USTRALIA goes to a

historic referendum on 6

November. More than 12

million voters will decide

Australia's new identity as the

millennium approaches. They

will decide whether or not

Australia will maintain its

status quo as a constitutional

monarchy with the British

Queen remaining Australia's

Head of State or to become a

Republic. Two questions will be

put to voters on two ballot

Referendum in Australia

Republic – To be or Not to be!

by Dr M. Amanullah Khan

Altering the Constitution requires a "double majority" — not just a majority of voters in a majority of states, but a national majority as well. The referendum seeks to receive verdicts on two issues although one is not directly related to the other. Australians may choose to say 'No' to the Republic issues; yet vote for the inclusion of the preamble in its constitution. The opposite may also be the case.

papers against which voters will be asked to write 'yes' or 'no' 1. A proposed law: To alter the Constitution to establish the Commonwealth of Australia as a republic with the Queen and the Governor-General being replaced by a President appointed by a twothirds majority of the members the Commonwealth Parliament. Do you approve this proposed alteration?

2. A proposed law: To alter the Constitution to insert a preamble. Do you approve this alteration? The text of the proposed preamble:

"With hope in God, the Commonwealth of Australia is constituted as

a democracy with a federal system of Government to serve the common good. We the Australian people commit ourselves to this Constitution. proud that our national unity has been forged by Australians from many ancestries; never forgetting the sacrifices of all who defended our country and our liberty in time of war; upholding reedom, tolerance, individual dignity and the rule of law; honouring Aborigines and Torres Strait Islanders, the nation's first people, for their deep kinship with their lands and for their ancient and continuing cultures which enrich the life of our country: recognising he nation-building contribution of generations of immigrants; mindful of our responsibility to protect our unique natural environment; supportive of achievement as well as equality of opportunity for all: and valuing independence as dearly as the national

in both adversity and success." While suggestions were invited by the media and various groups from all Australians to propose an appropriate preamble, the above version was finally written by a team taking into account Australia's deep commitment towards multicul-

spirit which binds us together

turalism, recognition of the role of migrants over several generations as well as acceptance of the fact that the Aborigines and the Torres Strait islanders were the first inhabitants on this soil. The above proposed preamble is a synthesis of several suggestions that were put forward.

As an example, my personal suggestion was as follows: "The sovereign island continent of Australia owes its creation to the omnipotent divine master of the universe and acknowledges the first permanent human settlement on its soil by Aboriginal and Torres State women and men who inhabited this region through centuries. Australians find courage and determination to shape the future of their country in the spirit of its tradition of tolerance, unity, and mutual respect that are the cardinal ethos of the Australian constitution. This constitution provides the source of strengths, humour. wisdom, sorrows and happiness for all Australians, women and men representing first settlers and subsequent migrants who are guaranteed equal dignity and rights".

Altering the Constitution requires a "double majority" not just a majority of voters in a majority of states, but a national majority as well. The referendum seeks to receive verdicts on two issues although one is not directly related to the other. Australians may choose to say 'No' to the Republic issues; yet vote for the inclusion of the preamble in its constitution. The opposite may also be the case.

The Case for and

against a Republic At present, support for the republic and status quo are equally high (about 43 per cent on each side) while 14 per cent of the Australians have not quite made up their minds yet. There is a great deal of controversy over what shape the Republic might take. And although the controversy over the model is to a large degree contrived, the doubts and fears aroused by it are real. They constitute the greatest threat to the Republic proposal in the referendum. The referendum may be lost not because people do not accept the idea of a republic but because of unresolved concerns about the model. If that happens. it will be a trav-

esty. An important question for the nation will have been decided on misplaced fears and misapprehensions instead of

rational argument. For many Australians the proposal for a Republic is of great symbolic importance, but in practical terms the change to the Constitution will be quite limited. Voters will be asked to approve a "proposed law to alter the Constitution to establish the Commonwealth of

