked into at the WTO. This is WTO-plus in the real meaning of the word. It also includes a commitment by both parties to lock in any future liberalisation achieved on services and investment. This is by two means: a ratchet mechanism, which locks in any liberalisation achieved within Chile on services and investment, and a most favoured nation clause, which extends to Australia any liberalisation Chile grants to any new free trade agreement partner.

...

The government will be working towards the entry into force of this agreement by 1 January 2009. We want exporters to enjoy duty-free access from that date for the vast majority of trade opportunities in goods. Sectors that will benefit include energy, coal, LNG, renewable energy, agriculture, dairy, meat, bovine and bovine genetics production and production technologies, and food and beverages, including wine. On services and investment, the FTA will offer Australian businesses new opportunities across the board, including in mining and energy, technology and

services, engineering and consulting services, franchising, education and training services, information technology, tourism and infrastructure.

These opportunities will be locked in from the entry into force of the agreement. And, on government procurement, the agreement provides greater certainty for Australians looking to participate in the Chilean government procurements market. The agreement will provide access to a non-discriminatory regime which puts Australian suppliers' goods and services on an equal footing with competitors from other countries. Through the provision on intellectual property, our IP rights holders can be assured that their rights can be protected and enforced in Chile.

### **Free Trade Agreements – China**

On 16 April 2008, the Minister for Trade, Mr Simon Crean, delivered a speech at the launch of Business Club Australia Beijing 2008 to members of the Australian Chamber of Commerce in Beijing, China. An extract from Mr Crean's speech follows:

A key objective for Australia in all FTA negotiations is comprehensiveness and ambition.

That is, all sectors are to be included in the FTA and the outcome should enhance what can be achieved via multilateral trade negotiations.

The FTA must cover agriculture and manufacturing, where there are sensitive issues involved on both sides.

Significantly there is also tremendous opportunity in the services and investment sectors.

That is financial services, education, logistics, infrastructure design and development and other professional services.

Capital flows between our two countries is also critical because the whole nature of trade has changed these days.

It isn't any longer just about producing goods and services in Australia to export to, say, China or any other country.

It's also about direct investment into countries like China, if the trade and economic framework is supportive of that, not so much to take advantage of cheaper costs, but significantly to take advantage of significant growth in China's domestic market.

Given China's manufacturing export base, that will also enable Australian companies to get into global supply chains which are driving the growth in international trade.

On 13 June 2008, the Minister for Trade, Mr Simon Crean, issued a media release concerning the Australia-China Free Trade Agreement. An extract from Mr Crean's release follows:

Australia-China Free Trade Agreement (FTA) negotiations will resume in Beijing on 16 June.

This is the first round of the Australia-China talks to be conducted by the Rudd Government. It follows the “unfreezing” of negotiations following separate visits to China in April by the Prime Minister, and the Minister for Trade, Simon Crean.

...

China is Australia's largest trading partner with two-way trade (imports and exports of both goods and services) of \$58 billion in 2007. This is the 11th round of formal FTA negotiations and the first since October 2007.

“There is no doubt negotiations will continue to be challenging as this is China’s first FTA with a country that has trade interests across the board, covering services, agriculture, resources and manufactures,” said Mr Crean.

“Given the competitiveness of China’s industries, there are also sensitivities on the Australian side that will need to be addressed”.

### **Free Trade Agreements – Gulf Cooperation Council**

On 4 November 2008, the Minister for Trade, Mr Simon Crean, issued a media release on the Gulf Cooperation Council Free Trade Agreement negotiations. An extract from Mr Crean’s release follows:

“Australia has emphasised to our Saudi and UAE hosts the strength of our commitment to advancing these important trade negotiations”, Mr Crean said.

“The GCC as a whole is Australia’s eleventh largest merchandise export market. This is true in the case of automobiles where the GCC took \$2.2 billion in Australian exports in 2007-2008 - and also in a host of other sectors, including services, infrastructure, mining, energy and agribusiness.

“This rapidly growing market matters to our trading future”.

On 2 and 3 November, Mr Crean met HRH Prince Salman, the Governor of Riyadh, as well as the Saudi Ministers for Trade and Industry and for Economic Planning during his visit to Riyadh. Mr Crean met the UAE Minister for Trade in Dubai on 4th November.

“I left our hosts with no uncertainty as to Australia’s interests in making progress in these negotiations”, Mr Crean said.

“I also had an opportunity to meet directly with a number of Australian and Saudi business people doing business in Saudi Arabia and the region. Australian skills and expertise are highly regarded.

“Services are a crucially important part of our relationship - in areas like education, where there’s been huge growth in student numbers to Australia; project management; infrastructure development; health-care services; mining services; agriculture services; and financial services.

“My view is that governments have an obligation to catch up with the rapid growth of the private sector relationships.

“That’s the message I conveyed in my meetings in Riyadh and Dubai - because it’s in the interests of both sides to allow these relationships to continue to flourish.

**Free Trade Agreements – India**

On 11 April 2008, the Minister for Trade, Mr Simon Crean, issued a media release concerning the Australia-India free trade agreement feasibility study. An extract from Mr Crean's release follows:

The Minister for Trade, Simon Crean, today announced that Australia and India have agreed terms of reference for the Australia-India free trade agreement (FTA) feasibility study.

...

"The FTA study will consider the feasibility of a comprehensive World Trade Organization-consistent agreement covering trade in goods, services and investment".

On 20 May 2008, the Minister for Trade, Mr Simon Crean, delivered a speech at the Australia-India Joint Business Council Dinner concerning the Australia-India free trade agreement feasibility study. An extract from Mr Crean's speech follows:

We are very keen to see the recommendations of the FTA feasibility study with India. And I'm pleased that this will be a comprehensive study of the opportunities for trade.

I believe the relationship has been growing as a result of natural forces and it will continue to do so. Yet we can't just leave it to natural forces. We can get quicker and more enduring growth if we focus constructively in an FTA process on some of the speed bumps which currently put limits on the economic partnership.

It seems to me, for instance, that there have to be things we can do through an FTA to increase the relatively low levels of Australian investment into India. At the same time, I hope an FTA would give a further boost to Indian investment in this country.

And trade in all services should flow as freely between our two countries as they do in areas such as business process outsourcing, education and software development.

For all these reasons I look forward to bold, forward-looking recommendations from the FTA feasibility study.

**Free Trade Agreements – Japan**

On 23 January 2008, the Minister for Trade, Mr Simon Crean, delivered a speech to the Australian Chamber of Commerce in Tokyo, Japan, concerning a free trade agreement with Japan. An extract from Mr Crean's speech follows:

At the bilateral level our two countries are making good progress in the FTA negotiations. A comprehensive FTA will complement what is achieved in the Doha round and the trade liberalisation work secured by APEC. I understand Japan's sensitivities on agriculture and we will need to work through those. Importantly, an FTA will strengthen the economic, political and strategic nature of our relationship.

On 25 January 2008, the Minister for Trade, Mr Simon Crean, issued a media release concerning progress made in free trade agreement negotiations with Japan. An extract from Mr Crean's media release follows:

The Australian Government is committed to a recalibration of Australia's trade policy so that the WTO Doha Round of trade negotiations once again becomes our number one trade priority...The Australian Government is also encouraged by progress being made in the FTA negotiations with Japan. A comprehensive FTA will complement what is achieved in the Doha Round and APEC. The benefits of trade liberalisation at the border will only be maximised if complemented by economic reform behind the border - the twin pillars approach.

On 25 July 2008, the Minister for Trade, Mr Simon Crean, issued a media release regarding the forthcoming sixth round of free trade agreement negotiations with Japan. An extract from Mr Crean's release follows:

"An FTA with Japan offers potential to create opportunities for Australia's service providers and to expand trade in services between our two countries."

"While Japan is, by far, Australia's largest merchandise trade destination, it ranks only 6th as a destination for services exports."

"Australian negotiators will, in particular, seek better access for Australian providers of financial services, telecommunications, professional services and education and training."

Mr Crean said that negotiations would also continue on Australia and Japan's initial requests and offers on trade in goods, exchanged at the fifth round.

#### **Free Trade Agreements – Malaysia**

On 7 October 2008, the Minister for Trade, Mr Simon Crean, issued a media release concerning the resumption of free trade agreement negotiations with Malaysia. An extract from Mr Crean's release follows:

The Minister for Trade, Simon Crean, and the Malaysian Minister for Industry and Trade, Tan Sri Muhyiddin Mohammad Yassin, today agreed to reinvigorate the Malaysia-Australia Free Trade Agreement (MAFTA).

...

"We aim to build on the outcomes of the recently concluded ASEAN-Australia-New Zealand Free Trade Agreement to further improve access to the Malaysian market for Australian companies. MAFTA should be an AANZFTA-plus agreement."

"There are strong complementarities in our economies and many sectors with solid commercial exchange, such as the services sector".

#### **Free Trade Agreements – Republic of Korea**

On 11 August 2008, the Prime Minister, Mr Kevin Rudd, gave an address to a dinner hosted by Business Groups in Korea. An extract from Mr Rudd's address follows:

The recent non-government study into the feasibility of a free trade agreement between our two countries showed remarkable potential.

It showed that a free trade agreement could boost Korea's and Australia's GDPs by more than 20 billion US dollars each over the next 12 years.

I am very keen for our governments to look very closely at the question of an FTA.

I think we would have a lot to gain from one.

And today I was pleased that President Lee and I agreed that our two governments would begin pre-negotiation consultations on a free trade agreement.

On 3 October 2008, the Prime Minister, Mr Kevin Rudd, gave an address to the Federal Labor Business Forum. An Extract from Mr Rudd's address follows:

Following agreement with President Lee during my visit in August, the first round of preparatory talks for an FTA with the Republic of Korea will take place in two weeks in Seoul. The Republic of Korea is our fourth largest export market but our trade has been limited to a few major commodities. Its potential has been neglected. We now want to expand and diversify the economic relationship.

On 19 December 2008, the Minister for Trade, Mr Simon Crean, issued a media release concerning the conclusion of free trade agreement preparatory talks with Korea. An extract from Mr Crean's release follows:

Trade Minister Simon Crean announced today that Australia and Korea had this week concluded preparatory talks on a bilateral free trade agreement (FTA). "The conclusion of preparatory talks prepares the way for the start of actual FTA negotiations," said Mr Crean. "The next step will be for each government to complete its domestic consultations."

...

Mr Crean underlined the Government's commitment to protecting and enhancing commercial opportunities for Australian business overseas. "The Government is well aware of the challenges being faced by Australian business around the globe in these difficult economic times, and so we are focused on improving that situation wherever we can. Pursuing high-quality, WTO-consistent FTAs is one such way we can play our part in supporting growth, jobs and livelihoods in Australia."

