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The first six months of Australian foreign policy in 2002 reverberated from the grave events of 2001, namely, the continuation and broadening of the Australian role in the “War Against Terror” and increasing dilemmas with regard to the Australian policy on refugees. A notable addition to these developments was the consternation caused by Zimbabwean politics, and Australia’s part in that country’s one-year suspension from the Commonwealth. After years of virtual neglect of African politics, Australia, via its chairing of the Commonwealth Heads of Government Meeting (CHOGM), led the critique against the regime of Robert Mugabe and paved the way for high-level negotiations with other African state leaders to address the growing humanitarian crises in Zimbabwe. Closer to home, Australia continued its involvement in the re-building of East Timor. However, ongoing negotiations with East Timor concerning the ownership of vast gas and oil reserves have proved more contentious than anyone anticipated. Australia, perhaps assuming that a small, poor and currently donor-dependent state could not put up a struggle, has found itself battling international law in order to gain significant access to the multi-billion dollar reserves. Finally, another international legal issue, which produced controversial debate, was Australia’s ratification of the International Criminal Court (ICC).

With these issues in mind, it seems apparent that two divergent trends have developed over the last six months of Australian foreign policy. The first is a strong stance on the violation of human rights. This is evidenced by Australia’s position on Zimbabwe and its continuing support for the independence and development of East Timor. However, the tendency towards the protection of human rights in some circumstances is in sharp contrast to the second noticeable trend in Australian foreign policy, the maltreatment of refugees. Instead of championing human rights in this instance, Australian policy breaches various covenants such as the Convention on the Rights of the Child (CROC) and other organs of international law. These contrasting approaches are discussed at length below.

The “War Against Terror”

At the time of writing, Australia continues to support the foreign policy initiatives of the United States in the “War Against Terror”. Defence Minister Robert Hill outlined the changes this implied for Australian foreign policy, including the move towards acting “swiftly and firmly” against perceived threats in order to prevent such cases evolving into attacks. Defence Minister Hill explained that the:

1 It is possible that foreign policy may change in this regard with the recent debates concerning Australia’s trade relations with Iraq, especially with regard to wheat, altering its previous support for US air strikes. John Kerin, “Howard Eases off the War Talk”, The Australian, 20 August, 2002, p. 2.

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defence of Australia and its interests does not stop at the edge of the air-sea gap. It probably never made sense to conceptualise our security interests as a series of diminishing concentric circles around our coastline, but it certainly does not do so now. We are seeing a fundamental change to the notion that our security responsibilities are confined to our region. The ADF is both more likely to be deployed and increasingly likely to be deployed well beyond Australia.2

This is evident in Australia’s commitments in Afghanistan and surrounding regions. There are between 850 and 1300 Australian Defence Force personnel currently deployed to support the international coalition against terror. This includes Australian Special Operations Forces (SOF) in Afghanistan; limited aircraft support in Kyrgyzstan; Operations Group Commander in Manas, Kyrgyzstan; and the presence of two frigates in the Persian Gulf supporting the Multinational Interception Force.

However, there is concern from some commentators about Australia’s commitment to United States’ policy. Former Australian Ambassador to the United Nations, Richard Butler, warns such “support ignores the sharply growing skepticism within the United States about the policy direction and abilities of George W. Bush”.3 Despite these concerns, Australia and other states are currently refocusing attention towards Iraq and fear its potential to manufacture and distribute weapons of mass destruction. These fears have been exacerbated by Iraq’s refusal to allow United Nations’ weapons inspectors into its central military complexes. Australian Foreign Minister, Alexander Downer, has openly warned that appeasement strategies would be both dangerous and ineffective. Short of openly committing Australian forces at this point, it is clear that the Australian government supports the United States’ policy of overthrowing Saddam Hussein’s leadership.4 Foreign Minister Downer recently argued that “a policy of turning our back on Saddam Hussein and saying ‘it doesn’t matter, let’s just hope weapons of mass destruction go away’ — is a policy for which the international community would pay a very high price”.5

