

Alexander Downer MP

An interview with the Australian Minister for Foreign Affairs



By Rosalyn Santen, Corporate Counsel, AWB Limited

Rosalyn: *The Age* mentioned a report on plans to host a meeting to promote tolerance and understanding and forge a broader coalition against terrorism. Could you tell me a little about this?

Mr Downer: The Foreign Minister of Indonesia and I are planning to co-host a meeting of essentially religious leaders from around the Asia-Pacific region: Muslim, Christians Buddhist and so on. The meeting is to focus on broadening mutual understanding about different religions and perspectives on current issues. Obviously at the heart of this is the issue of terrorism; that's what drives all of this. We will probably do it early next year sometime.

Rosalyn: It looks like a very interesting summit. This week saw the release of the first significant federal terrorism policy documented by your department. What does it involve?

Mr Downer: It basically involves explaining to people who the terrorists are, what they are about and what they want to achieve. It focuses very much on *Jamah Islamiah* and *Al Qaeda* and their notion of creating transnational Taliban style regimes of religious fundamentalists and what it means to people who would live under those regimes. It also involves explaining the dimensions of the problem and that those organisations are not widely supported in the Islamic world. They have some supporters, otherwise they would not exist, albeit very few. It's very broad and covers what can be done about them and what Australia is doing to address these issues.

Rosalyn: On another terrorist related issue, what is the Australian government doing to make our immediate neighbourhood more secure?

Mr Downer: We have signed a memorandum of understanding with nine different countries in the Asia-Pacific region on counter terrorism. Under these memoranda we are providing assistance to these countries to assist with building their capacity to fight terrorism. This involves police training and training their intelligence services. We are building cooperative links, building on historical links. We have set up a joint centre with the Indonesians for training in counter terrorism (the Jakarta Centre for Law Enforcement Cooperation). There is quite a long list of things we have done of that particular variety. My overall view is that you have got to work closely with the countries of the region and particularly the Islamic countries as best you can.

Rosalyn: What would you say would be the most significant initiative that has been put in place?

Mr Downer: The work we have been doing with

the Indonesians since the Bali bombing. Also, the cooperation between the Australian Federal Police and the Indonesian Police which has led to the tracking down and arrest of at least 30 terrorists. That would be the most useful thing we have done.

Rosalyn: In relation to the HIV/AIDS issue, how serious would you say that it is in the Asia-Pacific region, and what are we doing about it?

Mr Downer: At the moment, it is a bigger problem in Africa. The greatest risk is that it will spread in a virilic way into the Asia-Pacific region. I initiated and hosted the first ever Asia-Pacific Ministerial meeting on HIV/AIDS in Melbourne in 2001. The Thais and I co-hosted the second of those meetings. These meetings are designed to encourage countries in the region to cooperate with each other in addressing HIV/AIDS and to develop effective strategies for themselves and their neighbours. Like counter terrorism we have put a lot of resources into capacity building, but also we are doing what we can on a diplomatic level. We are putting another \$350 million into fighting AIDS regionally, we put in a lot more than that domestically. We have a long way to go with this issue.

Rosalyn: Sometimes you are depicted in cartoons wearing high heels and fish-net stockings. Does this offend you?

Mr Downer: No [chuckle] not at all. The reason for it is because I did a charity promotion and the theme was the *Rocky Horror Show*. So that is the genesis of it.

Rosalyn: Which country is the largest recipient of Australian aid and how is the money spent?

Mr Downer: Papua New Guinea is. It is spent in a whole range of different ways across a very wide portfolio of issues: health, education and governance. That means helping them to improve the quality of the way their government works. We spend it in different areas, that's not an exclusive list.

Rosalyn: You see your role as a Foreign Minister as being more than just diplomacy. Could you explain a little more about this?

Mr Downer: Nowadays, with globalisation, the nature of diplomacy and the role of a Foreign Minister has changed because issues which were once domestic considerations have now become international issues. I have become much more involved as the Foreign Minister of the day in a broader range of international issues than my predecessors would have been. It shows that what was once called domestic politics has now become diplomacy.

Rosalyn: A press release from your office stated that a meeting was held in Brisbane involving experts from over 40 countries to redefine strategies in people smuggling, people trafficking and transnational crime. Could you tell me about it?

Mr Downer: As you can tell from the lack of boats coming to Australia over the last 2.5 years, it has been working well. In early 2002 we and the Indonesians co-hosted a regional ministerial meeting on people smuggling to try to coordinate our regional efforts to fight it. As a result, all sorts of regional strategies have been set up and this meeting that took place in Brisbane was a part of that.

Rosalyn: How do you prevent this from occurring when the perpetrators have no regard for the law or human ethics?

Mr Downer: First, you have to make it a crime. In many of these countries [in South East Asia] people smuggling has not been a crime. One of the things that came out of this is the development of a Criminal Code for People Smuggling. We have been helping countries draw up their laws. Second, you need to get them to police it. The third thing to say about that is cooperative strategies [sharing information with each other]. It is quite analogous to the work we are doing on terrorism where you can't really do these jobs alone. You need assistance from other countries [involving sharing of information and intelligence].

Rosalyn: In late January you had a whirlwind visit to Israel. What were your impressions of the country?

Mr Downer: Overall, Israel is a dynamic and exciting country. It is divided over how to handle the so-called Middle East Peace Process. Yes, I am very impressed with it. We have good and close relations with the Israelis.

Rosalyn: In your first parliamentary speech in 1984, as elected federal member for Mayo in South Australia, you refer to the role of your late father in your life. Could you relate his influence on his life and your career?

Mr Downer: He had a lot of influence on me. He was a politician himself and he was a minister in the Menzies Government. I was very close to him and we were very good mates. I suppose that is why I referred to him. I admired him.