### **Free Trade Agreements – Trans-Pacific Partnership**

On 23 September 2008, the Minister for Trade, Mr Simon Crean, issued a media release announcing that the Australian Government was actively considering participating in Trans-Pacific Partnership Free Trade Agreement (TPP) negotiations. An extract from Mr Crean's statement follows:

Following discussions I have held over recent months, I am pleased to announce that Australia will actively consider participation in the Trans-Pacific Partnership initiative.

The original Trans-Pacific Partnership Agreement has been in place since 2006. After initially joining negotiations to add investment and financial services to the Agreement, the United States has announced that it will now negotiate to join the full Trans-Pacific Partnership Agreement which includes New Zealand, Singapore, Brunei and Chile. Other countries are also considering possible participation.

"FTAs in our region that are genuinely comprehensive covering goods, services and investment will contribute to closer economic and trade cooperation and help to sustain regional economic growth and prosperity," Mr Crean said.

"It is therefore very much in Australia's interests to consider participation in this initiative as it will open up new opportunities for Australian exporters, business and our broader community.

"The Trans-Pacific Partnership initiative has the potential to make a positive contribution to continued economic liberalisation and integration in the Asia-Pacific Region.

"We share the goal of the Trans-Pacific Partnership members and the United States of working to achieve a high-standard, comprehensive free trade agreement that brings together countries from the Asia-Pacific region for their mutual benefit and economic prosperity."

The Review of Export Policies and Programs, produced by Mr David Mortimer AO and released on 22 September, recommends that Australia participates in the Trans-Pacific Partnership free trade agreement as a basis for negotiating an Asia-Pacific regional trade agreement.

"The Government will give detailed consideration to the question of Australia's participation in an expanded Trans-Pacific Partnership negotiation and will soon begin a public consultation process to seek the views of all interested parties," Mr Crean said.

On 21 November 2008, the Minister for Trade, Mr Simon Crean, issued a media release following the APEC Leaders' Meeting in Peru, announcing formally that Australia had decided to participate in the TPP negotiations. An extract from Mr Crean's release follows:

At the APEC Meeting, Australia also formally announced that it would join negotiations in the comprehensive Trans Pacific Partnership (TPP) agreement.

"This is an agreement that will involve the P4 countries of Brunei, Singapore, Chile and New Zealand – as well as the United States and Peru," Mr Crean said.

"The P4 agreement came into force in 2006 as a pathway to free trade across the Asia Pacific. This agreement could lay the foundation for the long term goal of a Free Trade Area of the Asia Pacific (FTAAP).

"The Trans Pacific Partnership is a significant strategic opportunity for the Asia Pacific to enhance liberalisation within the region, and I am delighted that Australia will have a seat at the table when negotiations commence in March 2009."

On 26 November 2008, the Minister for Trade, Mr Simon Crean, delivered a statement to the House of Representatives on Australia's participation in the TPP negotiations. An extract from Mr Crean's statement follows:

On 20 November 2008 at the APEC Ministerial Meeting in Lima, Peru, I announced that Australia will participate in negotiations on a comprehensive Trans-Pacific Partnership Agreement alongside the United States, Brunei Darussalam, Chile, New Zealand, Singapore and Peru. We also understand that Vietnam is considering possible participation.

...

We are in favour of initiatives that ensure that bilateral and regional trade arrangements are more consistent with the multilateral trading system.

...

This initiative has the potential to spread the benefits of comprehensive and high-quality FTAs – that is, their speed and depth as a vehicle for liberalisation – to a wider membership.

It has the potential to reduce trade discrimination by broadening its coverage.

It has the potential to serve as a base for a wider exercise in multilateralising FTAs in the Asia-Pacific region.

It therefore has the potential to serve as a viable building block to even greater regional integration in the Asia Pacific.

...

I announced on 23 September that Australia would actively consider participation in the initiative. In October, public consultations were held with industry, business, academics and labour and community organisations, as well as with other government agencies, and State and Territory officials.

The consultations allowed us to hear directly from each of these sectors in our community on their views on Australia's possible participation.

The input to this initial consultation has been positive. The widespread view is that Australia should participate in this Agreement and be involved from the outset - to ensure that we are able to help shape the Agreement in a way that benefits Australia.

Taking into account this input, the Government has formed the view that we should proceed.

...

Taking these views into account, the Government's priorities include to:

- promote trade and investment flows with partners of the Trans-Pacific Partnership negotiations;
- ensure that the Trans-Pacific Partnership provides a platform for comprehensive liberalisation across goods, services and investment;
- substantially improve trade and economic integration with Peru, with which we do not currently have a free-trade arrangement, given our growing commercial interests, particularly in services and commodities trade;
- to pursue commercial interests more broadly in the Asia-Pacific region as other countries start to take a closer interest in the Trans-Pacific Partnership process;
- to build on WTO rules covering goods, services and investment;
- to provide a model arrangement which might stimulate other initiatives to multilateralise bilateral FTAs.

...

The Trans Pacific Partnership initiative has the potential to make a positive contribution to continued economic liberalisation and integration in the Asia-Pacific Region.

...

These are early days with this initiative, but it is my firm view that we must be a part of it.

...

...we must build the framework that strengthens the role of trade reform for economic growth and which underpins the principles of multilateralism.

Australia's participation in the Trans-Pacific Partnership is an important step in this direction.

### **Free Trade Agreements – United States**

On 3 June 2008, the Minister for Trade, Mr Simon Crean, issued a media release concerning the Australia United States Ministerial Trade Talks. An extract from Mr Crean's release follows:

The Minister for Trade, Simon Crean, met today (2 June) with United States Trade Representative, Ambassador Susan Schwab, in Newark, New Jersey for annual bilateral trade talks.

Mr Crean said "Reflecting the breadth and level of sophistication of Australia's trade and economic relations with the US, I am delighted to announce that future bilateral talks with the US will be held under the framework of the Australia-US Ministerial Trade Talks (AUSMINTT)."

AUSMINTT provides the Australian government with the opportunity to engage with the US on a broad range of trade policy issues central to our trade and economic interests. This includes building on the Australia-US FTA (AUSFTA), working together in pursuit of our regional trade interests, including APEC – which the US will host in 2011 – and importantly at this time, working to achieve a successful conclusion to the Doha Development Round.

The United States is Australia's major economic partner. In 2007 overall trade in goods and services stood at nearly \$47 billion. The investment relationship exceeded \$760 billion last year and was Australia's largest by some way.

The US is Australia's most important export market for services. Australian services exports to the United States grew by 4 per cent in 2007 and were worth \$5.8 billion.

### **Plurilateral Cooperation – Anti-Counterfeiting Trade Agreement**

On 1 February 2008, the Minister for Trade, Mr Simon Crean, issued a media release announcing that the Australian Government would begin negotiations on a new Anti-Counterfeiting Trade Agreement (ACTA) to establish a new standard of intellectual property rights (IPR) enforcement to combat the high levels of trade in counterfeit and pirated goods worldwide. An extract from Mr Crean's release follows:

Australia's participation in ACTA negotiations demonstrates our commitment to protecting intellectual property rights in Australia and worldwide. Effective enforcement increases certainty for all Australian businesses who operate overseas and underpins our trade interests.

Australia is seeking an enhanced, practical international standard on IPR enforcement with broad international support, to complement the existing international IP architecture.

The Australian Government takes intellectual property protection seriously. Enforcement of IPR internationally is important to Australian trade interests, which suffer losses through counterfeiting and piracy.

...

Following separate proposals by Japan and the United States in late 2006, Japan, Switzerland, the EC and the US announced a joint proposal for a new ACTA in October 2007.

Australia attended informal pre-negotiation discussions for the ACTA in late 2007 and January 2008.

The Department of Foreign Affairs and Trade released a discussion paper in November 2007 inviting public submissions regarding Australia's possible participation in an ACTA.

The Government took careful note of these views and will continue to consult stakeholders throughout the negotiation process. Further submissions from interested parties are welcome.

Taking part in the negotiations does not oblige Australia to join any resulting treaty. A decision will be taken on whether to sign the treaty when it is finalised.

### **World Trade Organization – Multilateral Trade Negotiations – Doha Round**

On 20 July 2008, the Minister for Trade, Mr Simon Crean, with six Cairns Group Ministers, held a press conference before the 21-29 July 2008 WTO Ministerial Meeting in Geneva. An extract from that joint press conference follows:

We are firmly of the view that there can't be a conclusion to the Doha Round unless there is an ambitious outcome on agriculture in the Round and on that we are united. It's also interesting to note that the Cairns Group – apart from it being a very consolidated and strongly supportive group, as the communiqué indicates - has also been instrumental over the years in driving a reform agenda that's been picked up in many instances within the text that the negotiations over the coming week will be debating.

It's the Cairns Group that advocated the elimination of the Special Safeguards. It's the Cairns Group that has advocated the prevention of tariff quota creation. It's the Cairns Group that has argued that there should be zero tariffs on in-quota tariff rates. All of those have been picked up in the brackets around which we will be debating this week. We also proposed an initiative on tropical products that's been incorporated into the text and our proposals on food aid and export credit disciplines and on monitoring and surveillance have also been picked up.

On sensitive products, the Cairns Group proposal is in the text, and even the alternate proposal within the text is based on domestic consumption criteria that the Cairns Group drove. And I make those points because not only have we been able to find common ground, we've been able to influence the debate. We've been able to have the intellectual input and so it's more than just a position of solidarity that we are anxious to see driven home to our advantage over the course of the coming week.

...

...the shared objectives [as] reflected in the communiqué...is our commitment to an effective tariff cap; to the highest possible level of tariff quota expansion; to zero in-quota duties; to no creation of new tariff quotas; to the elimination of the Special Safeguards measure; the fullest liberalisation of tropical products; deep cuts in the domestic support of the major subsidizers, essentially the blue and amber boxes, as well as strong green box disciplines; and finally strong export competition. We're committed to advocate those in the larger group, the TNC, within the green room. We will be having regular meetings during the week. We will be doing what we can to advance our interests. So we've reaffirmed our key positions across the three pillars: market access, domestic support, and export competition. And I reiterate the point I made at the outset. There can be no successful outcome to the Round without a substantial package of reforms on agriculture.

...

The final point I would make is that the eyes of the world are on us as trade ministers this week. There's been many times in which people have been brought to Geneva to try and resolve this. This is more than just another one of those. This, in our judgment, is the best opportunity ever – in the whole seven years of this Round – for concluding a deal.

