**Transcript of Interview**

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**13 April 2012**

*Ventura: Thank you very much for joining me today. Libya under Colonel Gaddafi gave up its pursuit of nuclear weapons as the War in Iraq was about to be launched, perhaps out of fear. It is feasible for the world to negotiate a peace treaty with North Korea that would guarantee it economic assistance and better diplomatic relations, yet be conditional on its abandonment of nuclear weapons?*

Evans: I think a deal is doable with the North Koreans. I certainly don’t subscribe to the madman theory that they’re irrevocably determined to commit national suicide by launching a nuclear attack on somebody else and should be treated as mad dogs accordingly. I think we saw back in the ‘90s that the door was open to negotiation, when I was party to the negotiation producing the Agreed Framework. What the North Koreans unquestionably want, more than anything else, is regime survival and security guarantees that they can genuinely believe in. They also desperately need on a continuing basis economic support to keep their citizens alive, and associated with that energy sources that the West in the ‘90s was capable of supplying them and is certainly capable now. So, I think with all those needs on the table on the North Korean side, it’s perfectly possible to envisage denuclearisation being the price of delivering those goods to them. It’s a matter of recognising that they are extremely difficult negotiating partners but not impossible ones. It’s a matter of maintaining a strategy which has essentially three legs: containment, deterrence, but keeping the door open for serious negotiations. If that door is ever slammed shut, then I think it would be totally counterproductive. Keeping the door open is deeply frustrating, not least when they break their word, as with today’s satellite launch, which clearly is helping to prove missile technology of a kind which will enable them to deliver nuclear warheads, in manifest breach of the understanding they’d had as recently as a few weeks ago with the United States. But while the frustrations are immense, I think patience is the necessary requirement. We shouldn’t make the assumption that the entire fault for the collapse of the previous agreement was on the North Korean side: the fault was very much shared. And, equally, we just need to keep our eyes and ears open for the prospect of forward movement, and not get too panicked about catastrophes occurring meanwhile.

*Ventura: Looking ahead, do you believe that China will continue to see it in their interest to support the North Korean regime as it has in the past?*

Evans: China’s interests are to ensure that there’s no implosion of North Korea, with floods of people coming across its borders and the general destabilisation of the region. I’ve never subscribed to the view that China wants to keep a communist North Korea as a buffer zone between it and the South. I think China’s interests would be well served by the long-term reconciliation of the North and the South and a stable environment in which reunification is eventually part of the product. China is always unwilling to be seen to be putting pressure on the North Koreans but in fact it has been a fairly steadying influence over the years and we shouldn’t underestimate its willingness to go on playing that role.

*Ventura: Equatoguinean President Teodoro has an estimated net worth of around US$600 million, thanks to his country’s vast oil deals, while at the same time 70% of Equatorial Guinea's citizens live under the poverty line. How can the world better balance the desire for closer economic integration with promotion of human rights?*

Evans: Well Equatorial Guinea is one of the most grotesque examples around of pillage of a country by its leadership, a complete absence of accountability, and endemic corruption of a kind that has been fantastically debilitating for the country’s people. That said, it’s not supremely obvious how the situation can be quickly remedied other than by long term application of pressure from the outside world leading to serious internal movement. I don’t think the situation is going to be resolved by the world refusing to do oil deals with countries like this: that’s a very extreme way of approaching these situations. It wasn’t trade sanctions that saw the end of the apartheid regime in South Africa, any more than it was sports or cultural boycotts. The only external pressure that really mattered in the South African case was the complete withdrawal of financial flows from the outside world, which made it impossible to finance trade, to secure investment and to service international debt. Those sorts of strategies should certainly not be excluded for countries such as Equatorial Guinea, but whether even the most robust forms of international pressure at this time will produce short-term results is very problematic. You just have to basically rely on internal dynamics, with external support, to create an environment which results in peaceful removal of these sorts of leaders. There’s been a remarkable mood around Africa towards that happening: there are many fewer kleptocracies now than there used to be. But the best form of pressure is not so much from across the waves but internally, and from the African regional and sub-regional organisations that have shown themselves, in West Africa in particular, to be capable of putting sustained and effective pressure on undemocratic pillaging regimes. There are no easy answers in any of this, and it would be a pretence to suggest otherwise.