Australia as a republic, with the Queen and Governor-General being replaced by a President appointed by a two-thirds majority of the members of the Commonwealth Parliament". The concern is with

Australia's head of state — who it should be, and how he or she should be chosen. The powers and functions of the head of state would be left as nearly as possible as those of the Queen and Governor-General at present. This should be clear by now. Yet there is abundant misunderstanding of what is proposed. Increasingly, there are misrepresentations made not as serious objections and contributions to an informed debate but mischievously, to sow

There are two main areas of misunderstanding. The first is seen in the broad array of red herrings, the dangerous consequences wildly asserted to threaten if the republic is embraced. It has been said, for example, that it will increase the risk of dictatorship, harm relations with Britain and fracture the Federation. None of this is true. In a republic, the new head of state, the president, will assume the largely symbolic role of the Queen and Governor-General, with not the slightest capacity to plunge Australia into dictatorship. As a republic, Australia will continue to have close relations with Britain and still be a member of the

Commonwealth of Nations. The

Federation cannot be broken by

a vote for the republic. The other area of confusion concerns the manner of choosing the new head of state. The referendum proposal modifies the present system of choosing a Governor-General very slightly and provides a more open selection process than now. It allows public nominations for president and requires the president to be nominated by the prime minister, seconded by the leader of the opposition and approved by at least twothirds of the parliament. A confused and confusing argument has developed between those who are pressing for a system of direct election of the president and those who believe the proposed indirect method is, as a first step at least, preferable.

Undoubtedly there is widespread support for direct election of the president, and for sound reasons. The enthusiasm for direct election points to a high level of engagement with the proposal for a republic and reflects the strength of the instinct of Australians for a high degree of participatory democracy. Support for direct election is naturally high when the popularity of politicians gener-

ally is low. The possibility of a directly elected President is something which need not be ruled out. But it is something for the future. The proposed model is a small step within a constitutional arrangement that is well tried and well understood. It is sound, logical and safe. To go further at this stage would be a radical change. It would open a far wider range of constitutional questions - particularly in relation to the powers of a popularly elected president - which have not been articulated in the public debate.

Without that consideration of wider constitutional questions, the referendum question must be weighed on its merits. It

should not be rejected because of a fixed focus on the preferability of direct election. In the absence of the wider discussion of the true constitutional implications of direct election of the president, the arguments against it should stand as a caution. First, far from giving more power to the people and less to the politicians, direct election would practically ensure the political parties' deep involvement, indeed dominance, in any presidential election. A directly elected president would be as much a politician as any member of parliament. The subtler but more important reason to hesitate before embracing direct election is that it would create a new and potentially destabilising centre of power under the Constitution. A directly elected

president could claim a popular mandate to challenge the prime minister and executive government. These are potential problems for consideration if and when direct election of a head of state becomes an op-

At present it is not. The referendum proposal has also been attacked as too radical by the former Governor of Victoria, Mr Richard McGarvie, but unconvincingly. Mr McGarvie's proposal to leave the power to appoint the president solely with the Prime Minister acting on the advice of a constitutional council of three retired judges or governors would produce an unnecessarily narrow approach to the

selection of the president. The proposed model is attacked for making it too easy for the prime minister to dismiss the president. But the referendum proposal increases the degree of accountability in this regard by explicitly assigning a role to members of parliament in both the appointment and dismissal of a president.

The campaigners in favour of the republic model believe that the republic model preserves the existing, well-tried and familiar balance of power under the Constitution. It is workable and safe. It respects the Westminster principles on which the Australian parliamentary system of government

has evolved. It avoids rather than invites problems in the future. It ensures the selection of a President who will not only enjoy broad political support but also the confidence, indeed affection, of all Australians.