On 20 July 2008, the Minister for Trade, Mr Simon Crean, issued a media release on the eve of the WTO Ministerial Meeting reiterating the Cairns Group's call for an ambitious outcome in the Doha Round. An extract from Mr Crean's release follows:

"The Group was united in its call for a good strong outcome to this week's talks", Mr Crean said. "We all want a successful conclusion to these negotiations. The Group is convinced that an agreement is within our grasp. It must be a high quality agreement – the Group was united in its message that there can be no outcome to the Round without a substantial package of reforms on agriculture.

"The Cairns Group has a strong record of setting the agenda for agricultural trade reform in the Doha Round – and will continue to do so again this week. The Group has been at the forefront of efforts to secure substantially improved market access, to eliminate all forms of export subsidies and to make deep cuts to trade distorting farm subsidies. Having set the agenda, we have resolved to drive home this advantage in coming days. We are determined to work together closely this week to ensure we are well coordinated in the discussions".

The 19-member Cairns Group coalition has called for wide-ranging reform to agricultural trade in the current Doha Round of world trade talks.

On 26 August 2008, the Minister for Trade, Mr Simon Crean, delivered a statement to the House of Representatives on the state of the Doha Round of WTO negotiations, following his attendance at WTO talks in Geneva in July 2008. An extract from Mr Crean's statement follows:

After 12 long and exhausting days of negotiations, the vast majority of issues in the negotiations—representing over 80 per cent of the negotiating agenda—were effectively settled. And all of this progress is still on the table. The problem is that 80 per cent is not 100 per cent—and the round clearly requires 100 per cent for resolution.

As I have said before, the Doha Round matters because trade matters. In the post-war period, world trade has been growing at three times the pace of world output. Each new round brings impetus to world trade and that dynamic drives global economic growth. A successful conclusion to this round would bring a much-needed economic impetus at a time of some uncertainty in the global economic outlook.

...

During the July talks, we held a groundbreaking services 'signalling conference'. Australia had strongly advocated for this conference in the months leading up to the July ministerial negotiations. This conference allowed us to test the concept that a 'critical mass' of the top 30 or so markets, which after all represent the vast majority of world services trade, could get together and show their commitment to opening their services markets. In terms of this conference, Australia set the tone by expressing our willingness to consider flexibility in our services offer, conditional upon reciprocal signals from others. At the conference, we heard important signals of flexibility from a number of markets of interest to Australia in key sectors such as financial services, telecommunications, and business mobility and in the limitations applying to foreign equity caps.

...

So why did the talks fail? Unfortunately they broke down over the issue of the developing country special safeguard mechanism for agriculture. Interestingly, the debate was not about whether there should be an SSM—there was acceptance of that—nor was it about whether we could ensure that it did not interfere with normal trade, as there was also acceptance of that. The issue was how we could give real effect to the formula by which that would apply. The truth is that it involves more than just a technical solution to address the problem—we also need political will to find our way through, and Australia is actively working with other key players to find this solution.

...

Through the Cairns Group, which Australia chairs, the developing world has, since the Uruguay Round, had a strong role to play in the talks, particularly in keeping the pressure on the major developed country subsidisers, the US and the EU.

## VII. International Environmental Law

### Climate Change – Assessment and Adaptation

On 22 October 2008, the Minister for Foreign Affairs, Mr Stephen Smith, delivered a speech to the Australian Council for International Development. An extract from Mr Smith's speech follows:

One of the Government's first actions was to ratify the Kyoto Protocol.

The Government's approach reflects the growing realisation that there are a number of issues, foremost of which is climate change, that Australia can only address in concert with the international community. There is equal futility in not acting or in acting alone.

The 2008-09 Budget included \$150 million over three years to assist vulnerable countries assess and adapt to the likely impacts of climate change, with a geographic focus on Australia's neighbouring island countries.

Complementing the Government's adaptation response is Australia's \$200 million, five-year International Forest Carbon Initiative, focused on reducing emissions from deforestation and forest degradation in Indonesia and Papua New Guinea.

The adaptation and forest carbon initiatives are key pillars of Australia's international development assistance for environment and climate change programs, which will total over \$130 million in 2008-09.

This commitment represents a significant increase in the level of resources devoted to climate change through Australia's development cooperation program. This will continue to be a focus of the development assistance program.

### Climate Change – China

On 2 April 2008, the Prime Minister, Mr Kevin Rudd, gave a joint press conference with the President of the European Commission, Mr Jose Barroso. An extract from that joint press conference follows:

Our overall approach to China... an approach shared with the Europeans and others is one of constructive engagement of China ... Whether that applies to liberalisations on the future of the global trading system through the WTO or whether it comes to the discussions...here in Brussels on climate change.

There can be no climate change outcome absent effective inclusion of China.

On 18 November 2008, the Minister for Climate Change and Water, Senator Penny Wong, issued a joint statement with the Chinese Vice-Chair of the Chinese National Development and Reform Commission, Mr Xie Zhenhua. An extract from that joint statement follows:

[Australia and China] reaffirmed their commitment to the Bilateral Partnership on Climate Change and to continue to work on joint projects on such areas as renewable energy technologies, energy efficiency, and emissions reporting and measurement.

[Australia and China] agreed to continue and build on their cooperation on clean energy and clean technologies. They endorsed the work of the *Joint Coordination*

*Group on Clean Coal Technology* and the world-leading *Asia-Pacific Partnership on Clean Development and Climate (APP)* in taking forward practical cooperation on these technologies. The Ministers agreed to support efforts under the Global Carbon Capture and Storage Initiative as an important vehicle to enhance research and development and to accelerate global demonstration of CCS technology at a commercial scale.

### **Climate Change – Papua New Guinea**

On 26 August 2008, the Minister for Climate Change and Water, Senator Penny Wong, responded to a parliamentary question on notice concerning the Papua New Guinea-Australia Forest Carbon Partnership. An extract from Senator Wong's response follows:

Australia intends to assist Papua New Guinea to develop its national carbon accounting system once Papua New Guinea has finalised the specifications for its system.

On 23 April 2008, the Australian Government announced the \$200 million International Forest Carbon Initiative (IFCI), which replaces the previous Government's Global Initiative on Forests and Climate.

To date, approximately 65 per cent of the \$200 million has been allocated to programs, including: the Papua New Guinea - Australia Forest Carbon Partnership; Kalimantan Forests and Climate Partnership; a package of assistance to the Indonesia Government, provided as part of the Indonesia - Australia Forest Carbon Partnership; the World Bank's Forest Carbon Partnership Facility; the Asia Pacific Forestry Skills and Capacity Building Programme; the Research Partnership with the Centre for International Forestry Research; the support package for International Non-Government Organisations to develop concept models for demonstration activities; the Partnership with the Clinton Climate Initiative; the acquisition of forest carbon monitoring satellite data; and for departmental funding.

...

...The Government has already built on activities announced by the previous Government. On 6 March 2008, the Prime Minister of Australia, the Hon Kevin Rudd MP, and the Prime Minister of Papua New Guinea, Sir Michael Somare, agreed to long term cooperation on reducing greenhouse gas emissions from deforestation and forest degradation. The Papua New Guinea - Australia Forest Carbon Partnership aims to address this challenge by reducing greenhouse gas emissions from deforestation and forest degradation, improving livelihoods for forest-dependent communities and promoting biodiversity protection. International carbon markets will be important in providing the necessary investment to significantly reduce emissions from deforestation and forest degradation, and this Partnership will support both Australia and PNG's participation in these emerging markets...

Following further progress in Papua New Guinea's policy framework for reducing emissions from deforestation and forest degradation, Australia will consider support for demonstration activities under the Papua New Guinea - Australia Forest Carbon Partnership.

The initial focus of the Papua New Guinea - Australia Forest Carbon Partnership is on Papua New Guinea's carbon accounting capacity. Decisions about demonstration activities and participation in carbon markets will be made in the future.

The Kyoto Protocol and the UNFCCC do not currently include incentives for developing countries to reduce emissions from deforestation and forest degradation. Under the Papua New Guinea - Australia Forest Carbon Partnership, Australia and PNG will promote the inclusion of incentives for reducing emissions from deforestation and forest degradation in a future international agreement on climate change.

### **Climate Change – United Nations – Kyoto Protocol to the United Nations Framework Convention on Climate Change**

On 15 October 2008, the Minister for Climate Change and Water, Senator Penny Wong, delivered a speech to the London School of Economics addressing Australian perspectives on climate change. An extract from Senator Wong's speech follows:

There have been dramatic shifts in scientific knowledge and in the economic circumstances of the Parties to the UN Framework Convention on Climate Change and to the Kyoto Protocol since they were negotiated in the 1990s. Many of the principles on which they are based are, in the face of current evidence, now open to question.

The distinction drawn between developed and developing countries is an example. While it remains true that developed countries are responsible for most of the climate change now in train, developing country emissions are now driving global trends.

...

These facts lead inexorably to the view that a sustainable global solution will require actions and binding commitments by all major emitters, both developed and developing.

On the equity principle, we would expect developed countries to take the lead, setting economy-wide emissions targets. We would expect developing countries to make specific commitments to action designed to generate a substantial deviation from business as usual emissions. As we agreed in Bali, these commitments should be measurable, verifiable and reportable.

...

Again, it is very important that we consider capacity and national circumstances in determining if commitments are equitable.

Any viable global solution to climate change must support the aspirations of developing countries to continue to raise their standards of living, while helping find less carbon-intensive pathways to development. The key to this will be decoupling growth in emissions from increasing prosperity. We need to work with developing countries to ensure less carbon-intensive growth. This will need to include investment in technology and other support from developed countries.

**Climate Change – United Nations – Negotiations in Poland**

On 11 December 2008, the Minister for Climate Change and Water, Senator Penny Wong, delivered a statement to the informal ministerial round table for a shared vision on long-term cooperative action at the United Nations climate change negotiations in Poland. An extract from Senator Wong's statement follows:

We have come together here in Poznań because we know climate change is a global problem. The challenge is immense, and it is immediate. It is in all of our environmental, economic and social interests to tackle it together as a matter of urgency. To rise to that challenge, we need a shared vision.

This shared vision should incorporate all aspects of the Bali Action Plan. We have agreed these components and each of them is a vital aspect in the fight against climate change.

The shared vision should incorporate a long-term emissions reduction goal. It is important that we build a common understanding of this goal to give us clarity and unity of purpose.

Science tells us that mitigation by developed countries is necessary — but not sufficient — to avoid dangerous human interference with the climate system. We know that developed countries must take the lead in reducing emissions. We also know that action by developing countries, supported by developed countries, is required if we are to achieve a meaningful environmental outcome. This mitigation also needs to be measurable, reportable and verifiable in order for us to know our progress as we move towards this goal.

