



## Extract from the inquiry into Australia's relationship with the World Trade Organisation

Proceedings suspended from 12.59 p.m. to 14.10 p.m.

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**CHAIR** - We have got the written submission; it is very professionally prepared. You may like to make a few remarks around that, and then we will have questions from the committee members.

**Rev. Wansbrough** - Thank you for this opportunity to address the committee. In beginning my remarks I should point out to the committee that the Uniting Church is actually a very large organisation of civil society. It is a large economic entity and a major provider of community services, especially in the area of aged care, children's services and family support. The Uniting Church is also a significant supplier of education and health services. We are a significant advocate of human rights in public policy. Like all the mainstream churches, we support human rights as the basic benchmarks for government and society. It is in that context that UnitingCare NSW-ACT makes this submission.

We have a number of concerns about the current situation with the WTO. The first is the lack of transparency in Australia's negotiations with the WTO and within the WTO itself. We see that as a problem both in Australia and within the WTO. There is a failure to publish all the relevant documentation and a failure to encourage community consultation. That is important because the issues at stake affect not only the business community but also the whole of society. There are not only technical questions but also questions of national goals and human aspirations. Even the technical questions need widespread debate and discussion; there is no one economic theory that is adequate as a basis of public policy.

The question of transparency and accountability is a question of democracy. It is a question of how public policy is legitimated in a pluralist society. As Jurgen Habermas has said in his works on the basis of law in contemporary society, public policy needs to be formed by the participation of all the relevant people - those who will be affected by the policy. International trade affects everyone and everyone needs to be heard or have the opportunity at least to speak.

Second, we are concerned about the WTO reliance on the least trade restrictive practice as its criterion for assessing government policy. We believe that undermines government responsibilities in other areas in international and domestic law. Those areas - as I am sure I am not the first to say in this hearing - are human rights, labour rights, responsible use of the environment, questions of quarantine and questions of health. The problem here is that the WTO rulings in disputes are binding, whereas other international bodies such as the UN Human Rights Committee and the ILO make comments and criticisms but do not make binding rulings. This means that there is a lack of balance in the way governments are called to account.

Our third concern is about the way WTO negotiations take place and that, in the development of their advice papers, there is no formal place for non-government organisations. This stands in contrast to the UN processes. The failure to include non-government organisations means that crucial information about how changes in trade policy impact on people is not available to the discussion or decision making process. It is a recipe for human and social disaster. Economists are not experts on the human aspects of the development of public policy. They lose sight of the goal of all economic and government activity, which should be human

flourishing. Greater trade in itself is not a guarantee of human flourishing. We need wider input into the process.

The fourth concern is about GATS, the General Agreement on Trade in Services. While there are a number of services that can be treated in much the same way as, for instance, merely commercial activity, this is not true of all services. Transport, communication, water, electricity and gas are not merely inputs to industry but crucial aspects of human life that need to be accessible to all people, including those on low incomes. Even more importantly, housing, health, education and social services involve fundamental human rights. While at the present time governments can exempt such services as an exercise of government responsibility, the WTO papers on trade in services seem to be seeking to keep this exemption as narrow as possible. The problem here is that services need to be both accessible to everyone and appropriate - for example, there are cultural dimensions. Equally important is the fact that those services are most appropriately provided through civil society, and that will be diminished if the WTO agenda is achieved. Citizens at the moment organise themselves through free associations such as churches, benevolent institutions and community groups. When governments support such organisations they are investing not just in services but in civil society itself. This is quite a different matter from merely paying business organisations to provide services. WTO services documents show no understanding of the importance of the community sector or civil society.

Essentially, you cannot trade in care.

We have a final comment. It is often argued that we need to accept the WTO regime because it opens up markets to Australian companies. UnitingCare would urge this committee to take seriously the fact that Australian companies have, on many occasions, made very bad decisions concerning other nations. The Ok Tedi fiasco is an obvious example of when an Australian company not only was part of a consortium that damaged the environment on which people depended for their survival but also tried to restrict the rights of those people to obtain compensation through Australian courts. That was offensive both to the Papua New Guinean people involved and to the many Australian citizens who did not want Australia to value trade above human rights and basic human dignity.

Trade has a proper place, but as a means not an end. The WTO and Australia's relationship with it need to be reformed to take account of the concerns of large sections of the Australian population and the churches.

