



A WEEKLY COMMENTARY

# ON TARGET

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*The price of Freedom is eternal vigilance –*

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**THOUGHT FOR THE WEEK:** *"When Christ said, 'Render unto Caesar the things that are Caesar's and unto God the things that are God's', he gave to the State a legitimacy it had never before enjoyed and set bounds to it that had never yet been acknowledged. And he not only delivered the precept, but He also forged the instrument to execute it. To limit the power of the State ceased to be the hope of patient, intellectual philosophers and became the perpetual charge of a universal Church."*

Eric D. Butler, Melbourne, 1956

## ESCALATING CHAOS TO OUR NORTH by Jeremy Lee:

As Indonesia's bumbling President Wahid concludes his short visit to Australia before returning to face impeachment in his own country, a significant court case is opening in Washington. ExxonMobil is being sued for providing logistical support for Indonesian troops who protected oil installations in the violence-ravaged Aceh province between 1989 and 1998.

ExxonMobil, in conjunction with Indonesia's state-owned Pertamina have been developing large natural gas fields in the troubled province which has been the scene of continual violence and bloodshed.

The charges against ExxonMobil, filed by the International Labor Rights Fund, allege there was widespread suppression and torture by the Indonesian troops who were guarding the installations, and that ExxonMobil built barracks and provided other infrastructure for the troops.

It is reminiscent of the earlier situation in Angola and now Sierra Leone, where international oil companies, oblivious to the fighting and starvation round them, paid mercenaries to guard their operations. In the case of Angola, Cuban troops were brought in, staying for many years.

Describing the suit, *The Weekend Australian* (23-24/6/01) reported: ".... During that period Mobil Oil, which has since merged with Exxon, provided logistical and material support to Indonesian troops, including building barracks where elite military units carried out torture, and provided excavators used to dig mass graves ....."

It is simply another case of multinationals ruthlessly carrying out their operations across the world, oblivious of the misery they are causing in the process.

**THE PEOPLE-SMUGGLING RACKET:** Meanwhile, as Australia grapples with the increasingly tortuous issue of illegal boat people, the evidence is emerging of a highly organized people-smuggling cartel: *The Weekend Australian* (23-24/6/01) said: "Two main crime syndicates are dominating the

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*people-smuggling trade from Indonesia to Australia, reaping personal fortunes of tens of millions of dollars for a handful of bosses, according to Indonesian and Australian investigators. The syndicates have effectively divided the people trade to Australia into two regions and have developed elaborate organizations to counter heightened police operations....."*

The report went on to describe how Indonesians had identified 22 leading figures in the trade, including five key bosses. One had compiled at least \$40 million from the racket by arranging illegal entry into Australia. One Australian immigration official trying to unravel the system was forced to leave Indonesia after death threats.

Under the 1951 UN Refugee Convention, Australia is one of only 10 resettlement nations, according to Paul Kelly writing in the same issue. The others are Canada, Denmark, Finland, The Netherlands, New Zealand, Norway, Sweden, Switzerland and the US. Australia's acceptance rate is the highest in the world. Governments round the world are spending \$10 billion trying to determine refugee status. Overall there are now 22 million refugees in the world.

**AUSTRALIA AND THE UNITED NATIONS:** The Joint Standing Committee on Foreign Affairs, Defence and Trade has now produced its final report on "Australia's Role In United Nations Reform". The Committee of 18 members from the Senate and the House of Representatives started its deliberations on November 15th, 1999, taking submissions from the public over the following year. It was asked to consider and report on:

- Peace-keeping operations to address internal disputes within nations, humanitarian relief and support for refugees.
- The UN's role in the reconstruction of civil societies.
- The implications of intervention in internal matters for national sovereignty.
- A standing army for the UN.
- Devolution of responsibility for peace maintenance to regional UN operations.
- The UN's capacity to protect human rights, to address war-crimes and crimes of genocide.
- The viability of the International Criminal Court.
- Reforming the structure of the UN itself.
- The funding shortfall.
- Australia's own role in the UN.

The Report, a lengthy tome of over 300 pages is much too long to analyse in ***On Target***. It is a mixed bag, generally endorsing the *raison d'être* and the expansion of the United Nations. However, there are one or two pluses, and some definite minuses. The Committee recommended against the establishment of a permanent UN Standing Army, with the retention by Australia of the right to consider each peace-keeping operation on its merits.

On the other hand, the Committee endorsed the establishment of an International Criminal Court, and called for Australia to ratify the proposal. Four members of the Committee dissented, recording their reasons in a dissenting report. They were: Mrs. Deanne Kelly, MHR; the Hon. Geoff Prosser, MHR; Dr. Andrew Southcott, MHR; and Mr. Andrew Thomson, MHR.

In their reasons for dissent, these four said *"Dissenting members have several concerns about the proposed International Criminal Court. These concerns are the implications for Australia's domestic criminal justice system, Australia's sovereignty, the potential for politicization of the ICC and the effect this may have on United States unilateral action against terrorism."*

Referring to Article 17 of the Statute of the International Criminal Court, the dissenters said: *"This article will govern the interaction of the jurisdiction of domestic courts with that of the ICC. Gary Dempsey of the Cato Institute pointed out that in determining whether a domestic criminal justice*

*system is unwilling or unable to prosecute, the ICC will have the power to invalidate national trials by declaring what constitutes an 'effective' or 'ineffective' trial:*

*if the ICC gets to invalidate national trials by deciding what constitutes an 'effective' or 'ineffective' trial, the international court will exercise a kind of judicial review power over national criminal justice systems. In other words, the ICC will have de facto supreme judicial oversight.*