On the other hand, the alliance for the "NO" vote maintains that this referendum is not just about whether Australia should become a republic. It is about the type of republic. They believe that the republic model being proposed is seriously flawed - it is untried. unworkable, undemocratic and elitist. According to them since the politicians will appoint the president, not the people, it re-moves the checks and balances from the current system. They seem to be taking advantage of the apparent incisiveness of many Australians regarding this issue. While they have come forward with some logical arguments in favour of their 'status quò' model, some examples of their way of simplifying the issue for their voters are: 1. Those who don't know -

you should vote "NO" - because that is the only safe way to go. 2. Those who want to elect their President - should vote NO - because under the proposed model, they will have no say in who their President will be. 3. A puppet for President! -Vote NO!

4. Those who want an appointed President - should vote NO - because the proposed model is fatally flawed. The President will be a Prime Minister's puppet, subject to instant dismissal.

5. Keep the status quo! - Vote

6. Those who value the tertainty and stability of our current Constitution - should vote NO- because any alternative has to be as good as or better than the current system. This proposal fails that fundamen-

An Analysis

In essence, a republic is a system of government where ultimate sovereignty should rest with the people. Australia's Constitution only came into effect by the vote of the people. And one of the great merits of Australia's constitutional arrangement is that under section

Gemini News Service looks at the continuing shame of 'the lucky country.'

The question:

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128 of the Constitution, the Constitution cannot be changed without asking the people. That is a good definition of a republic. It is also a classic case of direct democracy which can be a matter to replicate in many countries where constitutions remain fragile.

In converting to a republic.

the key question is "how should Australians appoint their head of State?". By direct democracy, one means a greater public participation in the political process. As Gareth Evans, a Federal Minister says "I championed the ethic of participation because I see it as an antidote to the sense of alienation many people have with our political process. And that alienation, disillusionment and disaffection has become worse because of the progressive centralisation of power in the Commonwealth." The history of referenda in Australia has been decided by whether or not the proposition provides more power for the executive at the expense of the public at large.

Unfortunately, the republican model, now the subject of the upcoming referendum, fails this test. The exclusion of the public from directly choosing the president will only reinforce that feeling of alienation in our society and many have always expressed grave concern about any endeavour to entrench rules by elites. In addition, the ease with which a President could be sacked would weaken, rather than strengthen Australia's democracy.

The electorate today is better informed and better educated than ever before. However, people are also feeling a sense of disillusionment. Many, probably the overwhelming majority, feel disenfranchised by the system. Australian democratic institutions are not set in stone. They will continue to evolve. The reality of greater public participation is the antidote to those who feel alienated in the political process. The Australian public will support a republic but only if they have the final say in the appointment of the head of state. This eventually will make for a better system.

The Australian Republican Movement model, in large part adopted at the national convention, was conceived with an elitist process of appointment as its centrepiece. It fails almost every criteria of democratic design: universality of franchise, equality of voting rights, transparency of due processes. The model to be voted on is by no means a minimalist one. It goes well beyond substituting the name "President" for

A major fault lies in the

Womb-to-tomb Prejudice Takes its Toll

As Australians argue over whether or not it is an insulting anachronism for Britain's Queen Elizabeth to

preside over the opening of next year's Sydney Olympics, the country's original inhabitants have a bigger

struggle on their hand - how to overcome discrimination, debilitating health problems and poverty.

On 6 November, 12m Australians will vote in a referendum

on whether to keep Queen Elizabeth as

head of state, or to become a republic

to a proposed law to

alter the Constitution to establish

as a republic with the Queen and

Governor-General being replaced

by a President appointed by a two

of the Commonwealth Parliament

thirds majority of the members

To succeed, the republicans

need to win a majority of the

total electorate, and a majority

the Commonwealth of Australia

mechanism for dismissal of a President. The Prime Minister would possess the power to summarily dismiss the President in writing. Such a dismissal would be subject to review by one house of parliament but could not be undone. The Prime Minister's action would result in a vote in the House of Representatives but a loss vote would not restore the president to office.