It is unlikely that this approach will manage to overcome the hypocrisy that many states, especially in the Middle East, feel is evident in relation to the debate on weapons of mass destruction. The lack of comment or critique by the United States and other world powers on Israel’s undeclared nuclear program is one point of contention. Anger towards Israel has peaked in the last six months with that state’s frequent and bloody incursions into the autonomous regions of Palestine. In addition to this, many Middle Eastern states ask: What right does the largest stockpiler of weapons of mass destruction, the United States, have to strike another state, Iraq, for also attempting to develop the same technology? There seems to be a perception that “in the right hands” such weapons can be managed and controlled. So, which hands are “wrong”? According to some commentators, many Muslim and Arab states are considered to be the “wrong hands”, since certain elements argue that the Islamic faith is recalcitrant and inherently prone to violence.6 A Muslim state that is also nuclear, goes the argument, presents a greater risk to the international community and is far less

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6 Janet Albrechtsen, “Ignorance is Muslims’ Worst Enemy”, The Australian, 10 April 2002, p. 11.
predictable than a “secular” and liberal-democratic state. In light of these complexities and the current fragility that exists in the Middle East concerning the Israel/Palestine dispute, it would seem prudent for Australia to exercise restraint on the issue of an attack on Iraq.

Australia continues to have generally poor relations with Asia. Relations are hampered by its ongoing commitment to the interests and policies of the United States rather than those of its Asian and Pacific neighbours. As Greg Sheridan points out, John Howard “lacks a political dialogue or relationship of consequence with most of the regional leaders.” This lack of an extensive shared dialogue was initially reinforced and further highlighted by the events of September 11th and the “War on Terror”. Armed Islamic groups are active in Asia, especially in the Philippines, Thailand and Indonesia. Links between some members or segments of these Asian Islamic groups and the Al-Qaeda movement are almost guaranteed. However, there is considerable tension over how such issues should be addressed, particularly in Indonesia. Megawati Sukarnoputri is battling to keep separatist forces under control in Indonesia, and the populist type of Islam that is prevalent in Indonesian society means that governmental clamps on more militant and political Islamic groups could lead to communal backlash. Popular protest in Indonesia against the US air strikes on Afghanistan and Megawati Sukarnoputri’s “soft” response to the strikes indicates the state’s fragility. Additionally, Australia’s recent overwhelming support for East Timor, discussed below, has had a serious impact on relations between Australia and Indonesia. Australia must be sensitive to these complexities and strive to work with Indonesia and Asia generally on issues of commonalities rather than emphasising and criticising areas of difference and policy divergence. In some respects, the CHOGM discussions, examined below, provided a useful forum for dialogue with Asia around the issue of terrorism. The notion of “terror” irrespective of ethnic, national and religious differences was stressed and, as a result, concepts of common suffering due to “terror” have brought greater regional understanding into Australian foreign policy.

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Refugees, People Smuggling and Australia’s Role in the Asia-Pacific Region

Relations between Australia and Indonesia were frosty in February 2002 as many of Indonesia’s political elite snubbed the Prime Minister’s visit.\textsuperscript{14} However, by late February relations thawed with the co-hosting of a regional ministerial conference on people smuggling in Bali by Foreign Minister Downer and his Indonesian counterpart Hassan Wirajuda. Indonesia made concessions, to Australia’s praise, introducing new criminal legislation to address people smuggling, followed by a wave of deportations of asylum seekers. However, Australia could have contributed more vigorously to the campaign to end people smuggling by addressing the source of problems and recognising Indonesia’s limitations in terms of its capacity to deal with asylum seekers.\textsuperscript{15} Instead of assisting Indonesia or, more sensibly, accepting more responsibility on-shore, Australia continues to allocate exorbitant amounts of money to detention centres.\textsuperscript{16} Peter Costello’s Federal Budget for 2002-3 reflected a continuation of this trend. It was, as the Refugee Council of Australia put it, “the most anti-refugee budget yet delivered by a government not known for its commitment to refugee protection”.\textsuperscript{17} Resources were allotted for a new detention centre on Christmas Island and over A$100 million dollars per year assigned for funding the “Pacific Solution”. As former Human Rights Commissioner Chris Sidoti astutely points out, the “Pacific Solution” involves the apprehension and forcible removal of people across national boundaries for profit. Desperate people are being dumped in desperately poor island states. These states are paid large bribes to accept people Australia does not want. The people dumped in this way have no guarantee of protection.\textsuperscript{18}