*Ventura: Hundreds of thousands of innocent Darfurians have been killed, millions are displaced and President Omar Al-Bashir has an arrest warrant against him by the ICC for genocide, war crimes and crimes against humanity. Despite a UN Security Council-mandated embargo on arms transfers to Darfur in 2004, China still supplies about 90% of small arms and extensive amounts of other military equipment to the Sudanese Government. Does this represent a failure of multilateralism and why is the international community sceptical about having an authoritative International Criminal Court?*

Evans: The worst of the violence occurred in 2003-04 in Darfur. What we’ve seen since then is not so much one-sided oppression by the Sudanese state, which was of course the case at the beginning, but rather a protracted conflict with the state on the one hand and a lot of fairly irresponsible militia groups on the other, with a very large displaced population stuck in the middle and with a not very happy future unless the situation can be fundamentally resolved. It was never going to be capable of resolution by external military intervention. That would have created far more catastrophe for the displaced Darfuris than it could ever have improved their situation. That’s often the case with calls for military intervention in some of these terrible, human rights violating situations: you have to constantly weigh the balance of consequences and whether or not more harm than good is going to be caused. That has left the international community with only relatively limited leverage to put pressure on the Sudanese Government and President Bashir. Part of that has been the reference to the International Criminal Court, and I certainly applaud that as an entirely useful form of pressure which has I think contributed to significant modification of the worst excesses of the Government side in this conflict. But it has not proved completely successful, of course, not least because of a complete lack of cooperation by a number of the neighbouring countries around whom Bashir has been travelling freely without any sign of anyone being willing to execute the warrants that are outstanding for his arrest. It does point out the limitations of the International Criminal Court in this respect: we don’t have an international marshalls service; we have a body that’s entirely dependent on the cooperation of the member countries in the international community if it is to be effective. But that doesn’t mean that we should be throwing the baby out with the bathwater. It’s an evolutionary process, developing effective forms of international justice, and I believe that slowly, the institution is gaining real credibility. It needs a few more runs on the board in terms of effective prosecutions -- and a diversity of such prosecutions, not just African ones -- before it really will win universal support. But it’s on the way, and I think that the problems that are associated with it are just the familiar realpolitik problems of dealing with a lot of very self-interested countries who are not always willing to put larger issues of human rights or other principles to the forefront.

*Ventura: Is it time for an international convention banning the sale of weapons to nations that do not meet strict criteria on human rights?*

Evans: Well if you could ever negotiate such a convention, it would be an attractive option, particularly in the case of small arms and light weapons which have been the cause of so much destructive violence in so many of these countries in the past. That said, almost any proposal for limiting the sale of arms, whatever the conditions might be, is barely going to scratch the surface of the problem, which is very much that of huge existing stockpiles of such weapons existing. Every international effort to ban illicit arms transfers, or the kind of proposal you’re talking about now -- difficult as that would be to negotiate but nonetheless highly desirable as it would be -- all stumble on the reality that there’s a large storehouse of such weapons already out there. Unless you can find ways of taking those weapons out of play, you’re going to have huge capacities all around the world for ugly violence to continue. I don’t want to sound like some ridiculous parody of the American gun lobby -- whose basic position is ‘guns don’t kill people, people kill people’ -- but the truth of the matter is that it’s people that are the main problem here. The impossibility, I fear, of removing completely the storehouse of weapons out there suggests that the real effort has to be on conflict prevention, conflict resolution and pressure to avoid human rights violations through whatever leverage the international community can apply, rather than believing there’s any kind of fast way home to salvation here by getting rid of the weapons themselves, as wonderful as that would be.

*Ventura: Many thousands of people have been killed since 1962 in West Papua, with thousands more raped and tortured and villages destroyed by the Indonesian military. Does the Australian inaction against the continued oppression of the West Papuan people reflect badly on our status as a good international citizen, given our known support for democracy and human rights in the Asia-Pacific?*