**Mr ADAMS** - I thought you had a very good point in relation to the alleviation of poverty. Have you seen any articles, stories or anything written - I have asked this of several witnesses - on an increase in trade eliminating poverty in the Third World?

**Rev. Wansbrough** - I have not seen such literature. My impression is that there are a variety of forms of analysis being used that give a variety of answers. But my impression from the concerns of development organisations involved with less developed nations is that just increasing trade is certainly not the way to go. I believe that is acknowledged by people at the World Bank, who are increasingly involving non-government organisations because the way you go about development is crucially important to the effect that it has. Trade alone does not have a good effect on people if it is not designed specifically to take account of their needs.

**Mr ADAMS** - Development has to take in social development as well as economic development at the same time.

**Rev. Wansbrough** - That is what we would say, yes.

**Mr ADAMS** - Do you deliver services internationally? Your church is an international body: does it deliver services all over the world of a similar nature?

**Rev. Wansbrough** - No. UnitingCare is specifically about delivering services throughout Australia. We do have an aid organisation as part of our national structure, but it does not see itself as delivering services in other nations on its own but works in partnership with churches in other nations. Where we can, we offer resources that are requested. So we do not in our

own right deliver services, because we would see that as contrary to respecting people in particular nations. We believe in sharing our resources, not in taking over the provision of services.

**Mr ADAMS** - Of course. I am just trying to get to whether you are an international body. Are you linked with international bodies? Do you have access to other bodies?

**Rev. Wansbrough** - We are a member of the Christian Conference of Asia, the World Council of Churches, the World Methodist Council and the World Alliance of Reformed Churches. So we have interaction with churches from all over the world.

**Mr ADAMS** - Are these bodies actually dealing with some of these issues that we are dealing with here now in this committee? Has the WTO been on the agenda of those bodies?

**Rev. Wansbrough** - It has, yes. I can certainly say there are papers published by the World Council of Churches. The Christian Conference of Asia two years ago held a regional conference in Darwin for Asian churches where some of these issues of globalisation and civil society and so on were the main agenda. It was a conference on church in society. It is certainly on the agenda of the World Alliance of Reformed Churches, which does studies on what is happening economically. There is a shared set of themes along the lines that I am talking about. The churches are saying to these organisations, "Look, people are getting hurt where trade ignores these other important dimensions of government responsibility in the way society works."

**Senator MASON** - I could not see it in your written submission but you did quote from Jurgen Habermas. You said something to the effect that policy has to be determined by all those affected. This morning I was asking Dr Ranald some questions relating to that, and this is a little bit of history. This committee was set up because there was much concern within the community, and indeed within government itself, that the Australian people were being left out of the treaty making process. I think it is fair to say that that is the case whether it is multilateral treaties, conventions or bilateral treaties. You say that people should be consulted about treaties we enter into. I think all of us would accept that. What do you say to the argument - I put this this morning to Dr Ranald - that in my state of Queensland I do not think it is incorrect to say that there are many, perhaps a large majority, of people who are very concerned, for example, about many of the treaties and many of the conventions we have signed and the obligations we have signed up to. They believe it has been done, not in secret necessarily, although some would say that, but some would also say without due recourse to the public. You are arguing the same thing, yet at the same time you are taking on board so many of the very conventions and treaties that they oppose, such as human rights and environmental treaties. I just find it paradoxical, whether it was Dr Ranald's contribution this morning or yours now. It is not paradoxical, not even necessarily inconsistent, but it is interesting that there are two underlying themes. You will readily accept international human rights covenants and environmental treaties and so forth as being very important, and perhaps they are. I can tell you now that many people in Queensland, many of my constituents, are not so enthusiastic about those very conventions, for the very same reasons that you say you are against the World Trade Organisation. What do you have to say to that?

**Rev. Wansbrough** - I cannot speak for the situation in Queensland but it is my understanding that the development of the human rights declaration in 1948 was built on quite widespread discussion around the world and in a wide variety of organisations. For example, the Australian delegation in 1948 included Bishop Burgmann from the Anglican church who was able to accept that invitation in part because it had been on the agenda on the Lambeth Conference in 1948 so there had been a lot of discussion in the Anglican church. There was also a Catholic person who I cannot remember but there had, of course, for many years been Catholic social teaching so there had been in fact a variety of ways in which people had debated human rights around the world to get us to the point where that declaration was made.