*This observation illustrates the concern shared by dissenting Members and Senators that the constitutional ramifications of this treaty have not been fully considered in the normal political process in Australia. What will be the status of decisions of the ICC? Will they be binding or persuasive? This appears to be a puzzling contradiction. The Australia Acts of 1975 and 1986 abolished the Privy Council as a court of final appeal for Australian courts. Although the Judicial Committee of the Privy Council is no longer part of the Australian legal hierarchy, and its decisions are therefore persuasive only, the proposed ICC and its decisions would appear to constitute binding precedent in Australian common law by virtue of the ICC's paramountcy over any Australian investigation or prosecution. We find this paradox unacceptable.....*

*Ratifying the ICC represents a surprising excursion into law making based on notions outside the normal constitutional arrangement, as reflected in Chapter III of the Constitution. This profound shift in the operation of our domestic court system requires long debate before any such move could be contemplated ...."*

The dissenters went on to point out that a number of recent military actions – notably NATO's invasion of Kosovo and the US invasion of Iraq – had not been endorsed by the UN Security Council, and were illegal in international law. This led to the question, was international law for some but not for others?

By far the most comprehensive dissenting report was from Senator Brian Harradine, who objected in a well reasoned and lengthy report to a number of aspects that had not been covered; the abject failure of a number of UN peacekeeping missions; the corruption being uncovered in UN refugee officials' complicity in illegal immigration rackets; the general corruption in UN agencies; and the attack on values inherent in the demand that Australia ratify the Optional Protocol to the Convention on the Elimination of Rights Against Women.

This Report on Australia's Role in United Nations Reform is worth reading for a number of reasons; firstly, that for the majority of politicians, the impact of international treaties and conventions on Australia's Constitution is the last thing on their minds; but secondly, for the fact that there is now a minority who are prepared to consider Australia's sovereignty – a welcome improvement on a few years ago. The dissenters obviously need congratulating for their views. But they should be asked whether they will take their dissent as far as *voting* against their parties in the House if they have an opportunity to do so.

It also raises questions: is the whole thing just a 'public face' operation, which will have little effect on Australia's ultimate decisions? Many suspect, with good reason, that many areas of our foreign policy are not subjected to sufficient parliamentary scrutiny, and that there is no mechanism to test the constitutional validity of the international commitments we are making.

*Those who made submissions to the Committee will have received their copies of the Report. It will probably cost those who wish to purchase a copy the usual high price the Government has developed the habit of charging. But it's certainly worth getting. ISBN 0 642 366446*

#### **THE CHURCH RENDERING UNTO MAMMON by Betty Luks:**

It was roughly two years ago when this writer became aware of the Salvation Army's strong links to government and finance. At the very last minute, the Adelaide Conservative Speakers' Club folk were

notified, that a Salvation Army officer scheduled to speak at a CSC meeting was withdrawing from the agreement, because "he had heard the League was too political". His commanding officer had insisted he withdraw. The Salvation Army decided it did not want to 'speak on a League platform' because of its politics. The theme of the paper was to-be, "On the Streets: What it's like at the Coal Face" and other than agreeing to the theme, the content was up to the speaker. The final comment to the man in question was along the lines of "Sir, Your decision *not* to speak on a League platform is a *political statement*."

An Anglican Church minister working with street-kids and drug addicts was then asked to speak. He agreed, and when it was explained to him why the invitation was at such short notice, his comment was that "*probably* the reason the Salvation Army fellow backed out was because they received such large funds from governments".

After reading the 5-page feature article "Inside the Collection Tin" in the *Weekend Australian*, 23-24/6/01, the reasons for the back away became clearer. "...With an unquestionable reputation for helping the poor, the aged, the homeless and others in need. The Salvation Army wins twice as much funding as any other church-based charity in addition to the millions raised from Australians each year." In their "war against poverty and sin" the 30,000-strong membership of the Salvation Army has amassed net assets of over \$1billion and a total investment portfolio of \$300 million. The money raised last year by the Red Shield Appeal amounted to more than \$40 million.

"But," as the *Weekend Australian* went on to report, "God's work has also become very big business. If the Salvation Army were a company, it would sit comfortably in Australia's top 200. Split into two territories, one centred in Melbourne and the other in Sydney, it ... has a healthy annual income nestling at about \$350 million." Not only that, the *Weekend Australian* explained, "In the next month one of the Salvation Army's two Australian territories will choose a new investment house to handle a \$150 million parcel held in cash, shares and long-term deposits with instructions to look offshore as well as locally to earn the best returns. Its second territory also has a similar amount invested."

The high-fliers who give the Salvation Army 'sound' financial advice: For financial advice they turn to such high fliers of industry and finance as: "Reserve Bank of Australia director Jillian Broadbent, Sydney City Council identity Kathryn Greiner, millionaire Ian Darling and Caltex chairman Malcolm Irving."

*No wonder they didn't want one of their officers to speak on a League platform!*

With a vested interest in the present system, such as the wealth and riches of the Salvation Army, how can the ordinary church-goer expect the hierarchy of any Christian organisation to take on Mammon and expose it for what it is? In their 'war against poverty and sin' do the hierarchy ever ask themselves why there is so much 'sin and poverty' in a land literally flowing with 'milk and honey'? The World Bank described Australia as the richest nation in the world with natural assets far outweighing any other nation. 'Australia' may have the assets, the know-how and the natural resources, but most Australians don't get access to it.

If Mammon was put in its place then maybe the Churches wouldn't have so much 'sin and poverty' upon which to war!

The incontrovertible truth is the present financial mechanism is a usurious system and all who use the money created by this system are partakers of 'usury' with its awful consequences.

We were told we cannot serve God and Mammon. Therefore, if we are to serve God *faithfully*, Mammon must be put back in its place - that of a servant! And as the organised Churches claim to speak in the 'name of God', isn't it time they inquired into why, and then explained to their followers why, usurious Mammon rules and not God?

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