Evans: It’s absolutely unquestionable that there has been a lot of oppression over the decades in West Papua, particularly in the early Suharto years, and there’s equally no question that the 1969 Act of Free Choice, so called, was totally fraudulent and absolutely did not represent the will of the West Papuan people. That said, doing something about that now, in terms of securing a new vote of self-determination or some other path to independence, is chasing a will o’ the wisp. Timor was a completely different case for all sorts of reasons, not least that it has a separate and distinct colonial history. There’s no way that Indonesia is ever going to relinquish its sovereignty in its Papua province, and no way that I can see that there would be any kind of support for that occurring in the UN. There was always a large measure of support for the East Timorese because of the different histories of the two places and of course the way the original annexation indefensibly took place in 1975, but the same dynamic doesn’t apply here. I think it is important to maintain close scrutiny of the role of the Indonesian military in West Papua to make it clear, as organisations such as the International Crisis Group have done, that they are under serious observation and will be the subject of condemnation and international pressure if they misbehave in the way that has been the case periodically, but much less so in recent years than in the early years. Australia is caught in the dilemma that every real-world country is, of having to live with its neighbours and to recognise the reality, in this instance, of Indonesia’s sovereignty. We just have to do the best we can, with successive generations of diplomats having to make it clear that it is unacceptable when Indonesia does go overboard in its reaction to the residual independence movement that exists, and misbehaves in ways that are just unacceptable by any international human rights standards. So it’s a matter of scrutiny and pressure. The present Government in Indonesia is a genuinely democratic one, not always in full control any more than it ever has been, of everything its military arm does, but very conscious of its international reputation. While it’s absolutely unwilling to countenance any form of independence for the province, I think it is certainly sensitive to international criticism, and that’s the best string on which to pluck in terms of the Papuan people’s future.

*Ventura: In 1975, the Indonesian Suharto dictatorship invaded East Timor and declared it the 27th province of Indonesia, a move that was never recognized by the UN. It was responsible for the murder of up to 213.000 people, or about a third of the population, proportionately similar to the Khmer Rouge genocide. Why did your Government support the Indonesian regime economically, diplomatically and militarily? Rather, wasn’t this a case where humanitarian intervention should have taken place?*

Evans: Well when you say ‘my government’, I wasn’t around in 1975, but of course there was a Labor Government in power. I for one was certainly highly critical of the military invasion that took place as successive generations of Labor Party people have been: we’ve never accepted the legitimacy of the way in which the takeover of the country took place. I think Gough Whitlam has been unfairly traduced in retrospect as going along with the military exercise of this kind. While he certainly was comfortable about East Timor becoming part of Indonesia, he was never any more comfortable than any of us about the way that it happened, which was manifestly indefensible. Over subsequent years, of course, there was a continuation of a very high level of military oppression. The difficulty for the Australian Government, living alongside Indonesia as we do with the absolute critical necessity of have a reasonable relationship with it for our own security purposes, was to maintain as much pressure as we reasonably could on Indonesia not to misbehave in this way in East Timor, but not to completely destroy the relationship between the two countries, which is, was and remains critical for Australia. We’re talking here about the fourth biggest country in the world, and the biggest Islamic population in the world, and it would just be mindless to say that we could pretend that we can go through life living in this region without working very hard to have a stable and effective relationship with that country.

Certainly, that was the position that I took in government when in a position to take that relationship forward, which I did very productively with my civilian colleague (former Indonesian foreign minister) Ali Alatas, not least on the work we did together on the Cambodian Peace Plan, which is still recognised to this day as having been critical in delivering peace a to Cambodia. (Human rights and democracy, I say in parenthesis, are still very much a work in progress in that country, but we did unquestionably deliver peace.) Throughout the period of the Government of which I was a member, from 1983 to 1996, constant efforts were made by me to try to persuade the Indonesian Government to recognise the continuing right to self-determination of the East Timorese people, and to recognise in particular a high degree of autonomy for that province, in terms of getting the military out, getting decent economic resources in, getting recognition for language and for culture, and allowing genuine emergence of a very significantly autonomous province within the country. Alatas was highly supportive of that approach, as were many, many Indonesians in the civilian Government -- but there was much less support in the military and therein lay a continuing problem. In retrospect, I think we vested too much confidence that developing a military-to-military relationship, and giving some degree of training and support for the Indonesian military, would be a civilising influence, and had our fingers burned on a number of occasions in that respect. Perhaps the worst example was the misbehaviour of the military in the 1991 Dili Massacre which was absolutely indefensible. I certainly know, because I broke the news to him at a conference in Tokyo, that Ali Alatas was absolutely horrified and dismayed by Dili, and there were many decent Indonesians who were as appalled as the rest of the world was about some of these continuing things that went wrong. The crucial thing was to try and develop a relationship with the Government which would, over time, produce the result of autonomy. The Liberals were the first to formally recognise Indonesian sovereignty over East Timor, and we’ve been criticised for following suit. But it’s worth making the point that something like thirty other countries did recognise Indonesian sovereignty, both de facto, and also de jure by virtue of entering into treaties with Indonesia in which East Timor’s status was clearly articulated, clearly accepted. Even though the UN didn’t follow suit, Australia was by no means alone. It’s a long and complicated story about what happened in East Timor, but the truth of the matter is that nobody, including the East Timorese leaders in exile like (former East Timorese President) Jose Ramos Horta, really believed that there was any chance of independence for the country. Everyone believed that the only hope was negotiated autonomy. It was only with the absolutely extraordinary series of events that unfolded after the 1997 Asian Financial Crisis -- the forced withdrawal of Suharto from the fray, the emergence of (former Indonesian President) Habibie and the miscalculation that Habibie made, that if he allowed a referendum, the East Timorese would demonstrate their enthusiasm to remain with Indonesia (which is the only reason he yielded to a referendum, not because he thought it had a chance of resulting in independence) -- that the miracle of East Timorese independence actually occurred. I wholeheartedly applaud that it did, as did of course the Australian Labor Party, then in opposition.