...

2009 will be a critical year for climate change. It will have many challenges, not least the prospect of a global economic slowdown. Some, including in my country, have called for us to delay action. This is not the view of the Australian Government. Our view remains that delay is deferring what we know we must do; delay will simply increase the costs. We know that the costs of inaction are far greater than the costs of responsible action now.

We have to reach a broad-based agreement that makes it clear that developed countries will take the lead, but includes all major emitters, including advanced developing countries. We have to reach an ambitious agreement that can be ratified and implemented in key nations and significantly reduces global emissions.

### **Whaling – International Whaling Commission (IWC)**

On 1 March 2008, the Minister for the Environment, Heritage and the Arts, Mr Peter Garrett, issued a media release concerning Australia's new direction on international whale conservation. An extract from Mr Garrett's release follows:

We believe it is time to bring the IWC into the 21st century, equipping the Commission to tackle contemporary challenges in whale conservation and management.

We propose three key changes:

First, the IWC should put in place conservation plans that protect whales from the full range of contemporary threats – not only whaling, but also climate change, fisheries activities, marine pollution, habitat disturbance, and collisions with shipping.

Second, the IWC should take a more coordinated and strategic approach to research and introduce new collaborative non-lethal research programs, beginning in the Southern Ocean.

Third, the conduct of science through the IWC should be brought under the direct scrutiny and authority of the Commission, with agreed priorities and criteria for research and an end to individual countries unilaterally granting themselves permission to kill whales for science.

Australia's future proposal for the IWC recognises that the modern world sees whalewatching rather than whale hunting as the most sustainable, valuable and ethical 'use' of whales.

These reforms would build on the IWC's crucial global moratorium on commercial whaling and whale sanctuaries in the Indian and Southern Oceans – now breached by the 'scientific' loophole and objections.

On 10 March 2008, the Minister for the Environment, Heritage and the Arts, Mr Peter Garrett, issued a media release concerning reform of the IWC. An extract from Mr Garrett's release follows:

The Rudd Government's constructive proposals to modernise the Commission attracted strong support from many member nations and non-government organisations at the intersessional meeting in London over the past week.

One argument in particular struck a chord: that the unilateral killing of whales in the name of 'science' remains the greatest barrier to the Commission moving forward.

While the London intersessional was not a decision-making meeting, Australia's delegation tabled substantial proposals to bring the IWC into the 21st century, with a focus clearly and squarely on whale conservation.

First, Australia put the case for agreed conservation management plans to make real progress in protecting whale populations, many still struggling to recover from decades of unfettered commercial hunting. The meeting identified two species as priorities: the North-West Pacific grey whale and the Southern Hemisphere southern right whale.

Secondly, Australia proposed a system of regional collaborative research partnerships, working together with other IWC nations to share good science and improve whale conservation, management and recovery. Australia will now bring forward a proposal for a Southern Ocean Regional Research Program to the IWC's Chile meeting.

Third, we argued for the wholesale reform of the highly divisive scientific permit process – the loophole that allows the unilateral killing of whales in the name of science. We want all scientific research under the IWC assessed against priorities and criteria agreed by the IWC, not self-allocated by individual countries.

On 22 June 2008, the Minister for the Environment, Heritage and the Arts, Mr Peter Garrett, issued a media release concerning Australia's participation in the annual IWC meeting. An extract from Mr Garrett's release follows:

Mr Garrett said he was pleased that the Government was delivering its policy commitments on whale conservation, including:

- executing the first international air and sea monitoring of the 'scientific' whaling fleet in the remote Southern Ocean;
- exploring avenues for international legal action against scientific whaling;
- focused diplomatic engagement with governments involved in whaling, including Japan and Iceland; and
- proposing reform measures to move the IWC towards a conservation-focused future.
- "The Government is committed to meeting its policy commitments on whales and reform in the IWC is a vital component," Mr Garrett said.

### **Whaling – Iceland**

On 22 May 2008, the Minister for the Environment, Heritage and the Arts, Mr Peter Garrett, issued a media release concerning Iceland's resumption of commercial whaling. An extract from Mr Garrett's release follows:

"The practice of commercial whaling is out of step with the international community and out of touch with modern oceans management."

Iceland argues that it is entitled to hunt whales because when it resumed its membership of the International Whaling Commission (IWC) it lodged a reservation to the moratorium on commercial whaling. This reservation is not recognised by many countries.

"Whether it is under an objection or under the pretext of scientific research, commercial whaling only exists today by virtue of loopholes and opt-outs," said Mr Garrett.

...

"The global moratorium is compromised so long as there are governments that award themselves unilateral whaling quotas," Mr Garrett said.

### **Whaling – Japan**

On 4 January 2008, the Minister for Foreign Affairs, Mr Stephen Smith, the Minister for Home Affairs, Mr Bob Debus, and the Minister for the Environment, Heritage and the Arts, Mr Peter Garrett, issued a joint media release concerning Japanese ‘scientific’ whaling. An extract from that joint release follows:

Late last year, the Government announced a range of measures to put pressure on Japan to end whaling in the Southern Ocean.

...

Since the announcement of the measures, Australia has already dramatically increased its diplomatic efforts with Japan.

Australia led the largest international protest of its kind in Tokyo against Japan’s scientific whaling program, with the participation of 30 countries and, for the first time, the European Commission.

The Foreign Minister spoke personally to Japan’s Foreign Minister on 21 December to convey the Australian Government’s strong opposition to Japan’s scientific whaling program.

In addition, a Special Envoy on Whale Conservation will be appointed to convey our views to Japan and increase and strengthen dialogue at senior levels.

...

The Government is also giving serious consideration to a range of options for international legal action against Japan.

On 15 April 2008, the Minister for Foreign Affairs, Mr Stephen Smith, and the Minister for the Environment, Heritage and the Arts, Mr Peter Garrett, issued a joint media release concerning the return of the Japanese whaling fleet to port. An extract from that joint release follows:

Over the course of the whaling season, the Australian Government called repeatedly for all vessels in the Southern Ocean to exercise restraint and condemned all violent or illegal activities that could endanger safety or lives at sea.

## **VIII. International and Regional Organisations**

### **African Union**

On 26 May 2008, the Minister for Foreign Affairs, Mr Stephen Smith, delivered a speech at Africa Day celebrations in Canberra. An extract from Mr Smith’s speech follows:

Forty-five years ago, the then Organisation of African Unity (OAU) dedicated itself to promoting the unity and solidarity of the African States, to securing Africa’s rightful place on the world stage, and to achieving a better life for all the peoples of Africa.

The Africa now represented by the OAU’s successor, the African Union (AU), is a remarkably different place.

Probably the most significant global event in the last century was decolonisation: nowhere was this more evident than in Africa.

A great deal has been accomplished by the peoples of Africa, in the face of the continuing developmental and security challenges faced by a number of the AU's member states.

Today, I offer my congratulations on the achievements of the African Union, and of Africa itself, to the 13 representatives of African nations here, and through you to the current African Union Chairperson, President Kikwete of the Republic of Tanzania.

...

In recent years we have witnessed serious and continuing efforts on the part of the African Union to join with the United Nations to help address conflicts in Africa. This includes mobilising member states to contribute to peacekeeping operations, and by using its good offices to mediate.

The challenges of peacekeeping and nation building are undeniably complex. We can only encourage African states to continue this difficult but essential work.

### **United Nations**

On 1 February 2008, the Minister for Foreign Affairs, Mr Stephen Smith, delivered a speech to the Japan National Press Club in Tokyo, Japan. An extract from Mr Smith's speech follows:

In facing complex global challenges we also believe a strong commitment to the multilateral system and the United Nations is vital.

Australia has a long history of involvement in and support for the multilateral system, including for the United Nations. Many of the biggest problems we face in the world today: countering proliferation of weapons of mass destruction; mitigating climate change; maintaining free and open markets and preventing pandemics require genuinely global cooperation. We believe that a strong rules-based international system dedicated to tackling these issues is firmly in our national interest. So our Government is committed to making sure that Australia plays a more active multilateral role in future, including through the United Nations.

On 26 May 2008, the Minister for Foreign Affairs, Mr Stephen Smith, delivered a speech at Africa Day celebrations in Canberra. An extract from Mr Smith's speech follows:

Australia shares many African views on the role and importance of the UN. Australia was a founding member of the United Nations, and has traditionally been a very strong supporter of its work in promoting peace, security and development, and in assisting the emergence of newly-independent states, including in Africa.

The Australian Government has made a clear commitment that Australia will play a more active and constructive role in multilateral diplomacy, and especially in the United Nations. In keeping with this spirit of renewed engagement, the Government has decided that – after an absence of more than 20 years – Australia will seek election to the UN Security Council for the 2013-14 period.

We look forward to the support of your Governments, and to working closely with you in tackling the most urgent challenges to international peace and security. We remain fully committed to this task.

We have contributed to over 50 United Nations and multinational peacekeeping operations, including those in Zimbabwe, Namibia, Somalia, Rwanda, Mozambique and Ethiopia/Eritrea. In recent years we have sent military and police personnel to work with the UN Mission in Sudan. And in March, the Prime Minister offered further personnel to the United Nations – African Union Mission in Darfur.

### **United Nations – Reform**

On 23 October 2008, the Minister for Foreign Affairs, Mr Stephen Smith, delivered a speech to the United Nations Association of Australia. An extract from Mr Smith's speech follows:

We recognise that some UN bodies need to improve their performance.

But it is counterproductive and wrong simply to criticise the United Nations from the sidelines.

There is no point just standing outside throwing rocks at the building. Instead, we need to be engaged in working hard to build the UN's capability, responsiveness and creativity from within.

Australia's focus in supporting UN reform is on improving the effectiveness, efficiency and accountability of UN operations.

In this context we welcome and support Secretary-General Ban Ki-moon's structural reform efforts, including with the Department of Peacekeeping Operations and the Department of Political Affairs.

We also want reform to the Security Council, whose working methods need to improve and whose membership should expand to reflect the modern world.

Again I reaffirm Australia's support for India and Japan for their bids to become permanent members of an expanded Security Council.

### **United Nations – Security Council**

On 23 October 2008, the Minister for Foreign Affairs, Mr Stephen Smith, delivered a speech to the United Nations Association of Australia. An extract from Mr Smith's speech follows:

The Security Council is at the heart of international responses to issues of peace and security. Australia has served on the Council in the past and Australia should do so again.

...

Just as Australia has served on the UN Security Council in the forties, Australia still has a role to play today.