**Senator MASON** - Can I give you a specific example? The Convention on the Rights of the Child is something that has been very controversial in the broader community because it gives certain rights to children that many people regard as inappropriate. What I am saying is

that the exact same arguments you make here about community participation in the World Trade Organisation process they make, and in fact they make more vehemently than you do, about the lack of community consultation in the United Nations process. This committee has been to Queensland and we had several hundred people there all saying the same thing: "We do not want these treaties. We are against these treaties. We do not agree with these rights."

**Senator LUDWIG** - Isn't that a problem of executive management by not including people in the forum and apprising them of it? What I think the Reverend Dr Wansbrough is quite fairly putting is that the mechanism of the WTO in her view is deficient and she has identified, as I understand it, a lack of accountability, a lack of transparency and some of those basic issues which we have heard earlier. It was quite clearly articulated from the UN's point of view that they were on a model that at least allowed accountability.

**Senator MASON** - The Habermas quote for example is broader than that. It is simply saying that all policy has to be determined by all those affected, and if you go that broadly you encompass everyone and you encompass both models - whether it is the UN or the World Trade Organisation.

**Rev. Wansbrough** - Habermas also goes further: he points out that there needs to be some criteria for that debate, and one of the criteria is that people need to be informed. It would have to be said that there is a lot of misunderstanding about things like the -

**Senator MASON** - Reverend, you are informed but my Queensland constituents are not informed?

**Rev. Wansbrough** - Yes, and what is the government doing about better educating people on human rights? We are in a decade for human rights education and there is not a great deal of evidence of an improvement in human rights education in Australia. There is a woeful ignorance, I would agree. The churches do as much as they can to relate the things that we say to human rights as a way of educating people but there is a responsibility on this government to be doing more than it is doing to make sure people do understand the nature of those treaties, the sorts of situations that they are trying to deal with and also the widespread people's movements who see these covenants as absolutely fundamental to their very survival.

**Senator MASON** - Sure, but others are exactly opposed. We saw in Western Australia over the weekend a large vote for a party or an organisation that would be dead opposed to what you are saying. More to the point, you might argue that the government has a duty, as it does, to educate its people about trade policy.

**Rev. Wansbrough** - I would agree that you do have a responsibility to educate about trade policy, but it is not just about trade from a business point of view; it is about its impact on the whole of society and people seeing the ramifications of it. We are not against trade or against international trade. We simply think it needs to be in balance with other considerations that affect the wellbeing of humankind.

**Senator MASON** - We all agree with that.

**Rev. Wansbrough** - We are saying that the mechanisms are not adequate to achieve that at the moment.

**Senator MASON** - Let me move on. Do you think human services - health, education and welfare - should be open to international competition? You mention in your submission that some services have a high human component, such as education, health services and social services. Let us just take one: education. Do you think, for example, education should be open to international competition?

**Rev. Wansbrough** - I think you need to break that down into various components of education.

**Senator MASON** - Let us say tertiary education.

**Rev. Wansbrough** - Even that is a very broad area which encompasses a number of different types of education. There is a need, I believe, for national governments to fund institutions which can operate with academic freedom to develop critical thinking about the whole of society and the way we think and act. That is a fundamental requirement which cannot be achieved through a business relationship or by commercial activity. The very nature of the activity requires that there be some independence.

There are some forms of particular training - technical training and maybe some forms of professional training - where it may well be appropriate to have a wider base, provided that that also takes into account the implications for the society of what is happening. For example, information technology, whoever provides the education at the moment, is often dealt with almost as something in its own right apart from its implications for society. That is a problem that needs to be corrected.

At the Davros meeting of the World Economic Forum, there was all this talk about where information and technology were leading us, and according to one of the newspaper columns last week, someone got up and said, "Haven't we just described hell?" because everyone would be open to being communicated with, working, being accessible to business demands and so on 24 hours a day, seven days a week. That is hell. It is not where humankind really wants to go. It means nothing for human life, but you are not going to get those sorts of questions asked by a business organisation training people merely to improve the technology in its delivery.

**Senator MASON** - My question really was: you are not excluding the possibility that it would be appropriate in some circumstances? That is all I wanted to know. Finally, you mentioned Habermas, but giving Habermas the flick for a second, you did mention civil society, and I have got to say that it is important and you are quite right that it is often overlooked. In the past you have had public institutions (government and so forth), private institutions (the family and so forth) and voluntary institutions (trade unions, the Red Cross and everything else) which are extremely important and should not be taken for granted - it is very true. Recently, I was lucky enough to go to Japan and only now are they, in a sense, discovering a civil society, one of voluntarism, philanthropy and welfare on a community basis, not a governmental basis. So I just wanted to say, despite my reservation with Mr Habermas, I do take your point on civil society. My question is: do you think globalisation is necessarily anathema to civil society?