In the international arena, the policy of pushing refugees on to Pacific states has served only to tarnish Australia’s reputation. Additionally, in the Pacific, various government representatives, NGOs, church groups and activists were openly and vociferously critical of the policy.\textsuperscript{19}

International condemnation has also been bolstered by Australia’s on-shore treatment of refugees in various detention centres around the country, especially at the Woomera Centre in South Australia. Incidents in Woomera realigned the refugee debate around a new theme: the issue of child rights. In a country that has stringent child welfare laws and a family law system orientated around the “best interests of the child”,\textsuperscript{20} many believe that it is inconsistent and ill conceived to ignore international

\textsuperscript{16} For good commentary on this issue, see the editorial in \textit{The Australian}, 15 May 2002, p. 24.
\textsuperscript{18} Chris Sidoti, “Refugee Policy: Is There a Way Out of This Mess?”, Racial Respect Seminar, Canberra, 21 February 2002, p. 3.
\textsuperscript{19} Oxfam/Community Aid Abroad, \textit{Adrift in the Pacific: The Implications of Australia’s Pacific Refugee Solution} (Fitzroy, Victoria, February 2002), pp. 22-25.
conventions in relation to refugee children in detention. Many ordinary Australians felt that the government was de-humanising refugees through its handling of the “Children Overboard” scandal. Similarly, the government claimed that refugees in the Woomera detention centre “taught” their children to drink shampoo, cut themselves, hunger strike, and stitch their lips together. However, the Human Rights and Equal Opportunity Commission (HREOC) found no evidence of parental encouragement in its fact-finding mission in early 2002. The same accusations of child manipulation were also raised during another well-publicised event, the Bakhtiari affair. Two minors, Alamdar Bakhtiari, fourteen, and his brother Muntaza, twelve, escaped from Woomera detention centre, assisted by protestors, only to be graphically recaptured three weeks later and returned to what they described as “hell in Woomera”. The government dismissed images of the bedraggled and tearful boys being sent back to Woomera Detention Centre as shameless “pro-refugee” publicity. However, it did not deny that instances of the ingestion of toxic substances, self-mutilation, hunger strikes and, in the case of the Bakhtiaris, escape attempts, occurred in detention. Nor did it deny that these incidents involved children who are incarcerated in the various detention centres, especially in Woomera. The controversy was further heightened by the report on immigration detention centres presented by Justice Prafullachandra Bhagwati, regional advisor to the United Nations Commissioner for Human Rights. The major claim now being leveled at the Australian government is its breach of the United Nations Convention on the Rights of the Child, to which it is a signatory.

Evidence of sub-standard living conditions, unacceptable processing times, psychological harm and child detention led the HREOC to conclude that Australia unequivocally breached CROC in addition to other conventions ratified by Australia under international law. With all these issues in mind, it is interesting that Australia made vocal protestations against human rights abuses in Zimbabwe.

**CHOGM, Racial Politics and Zimbabwe**

The sixteenth Commonwealth Heads of Government Meeting (CHOGM) from 2-5 March 2002 again raised the issue of the role and usefulness of the Commonwealth. An Editorial in *The Australian* labeled the Commonwealth a “lame-duck institution” and declared that the CHOGM process was a “largely irrelevant talk-fest out of touch with