That is why we have decided to seek election to the United Nations Security Council for the 2013-14 term.

Australia played a leading role in drafting those articles of the UN Charter that deal with the Security Council's work and its relationship to other central organs of the UN, such as the General Assembly.

We have a record of long and active engagement with the Security Council and our wider contribution to the United Nations places us in good stead to serve again.

We are determined to help address serious global challenges including conflict prevention, terrorism and the threat posed by weapons of mass destruction.

Australia has much to contribute to the Security Council. We bring unique perspectives, creativity, energy and a practical problem-solving ethos. We also bring a wealth of experience in peace-keeping, conflict prevention and peace-building.

It is therefore appropriate that we seek a seat at the table of the pre-eminent international body charged with confronting many of today's challenges.

## **IX. Law of Armed Conflict and Security Matters**

### **Armed Conflict – Afghanistan**

On 15 October 2008, the Prime Minister, Mr Kevin Rudd, gave an address to the C. E. W Bean Foundation Dinner at the Australian War Memorial, in which he outlined Australian policy in Afghanistan. An extract from Mr Rudd's address follows:

Our commitment to Afghanistan is critical. It is critical because it is clearly in our national interest. First and foremost, we have seen the dangers of allowing Afghanistan to fall under the heel of the Taliban. We have a direct security interest in strategic denial – preventing terrorism by denying terrorists free access to Afghanistan – and at the same time helping that nation to overcome 30 years of civil war to become a more stable state. Under the Taliban, the people of Afghanistan lived in an environment of oppression and extreme poverty with the constant threat of violence.

...

So, a more stable Afghanistan – one that supports security rather than offers succour to those who seek to undermine it – will make for a more secure world. This goal is something we share with the 40 nations contributing in Afghanistan. And it is a goal endorsed by the United Nations Security Council. It is a goal that has been authorised and is supported by the Government of Afghanistan.

Beyond the immediate and direct threat of terrorism, we have a second national interest at stake. Working with our partners in Afghanistan, we show that we are committed to doing our fair share to tackle international security challenges as an engaged middle power and as a real partner in our alliance with the United States. We are a regional power with both regional and global interests. It is right for us to play a role in meeting global security challenges.

### **Armed Conflict – Private Military and Security Companies – Montreux Document**

On 17 September 2008, Australia endorsed the Montreux Document on Pertinent International Legal Obligations and Good Practices for States related to Operations of Private Military and Security Companies during Armed Conflict and delivered a statement at the concluding meeting supporting the document. An extract from that statement follows:

Australia welcomes the Montreux Document as a timely and necessary development. It is clear from recent conflicts that States, humanitarian organisations and corporations increasingly rely on private military and security companies to protect people, buildings and property. Invariably, such protection involves the carriage of weapons. It is crucial that appropriate checks and balances are in place to ensure accountability. Contractors need to know their responsibilities towards civilians and which international law is applicable to them.

Most private security contractors abide by the law and carry out their functions professionally. However, it only takes one or two abuses to bring the whole industry into disrepute. More importantly, unlawful violent conduct and excessive use of force undermines the trust of local communities and the success of peace-building efforts. States and the companies they employ need to set an example of the conduct they wish to foster in nations emerging from conflict. This means ensuring and accepting that the rule of law applies to them.

Until now there has been no multilateral forum to address concerns about private military and security contractors. The Swiss Initiative represents the first major attempt to do so. Australia congratulates the International Committee of the Red Cross and the Swiss Government for taking the initiative and facilitating this important process.

### **Conventional Weapons – Cluster Munitions**

On 3 December 2008, the Minister for Foreign Affairs, Mr Stephen Smith, delivered a speech at the signing ceremony of the Convention on Cluster Munitions (30 May 2008), in Oslo, Norway. An extract from Mr Smith's speech follows:

Australia participated actively in negotiating this Convention because we were absolutely convinced the time had come for the international community to firmly act against cluster munitions that cause unacceptable humanitarian harm.

...

Australia's region, the Asia-Pacific region, has regrettably experienced first-hand the devastating impact of cluster munitions years after conflicts have ended.

Countries such as Laos, Cambodia and Vietnam continue to suffer severe socio-economic impacts from these weapons and other explosive remnants of war.

...

Australia is working in our region to make the humanitarian goals of the Convention a reality, through our five-year Mine Action Strategy, which is backed up by a \$75 million pledge.

The Mine Action Strategy covers landmines, cluster munitions and other explosive remnants of war. It focuses on ridding communities of these weapons and assisting them to rebuild their lives and achieve peace, security and development.

...

Rarely has the international community acted with such determined common purpose as in the negotiation of this Convention.

...

I urge all here today to turn our determined common purpose to promote the Convention's rapid entry into force, its full implementation and its universal membership.

### **Disarmament – Organisation for the Prohibition of Chemical Weapons (OPCW)**

On 8 February 2008, the Minister for Foreign Affairs, Mr Stephen Smith, issued a media release regarding the diplomatic appointment of the Australian Permanent Representative to the OPCW based in The Hague. An extract from Mr Smith's release follows:

As a State Party to the Chemical Weapons Convention (CWC), Australia supports the efforts of the Organisation for the Prohibition of Chemical Weapons (OPCW) to ensure the verifiable destruction of existing chemical weapons and to prevent dual-use and other toxic chemicals from being used to make new chemical weapons. Australia works with the OPCW and other member countries to promote full and effective implementation of all CWC obligations, particularly those which constitute its verification regime.

Australia shares with the Netherlands a strong commitment to the international rule of law. The Australian Embassy plays an active role in international organisations based in The Hague, including the International Court of Justice and the International Criminal Court.

### **Nuclear Non-Proliferation – General**

On 23 October 2008, the Minister for Foreign Affairs, Mr Stephen Smith, delivered a speech to the United Nations Association of Australia. An extract from Mr Smith's speech follows:

Our foreign policy approach is guided by our determination to make a difference as a good international citizen.

It is an approach both shaped by and reflecting our democratic values, our respect for the rule of law, domestic and international, our tolerance and our deep-seated belief in a fair go for others.

It is also an approach which we believe can only be pursued successfully by reinvigorating Australia's engagement with the United Nations and other multilateral organisations.

....

The challenge of nuclear proliferation is another issue which must be addressed through effective multilateral action.

Nuclear weapons still pose a threat to humanity almost 40 years after the NPT was signed. There remains a need for real progress towards the NPT's objective of a world free of nuclear weapons.

That's why Australia has established, with Japan, an International Commission on Nuclear Non-Proliferation and Disarmament, co-chaired by Gareth Evans and Ms Yoriko Kawaguchi, a former Japanese Foreign Minister.

The Prime Minister attended the Commission's first meeting, which was held in Sydney this week.

By establishing the Commission we aim to reinvigorate the global effort against the proliferation of nuclear weapons and seek a recommitment to the ultimate goal of a nuclear weapon-free world.

The Commission will seek to shape a global consensus in the lead up to the 2010 Nuclear Non-Proliferation Treaty Review Conference and beyond.

In pursuing this, we are very encouraged by the reaction we have received to date from both nuclear and non-nuclear weapon states.

We will also continue to work within the United Nations towards other non-proliferation goals. I chaired a meeting at the UN in New York last month of Member States of the Comprehensive Nuclear-Test-Ban-Treaty (CTBT).

Secretary-General Ban Ki-moon and others spoke in strong support for the Treaty, which we hope to bring into force both through advocacy within and outside the UN system.

### **Nuclear Non-Proliferation – Convention on the Physical Protection of Nuclear Material**

On 18 July 2008, the Minister for Foreign Affairs, Mr Stephen Smith, issued a media release announcing Australia's ratification of an amendment to the Convention on the Physical Protection of Nuclear Material (adopted 26 October 1979). An extract from Mr Smith's release follows:

Australia has adopted the strongest international standards for the security of nuclear material and facilities by ratifying an Amendment to the Convention on the Physical Protection of Nuclear Material.

The instrument of ratification was lodged with the International Atomic Energy Agency in Vienna yesterday.

...

Australia has for some years protected nuclear material and facilities in line with the higher standards set out in the Amendment.

The Australian Parliament enacted legislation to enable full legal compliance with the Amendment in 2007.

### **Nuclear Non-Proliferation – International Commission on Nuclear Non-Proliferation and Disarmament (ICNND)**

On 25 September 2008, the Prime Minister, Mr Kevin Rudd, and Japanese Prime Minister, Mr Taro Aso, issued a joint media release on ICNND. An extract from that joint release follows:

The Commission's two year mandate is to reinvigorate the global debate on the need to prevent the further spread of nuclear weapons and for nuclear disarmament, and to strengthen the Nuclear Non-Proliferation Treaty (NPT) by seeking to shape a global consensus in the lead up to the 2010 NPT Review Conference, and beyond. The NPT is the most significant and successful arms control instrument of the nuclear age. While remaining the cornerstone of global disarmament efforts, the NPT is facing increased pressure and strain from the actions of countries such as North Korea and Iran.

The Commission's work will not, however, be limited to the fundamentally important task of reinvigorating the NPT. It will also be looking at ways in which the non-NPT nuclear armed states can be brought into the global non-proliferation and disarmament system. The Commission will also address the important issue of ensuring that any expanded use of civil nuclear energy due to climate change and energy security concerns does not result in an associated increase in proliferation risks.

These are goals that Australia and Japan both share, as key partners working together with other like-minded countries to advance the goals of both nuclear disarmament and non-proliferation.

### **Nuclear Non-Proliferation – Korean Peninsula**

On 9 April 2008, the Minister for Foreign Affairs, Stephen Smith, delivered a speech to the Australian Strategic Policy Institute National Security Dinner, entitled 'A Modern Australia for a New Era'. An extract from Mr Smith's speech follows:

Today, there is no doubt that factors like international terrorism, weapons proliferation (including the risk of nuclear, biological or chemical weapons falling into the hands of terrorists), transnational crime, including organised people smuggling, environmental degradation, energy security, health pandemics, or even just plain old fashioned poverty and inequality as a cause of instability, are all seen rightly in my view, as key factors affecting Australia's security, and more particularly, the personal safety and security of ordinary Australian citizens.

...

The threat of nuclear, biological or chemical proliferation and the risk of that proliferation to terrorist groups is ever present. Our international institutions and instruments are under pressure in this regard. This is why enhanced cooperation on non proliferation and disarmament is a priority for the Government.

...

Australia strongly supports the work of the Six Party talks in tackling the security challenge posed by North Korea. A breakthrough on the North Korean nuclear issue has the potential to transform the Korean Peninsula.