The model inverts the source of sovereignty by making the president's tenure dependent on the prime minister. It posits de facto sovereignty in the prime minister. It is a common view that a future Australian republic should take on a non-executive form, in contrast to the executive form such as in the US. There are five countries with popularly elected, non-executive Presidents - Austria. Iceland, Ireland, Portugal and Singapore. Ireland and Austria are just two examples which refute fears of those who claim parliamentary democracy and popular election are incompat-

Another view, however scep-

tic it may sound, may be that the direct election model would not be captured by the political parties. It would not be in the interests of the political parties to do so. It is acknowledged that all major political parties in Australia consider policy development is properly the province of a pluralist parliament. A party nomination would be elevating the contender to a status that neither side support because it would create a competing point of party leadership that would undermine the authority of the parliamentary party. Secondly, the preliminary act of a political party endorsing a candidate would not be popular. The public do not want a party political head of state.

There is one other reason to vote "No." The referendum proposal is more complex than people realise. Unlike many previous referenda, the details of the actual words to be incorporated or deleted from our Constitution have not been submitted to a convention for debate. To vote "Yes" would be the same as giving away blank cheques. No doubt Australia will convert to a republic in the first few decades of the next millennium. There is no hurry. A "Yes" vote will entrench a third-rate compromise. A "No" vote is a necessary first step on the road to a genuine participatory democracy, a "Yes" to a genuine Republic.

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UN's Fifty-fourth Anniversary: An Observation by Harun ur Rashid

The non-payment of the budget dues by the US places the UN on the brink of financial ruin. There is a view that threat to international peace and security will emanate from emasculating the activities of the UN and not from the activities of so-called "rogue states". It is disheartening to have a cynical view on the UN's birthday.

THE United Nations celebrated its 54th year on ▲ 24th October. It is a successor to the failed League of Nations. Why did the League of Nations fail? One of the principal causes was that the US Senate did not ratify the Charter of the League of Nations. Do we see the same pattern of behaviour from the US Senate towards the UN? Some may say

The US Republican party appears to be on the revenge mood because it could not impeach President Clinton on Monica Lewinsky's affair. Therefore for narrow domestic political interests it appears to be determined not to provide President Clinton any success on foreign- policy initiatives. Look at what happened to the Comprehensive Test Ban Treaty (CTBT) in the Senate. They failed to ratify the Treaty although British Prime Minister and French President dramatically and in an unprecedented manner requested the Senate to approve it . The Senate did not listen to the world opinion because it serves well for domestic politics. We must not forget that next year is the US Presidential election.

As a result of Senate's action, the Clinton administration lost the moral leadership in the pursuit of its goal of nuclear non-proliferation regime in the world. They have embarrassed the US administration by refusing to ratify the Treaty. As a result Russia has every reason to suspect the US on the conduct of nuclear tests in future as d it is reviewing its position. China is reported to have now embarked on more

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earnestly to develop effective second-strike nuclear capabilities. The US has no moral authority to request India and Pakistan to sign the CTBT. The hope of nuclear non-proliferation seems to have disappeared by the action of the Senate.

the verge of bankruptcy because

The Senate is crippling the activities of the UN by refusing to pay its dues to the UN. The US owes \$1.25 billion to the UN. There is a view that the Senate does not approve the dues because President Clinton recommends it to them. Of course the Senate provides other reasons for not paying the dues, including that of the UN's peace-keeping operations. First, they link the payment of dues to the reforms to be made in the UN. The Secretary.General has undertaken its reforms with whatever was

It is a pity that the UN is on

of the defaults of some of the major powers. Let us look at the UN budget at a comparative scale. The 'core' UN spends about less than \$ 2 billion dollars a year under its regular budget while the entire UN agencies spend about a little over \$11 billion dollars. These are small sums compared to those spent on arms race per year. It is estimated that in Kosovo war NATO members spent about \$27 billion dollars and one -and-a-half days of the cost of the Gulf war against Iraq would have paid for all UN peace-keeping operations for that year. It is estimated that the current expenditure on arms race per year could pay the expenses for the entire UN agencies for 133 years.