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political realities”. This is a far cry from how the Commonwealth once featured in Australian foreign policy. The Commonwealth was central to Australia and Australian identity in the post-Second World War era when Australia still looked to the United Kingdom for leadership. It was pivotal in the campaign against apartheid in South Africa, and led the international community in respect of debt relief and sustainable development platforms in the 1970s in particular. However, the Commonwealth and CHOGM are unquestionably less relevant in the contemporary political era. Aside from the United Kingdom, Canada and Australia, there is little in the way of “substantial” world power within the Commonwealth, with most member states unable even to afford to host a Meeting. The fifty-four-member association consists primarily of smaller, weaker and developing states. The actual funding and capacity of the Commonwealth to implement changes or reforms is also limited. It is more than ever, as Greg Sheridan points out, “a minimal Commonwealth”. For example, the annual Commonwealth budget is a mere £35 million and predominantly targets small development projects and administrative assistance between member states. In addition to these woes, CHOGM events are often marred by the absence of certain state leaders. The 2002 Meeting proved no exception. Only thirty-five of the fifty-one states that attended the Meeting sent a Head of State or Government. Notably, the 2002 Meeting lacked several key leaders, with Malaysian Prime Minister Mahathir Mohammad and India’s Prime Minister Atal Bihari Vajpayee not attending. Additionally, General Musharraf was again absent from CHOGM, Pakistan having been expelled from the Commonwealth following the 1999 military coup that brought General Musharraf to power. The Commonwealth had earlier decided that the coup, in conjunction with the failure to hold democratic elections, breached Commonwealth ideals of democracy, human rights and good governance enshrined in the Harare principles. The absence of Pakistan in a period when it is so central to the “War on Terror” was noticeable. Pakistan has a vital importance to current foreign policy because of its proximity to Afghanistan, the huge number of Afghan refugees residing in its territory, and the activities of Muslim political groups in various parts of the country. The continuing tension between the nuclear powers India and Pakistan further highlighted the absence of both countries from CHOGM 2002. Instead of the Commonwealth addressing such issues, it was forced to refocus on a region it has long neglected, Africa, and to address the phenomenon dominating contemporary global politics, terrorism.

Australia has actively avoided “African issues” since the end of apartheid in South Africa. The dominant view is that Australia’s interests lie elsewhere, especially and obviously in the Asia-Pacific region. Former Prime Ministers Malcolm Fraser and Bob Hawke were very Africa-orientated in their foreign policy formulations. Their interest reflected the Commonwealth’s particular involvement with, and focus on, Africa during the 1970s. However, the subsequent creation and strengthening of new institutions such as Asia Pacific Economic Cooperation (APEC) and the deepening of Australia’s allegiance to the United States has meant a stronger focus on Asia and a move away from Africa. CHOGM 2002 therefore signaled an exception in Australian

31 See the Round Table Editorial, “Australia and the Commonwealth, Before the Brisbane CHOGM”, no. 361, September 2002, p. 469.
34 John Ingleson (ed.), Regionalism, Subregionalism and APEC (Clayton, 1997).
foreign policy. The Meeting brought the Zimbabwean regime of Robert Mugabe into the world spotlight. Australia’s prominence in critiquing Zimbabwe, while laudable in bringing Africa back onto Australia’s foreign policy agenda, was also useful in deflecting the attention of participants away from Australia’s own abuses of human rights. As mentioned above, Australia’s treatment of asylum seekers, its incarceration of children and handling of riots in Woomera, and the establishment of detention centres in the Pacific all clearly violate aspects of international law and have led to international condemnation. However, it was Zimbabwe and not Australia that drew world attention at CHOGM 2002 and threatened to divide member states. Ethnic controversies entwined the debate that ensued over Zimbabwe. Commentators simplistically divided the Commonwealth into two camps: the “white, liberal-democratic” states [Australia, Canada, Britain, New Zealand] who wanted to expel Zimbabwe versus the “black, ex-colonial not-really–liberal-democratic” states [Nigeria, South Africa, Kenya] that supported Mugabe’s rule. However, this simple dichotomy was inaccurate on several levels. First, there were divisions between the “white, liberal-democratic” states. New Zealand and the United Kingdom campaigned vigorously for the immediate suspension of Zimbabwe from the Commonwealth during CHOGM. By contrast, Australia and Canada pushed for such decisions to be made after the Zimbabwean elections. In the end, there was strong support across the board for allowing the 9-10 March Zimbabwean elections to take place before any decision was made vis-à-vis its position in the Commonwealth. Second, it is myopic to dichotomise the Commonwealth member states into “black” and “white”, “colonial” and “non-colonial”. The reality is that all the Commonwealth states are heterogeneous and colonial and postcolonial identities are extremely complex and malleable. Third, there were African states that criticised Zimbabwe, and segments of the “white, liberal democratic states” that supported aspects of Mugabe’s leadership.

