

Australian Interns at the UN Commission on Human Rights

Simone Cusack was one of two Australian interns from Monash Law School to participate in the 59th Session of the UN Commission on Human Rights in Geneva earlier this year (the other Monash student was David Goldberg). Here she relates some of the key issues and highlights that arose during her internship.

Iraq

This year's Commission was undoubtedly overshadowed by the outbreak of war in Iraq. A significant portion of the Commission was spent debating the appropriateness of holding a special sitting to consider the human rights situation in Iraq following the American-led invasion. Despite the general feeling of inevitability surrounding the special sitting, the Commission rejected the motion to hold a special sitting on the human rights and humanitarian situation in Iraq, 18 votes in favour to 25 against, with 7 abstentions. During the debate on the merits of holding such a session, several delegations, including Australia, expressed the view that the Commission was not the appropriate forum to discuss the human rights concerns of Iraq, saying that the Security Council was currently debating the issue. Many Western countries were also concerned that such a sitting would be confined only to the war, rather than the human rights situation of the Iraqi people under Saddam Hussein's leadership. States in favour of the proposal emphasised the illegality of the American invasion as reason for the session. Ironically, the time spent debating the merits of holding a special sitting far exceeded any time which would have been set aside for the session. Despite the irony of the situation, United Nations Secretary General Kofi Annan surmised it best when he said "whatever view we may take of the war in Iraq, it is right to acknowledge that we have also witnessed scenes of jubilation at the fall of an oppressive regime. They remind us that...the human rights crisis in Iraq did not begin with this war."



The 59th Session of the UN Commission on Human Rights

The Middle East

The human rights situation in the Middle East continued to dominate debates at this year's Commission. Exchanges between Israel, Palestine and Syria, amongst others, were frequently heated and intense. On several occasions Palestine likened the acts of the Israeli government to those of Nazis during World War II. Following a point of order in which Israel objected to this analogy and also to claims by Palestine that Israel was a liar, the Palestinian authority responded by stating that it would "stop calling Israel a liar when it stopped lying". Exchanges like these were frequent and intense. No microphones were needed to hear the statements from these delegations. Sitting in the plenary watching these exchanges, one would be forgiven for questioning whether this war of words was actually furthering human rights in the region.



From L to R: Simone Cusack (Monash), Emma Leske, (University of Adelaide), David Goldberg (Monash), Australian Ambassador Mike Smith

Terrorism

The issue of terrorism and its repercussions for human rights dominated many debates at this year's Commission. Many States and non-governmental organisations reaffirmed the importance of combating terrorism, while emphasising the need to respect human rights in the process of eradicating terrorism.

The Libyan Chair

The appointment of the Libyan Ambassador as Chair of the Commission created controversy both during her election and the Commission. Within ten minutes of the opening of the Commission members of the non-governmental organisation, 'Reporters without border,' threw pamphlets across the plenary which stated: "At last the UN has appointed someone who knows what she's talking about! Ms. Najat Al-Hajjaji can be proud of her new job as Chairperson... The people of her country – Libya – know a thing or two about violations of them." Whilst the Chair got off to a rather shaky start, all things considered she performed her role as Chair extremely professionally (including during the debate on the sexual orientation bill despite pressure inflicted by certain countries).

Australian Interns at the UN Commission on Human Rights (cont.)

Our role as interns

During the Commission our role was constant and varied. We began each morning attending various meetings, including the Bureau (the Chairperson, the Vice-Chairpersons, the Secretariat and representatives from all of the regional groups) and Western Group (consisting of countries from the European Union, and JUSCANZ (Japan, United States, Canada, Australia, New Zealand, Korea, Norway amongst others)). After that a large part of our day was spent monitoring the plenary. In addition, we were required to attend ‘informal’ and ‘open-ended’ consultations on resolutions. These meetings involved negotiating the resolutions and lobbying the Australian Government’s position. As Australia was not only a member of the Commission this year, but also Vice-Chair (and thereby a member of the bureau), we were also able to gain an insight into procedural aspects of the Commission. It would be remiss of me not to mention the numerous functions and receptions we were invited to...it’s a hard job, but someone has to do it!

One of the most interesting aspects was being party to multi-lateral negotiations. Trying to negotiate consensus texts was fascinating, especially given the extreme diversity of opinion, although at times frustrating. Additionally, the plenary provided an excellent opportunity to witness debate at the international level. This was made more interesting given that the plenary was arranged into French alphabetical order. Take for example the United States. They were seated next to their ‘arch rivals’ Cuba, and their recent sparing partners in the Security Council, France and Russia. Like the U.S., Australia also had its own ‘arch rival’ – Zimbabwe. On one occasion the Zimbabwean delegation accused the Australian Government of using alcohol as our ‘Weapon of Mass Destruction’ against our Indigenous population. The political rhetoric often present in the plenary can make one question the effectiveness of the Commission as a forum for furthering human rights throughout the world. However, one needs to be realistic and recognise the difficulties faced in facilitating multi-lateral negotiations, especially on sensitive issues such as those pertaining to human rights abuses. If the plenary sometimes failed to fulfil the Commission’s aims, it can be said that the informal and open-ended consultations make up for those failings. Whilst this process can sometimes be hampered by attempts to reach a consensus, it is clear that States are making sincere efforts to build upon previous resolutions and make the Commission function more effectively.

I would highly recommend the internship to anyone interested in human rights and international law, or to anyone interested in pursuing a career in government.

Further information regarding internships can be found at www.law.monash.edu.au/castancentre/internships

Australian Red Cross Inaugural Solferino Cup

On 2 May the International Humanitarian Law Department of the Australian Red Cross held its inaugural Solferino Cup fund-raising gala at the Royal Exhibition Buildings, Melbourne. Competition for The Cup took the form of a trivia challenge held over several rounds. The questions tested each team’s understanding of international human rights law and the Red Cross as well as their general knowledge. Into the first categories fell questions such as “Who were the five founders of the ICRC?” (answer: Dunant, Dufour, Moynier, Appia & Maunoir), while participants’ general knowledge was stretched by teasers such as “What were the names of the Banana Splits?” (answer: Fleegele, Snorky, Bingo & Drooper). Indicative of the extreme intellectual breadth of Castan Centre Members is the fact we were able to answer both questions successfully. At the end of the night the Castan Centre for Human Rights Law led the points tally and had etched its name on the plating as the first winner of the ARC Solferino Cup. The actual chromeware will go back to the Red Cross in time for next year’s challenge, but, as they say in several of the classics, the memories are forever. Most importantly, the money raised by the event went to assist the International Humanitarian Law Department of the ARC in its important work.

If you or your organisation think you can wrest the mantle from the Castan Centre and are interested in getting a table together for next year’s Solferino Challenge, contact Emma Richardson at the Red Cross at email address erichardson@vic.redcross.org.au for further information.



Grinning winners. From L to R: Adam McBeth, Melissa Rudd, Julie Debeljak, Tom Davis, Beth Gaze and Bronwyn Naylor