

Letter from Geneva ...

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Most people have a love/hate relationship with Geneva. They complain that the city is too expensive, the people too unfriendly and the nightlife is simply non-existent. Yet, the city's international flavour is addictive and many thrive on the ability to participate in international politics, the biggest game of all.

During the five months I spent in Geneva, from March to July 2002, I went through all of the above emotions, and emerged a loyal Genevois! Sure, the shop keepers barely acknowledge your existence (especially if like me, your French accent is abysmal), the entire population hibernates in winter and the diplomats can be bureaucratic and guarded. Yet, the city is also incredibly beautiful (surrounded by postcard perfect mountains and an enormous lake) political discussions are certain to be eye-opening if not inspiring and best of all, most of western Europe is right at your doorstep!

I arrived in Geneva in March 2002, with the help of a Dean's Travel Scholarship from the Law Faculty and the Castan Centre, to begin an internship with the Australian Delegation to the Commission on Human Rights. Sitting in Australia's seat at the United Nations while states and non-governmental organisations (NGOs) debated human rights issues was an incredible experience. It was also a sobering experience which revealed the international system's imperfections.

I remember one occasion where the Israeli representative outlined Iraq's support for Palestinian suicide bombers, saying that Iraq gave US\$15,000 to every bomber's family. The Iraqi representative responded that Iraq pays US\$25,000 to each family, not US\$15,000. For me, this interchange highlighted the fact that international politics



Vanessa and Douglas at Australia's desk at the Commission on Human Rights.

is a game - where the players are states who often continue to play even if the referee hands them a red card. However, just as cynicism would take over, I would have other experiences that convinced me that international human rights mechanisms are not perfect but they are better than nothing, and are certainly worth maintaining.

For example, I was sitting at Australia's seat when a diplomat from a country Australia was about to criticise asked me if Australia would reconsider criticising her nation in front of the Commission.² I realised then that the "mobilisation of shame" is a powerful force, and that while endless debate about human rights may seem pointless, most countries do not want to be the subject of that debate.

On a lighter note, the internship provided me with the opportunity to meet fellow interns from all over the world, eat sushi and Swiss cheese at a reception at the Japanese mission and watch high level diplomats sashay to "Dancing Queen" at an "end of Commission" bash. The experience was also strengthened by the fact that my fellow Australian intern, Douglas Stewart, and I were treated as "real" members of the delegation by the other Australian diplomats. We were both able to lobby for Australian drafted resolutions and represent Australia in meetings, and Doug had all of the interns cheering when he addressed the Commission on behalf of Australia.

In April I began my second internship, this time with the Indigenous Projects Team at the Office of the High Commissioner for Human Rights (OHCHR). The Team is a mixed bunch, with people from New Zealand, Denmark, South Korea, Australia, England and France. As well as working with the members of the Team, I was also fortunate to meet five indigenous fellows. The fellows came to Geneva for five months to learn about human rights law and promote their communities. The fellows were an invaluable source of information and gave me the opportunity to learn about the day to day struggles of indigenous people around the world.

As the UN has limited funds for administrative staff, interns can often be researching one day and packing boxes the next!! Still, all of the administrative chores provide a great way to get to know other interns and the way the OHCHR operates. Fortunately, my administrative stint was limited to faxing Indigenous communities their approval letters for visiting the inaugural Permanent Forum on Indigenous Issues, which actually helped me familiarise myself with the many Indigenous communities and NGOs around the world.

I also assisted in writing an OHCHR report for the Working Group on Minorities and wrote a research paper for the Special Rapporteur on the situation of human rights

¹ Articled Clerk, Mallesons Stephen Jaques

² Australia always hands out its statements to the countries it is going to criticise before presenting to the Commission

and fundamental freedoms of Indigenous Peoples concerning the human rights ramifications of major projects, such as dams, on Indigenous communities.

I often received strange, almost suspicious looks when I explained to people that I had worked for the Australian Government before starting my OHCHR internship. Although many states actually provide staff for the OHCHR, there can be an “us/them” mentality as OHCHR employees often feel their work is frustrated by states’ procrastination. The existence of this tension meant that by working for both the OHCHR and the Australian Delegation, I was able to understand the challenges faced by both Governments and International Organisations. I would therefore highly recommend working for varied actors within the international system in order to obtain a more varied picture of its complexities.