With such complex relations at play, CHOGM created a troika consisting of Nigeria, South Africa and Australia to settle on the matter following the Zimbabwean elections. It was decided that if an international observer mission deemed that the elections were not free and fair then Zimbabwe would face Commonwealth action ranging from collective disapproval to suspension. After Mugabe’s re-election, a brief meeting of the three CHOGM-designated leaders resulted in the decision, amid plenty of publicity and debate, to suspend Zimbabwe from the Commonwealth for one year. Despite its suspension from the Commonwealth, international condemnation and the application of sanctions, the situation in Zimbabwe continues to deteriorate with famine now looming. At the time of writing, Australia is also considering “targeted sanctions”, akin to those adopted by the European Union, the United States and Switzerland, to financially strangle Mugabe’s regime. However, the substantive impact of such sanctions is questionable. If there is one clear lesson to be learnt from the massive sanctions imposed upon Iraq, it is that such measures usually harm civilians more than the regime targeted. This is likely to be the case in Zimbabwe, where Robert Mugabe

35 For an outline of some of the Commonwealth’s key concerns regarding Zimbabwe, see Derek Ingram, “Commonwealth Update”, The Round Table, no. 361, September 2002, p. 471-474.
37 See the editorial in the New Straits Times, 7 March 2002.
40 CHOGM Statement on Zimbabwe, 4 March, 2002.
continues his coercive rule despite sanctions imposed by the European Union and the United States. The efficacy of Australian sanctions in addition to those already in place therefore seems questionable. However, sanctions and expulsion are “good” foreign policy in so far as they openly condemn human rights abuses in Zimbabwe and, for the time being, put Africa back on the Australian and Commonwealth agenda.

The second central issue raised at CHOGM 2002 was the impact of the terrorist acts of September 11, 2001. Although Zimbabwe was the focus of media attention during CHOGM, the discussions surrounding terrorism were more significant regionally. In a positive sense, CHOGM provided an opportunity to develop much needed cross-cultural dialogue on the post-September 11 era.CHOGM fora entertained debates concerning what constitutes terrorism; how terror should be addressed; and who should carry the grave responsibilities of combating terrorism. The outcomes were more enlightened than many expected, with Malaysia taking a key stance on the importance of examining why terrorism thrives in poor, weak communities. The issue of poverty and disparity between northern and southern states was raised by numerous African states, and also by Malaysia and Bangladesh. The Coolum Communiqué reflected these concerns and agreed that poverty and disparity were central to examining the sources of terrorism. This was considered to be a break-through by many CHOGM participants, in particular by states such as Malaysia that had argued that thorough examination, and recognition, of the roots of terror were absent from the international agenda. Thus, Point 6 of the Coolum Communiqué stipulated that “[w]hile terrorist activities are unconscionable and should be eradicated forthwith, the challenge is to understand the root causes of those despicable acts and deal with them appropriately”.

The subsequent Point in the Communiqué went on to recognise the difficulties faced by “small and less developed members of the Commonwealth” in meeting the obligations specified by the United Nations’ Security Council Resolution 1373. It was resolved that the more developed and prosperous states would undertake to support and assist the less developed states in the Commonwealth in any way possible in order to combat terrorism. How this will take place in practice is yet to be resolved, however substantial working groups were established to examine potentials and possibilities. On this level, CHOGM 2002 was hailed as a success, and Australia’s role in this success seen as significant. Especially noted was the growing agreement between Australia and Malaysia with respect to terrorism and joint military co-operation. This new and engaging dialogue, fostered at CHOGM, and developed over the subsequent months, produced the most significant military link between the two states since the 1950s. It nevertheless is a dialogue that overlooks human rights controversies in Malaysia and is aimed squarely, and therefore narrowly, at terrorism.