On 28 April 2008, Australia's Ambassador for Disarmament and Permanent Representative of Australia to the United Nations, Ms Caroline Millar, made an opening statement to the Second Preparatory Committee for the 2010 Nuclear Non-Proliferation Treaty Review Conference. An extract from Mr Millar's statement follows:

Australia welcomes the progress made in the Six Party Talks since mid-2007, including the shutdown and progress toward dismantlement of the Yongbyon nuclear facilities as a practical step towards the DPRK's denuclearisation. But we are disappointed at the DPRK's continuing failure to meet its commitment under the October 3 2007 Six Party Talks agreement to provide a complete and correct declaration of its nuclear programs by 31 December. This declaration will be a crucial demonstration of the DPRK's sincerity and we urge the DPRK to provide it without further delay.

Given our commitment to global non-proliferation objectives, Australia will continue to support the Six Party Talks process, and urges the DPRK to fulfil its commitments and seize what is its best chance to rejoin the international community and ensure its future security and prosperity.

On 7 May 2008, the Minister for Foreign Affairs, Mr Stephen Smith, delivered a speech to the Korean Press Foundation, entitled 'Australia and Korea – A Partnership for the Future'. An extract from Mr Smith's speech follows:

The nuclear weapons of the Democratic People's Republic of Korea pose a significant threat to regional stability. Both our countries are committed to the denuclearisation of the Korean Peninsula. President Lee's firm position on the DPRK – making economic assistance conditional on progress towards denuclearisation and an improvement in the DPRK's human rights record, while keeping humanitarian aid unconditional, aligns closely with Australia's policy approach.

Australia has suspended development assistance until the DPRK makes substantial progress towards denuclearisation and is meeting its commitments made in the communique of 13 February 2007. However, we continue to provide humanitarian aid on an unconditional basis, via the United Nations and other agencies. Since 1995 we've provided over \$A66 million – including two million dollars in February this year.

Australia strongly supports the work of the Six Party Talks in tackling the security challenges posed by the DPRK. Given our vital interest in the security of the Asia-Pacific region, Australia looks forward to playing a greater role in wider regional security, particularly in any regional peace and security mechanism that may emerge from the Six Party Talks.

...

On 27 June 2008, the Minister for Foreign Affairs, Mr Stephen Smith, issued a media release concerning the DPRK's nuclear programs. An extract from Mr Smith's release follows:

Australia is committed to supporting the Six-Party Talks process, and we have indicated to the DPRK our readiness to resume bilateral development assistance if it makes substantial progress towards abandoning its nuclear weapons. The ultimate goal of the Six-Party Talks is the DPRK's abandonment of its nuclear programs. Australia will continue to work with all parties towards this end.

Australia urges the DPRK to maintain the current positive momentum and engage constructively and cooperatively in discussions on verification of its declaration and on the next phase of activity, in which its nuclear facilities are to be dismantled.

On 13 October 2008, Australia's Ambassador for Disarmament and Permanent Representative of Australia to the United Nations, Ms Caroline Millar, delivered a statement to the United Nations General Assembly First Committee thematic debate on nuclear weapons. An extract from Ms Millar's statement follows:

The DPRK's nuclear weapons activities continue to pose a significant threat to regional security and global non-proliferation objectives.

Australia welcomes the agreement between the DPRK and the United States on a set of measures to verify the DPRK's denuclearisation and the DPRK's removal from the US list of state sponsors of terrorism is a consequence of this agreement.

Australia now looks to the DPRK to work cooperatively with its Six-Party partners in carrying out this agreement. In this context we welcomed the DPRK's agreement to resume disablement of its Yongbyon nuclear facilities.

Australia is committed to supporting the Six-Party Talks and will work closely with the United States, Japan, South Korea and the other members of the Six-Party Talks to encourage North Korea to denuclearise.

### **Security Cooperation – East Timor**

On 12 February 2008, the Minister for Foreign Affairs, Mr Stephen Smith, attended a joint press conference with the Minister for Foreign Affairs and Cooperation of East Timor, Mr Zacarias da Costa, concerning the attacks on the President and Prime Minister of East Timor. An extract from that joint press conference follows:

[T]he Australian Government strongly supports the duly elected government of East Timor. We strongly stand by our good friend and neighbour, East Timor with whom Australia has a special relationship...

...I've indicated personally to the Foreign Minister on behalf of the Australian Government the commitment that we announced yesterday, the contribution of additional troops and the contribution of additional police officers to ensure peace and stability and security in East Timor.

The Australian Government regards this as essential, just as we do the ongoing presence of the United Nations and a renewal of the United Nations mandate to see a continuing presence of the United Nations in East Timor. This is essential because in

the end our ultimate ambition, our ultimate aspiration, just as it is the aspiration of the East Timorese Government, is to enable East Timor to grow as a nation state, to provide the jobs and training and education and healthcare that any nation state wants to provide to its citizens.

So we're much more interested in providing the nation building capacity that we can assist East Timor with, whether that's in governance areas, infrastructure, development assistance and the like. But that can only be done in a context of peace and security and stability.

... All of the advice we've had today is that the situation in Dili and Timor is calm, obviously that's being very closely monitored. Whilst they are operational matters in general terms, the troops and the police will arrive in the course of the next 24 hours and already stationed off Dili is the HMAS Perth, indicating a presence and flagging the forthcoming arrival of the troops and police.

... as the Foreign Minister has indicated, obviously, the people and the Government of East Timor, will want to pursue those people responsible for these acts and, as I've indicted in the last 12 hours, the very sensible thing for those people to do is to essentially hand over their arms and present themselves.

... the Australian, or the International Stabilisation Force received a request from the East Timorese Government to desist from seeking to apprehend Reinado on the basis that the East Timorese Government and the President in particular, thought that they could effect a negotiated or agreed solution compromise. And that was the desire of the President.

... we see a continuing presence in East Timor both from the International Stabilisation Force which includes Australians and New Zealanders and from the UN which includes a range of countries, is very important because we see the need for ongoing peace and security and stability in East Timor as being the essential precondition to East Timor as building itself as a robust parliamentary democracy, building its infrastructure, building its schools and hospitals, providing education and training and jobs for its people.

None of those things can be done in the absence of peace and security and stability. And we do see an ongoing need for that to continue. It can't last forever, which is one of the reasons why part of the development assistance goes to the training of East Timorese police and the training of East Timorese military. These are important capacity building things that we have to do. So, we're not putting a timetable on it. When I was in the United States, I made the point to United Nations officials that we thought it was very important that the UN mandate be renewed or rolled over for a further 12 month-period and that remains our very strong view and I think in light of recent events it would be most unwise to pursue any other call. But we see the ongoing need as being absolutely essential to providing the ingredients in East Timor for those nation building and capacity building things to occur.

...

On 21 February 2008, Australia's Ambassador and Permanent Representative of Australia to the United Nations in New York, Mr Robert Hill, delivered a statement to the United Nations Security Council during its deliberations on the mandate of the United Nations Integrated Mission in Timor-Leste (UNMIT). An extract from that statement follows:

As the Prime Minister of Australia, the Hon Kevin Rudd MP, has made clear, Australia is a steadfast friend and neighbour of Timor-Leste and will continue to be at the forefront of international efforts to assist it to become a stable and more prosperous nation. During a visit to Dili on 15 February, the Australian Prime Minister made clear Australia's commitment to continue to stand shoulder-to-shoulder with Timor-Leste and to contribute enhanced assistance to help provide security and much needed longer-term development. At the request of the Timor-Leste Government, Australia is providing additional Australian military and police assistance to support Timor-Leste in response to the events of 11 February.

...

It is especially important that the international community, led by the UN, continues to support Timor-Leste at this time. Australia welcomes the Secretary-General's report on UNMIT which recommends a 12-month mandate extension with a continuation of current police levels. A 12-month extension of UNMIT's mandate will provide valuable continuity, certainty and security for Timor-Leste.

On 21 May 2008, the First Secretary at the Australian Mission to the United Nations in New York, Ms Edwina Stevens, delivered a statement on behalf of CANZ to the UN General Assembly Fifth Committee on UNMIT's budget. An extract from that statement follows:

UNMIT plays a crucial role in Timor-Leste in the pursuit of the Security Council's highly complex and demanding mandate. UNMIT assists the Government and its national institutions to consolidate Timor-Leste's democracy and further its national reconciliation.

...

We consider UNMIT's role, particularly in providing the Executive policing function, security and supporting the durable reform and rebuilding of the Timorese police force (PNTL), to be ongoing. There remains a great deal of work ahead in rebuilding PNTL's capacity, and UNMIT will play a key role. In that regard, we urge caution when planning for the future of UNMIT, including any possible draw-down of personnel, especially police, or other substantial changes in the mission. The situation in Timor-Leste remains fragile. Future planning must also take into account UNMIT's entire mandate, including the range of capacity building and humanitarian responsibilities.

On 19 June 2008, the Minister for Foreign Affairs, Mr Stephen Smith, issued a media release concerning the role of UNMIT. An extract from Mr Smith's release follows:

The Australian Government welcomes the important contribution made by the United Nations Integrated Mission in Timor-Leste (UNMIT) in promoting stability, human rights, democracy and the rule of law in East Timor.

...

It is important for Australia, the United Nations and other development partners to remain closely engaged in assisting East Timor's long-term development.

### **Security Cooperation – European Union**

On 1 July 2008, the Minister for Foreign Affairs, Mr Stephen Smith, issued a joint media release with the Minister for Home Affairs, Mr Bob Debus, on the signing of the European Union-Australia Passenger Name Record (PNR) Agreement. An extract from that joint release follows:

Mr Debus and Mr Smith welcomed the signing in Brussels on 30 June of a European Union (EU)-Australia Passenger Name Record (PNR) Agreement.

The PNR Agreement will allow for information about travellers flying into Australia on airlines using EU-based IT service providers to be disclosed to Australian Customs officials.

The data comprises 19 categories of information including passport details, travel itineraries and payment details, but will not include sensitive personal information such as race or religion.

The ability to access this key information on airline passengers is a vital border security tool for Australia. It will assist in the fight against terrorism and serious crimes. Customs' handling of personal information, such as its collection, use, disclosure, access, storage and security is governed by Australian privacy laws.

### **Security Cooperation – Japan**

On 18 December 2008, the Minister for Foreign Affairs, Mr Stephen Smith, and the Minister for Defence, Mr Joel Fitzgibbon, together with the Japanese Minister for Foreign Affairs, Mr Hirofumi Nakasone, and the Japanese Minister of Defense, Mr Yasukazu Hamada, issued a joint statement about the second Japan-Australia Foreign and Defence Ministerial Consultations. An extract from the joint statement follows:

Ministers underlined the strength of the comprehensive strategic partnership between Japan and Australia - a partnership which is based on enduring friendship, shared democratic values and strategic interests, and common alliance ties with the United States.