The notion that any kind of humanitarian intervention, or any kind of military intervention, could at any stage have taken place, led by Australia or anyone else, is simply nonsense. Indonesia is a large country with a large military, so to engage in any kind of military intervention, would have resulted in all-out war, with a catastrophic increase in the quotient of misery that would have been generated. The intervention that did occur in the aftermath of the independence referendum, when the Indonesian military and the local militias engaged in grotesque and indefensible violence, was -- it needs to be remembered -- done with the support of the Indonesian Government itself. They yielded and consented: there was a lot of international pressure, but it was with their consent, and it is inconceivable that there would have been such an intervention by Australia or anyone else without that Indonesian Government consent. So, all of these complexities have to be taken into account. In the real world of diplomacy you have to deal with the cards that you’ve got, not the cards that you’d like to have. You deal with the realities of your own national interest and what that requires, and life is a complex process of stepping between idealism and realism in terms of what is actually achievable. It’s the whole process of foreign policy, and it will forever be thus.

*Ventura: So given the fact that genocide did take place, at what stage does a state lose its legitimacy and claim to sovereignty over a particular country and when can a country justify humanitarian intervention? For instance, in this case, despite all-out war being possible, many people were dying.*

Evans: Well let’s use the terminology of the ‘responsibility to protect’ which has now, for all practical purposes, replaced talk about ‘humanitarian intervention’. Humanitarian intervention is a one-dimensional, wholly military, response to these sorts of situations which is always going to be as controversial as it was in previous decades. The responsibility to protect, with which I’ve been closely associated in its development and is a doctrine unanimously adopted by the General Assembly in 2005, has by contrast a number of dimensions. First, it says that the primary responsibility upon a sovereign country is to protect its own people: sovereignty carries with it that responsibility. Secondly, it’s the responsibility of other countries to assist those who might otherwise be incapable of protecting their own civilians from domestic conflict. Thirdly, the doctrine says that if a country is unable or unwilling to protect its own people, the responsibility shifts to the wider international community to take whatever action is necessary to offer that protection. You’re not necessarily talking about military intervention as the only way in which the international community can act: you start with persuasion and negotiation, and you work your way through the possibility of non-military forms of coercion producing the result of sanctions, targeted sanctions, threats of prosecution by the International Criminal Court, arms embargoes and so on, hoping that those will force a change of behaviour by the country in question. It’s only as a last resort that you contemplate military action. But even when it does comes to this -- even when other forms of response have proved inadequate and the country is still violating its sovereign responsibilities -- you still have to apply a whole series of criteria before you can justify coercive military force. One is legal, support from the Security Council: unless we’re prepared to tear up the whole rule-based international order, a Security Council resolution must remain, self-defence apart, the only basis on which military action can ever be taken against anyone. But it’s not just a legal criterion that has to be satisfied: there are a whole bunch of prudential criteria as well. Although these criteria have not been adopted yet by the Security Council, they’re very much part of the international debate and have been since my Commission put out its report on this subject in 2001. Those criteria are the gravity of the harm feared; the intent of those potentially intervening, whether it’s genuinely to protect other individuals or whether there’s some other motive like oil proceeds; whether the nature of the response is really proportional to the nature of the harm that’s occurring, or whether it’s way beyond that, as some of these regime-change interventions have arguably been; whether other measures have either failed or would inevitably fail to produce the protective result (‘last resort’); and finally the balance of consequences, whether a military intervention which satisfied all those other criteria would nonetheless cause more harm than good.