within his power. That does not satisfy the Senate because essentially some of the Republican Senators do not like to see that the General Assembly runs on a democratic principle one nation one vote. This means Maldives' vote is as important as that of the US. Secondly, many of the Republican Senators have developed a sense of isolationism in their outlook from the rest of the world and they do not care about the image of the US abroad. Why will they care about it? There are no votes lost in the US elections. Thirdly, if the UN has financial troubles, it is easier to keep

Although the five perma-

it under pressure.

nent members of the Security Council have special responsibilities under the UN Charter of maintaining international peace and security because of their veto-power, they have not paid their dues full . The peacekeeping operation is vital to the success of the UN and since 1986 the UN has launched a record-setting 38 peace-keeping missions - more than threequarters of the 49 such missions deployed in the organisation's 54-year history. Only recently the Security Council approved peace-keeping missions in East Timor and Sierra Leone. It is surprising - only three countries - Bangladesh, Singapore and Colombia — out of 188 members have paid their dues in full this year. The rich countries and major powers continue to sit tight.

While the US does not pay its dues to the UN, it encourages other rich countries not to pay

versely affected.

formula of the assessed contribution by the member states needs overhauling and that no single nation should pay more than 10 per cent of the total budget of the UN. The dependency on one nation for a quarnagging problem for the UN. member-nations have legal and moral duties to pay their dues to the UN. After all the Charter of the UN is a multilateral Treaty which establishes rights and obligations of the member-nations and under the terms of the 1969 Vienna Law of Treaties, no country can invoke its internal law or procedures to justify its failure to perform an obligation enjoined by the UN Covenant to which it

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or reduce its contributions to the UN. For example, Germany, Japan and Denmark have paid less to the UN Development Programme (UNDP). The UNDP is the front face of the UN and if its activities are curbed the people of the developing countries will be ad-

Some maintain that the

ter of the budget appears to be a Till this reform is in place, the

sador to the UN. Geneva

ONE OF THOSE

MORNINGS.

By Hanna-Barbera

Dr Sanjiva Wijesinha writes from Canberra T EARLY 100 years after A resident for president? Britain's Australian

as a dominion under the British crown, citizens here will go to the polls to decide whether the nation should become a republic.

Australia's 6 November referendum will ask voters whether they want an Australian to replace Britain's Queen Elizabeth as head of Voters appear evenly divided

on the issue, with organisations such as the Republican Movement pitted against Australians for a Constitutional Monarchy. At the time of federation, in

1901, most residents in the colonies of Victoria, New South Wales and Queensland were of British origin, to whom it was natural to become a dominion under the British sovereign.

But today, with migrants from lands as far apart as Greece, Sri Lanka, Vietnam and Yugoslavia adding to Australia's population, many citizens have no loyalty to Britain. Says Irma Zakaraija, who was born in Melbourne after her parents migrated here from Croatia over 30 years ago, 'For us Australians to be subjects of the Queen of another country 9,000 kilometres away is not only an anachronism: it is an insult to our country's self-respect."

Australia is still struggling to find its place in the modern world. Should it remain part of the 'Western bloc' - the collection of geographically diverse but predominantly White nations such as Britain, the United States, Canada and New Zealand? Or should it seek to establish itself as part of Southeast Asia, where it belongs geographically?

With Britain seeking to become part of Europe, should Australia seek an Asian and Pacific identity? Should next year's Olympic Games in Sydney be declared open by Queen Elizabeth or an Australian head of state?