...

Ministers shared the view that a close strategic relationship between Japan and Australia is of growing importance to both countries in the Asia-Pacific region. Ministers noted the importance of strong alliance ties with the United States and comprehensive involvement in multilateral institutions for the international policies of both countries.

...

Ministers welcomed cooperation between the Japan Self-Defense Forces (JSDF) and Australian Defence Force (ADF) in Iraq and endorsed the continued growth in Japan's international security role.

...

Ministers emphasized that closer information sharing, backed by improved information security policies, would be a vital support for closer bilateral and

trilateral security cooperation across all areas. They decided to commence discussions in early 2009 on a possible legal framework between the Governments of Australia and Japan on their cooperation to promote information sharing within the scope of their respective laws and regulations in force, and confirmed basic principles on information security as guidance for the discussions.

On 18 December 2008, the Minister for Foreign Affairs, Mr Stephen Smith, delivered a speech to the Japanese Institute for International Affairs in Tokyo, Japan, entitled, 'Japan and Australia: An enduring partnership'. An extract from Mr Smith's speech follows:

Australia strongly supports international efforts to encourage North Korea to denuclearise.

We work closely with Japan, the United States, the Republic of Korea and others in support of the Six Party talks.

We look forward to continuing our close cooperation with Japan on resolving the North Korean nuclear problem. We also strongly support Japan's call for a full accounting of the fate of Japanese citizens abducted by North Korea.

Australia places high importance on our cooperation with Japan in wider efforts to promote nuclear non proliferation and disarmament.

This year Australia and Japan established the International Commission on Nuclear Non-proliferation and Disarmament.

The Commission is co-chaired by Ms Yoriko Kawaguchi, a former Japanese Environment Minister and Foreign Minister, and Mr Gareth Evans, a former Australian Foreign Minister.

Both bring a wealth of experience to the Commission.

The Commission, which held its inaugural meeting in Sydney in October, has received strong international support. It is reinvigorating global efforts to prevent the proliferation of nuclear weapons and to seek a recommitment to the ultimate goal of a nuclear weapon-free world.

By establishing the Commission, Australia and Japan are making a positive contribution to the prospects for a successful Nuclear Non-Proliferation Treaty Review Conference in 2010.

### **Security Cooperation – Japan and the United States**

On 27 June 2008, the Minister for Foreign Affairs, Mr Stephen Smith, and the Japanese Minister for Foreign Affairs, Mr Masahiko Koumura, together with the U.S. Secretary of State, Dr Condoleezza Rice, issued a joint statement about the third ministerial meeting of the Trilateral Strategic Dialogue (TSD) in Kyoto, Japan. An extract from that joint statement follows:

The three countries are committed to working together as close strategic partners to help promote stability and security globally, with a particular focus on the Asia-Pacific region.

The three Ministers shared the view that the Asia-Pacific region, while undergoing a dynamic change in political and economic terms, is faced with a wide range of security challenges, both traditional and non-traditional, such as the proliferation of weapons of mass destruction, terrorism, and responding to natural disasters. The three Ministers underlined the importance of meeting these challenges by promoting cooperation between Australia, Japan and the United States thereby ensuring peace and prosperity in the region and beyond. This cooperation between the partners supports and complements the activities undertaken within the existing regional architecture and our efforts to strengthen the existing regional architecture.

On 27 June 2008, the Minister for Foreign Affairs, Mr Stephen Smith, and the Japanese Minister for Foreign Affairs, Mr Masahiko Koumura, together with the U.S. Secretary of State, Dr Condoleezza Rice, issued a joint statement annex at the third TSD ministerial meeting concerning trilateral cooperation on humanitarian assistance and disaster relief in the Asia Pacific region. An extract from that joint statement annex follows:

The Ministers recalled that Australia, Japan and the United States have a strong record in responding to natural disasters and other humanitarian emergencies, as demonstrated in the wake of the December 2004 Indian Ocean tsunami and other more recent events. They committed to build on this, trilaterally and in conjunction with relevant regional and international arrangements, to strengthen cooperation on disaster management and emergency response.

The Ministers decided that the three countries would develop arrangements to exchange information to ensure best use of assets and other resources in preparing for and responding to natural disasters and other humanitarian emergencies in the region.

### **Security Cooperation – Solomon Islands**

On 22 February 2008, the Minister for Foreign Affairs, Mr Stephen Smith, issued a media release following the inaugural Pacific Islands Forum Ministerial Standing Committee (FMSC) meeting on the Regional Assistance Mission to Solomon Islands (RAMSI) in Honiara. An extract from Mr Smith's release follows:

The meeting was productive and positive and provided an opportunity for me to underscore Australia's ongoing commitment to RAMSI and close cooperation with the region and Solomon Islands Government.

The meeting marked the beginning of a new partnership between RAMSI and the Solomon Islands looking to the future.

RAMSI has had great success in restoring law and order in Solomon Islands and this allows the possibility of moving forward on capacity building in line with the intentions of the Solomon Islands Government.

The Committee underlined the importance of consultation between the Solomon Islands Government and RAMSI to develop jointly agreed development strategies, and endorsed the proposal to jointly develop a Solomon Islands Government – RAMSI Partnership Framework.

The Framework will provide a mechanism for mutual responsibility in setting priorities to achieve the Solomon Islands Government's broader policy objectives. It

will develop mutually-agreed, conditions-based timelines with a view to reducing the Mission's engagement in critical areas of government as the capacity of the Solomon Islands Government continues to grow.

### **Security Cooperation – United States**

On 23 February 2008, the Minister for Foreign Affairs, Mr Stephen Smith, and the Minister for Defence, Mr Joel Fitzgibbon, together with the U.S. Secretary of Defense, Mr Robert Gates, and the U.S. Deputy Secretary of State, Mr John Negroponte, delivered a joint communiqué about the 2008 Australia-United States Ministerial Consultations. An extract from that joint communiqué follows:

Australia and the United States emphasised their commitment to a stable, united and democratic Iraq...Australia and the United States see the International Compact with Iraq as providing partners the best framework for contributing to Iraqi self-sufficiency.

...

Both sides reaffirmed their commitment to stabilisation and reconstruction efforts in Afghanistan...the United States and Australia emphasised the importance of working with international partners and the Government of Afghanistan to develop a comprehensive strategy to integrate more effectively security, reconstruction and development activities.

...

The two countries agreed on the need for constructive, long-term engagement with Pakistan and discussed the results of recent democratic elections there.

...

Australia and the United States reaffirmed their strong support for efforts to achieve peace in the Middle East...Both countries expressed concern at the humanitarian situation in Gaza and remain committed to practical measures to assist the Palestinian people.

...

Australia and the United States reaffirmed their commitment to working closely with the countries of Southeast Asia in order to promote regional prosperity and security. They agreed to continue to build capacity in Southeast Asia in key areas such as counter-terrorism and maritime security. Specifically, both sides agreed to assist regional countries to improve port security and to constrain the movement of terrorist finances.

...

Both countries are encouraged by Indonesia's good progress in strengthening democracy, its commitment to fighting corruption and reforming the military and its strong performance in combating terrorism. They reiterated their commitment to supporting Indonesia in these efforts, including by strengthening Indonesian security and disaster relief capabilities.

The United States and Australia agreed to continue their close collaboration with the Philippines, including strategic-level efforts such as defence reform, building capacity and military professionalism.

...

Australia and the United States shared concern over developments in Burma and the lack of progress towards genuine political reform, national reconciliation, and a transition to democracy. Both sides called on the Burmese regime to cooperate with UN envoy Ibrahim Gambari in starting a legitimate dialogue with democratic and ethnic minority groups.

...

The United States and Australia agreed to consult closely on the evolution of regional fora such as the ASEAN Regional Forum, and to build on the successes of the 2007 APEC summit to enhance APEC's contributions to regional cooperation.

...

Australia and the United States confirmed their ongoing commitment to promoting good governance, rule of law, and economic development in the Pacific...they noted the important role the Pacific Islands Forum plays towards stability in the region. They called upon Fiji Interim Government Prime Minister Bainimarama to adhere to his commitment to restore democratic government in Fiji by holding elections no later than March 2009.

...

Australia and the United States welcomed progress towards the DPRK's denuclearisation made under the Six-Party Talks process during 2007. They reiterated that a declaration of the DPRK's nuclear programs is an essential step toward the verifiable denuclearization of the Korean peninsula...They agreed to continue their efforts to encourage the international community to adopt and adhere to strengthened [man-portable air defence systems (MANPADS)] counter-proliferation controls, including implementing United Nations General Assembly resolution 62/40; other multilateral and regional commitments; offers of assistance to help countries reduce the vulnerabilities of airports to MANPADS; and involvement in U.S. stockpile security and destruction programs.

...Both countries agreed on their shared interest in maintaining and strengthening the effectiveness of the treaty-based [weapons of mass destruction (WMD)] regimes including through efforts to ensure full compliance with obligations...They underscored the importance of all Nuclear Non-Proliferation Treaty (NPT) parties working for outcomes from the 2010 NPT Review Conference that reinforce this vital Treaty. They strongly supported universal implementation of the Additional Protocol to International Atomic Energy Agency (IAEA) safeguards agreements which would deliver substantial security benefits to all countries.

Australia and the United States agreed that continuing progress on nuclear arms reductions plays an important part in maintaining political support for the NPT...They noted that as the Comprehensive Nuclear Test Ban Treaty had not entered into force, existing moratoriums on nuclear testing should be maintained.

The two countries remained deeply concerned by Iran's nuclear activities including its defiance of UN Security Council resolutions requiring Iran to suspend all uranium enrichment-related, reprocessing and heavy water-related activities and cooperate fully with the IAEA. They agreed to continue working together and with the international community in relevant fora to urge Iran to comply fully with its international obligations and to provide full transparency regarding its nuclear activities...Both countries underlined the UN Security Council's important responsibilities in support of a diplomatic solution to the Iran nuclear issue.

...

Both sides took note of the U.S.-Australia Treaty on Defence Trade Cooperation signed in September 2007 and the good progress being made in concluding its implementing arrangements. They noted that once ratified, the Treaty will ease the barriers to how the two countries share defence technologies, thereby improving interoperability of their defence forces and enhancing the two nations' security.

