



Vol. 1 No. 2 July 2002

Council for the National Interest

WESTERN AUSTRALIAN COMMITTEE

Winter Newsletter

ICC AND POLITICAL EXPEDIENCY

Winter days can be dark and gloomy. This winter newsletter comments on some dark and gloomy political expediency by the Prime Minister and Cabinet which over-rides the national interest to save the Liberal/National Coalition Government the embarrassment of having to discipline two senior Cabinet Ministers, Attorney General Daryl Williams and Foreign Affairs Minister Alexander Downer.

After more than decade of international junkets negotiating the Rome Statute for an International Criminal Court, the Federal bureaucrats convinced these Ministers to sign the Statute on behalf of the Australian people.

CONTENTS

ICC and Political Expediency.....	1
The Ghost of Whitlam	2
Future Event.....	3

Such a document as the Statute is required to be considered by the Joint Standing Committee on Treaties (JSCOT) and subjected to a 'national interest analysis' prior to its ratification. Incredibly, prior to JSCOT consideration of the Statute, Ministers Downer and Williams announced in a media release that Australia would ratify the Statute apparently in an endeavour to pre-empt the role of the JSCOT and also the views of the public and many organisations, such as CNI, who had become greatly concerned about the possible unintended detrimental consequences for Australia's sovereignty and democracy.

CNI in Western Australia, the Melbourne Head Office and the Queensland Division all lobbied very strongly urging the Government not to ratify the Statute and in fact to withdraw from it. Our concerns related to a further surrender of Australia's national sovereignty, that ratification would be unconstitutional, that the wording of the crimes was vague and ambiguous and could therefore be interpreted in ways yet to be imagined some time in the future, particularly in the area of social engineering.

At the time of the Downer/Williams public announcement of intention to ratify, Andrew Thompson was Chairman of JSCOT. Strangely, Mr Thompson was disendorsed by the Liberal Party just prior to the last Federal election. The new Chairman of JSCOT is Ms Julie Bishop. To try to assuage these concerns the Government has accompanied its ratification with a 'Declaration' which purports to reaffirm the primacy of Australia's criminal jurisdiction, and also pointed out that Australia could withdraw from the ICC, if it does not work in Australia's interests, by giving 12 months notice. Such a declaration is meaningless, as the terms of the Statute itself exclude any reservations.

CNI supports the establishment of a properly structured International War Crimes Court with the power to prosecute the perpetrators of such dreadful atrocities as have been committed in such places as East Timor, Rwanda and Barundi and Bosnia etc. In fact we made a submission to JSCOT outlining how

such a war crimes court could be established. The ICC is not a war crimes court but a potentially despotic court, remote from the people, with jurisdiction potentially reaching every individual on the face of the earth and prosecuting crimes defined in extremely vague and ambiguous language.

That Australia should ratify such an arrangement is bad enough, but worse still the signing and ratification is done undemocratically. Under current treaty-making processes, these statutes, protocols, conventions, etc, are signed and ratified by the Executive Government, not by the Parliament. Although examined by JSCOT and left on the table in Parliament for 15 days, the Parliament has no say as to whether they are signed and ratified or not. This undemocratic process must be corrected. All Australians would do well to write to their Federal Member of Parliament and urge that it be made mandatory for all of these kinds of treaties to be first approved by a current resolution of the House of Representatives and by a two thirds majority vote of the Senate.

Member for Curtin. She, with six other new members of the Committee of sixteen, recommended ratification despite CNI concerns and the concerns expressed in many of the 252 submissions previously made to JSCOT.

THE GHOST OF WHITLAM?

Wilson Tuckey, Federal Minister for Regional Services, Territories and Local Government, recently announced that the House of Representatives Standing Committee on Economics, Finance and Public Administration will conduct a major inquiry into the financial position of local Government in Australia. Ostensibly the focus is to be on cost shifting to local government by State governments.

Precursory media statements by Mr Tuckey suggest that the inquiry might be more about finding ways for the Federal Government to bypass elected State governments to disburse Federal funds direct to local government. Many members will recall that this was a ploy attempted by Gough Whitlam with the objective of making State governments redundant and centralising more power in Canberra.

Possibly M Tuckey is just being mischievous because this is a classic chicken and egg problem.

Local government, not without aspirations to greater power itself, argues that it must provide an ever increasing range of services because State Governments are failing to provide the needed services. The State governments of course argue that they cannot provide the services because the Federal Government does not provide adequate funds to enable them to do so.

Interestingly, local government does not warrant a mention in the Australian Constitution. It is the constitutional responsibility of each State to provide a wide range of services needed by its citizens. It is the responsibility of the Federal Government, having purloined the Constitutional taxing powers of the States, to provide the funds to the States to enable them to provide the needed services. It would be very dangerous to allow the Federal Government to

embark on a course of bypassing the States and directly funding local government.

All members and supporters are urged to write to Mr David Hawker, Chairman, House of Representatives Standing Committee on Economics, Finance and Public Administration, Parliament Houses, Canberra, 2600 and argue that any proposal to directly fund local government be abandoned in favour of restoring rights to the States and scaling down the burgeoning cost of Federal Government; in other words argue for the rebuilding of the Federation.

FUTURE EVENT

We are expecting to have Major General Michael Jeffery as our guest speaker at our end of year gathering. Watch for further details in the Spring Newsletter.

REMINDER

Subs now due \$50 or \$25 for six months concessions available in case of need. If you have not paid please do so now.