Whether or not the referendum results in an Australian replacing the 'absent Queen' and her successors as head of state. there is one section of Australia's population to whom the change will not mean much. Australia's Aborigines — the 300.000 or so 'native Australians' whose ancestors have occupied this continent for

Accounting for less than two percent of the population, they have survived over two centuries of European attempts to initially annihilate, then assimilate and finally accommodate them.

more than 40,000 years - still

suffer.

in four of the country's six states At the time of federation, government policy was to segregate Aborigines — confining them to reservations — as was the practice with indigenous

After 1940, the government justified assimilation - "a process," according to Aborigine psychiatric nurse Pat Swan, "designed to 'whiten' the Aborigines - biologically through intermarriage and culturally through adoption of the white man's social behaviour." Says Swan, who works with

people in Canada and the US.

the New South Wales Aboriginal Medical Service, "A major factor in the mental stress evident in the Aboriginal community today has been this policy of assimilation. It was in effect cultural genocide.' She says the systematic removal of Aboriginal children from their parents to foster homes and institutions, which stopped only in 1960, was "no less than theft of our children by non-Aboriginals in authority."

Health Service survey found 45 per cent of respondents had been separated from both parents as children and 21 per cent had lived in an institution during childhood.

A recent Australian government report reveals that in a land known for its high standard of living, the nation's earliest inhabitants have been effectively excluded from its affluence.

A 1987 Victorian Aboriginal

For example, between the ages of 25 and 55, a person's

than six times higher than the rest of the population. The most common cause of death among Aborigines is heart disease, with rates three to four times higher than the national average.

healthiest working years, death

rates for Aborigines are more

Poor health affects not only the community's adults: it is part of a vicious cycle that starts in the womb and ends, early, in the tomb. Aboriginal babies are four times more likely to die in infancy, with their average life expectancy 15 of 20 years less, than other Australians.

Doctors now recognise that one significant reason for the poor performance of these children at school is the fact that chronic ear infections are so prevalent, and it is deafness rather than lack of intelligence that makes learning difficult. Less than one in 12 Aborigines (compared to a national average of one in four) completes tertiary schooling. For most of today's Aborigines, government handouts are the main source of income.

Aboriginal leaders have realised that improving health is fundamental to improving the situation of their community.

"For education to improve, Aboriginal health has to improve," says Dr Ian Anderson, the only Aborigine to graduate as a doctor in Melbourne.

Among today's Aborigines. smoking is twice as common and the lung cancer rate double

that of the rest of the population; the number with alcohol dependency is 14 times higher and the death rate from cervical cancer 12 times higher. All these conditions - lung cancer. alcoholism and cervical cancer - can be reduced with appropriate health education.

It was only in 1967 that Australia, following a nationwide referendum, formally recognised its indigenous people as citizens. Says Joe McGinness, who grew up in an institution for Aboriginal children in Darwin, "When I returned home after the [Second World] war, I discovered that the country I had fought for did not even recognise me as a citi-

As president of the Federal Council for the Advancement of Aboriginal and Torres Strait Islanders, McGinness played a prominent role in the campaign for the referendum that ended constitutional discrimination against his people.

In 1965, he led a delegation of Aboriginal leaders to Canberra to meet the then prime

minister, Sir Robert Menzies. They pointed out that while a census was regularly taken of the rest of Australia's people. and even of the number of sheep and cattle in the country, no such exercise was performed for indigenous people.

Observed former prime minister Gough Whitlam, "Aboriginals represent the greatest pockets of poverty and shame in Australia. The incidence of leprosy, tuberculosis and infant mortality is higher among Aboriginals than among any other identifiable section of the world's population."

A recent editorial in the respected newspaper The Australian observed: "Their general health is still worse than for some so-called Third World countries. Successive international reports from organisations as varied as the US State Department and Amnesty International have pointed a finger at official Australia for lack of progress in bettering Aboriginal living standards.

It is damning indictment of the way Australia's original inhabitants have been treated since the earliest days of European settlement - in a nation that has come to be known as the Lucky Country. Lucky for some.

The author, a medical practitioner who has practised in England, Sri Lanka, Hong Kong and Australia, spent six months working for the Aboriginal Health Service in the state of Victoria.