## **X. Sanctions**

### **Autonomous Sanctions – Burma**

On 2 May 2008, the Minister for Foreign Affairs, Mr Stephen Smith, issued a media release in relation to Australia's approach to Burma. An extract from Mr Smith's release follows:

I also note the United States' statement overnight that the US will expand its sanctions against the Burmese regime. Australia has its own sanctions regime against Burma, which the Australian Government believes has been an effective tool to put pressure on the regime.

Australia will continue with these sanctions, as we will continue to urge upon the Burmese regime that it must begin a genuine political process that allows for the full and complete participation by all political players in Burma.

On 22 October 2008, the Minister for Foreign Affairs, Mr Stephen Smith, issued a ministerial statement regarding Burma. An extract from Mr Smith's statement follows:

Financial sanctions were introduced in October 2007. The current financial sanctions have been in place now for 12 months. It is the Australian Government's strong view that sanctions need to be kept current and focused for maximum impact.

To ensure this, the Australian Government has renewed the list of individuals subject to Australian financial sanctions. The updated sanctions list, which comes into effect and which I announce today, reflects personnel movements in the regime during the last year, as well as information obtained since October 2007.

The revised list names 463 individuals, including members of the ruling State Peace and Development Council, ministers, senior military officers, prominent business associates of the regime, and immediate family members of these individuals. The list previously named 418 individuals. These sanctions will maintain pressure on the Burmese regime, but are not aimed at the Burmese people themselves.

### **Autonomous Sanctions – Fiji**

On 30 June 2008, the Minister for Foreign Affairs, Mr Stephen Smith, held a media conference in relation to several issues including Australia's autonomous sanctions relating to Fiji. An extract from Mr Smith's conference follows:

What we want Fiji to do is to move away from the culture of coups, to move away from an interim military government and to restore democracy and the respect for human rights in Fiji.

And to do that, there are two aspects to our foreign policy approach. One is to be very hard on bad behaviour in the form of our travel sanctions and in the form of our responses to the conduct by the interim Fiji Government, particularly, for example, when newspaper proprietors or editors are unacceptably removed from Fiji.

But at the same time, we want to indicate we are prepared to have a dialogue. We're prepared to have a dialogue both in a bilateral sense, but also as a member of the Pacific Island Ministerial Contact group.

...

But having a dialogue, either in a bilateral sense, or having a dialogue as part of a Pacific Island Forum, is well worthwhile doing. But that doesn't mean, for example, that we will move away from the sanctions or the travel bans that we currently have.

It is absolutely essential that there is an election in Fiji; that's our starting point. And I remain very sceptical about the interim Fiji Government's intentions in that respect.

On 16 July 2008, the Minister for Foreign Affairs, Mr Stephen Smith, attended a media conference held by the Pacific Islands Forum Ministerial Contact Group at the Forum Secretariat in Suva in relation to several issues including Australia's autonomous sanctions relating to Fiji. An extract from that media conference follows:

Given that Australia also has sanctions, can I just make a couple of remarks. These are in the nature of a bilateral discussion - Australia-Fiji/New Zealand-Fiji, rather than a Forum matter. We had a number of views put to us that we should cease our sanctions. Another view that was put to the Contact Group was that more Pacific Forum states could also [indistinct] sanctions.

Australia's position is quite straightforward. To apply Mr Peters' expressions, we apply sanctions to Fiji more in sorrow than in anger. They were in response to a military coup which displaced a democratically elected government and our attitude to sanctions is quite clear and straight forward. When we see real progress towards the holding of an election, then we will look at our sanctions. There's a very easy solution to Australia ceasing its sanctions - its travel sanctions so far as Fiji is concerned. It's called a full, free, fair and democratic election. It's a very easy solution to Australia ceasing the sanctions.

In the meantime, as I said more generally, the mere fact that we're here having dialogue is a good and constructive thing and when we see the interim Fiji government do something that we regard as a good thing to do, we respond accordingly. So, for example in recent weeks the Fiji government announced, albeit, belatedly, but nonetheless announced the appointment of an Elections Supervisor, I responded by authorising the appointment to Australia of an

acting High Commissioner and a Consul General for Sydney. Now, why did I do that? It's not in Australia's interest not to have a good relationship with Fiji. It's not in New Zealand's interest to not have a good relationship with Fiji. It's not in the region's interest. We want Fiji to return to the region as a fully-fledged member. We want it to be business as usual. There's one way to ensure that its business as usual – that's to conduct a full, free and fair election with the participation of all political players. When that occurs, travel sanctions between Fiji and Australia will not be an issue.

### **Autonomous Sanctions – Zimbabwe**

On 25 June 2008, the Minister for Foreign Affairs, Mr Stephen Smith, attended a media conference at Parliament House, Canberra. An extract from Mr Smith's media conference follows:

...Together with the United States, the European Union and the United Kingdom, Australia has been for some time at the forefront of sanctions against Zimbabwe.

We're looking particularly at extending our sanctions so far as travel is concerned, extending the list or the ambit of members of the regime or Zimbabweans associated with the regime to be subject to travel sanctions.

...

We think that sanctions have been effective. And one of the things that we've done in the last few days is to raise with other nation states the level of their sanctions to ensure we've got international coordination of the sanctions, and to examine the sanctions to see whether there is more that we can do, which is precisely what Australia is doing.

So we've been urging a number of nation states to look at the sanctions that they impose or don't impose, as the case may be, and sanctions will be one thing which I'll be raising with my colleagues in Japan.

On 17 December 2008, the Minister for Foreign Affairs, Mr Stephen Smith, issued a media release on Australia's sanctions relating to Zimbabwe. An extract from Mr Smith's release follows:

Australia will strengthen its sanctions against the Mugabe regime in Zimbabwe. The strengthened sanctions are a clear signal that the Australian Government holds the brutal Mugabe regime and its closest supporters accountable for the tragedy occurring in Zimbabwe. The Government has added 75 individuals and four companies to the list of regime members and supporters against whom financial and visa restrictions apply. Australian sanctions are carefully targeted against the regime to avoid harming the Zimbabwean people.

...

The best solution for Zimbabwe would be for Mr Mugabe and his regime's close supporters to stand down to allow Zimbabwe to rebuild its economy, society, and democracy. Australia remains deeply concerned by the most recent wave of violations of human rights by the regime, including arrests and harassment of members of the opposition, and union and human rights activists. Australia calls on

the Zimbabwean authorities to respect the human rights of the Zimbabwean people, in this time of terrible hardship.

### **United Nations Security Council Sanctions – DPRK**

On 30 September 2008, the Minister for Foreign Affairs, Mr Stephen Smith, attended a press conference regarding the DPRK's nuclear program. An extract from Mr Smith's press conference follows:

Well so far as North Korea is concerned our very strong position is that North Korea should be open, honest and up front about its nuclear program. It should comply with two things. It should comply with the Security Council resolutions. And it should comply with the verification measures requested by the International Atomic Energy Agency. The so-called group of six have been very active in seeking to bring North Korea to account, and Australia has been very supportive, not just of the United Nations Security Council resolutions but also of the actions of the group of six.

When I was in New York I had a meeting with the Deputy Secretary of State Hill who updated me on the group of six activities, I indicated to him Australia's continuing support. We, of course, have sanctions in place, and indicated to Mr Hill that we continued to support very much the actions of the group of six. And we'll continue to give support to their activities through the International community forums including the United Nations. So we support strongly the efforts that Deputy Secretary of State Hill and the other group of six are engaging in trying to bring North Korea to account so far as its nuclear program is concerned.

### **United Nations Security Council Sanctions – Iran**

On 4 March 2008, the Minister for Foreign Affairs, Mr Stephen Smith, issued a media release regarding a further United Nations Security Council resolution on Iran's nuclear activities. An extract from Mr Smith's release follows:

I welcome the adoption by the United Nations Security Council of Resolution 1803 on Iran, which reaffirms the international community's serious concerns in regard to Iran's nuclear activities.

The new resolution strengthens sanctions against Iran. It expands the range of items that are subject to the export ban to Iran and the list of individuals and entities subject to financial measures. It extends a travel ban in relation to individuals associated with Iran's proliferation sensitive nuclear activities or nuclear weapons delivery systems. It also details measures relating to the inspection of cargo carried by Iranian aircraft and vessels.

The adoption of this resolution – the fourth resolution in relation to Iran's nuclear activities – makes very clear that Iran needs to address the international community's serious concerns about its nuclear activities.

The adoption of the resolution should underline to Iran the international community's firm resolve on this issue.

The resolution stresses again the willingness of the Permanent Members of the Security Council (China, France, the Russian Federation, the United Kingdom and the United States) and Germany to engage with Iran on a comprehensive, long term

solution to the issue and promote wide-ranging cooperation provided Iran suspends all enrichment-related and reprocessing activities.

The Australian Government urges Iran to suspend all enrichment-related and reprocessing activities in accordance with successive United Nations Security Council resolutions.

Australia will implement promptly the terms of the resolution as required by all United Nations members.

On 15 October 2008, the Minister for Foreign Affairs, Mr Stephen Smith, issued a ministerial statement on Iran. An extract from Mr Smith's statement follows:

The Australian Government is deeply concerned at Iran's refusal to suspend its uranium enrichment and reprocessing-related activities as required by multiple United Nations Security Council Resolutions.

The international community has responded through the adoption of four UNSC resolutions which require Iran to suspend uranium enrichment and reprocessing activities, and to meet the IAEA's verification requirements.

Three UNSC resolutions have imposed sanctions, including travel and financial restrictions against those engaged in Iran's proliferation sensitive activities.

Australia supports each of these binding resolutions, and has implemented these sanctions fully.

...

In response to on-going Iranian defiance of the Security Council and given the Government's strong commitment to nuclear non-proliferation, the Government has now decided to impose new financial and travel sanctions effective from today.

The sanctions are targeted against 20 Iranian individuals and 18 organisations which contribute to Iran's nuclear and missile programs, or otherwise assist Iran to violate its Security Council obligations.

These organisations include Iranian banks Melli and Saderat.

The new measures support and are similar to the action recently taken by the European Union.

The new measures are not intended to prevent legitimate Australian trade with Iran.

However, the Government will implement vigorously the Security Council's call through UNSCR 1803 to be vigilant about providing financial support for trade with Iran, so as to avoid contributing to Iran's proliferation-sensitive activities.

To this end, Australia will not provide new financial support for trade with Iran under Australia's trade promotion and trade finance programs, namely through the Export Finance Insurance Corporation and Export Market Development Grants.

The Government will, together with the international community, continue to engage with Iran to urge it to suspend uranium enrichment.

It is clear to me that the international community's most pressing priority in relation to Iran is to address Iran's nuclear program.

My announcement today on new sanctions reflects the Australian Government's determination to support and reinforce the international community's efforts to hold Iran to account.