**Rev. Wansbrough** - I think we need to be careful about using the term globalisation. There has been strong internationalisation of trade and there are many things about that that are beneficial. Everyone in this room probably takes for granted a whole lot of benefits that have come from international trade. Globalisation is a different matter, and the agenda of the WTO is highly relevant to this. People like Linda Weiss at Sydney University have made a very clear distinction between internationalisation of trade and globalisation, where the creation of a single global market becomes separated from nations and national interest; and once you limit the power of government on trade, that is what you are seeking to do. That separation of trade from the interests of particular groups, which for convenience in this context are nations, can in fact undermine the whole enterprise because, as has been argued by many people, markets for their functioning actually depend on society, on structures, on agreed conventions, on law, for example, but also things like trust, integrity and cultural understanding. When you have a global market, you cut off those roots in a way that can be very harmful. At the risk of raising yet another name that might not appeal to you, Karl Polanyi has written about this and about how, historically, markets have been embedded in societies and that has enabled their functioning. He argues that once you disembed them you undermine their capacity to function.

**Senator MASON** - We have returned to where I started, and that is that sometimes international interests have to be circumscribed to fit national interests. That is why I asked the question about human rights conventions. Everyone talks internationally there and then they talk nationally in terms of trade, and then vice versa. That is the paradox you have to overcome.

**Rev. Wansbrough** - It is not a paradox. I am experienced in my international experience.

**Senator MASON** - It is a paradox we hear on this committee all the time.

**Mr BYRNE** - With respect to competitive tendering for social services, and looking at a model, how has compulsory competitive tendering for social services worked in this country?

**Rev. Wansbrough** - That is not a question I came prepared to answer.

**Mr BYRNE** - Would you be prepared to venture an opinion?

**Rev. Wansbrough** - What do you mean by 'how is it working'?

**Mr BYRNE** - How do you think the provision of social services has been affected in this country where tenders have been invited for social services and when some people who were providing a service lost out in the tender process and were not able to provide that service?

**Rev. Wansbrough** - At the moment some of the churches are making some attempt to get some sense of what the agencies are feeling about what has happened. Our impression is that there are a number of concerns: that competitive tendering is not the best form of relationship between government and civil society for the delivery of services; that it has actually damaged important cooperative relationships within civil society, for example; that there are some useful elements of tendering but there are also some harmful elements; and that, down the track, we might well want to raise a number of issues with government about that.

**Mr BYRNE** - You are basically stipulating here that there could be some difficulty if you opened it up to international service providers. From my perspective, I receive feedback from people in my neck of the woods that indicates that it has had a very harmful effect on the provision of services to people in the region I represent.

**Rev. Wansbrough** - Certainly we are also hearing some people expressing concerns. At the moment we are not in a good position to evaluate the damage against the benefits. My personal impression is that the damage may be outweighing the benefits.

**Mr BYRNE** - With respect to Senator Mason's point about human rights treaties, what consultation process did government undertake before they implemented compulsory competitive tendering? We have implemented a policy. Are you aware of what public consultation occurred prior to government introducing it?

**Rev. Wansbrough** - I am not aware. That is not my normal area of responsibility.

**Mr BYRNE** - I am sorry to ask you the question, but I guess it is in response to what Senator Mason was saying - that government has implemented a policy without any consultation in the country and it has had a deleterious effect. It is just, to some extent, a counterpoint to what Senator Mason was saying. I am sorry to put you in that situation. I was asking you those questions because it is quite clear -

**Senator MASON** - No, it is not. It is an illustration, Mr Byrne, of a consistent problem.

**Mr BYRNE** - It is an illustration of the problem of governments not consulting. The point I was making was that obviously that is an example, in the domestic sense, of a policy that has been implemented without consultation that you are postulating has fairly deleterious effects.

**Rev. Wansbrough** - Certainly 12 months ago there was a lot of concern being expressed about the impact of the second round of Job Network contracts. There are certainly a lot of issues that are worthy of discussion that do not seem to have been discussed. My belief is that, if there had been full consultation, many of those issues would have been raised as possibilities and the community sector would have sought a somewhat different way of doing it, which would not have us competing against each other in a damaging way.