East Timorese Independence and the Grab for Oil and Gas Resources

The brutal backlash against the East Timorese vote for independence from Indonesia in the August 1999 referendum led to Australia’s most comprehensive commitment of military forces abroad since the Vietnam War. The Australian-led International Force

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44 CHOGM, Coolum Communiqué, 5 March 2002, Coolum, Queensland, Australia.
for East Timor (INTERFET) stabilised the country within weeks of both pre- and post-referendum violence. The successful INTERFET mission helped ease East Timor into its first democratic elections and its declaration of independence on May 20, 2002. The spectacular revelry that followed allowed Prime Minister Howard to bask in the reflected glory of “good foreign policy”. It was noted that during the May 2002 celebrations the Prime Minister “had a triumphant air as he strode between appointments” proclaiming independent East Timor the “crowning-glory in [Australian] foreign policy.” Australia continues to support East Timor in numerous ways, with a huge role in building up the latter’s fledgling military establishment, the East Timor Defence Force (ETDF). During the armed struggle (1975-1999), East Timorese leaders, notably José Ramos Horta, had decreed the future need for military forces. Ramos Horta proposed that only a gendarmerie would be necessary in the independent state. The about-turn in East Timorese policy can be attributed to the 1999 Indonesian military-sponsored violence, the potential problems posed by ex-FALINTIL\textsuperscript{47} combatants, as well as to substantial Australian logistic and financial support for the new armed forces.\textsuperscript{48} Australia has committed A$3.9 billion dollars to East Timor between September 1999 and June 2004. Less than 10% of this amount is ear-marked for non-military activities. The ETDF will be allocated A$13.5 million dollars a year, the equivalent of approximately 6.13% of the total East Timorese annual budget.\textsuperscript{49} It can be argued that in a new state in desperate need of basic infrastructure and grappling with education, health and judicial funding crises,\textsuperscript{50} this type of military expenditure is unnecessary and lacking in foresight. The poorer East Timorese people become, the more unsettled politics will be and (as if in a self-fulfilling prophesy) the more the military may be drawn into politics to quell popular dissatisfaction.

Irrespective of the debate concerning the necessity of the new ETDF, a far more pressing question remains: Why has Australia recently invested so much in East Timor after it spent nearly a quarter of a century trying to destroy its claims to independence? One prominent commentator explains Australian support for East Timor’s independence as a “damage-limitation exercise given Canberra’s unstinting support of Indonesia throughout the latter’s twenty-four-year genocidal occupation.”\textsuperscript{51} However another view, raised by Australian Senator Bob Brown, is the precarious question of oil and gas reserves in the Timor Sea. The May 20 celebrations were marred somewhat by protestors in Dili and elsewhere petitioning Australia’s stance on East Timor’s oil and gas reserves.\textsuperscript{52} The oil and gas reserves are divided between two main fields, Bayu-Undan and Greater Sunrise. The Timor Sea Treaty, signed between Prime Minister Howard and East Timorese President Xanana Gusmão effectively split the Bayu-

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\textsuperscript{47} Forças Armadas de Libertação Nacional Timor Leste.


\textsuperscript{49} Hamish McDonald, “East Timor Builds a New Kind of Army”, \textit{Sydney Morning Herald}, April 20-21 2002, p. 16.

\textsuperscript{50} For an outline of the complex restructuring that needs to take place, see Patrick Candio and Roland Bleiker, “Peacebuilding in East Timor”, \textit{Pacific Review}, vol. 14, no. 1, 2002, pp. 63-84.


Undan field 90-10 in East Timor’s favour. The Bayu-Undan field is worth an estimated A$15 billion dollars and, although East Timor will receive the most substantial portion, the Northern Territory is going to be the base for the gas line, providing extra employment and investments to Australia. However, the controversy surrounds the more lucrative Greater Sunrise deposit, which is estimated to be worth A$30 billion dollars and 82 per cent of its royalties are currently allocated in Australia’s favour. Why is Australia claiming such a large amount? The answer lies in the disputed maritime borders which Australia failed to agree upon when it was seeking the same oil and gas reserves through treaties with Indonesia. Under current international maritime law Australia has a weak case for claiming such a large share of the Greater Sunrise deposit. International law stipulates that the final power of arbitration over such a maritime issue rests with the International Court of Justice (ICJ) in The Hague. East Timor was initially unaware of this process and has only recently been briefed by key US Legal Advisor, Peter Galbraith. In response, East Timor raised the possibility of ICJ arbitration with Australia. As a counter measure, Australia promptly withdrew from the ICJ’s jurisdiction on maritime boundaries, claiming it had “several” disputed maritime issues. Yet no other pressing disputes appear to warrant such a dramatic move. The result is a deadlock that remains to be resolved.