As to the East Timor case and the question of last resort, I do think negotiated autonomy was possible, and I do think we were moving towards that certainly in the early to mid-‘90s. Suharto was on the verge of accepting a very significant autonomy package around about 1994. What killed that proposal, unfortunately, was a very overt public statement being made by Bill Clinton, with the best intentions in the world, at the APEC meeting in Indonesia that year -- that this is what the President and Indonesia should be doing and that the world was demanding that this occur -- which proved to be counterproductive because, in classic Asian fashion, the Government said that it were not going to succumb to such American pressure. Many people who criticise the absence of strident international pressure and completely discount the utility of so-called quiet diplomacy, sometimes completely overlook this point: in some cultural environments such stridency, although it makes us feel a whole lot better and is very satisfying to domestic constituencies, can be very counterproductive indeed. So I genuinely believed that a negotiated package was achievable. We’re talking about different circumstances and different times. At the time of the 1975 take-over and some of the atrocities that were perpetrated subsequently, I don’t think there was any sense in which any of the criteria for coercive force were satisfied and could have justified a military intervention. The main stumbling block each time -- this being the case all the way through to the intervention that did occur in the aftermath of East Timorese independence when the place went up in flames -- being that in the absence of consent from the Indonesian Government to external military engagement, you’d be facing full-scale war. Indonesia is and was then a big and powerful country, with hundreds of thousands of men under arms, and you just can’t embark upon military interventions, whatever the justification for that otherwise might be. That’s why there’ll never be a military intervention against Russia for whatever it does in the Northern Caucasus; that’s why there’ll never be a military intervention by the rest of the world against China for whatever it might do to the people of Xinjiang or Tibet. However unconscionable and however many other criteria might be satisfied, the truth of the matter is that intervention in these circumstances would catastrophically raise the stakes and generate infinitely more human misery even than that which you are trying to avoid. That was the kind of reasoning that was applicable in Darfur and a number of other of these cases over the years.

So the bottom line in all of this is that, these days, sovereignty is not a licence to kill, whatever might have been the case in decades and generations past. Everybody now acknowledges that sovereignty carries with it responsibilities not to perpetrate or to allow mass atrocity crimes against your own people. Everybody now acknowledges that the international community has a responsibility to take appropriate action if a sovereign state does abdicate its responsibility in that way. There will always be argument, debate and discussion about what form that international engagement should take. Only in the most extreme and exceptional circumstances will it be both possible and desirable for military action to take place. Such circumstances did arise in February/March last year in Libya. Most of the time, we’ll be forced as an international community, to deal with a much less robust form of response, whether it’s diplomatic persuasion, negotiation of the kind that Kofi Annan successfully conducted in Kenya in 2008 and is trying to conduct now in Syria, or we’ll be reduced to non-military coercive measures like sanctions and ICC prosecutions and so on. These can be effective in some contexts, but are often less effective than we would like. The real world is going to make life less than ideal in terms of our effective delivery of decent responses to these issues. But these are the cards that we have, and these are the only cards that we have to play.

*Ventura: Do you believe that Australia's standing in the world, particularly the Asia-Pacific region, would be strengthened if we were to become an independent republic?*

Evans: I’m not sure that I’d go that far, because I’m not sure that how a country chooses to appoint or elect its Head of State is something that ever really impacts hugely on others, especially when the Head of State position is a non-executive position and that person is not the head of government. That said, there’s definitely a widespread perception around the region that it’s very, very odd for a country to have as its Head of State someone living half a world away and in the Australian context in particular, it certainly does reinforce the lingering perception that Australia is still a prisoner of its history rather taking advantage of its geography. I think it would help at the margin in terms of elite perceptions of Australia in the region, but as strong a republican as I am, I can’t pretend that this would make a fundamental difference to the conduct of our international relations. The reasons why we should be a Republic have everything to do with our own sense of national pride, dignity and appropriateness in terms of having a home-grown sovereign rather than this pale reflection of the imperial glory that once was. However, the notion that this is the key to our future in the Asian Century is a bit of an overstatement.

*Ventura: Thank you very much for your time today.*

Evans: Thank you. My pleasure.

Professor Evans’ response to Noam Chomsky on East Timor: <http://www.lowyinterpreter.org/post/2011/11/03/East-Timor-and-me-A-response-to-Noam-Chomsky.aspx>