**Mr BYRNE** - It basically illustrates the point and buttresses your point, does it not, that governments basically have to consult, as do politicians, with the appropriate people before they implement a policy like that?

**Rev. Wansbrough** - Yes.

**Mr BYRNE** - I guess it adds weight to the points that you are making here. Do you have any examples of some sort of community services being provided by international agencies in, say, Third World countries or other countries where there are fairly deleterious effects?

**Rev. Wansbrough** - That is not my area of expertise.

**Senator LUDWIG** - What is your area of expertise? I do not have it before me. Would you be able to give me a short description of what your doctorate is about.

**Rev. Wansbrough** - My doctorate is on methodology - using church social teaching to assess policy directions of government policy.

**Senator LUDWIG** - Whereabouts was that through?

**Rev. Wansbrough** - Sydney University. It actually looked both at church teaching and at the public policy context, the human rights framework. I should point out that Australia has ratified those human rights covenants and even this government, in raising questions about the reporting mechanism, seems to have been at some pains to say that it is not actually questioning the human rights covenants themselves. So my doctorate looked at that context and then at the church context and then at how to responsibly assess public policy. I draw on the work of other agencies and academics in order to make my submissions.

**Senator LUDWIG** - Yes, we understand you are representing the UnitingCare.

**Senator COONEY** - I want to follow up one point. I understand your submission about the need to take in social ramifications of the World Trade Organisation. Has your organisation anything to say about the people who actually do the trading? You spoke about the fact that you have to take a perspective other than an economic one, but do you have anything to say about the situation where you might have economists and people in a particular government department, such as DFAT, organising world trade without enough reference to the actual people who have to develop information technology or produce services or sell their material? You might not want to say anything about that.

**Rev. Wansbrough** - I am not quite sure what you are getting at with the question.

**Senator COONEY** - The impression I have is that you have talked about the economics of it all as if economics covered the situation of people who take part in international trade - the manufacturers or the producers and the sellers - and you seem to have contrasted that with the position of those who might feel a social impact from it. I am not sure whether you are accurate or whether my impression is accurate that you are lumping together the economists, who are the people that work out, if you like, the theory or the ideology of it all, and the people who actually do the manufacturing and the selling. Do you put them in together or do you see a difference between the economists who might develop a theory and the people who actually have to carry out the international trade?

**Rev. Wansbrough** - No, there is clearly a difference. There is the involvement of economists in developing public policy, and there are businesses who, it seems to me, use economic theory when it suits them to pursue their interests. Economic theory actually gets used in a couple of ways. It gets used as a lobbying tool as well as a legitimate tool of analysis.

**Senator COONEY** - So your organisation would not see that the economic theory might have a harsh impact upon the people who have actually got to make the goods or produce the services and sell them?

**Rev. Wansbrough** - That is a different question.

**Senator COONEY** - That is the question I asked.

**Rev. Wansbrough** - There are a number of economic theories around from a number of schools of economic thought. It seems to me that the acceptance of least trade restrictive practices as the prime criterion rests on a particular approach to economics and the way the economy works in the role of government. It puts all the emphasis on allowing the market to be free to get on with operating. But there are other economic theories that would say that that is not a wise approach and that government has a more significant role to play in keeping the economic cycle operating and ensuring that prosperity is widely shared.

**Senator COONEY** - I do not know whether you were here this morning, but we had what I thought was a very lucid explanation of how people distinguish between fair trade and free trade and about the investment network. There was a submission from the Australian Institute of Steel Construction. I do not know whether you heard that explanation but it was in that context I was asking that question. It seems to me that the answer is that you are more directing your submission to the issue of the social impact of the World Trade Organisation. Would I be right in that?

**Rev. Wansbrough** - Yes, we would see that as our area of expertise and responsibility.

**Senator COONEY** - Thank you for that.

**Senator LUDWIG** - Dealing with a bit more specificity in terms of your submission, you mentioned obviously the GATS and you talk specifically about education and health as an example of the broader social area of human interaction that these treaties have on people's lives. Have you raised your concerns with DFAT?