If you’re interested in human rights law, completing an internship with either the Government, a UN body or an NGO provides a wonderful opportunity to see the international system in action. You might not always like what you see, but you will meet people working tirelessly to promote human rights, even if they only manage to help one person or one cause at a time. And, by being in Geneva, you can eat white chocolate croissants for breakfast, have a picnic lunch in the Alps and dinner in France. Perfect.

Letter from America...

Dr Sarah Joseph, Associate Director, Castan Centre

Greetings from my sabbatical! It has been a wonderful time, enjoying (from August to December) the hospitality of the Law Faculty at the University of Minnesota in Minneapolis and, in January, the Human Rights Centre at the University of Nottingham.

So, having spent five months there, what can I say about the US of A? First, politics. It was an election year, with the November 5 result delivering control of the Congress to the Republicans. So the liberals (in a country where ‘liberal’ means ... well, liberal!) are fearing, amongst other things, the demise of abortion laws and gun control (on which, you MUST see Bowling for Columbine). The federal judiciary is a particular worry – with the floodgates of conservative judges set to open now that the Democrats no longer control the Senate. The Senate result was particularly traumatic in Minnesota, where mega-liberal Senator Paul Wellstone (who had been feted for his bravery in voting, in the midst of his re-election campaign, against the grant of unilateral power to the President to attack Iraq) died in a plane crash ten days before the election. The last-minute drafting of former Vice-President Walter Mondale to run in Wellstone’s place failed by a few thousand votes to fend off the Republican surge. The overall result was a vindication for George W Bush, who was finally elected president.

Terrorism dominates the political landscape. ‘Red alerts’ are common (quite a few up to November 5 now that I think about it), though I don’t know what they are for – I mean what do you do during a red alert, beyond getting scared and rallying around the President? To be fair, Americans are waking up fast to the idea that “9-11” is not a blank cheque for presidential policies. While the war on Iraq was a popular idea when I left, support is waning and there is a significant and growing anti-war movement.

The story that epitomised American mainstream media at work was the Washington Sniper. For two weeks the rest of the world did not exist as profiler after profiler (after profiler) gave their expert opinions – and got it wrong! Upon their capture, there was then an unseemly battle as to who got to try them first. Washington DC was never a starter – no death penalty. Maryland has a moratorium, but offered to lift it especially for these guys. But Virginia was never going to be beaten – they execute kids!

US impressions of Australia: well, the usual – kangaroos etc, and they like our accents (‘sort of British – but better’). A LOT of people were also aware that we had ‘some issue with a boat and refugees’ not so long ago. On the other hand, almost no one is aware of the Australian government’s virtually unquestioning support for US military policies since September 11, despite us being one of the very few countries in that position.

Enough! America is often portrayed (especially right now, I see, in Europe) as arrogantly unilateralist (think ICC, Kyoto, small arms treaty) and determined to throw some superpower weight around. But it does not speak with one voice. It is important not to confuse America with Americans – with the latter including some of the most talented, exciting, and warm people you will ever meet.

To conclude, I can say a few words about my time there. I managed to get around to some wonderful places, including San Francisco, New York City, and N’awleans (where the Reprieve Interns are doing just fine and took good care of me!), and caught up with some of the Monash diaspora (former colleagues Jacqui Lipton, Nick Pengeley, David Wiseman, Christian Witting). Of course, sabbatical is not all fun and games – some research was done. I have finished an article on access to pharmaceuticals and human rights (which was also the subject matter of a paper delivered at a few universities, including Osgoode Hall (Toronto), Case Western (Cleveland), and the Urban Morgan Center for Human Rights (Cincinnati)), and have written a paper on transnational human rights litigation against corporations (eg the Unocal Alien Tort Claims case and its progeny, the South African health and safety cases in Britain). Research for the latter paper included meetings with some of the relevant public interest lawyers (eg Center for Constitutional Rights (New York); International Labor Right Fund and Earthrights International (Washington)) who have managed to put shivers up the spine of big business - so much so that the new year has brought a concerted campaign by industry groups to lobby Congress to amend and weaken the Alien Tort Claims Act. ... yet another thing for the liberals to worry about!