**Australian and the International Criminal Court**

At the 1998 Rome Conference Australia gave unwavering support for the establishment of an International Criminal Court (ICC). Foreign Minister Downer stressed the need for an adequate balance between international and domestic legal jurisdiction whilst also stating that crimes such as ethnic cleansing, systematic sexual assault and mass torture fall within the Court’s ambit. However, on the domestic front, as ratification dates approached, in early 2002 tensions developed within the governing coalition. Elements of the Australian government considered that the ICC would intrude upon Australian sovereignty. One National Party MP claimed that it would leave Australian citizens open to the decisions of so-called “African and Asian judges”. There was also a strong tendency among some government members to follow the US in the latter’s rejection of the ICC. Indeed, supporters of the ICC felt that Prime Minister Howard, during his visit to Washington D.C. at the time, had been overly swayed by US denouncers of the Court. Other commentators felt that unhindered support for the US approach was not pragmatic, since the US holds a position of strength and power globally that Australia does not share. In this light, Paul Kelly argued that

> [t]he worst strategic blunder Australia could make today would be to duplicate [...] American unilateralism as a model for our role in the world. Such a folly would doom Australia to fewer friends and diminishing influence.

The ICC came into being on July 1, 2002 and will collate allegations of genocide, war crimes and crimes against humanity. In the end Australia did ratify the ICC, although it was not one of the original sixty states to do so, as proponents such as Foreign Minister Downer and Attorney-General Daryl Williams had hoped. Additionally, Australia

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tabled a declaration with its ratification reaffirming the primacy of Australian domestic law, preventing ICC prosecution of any Australian citizen without the consent of the Attorney-General, and granting Australia the discretion to define “genocide”, “war crimes” and “crimes against humanity”. The effects of the ICC on Australia remain to be seen, however it is significant to note that key commentators view Australia’s rider to ratification as both “unnecessary” and “unhelpful”.

Conclusion
Australia has found itself in the world spotlight over the last six months of 2002 for contrasting reasons. On one hand, it led the critique of the Mugabe regime in Zimbabwe and was central to that country’s suspension from the Commonwealth. The world watched as Prime Minister Howard hosted CHOGM 2002 and unified leaders in the campaign against human rights abuses and election fraud in Zimbabwe. Australia also featured prominently in East Timor’s celebrations, as a champion of the latter’s independence. Despite tension between various members of government, Australia also ratified the ICC and is poised to contribute to its growth and operation. Finally, relations in Asia improved overall with increasing agreement to cooperate in the “War Against Terror”. However, issues that drew critical world attention overshadowed these foreign policy achievements. Australia’s continued violation of numerous international conventions, its insistence on pushing the “refugee problem” onto weaker Pacific states, and its internal treatment of asylum seekers in detention centres all stand in stark contrast to its stance on human rights in Zimbabwe. It appears that it is easier to call another state’s treatment of its citizens into question than to address the problem of those wanting to be citizens of one’s own country. Notions of “citizenship” do not simplify the problems Australia is grappling with. Refugee movements defy conventional notions of citizenship and state boundaries, and Australia needs to recognise that the international legal discourse recognises the rights of refugees irrespective of citizenship. Australia, as a signatory to CROC, the Refugee Convention and the International Covenant on Civil and Political Rights, has a duty towards the people it is incarcerating, shipping off in the “Pacific Solution” and turning away at sea with naval vessels. It would be far sounder for Australia to be internationally recognised for a change of policy in this regard rather than to morph more noticeably into an international pariah state.