**Rev. Wansbrough** - The answer is that we have raised some of these concerns with DFAT. In fact, a couple of years ago they did a public consultation about future directions for multilateral trade negotiations. UnitingCare was one of many community organisations that made submissions to that inquiry, and we found ourselves dismissed in about one paragraph in what was already a very thin report from DFAT. We were not at all impressed with DFAT's approach to dealing with submissions made to it. It seemed to be fairly dismissive of attempts to say that there are other dimensions that need to be taken into account. In fact, we then wrote to this committee drawing attention to the inadequacy of that report, particularly in light of what this committee had had to say in its report on the MAI.

**Senator LUDWIG** - If the GATS treaty were ever to be ratified, what health and education arguments would need to be treated differently by the WTO to satisfy some of your concerns? Do you have a view on how we should deal with it?

**Rev. Wansbrough** - Our impression is that the WTO wants to make as narrow as possible the way governments keep services out of that agreement. Our view is that governments should negotiate for an opting-in thing, whereby certain services, after consultation, may be included. But the onus should not be on those who want services like health, education and social services exempted to argue that case; the onus ought to be the other way, in that those services should be seen as the sort of things that are best done elsewhere.

**Senator LUDWIG** - But you can see the interrelatedness. Are you saying that it is okay for telecommunications, transport services and a whole range of other services to be at least considered within the WTO framework for a GATS style agreement but that health, education and social services should not be? Where do you draw the line? Today we heard SPAA talk about where they might fit in. They actually opened up the debate by saying that, broadly, it might be arts or communication or a mixture of both. Where do you say telecommunications is not social services, education or health?

**Rev. Wansbrough** - There are probably three areas of services. There are services like social services, health and education, which need to be handled quite differently and should not be subject to that agreement. There are services like telecommunications, where there may be some elements that are appropriately included and some of them that are not. That needs to be debated and there need to be some proposals on the table for people to talk

about and negotiate. I do not think it is fair to expect an organisation like UnitingCare to say what the mechanism should be on the divisions. We can assess what will be the impact. We do not have the research capacity to initiate that sort of detailed technical proposal. But there are other services like retail and business services where we would probably have little argument about their inclusion.

**Senator LUDWIG** - Where would our export of educational services come in, in that framework? We are large exporters of educational products, and it is a growing market for Australian educational institutions. What should we do about that? Should we put it in a basket?

**Rev. Wansbrough** - We need to respect other nations and their right to determine the basis on which we provide those services to them. There has been a significant shift in the way some nations understand the role we can play in providing educational services to them. For example, Malaysia once sent people to Australia to train as doctors. Now they import some of our medical educators to Malaysia to provide services in their context, which seems to me a very sensible approach for them to take. The adjustment has to be made by our educators understanding their context, while those they are educating remain in their own context. Governments should have that sort of freedom to determine how services are delivered. The idea that anyone should have the right to provide services without regard to other nations' interests is not helpful to any nation.

**Senator LUDWIG** - Thank you very much. I enjoyed your submission.

**Senator SCHACHT** - Do you believe that human rights are universal?

**Rev. Wansbrough** - Yes .

**Senator SCHACHT** - I am a bit concerned that you are raising the issue that we should respect other countries' cultures - cultural relativism is the name sometimes given to it, I think. Some countries and the regimes that run them use their own culture as an excuse to abuse human rights. Isn't there a broader issue here of universal human rights overriding the cultural narrowness of a particular country where they are clearly abusing individual human rights?

**Rev. Wansbrough** - That is a very large issue to raise.

**Senator SCHACHT** - You raised it, I did not.

**Rev. Wansbrough** - It is a serious issue. Part of the point of having international human rights is so that people can say to a government that it is not meeting the internationally accepted benchmarks. That is appropriate. But that does not undermine the basic view that, until a government has been shown to have a policy that is destructive of the human rights of its own people, it should have a right to determine the policies for its own nation. If those policies are against human rights then it is appropriate to criticise them, but I do not think it is appropriate to use that as an excuse for saying, "Let's just let business go where it likes and do things the way it likes."

**Senator SCHACHT** - I am talking about health and education. If we have people coming to Australia to be educated in our universities as doctors, nurses, teachers, et cetera, hopefully they will be inculcated with certain values about democracy and human rights which we all support. It may well favour Malaysia that they do not come here and get that education but that they get it in Malaysia, which, to say the least, in terms of the role of women in that country, is not equal and not democratic. Why wouldn't Dr Mahathir be arguing that he wants it done in his country so that the oppressive regime he runs, racially and against women, is continued? I do not think you can have it both ways.