Rosalyn: You have stated that you follow a policy approach which is supportive of countries in the South Pacific and South East Asia and to a lesser extent beyond. Could you provide some examples?

Mr Downer: There is our aid program, a large proportion of it goes to countries in the Asia-Pacific Region, Papua New Guinea, the South Pacific, and countries like Tonga, Samoa and Vanuatu. We put a lot of aid into Indochina – Vietnam, Cambodia and Laos, as well as into Indonesia (the second largest recipient of Australian aid). We help them also through building commercial links. For example we have negotiated Free Trade Agreements with Thailand, Singapore and we are talking about the possibility of a Free Trade Agreement with Malaysia.

Rosalyn: In relation to Pauline Hanson, do you think the perception of Australia in the Asia-Pacific Region has changed since she has gone?

Mr Downer: People never talk about it anymore. Whereas when I was first Foreign Minister for three years they always asked about her. Governments obviously knew she was not part of the Australian government. That was not true of the media in Thailand and Hong Kong – it was a big problem in those two countries.

Rosalyn: What would you say would be a highlight of your parliamentary career?

Mr Downer: Certainly being the Foreign Minister. While I have been the Foreign Minister, the liberation of East Timor, settling civil war in Bougainville, assisting the Solomon Islands to repair and rebuild. We have actually made a pretty small contribution but we have made a contribution to the liberation of Iraq.

Rosalyn: I have heard that no interview with an Australian politician is complete without a question on Iraq. So can you please tell me what the capital of Iraq is?

Mr Downer: Baghdad. I have even been there.

Rosalyn: Thank you Mr Downer for your time. ■



On the trail of fraud: Answer *(continued from page 10)*

The fraud was committed by Andrew Handy.

There was a fatal flaw in his account of John Sneezy leaving the building late Monday night: he alleged that he saw John Sneezy depart the building with a handful of blank cheques in his hand.

One question: if Sneezy was going to steal blank cheques, why would he be carry them out in the open for anyone to see?

It was Handy who in fact stole the blank cheques during his cleaning rounds late at night and negotiated them into the bank account that he opened in a false name.

Andrew Handy opened the bank account at FBC Bank one week ago, so that it would coincide with the departure of John Sneezy. Handy even opened the account in the name of "SneezeWell" in an attempt to cast suspicion upon John Sneezy. All documentation provided to FBC Bank by Handy was forged, and he used a false name of "Simon Reginald Smith" when opening the account. The bank cheque request was another attempt to cloud the paper trail: "JS Trust" was another false name intended to implicate John Sneezy once again, via his initials.

A mareva injunction against Andrew Handy is successful in restraining him from dealing with the stolen funds and provides the foundation for proceedings to be initiated for recovery.

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1. Provided the code meets certain criteria such as originality and substantiality. See *Star Micronics Pty Ltd v Five Star Computers Pty Ltd* (1990) 18 IPR 225; *Computer Edge Pty Ltd v Apple Computer Inc* (1986) 161 CLR 171.
2. An author (such as a programmer) may not be the owner of the copyright if the work was produced in the course of employment (s35(6) Copyright Act 1968) or if the copyright has been assigned by writing (s196 Copyright Act 1968).
3. Pronounced "guh-noo", GNU is a recursive acronym for "GNU's Not UNIX". See <http://www.gnu.org/>.
4. GNU Public Licence Preamble. See <http://www.gnu.org/copyleft/gpl.html>.
5. *Ibid.*
6. *Ibid.*
7. GNU Public Licence, Section 3. See <http://www.gnu.org/copyleft/gpl.html>.
8. Distributors can, however, charge for the cost price of physically distributing the source code.
9. Ben Kremer, "Open-Source Software: What Is It, And How Does It Work?" (2004) *Computers & Law* (March) 16, 17.
10. Linda Sherriff, "Court Slaps Injunction on GPL Infringer", *The Register*, 21 April 2004. See http://www.theregister.co.uk/2004/04/21/licence_germany/.
11. Kym Beeston, "Open Source GPL Licence does have bite to its bark", (2004) *Computers & Law* (June) 18. For a English summary of the Munich District Court decision, see http://www.oii.ox.ac.uk/resources/feedback/OIIFB_GPL2_20040903.pdf.
12. *Ibid.*
13. David Wheeler, "History of Unix, Linux, and Open Source/free software". See <http://www.dwheeler.com/secure-programs/Secure-Programs-HOWTO/history.html>.
14. *Ibid.*
15. Roger Parloff, "Gunning for Linux" (2004) 149(10) *Fortune* 88, 89.
16. *Ibid.*
17. Paul Festa, "Governments push open-source software", CNET News.com, 29 August 2001, see <http://news.com.com/2100-1001-272299.html?legacy=cnet>; Rodney Gedda, "ACT passes open source law" *Computerworld*, 11 December 2003, see <http://www.computerworld.com.au/index.php?id=792934018&fp=16&fpid=0>.
18. David Kilpatrick, "How the open-source world plans to smack down Microsoft, and Oracle, and . . .", (2004) 149(4) *Fortune* 92.
19. *Ibid.*
20. Stephen Shankland, "SCO flops in DaimlerChrysler Unix lawsuit", CNET News.com, 21 July 2004. See http://zdnet.com.com/2100-1104_2-5278572.html.
21. Parloff, note 15 above, 89. Remarkably, a critical appendix to the contract of sale to the then purchaser (whom SCO later bought Unix from) contained a "typo" that stated that "all copyrights" were excluded from the sale.
22. Stephen Shankland, "SCO-IBM Legal Hearing Postponed" CNET News.com, 29 July 2004. See http://zdnet.com.com/2110-1104_2-5288936.html.
23. To the best of this author's knowledge.