**Rev. Wansbrough** - It seems to me public policy involves balancing a number of different concerns. That is clearly one of them. There are some legitimate concerns about some countries and we should address those concerns, but the idea that we know better than other countries is also problematic.

**Senator SCHACHT** - I am sorry, we are not talking about us knowing better. These are issues of universal human rights that have been declared in United Nations declarations. Clearly, in a number of countries, including Malaysia, those rights do not exist fully. Why should we agree that Malaysia can adopt policies under economic sovereignty that continue to oppress its own people?

**Rev. Wansbrough** - That is not what we are saying.

**Senator SCHACHT** - You said we should take into account what I think is termed, in relation to human rights, cultural relativism. I have had discussions with regimes in these places. Every time we raise universal human rights the answer is, "You don't understand our culture, you don't understand our history." That is an excuse to beat people up, put them in jail and refuse to give them democratic rights. Whenever I have heard the term cultural relativism that is what it means.

**Rev. Wansbrough** - And that is wrong.

**Senator SCHACHT** - Fine.

**Mr ADAMS** - What is the point here?

**Senator SCHACHT** - The point is that when it is said that you have got to allow exemptions for a country to have cultural differences -

**Rev. Wansbrough** - I did not speak about exemptions on human rights. I talked about trade relationships being based on respect for nations.

**Senator SCHACHT** - I have come across places where that exact excuse is used to cover up abuses of human rights. They want economic sovereignty and they claim, "We are going to run our own country the way it is."

**Rev. Wansbrough** - You are arguing on the basis that Australia's hands are clean.

**Senator SCHACHT** - No, not at all. I want an open debate.

**Rev. Wansbrough** - I have colleagues in Papua New Guinea who would argue that it was free trade which led to extraordinary damage being done in the Ok Tedi situation. Australian companies certainly did not seem to be upholding the human rights of Papua New Guineans in that context.

**Senator SCHACHT** - Of course, that should be part of the international debate.

**Rev. Wansbrough** - And that is partly why we need to look at the way the world trade mechanism operates. I believe that what you are saying is actually part of the argument. You are presenting it in a particular form, whereas it can in fact be incorporated into the argument.

**Senator SCHACHT** - I have some limited experience on human rights delegations to the Third World to countries that have had authoritarian regimes. The striking similarity of the phrases "we will decide what is best" or "we're not going to listen to what you're doing" are usually a cover for the abuse of human rights.

**Rev. Wansbrough** - I think you are misusing that argument in this context. That is not what we are arguing; we oppose abuses of human rights. But we also oppose abuses of human rights under cover of international trade and these trade restrictive practices. That is the point we are making.

**Senator SCHACHT** - Those Third World countries that I have visited are usually agricultural countries, producing anything from sugar cane to cotton to whatever. They have argued vociferously that, if they had open access to the markets of the Western world, the income of their producers - and that is only the smaller farmers - would be immeasurably improved. But in the European Community, for example, they run into high tariffs on importation of sugar cane to protect sugar beet farmers. So consumers in Europe pay more and farmers in Africa get no income from access to the market. Which abuse of human rights is taking place there?

**Rev. Wansbrough** - There is clearly a problem with international markets that exclude developing nations from having access to markets. We support developing nations being able to have access to markets. What we are talking about is whether the logic of that means that you then open up all markets to everyone with regard only to least restrictive trade practices, which is going to the other extreme. We are saying that we do not want that other extreme. International trade is important. For countries, it is about survival and there needs to be some rules that ensure there are not harmful restrictions. Open markets can also be harmful if there are no other considerations taken into account. The agricultural situation in particular is one where there is a lot of harm at the moment because of the way nations that promote free trade do not do it in the area of agricultural products. In other areas of trade, there is a whole range of other problems, and simply using free trade as a slogan solution for everything is not a workable solution.

**Senator COONEY** - Given what you are saying, there is a well-known statement that goes around Third World countries. It says, "It is just as unfair to treat unequals as equals as it is to treat equals as unequals." That is a fairly current statement.

**Rev. Wansbrough** - One of the points about human rights and antidiscrimination law is that they are based on the view that equal treatment involves treating unequals appropriately to ensure that they have what they need to live in society or to survive in national society.

**CHAIR** - Thank you for your evidence.

Committee adjourned at 3.05 p.m.