



## Others won't forget we flouted the laws

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Disowning international obligations is not in Australia's long-term interests, writes Alison Broinowski.

It's interesting to contemplate what has been happening in recent years to our boundaries. Holes have suddenly appeared; some of our fences have been raised higher, while others have fallen over; some of our borders have been pulled in, while others have suddenly been pushed out. If we are confused by the result, we might remember that there are always people looking in as well as out, and that an insider's viewpoint is never the only one, nor even the most influential.

On December 15, the Prime Minister, John Howard, announced that in March he would set a sea boundary of up to 1000 nautical miles around Australia. Any vessel inside it would be required to give satisfactory identification, or face possible attack by the new joint offshore protective command. Indonesians and New Zealanders at once complained that such a zone would infringe the sea boundaries of their exclusive economic zones, as indeed it appears to do, as well as those of East Timor.

The Law of the Sea, which emerged from long and painstaking negotiations over 14 years and was signed by 150 nations in 1982, sets an exclusive economic zone of 200 nautical miles around every coastal country. Beyond that, ships have the freedom of the high seas, as well as rights of transit passage through straits. Mr Howard, claiming the need to protect our oil and gas facilities, borders and fisheries, wants the right to intercept ships, and presumably aircraft, that Australia suspects of carrying terrorists, as far out as 1000 nautical miles. This, he said, would complete Australia's "enhanced offshore maritime security".

The Prime Minister's new zone is peculiar in three ways. First, since May 2003 Australia has been one of 11 countries in the Preventive Security Initiative, which does things that sound much like what the Prime Minister has announced we are about to do.

Second, in December 2002 he announced, and repeated during last year's election campaign, that Australia had the right to attack the territories of neighbouring countries if we thought there were terrorists there who threatened us. If we say we can already pre-emptively invade other countries' land, sea or airspace in this way, why do we need to draw a line around Australia and say it is a zone in which we claim we can do the same thing?

Third, Australia already controls the world's fourth largest expanse of land, sea, and continental shelf. To grab for control of even more is to invite international legal challenges and even more hostility from our neighbours, who have not forgotten Mr

Howard's pre-emptive attack statements.

The new zone is not the only recent example of Australia tweaking international law. The Government's sudden excision of Christmas Island and Ashmore Reef from Australia's "immigration zone" in 2002 was another interesting use of legal boundaries. Expansion to the horizon, it seems, is fine for counter-terrorism and oil interests, but contraction to the coastline is much better when you don't want refugees and asylum-seekers taking you on in the courts.

Australia has been testing the boundaries of international law for several years. Invading Iraq was, of course, our biggest act of defiance. But in less spectacular ways, Australia has abandoned what Gareth Evans used to call "good international citizenship" in favour of naked self-interest. We have not ratified the Kyoto protocol on greenhouse gas emissions, for example, nor have we ratified the United Nations's latest documents on torture, child soldiers, land mines, and even on discrimination against women.

Australia was isolated in voting against a recent UN resolution condemning the barrier that Israel is building through Palestinian territory. Even though Australia chairs the Human Rights Commission, the Government has repeatedly been late in reporting to UN committees on human rights and the status of women, and has obstructed UN human rights inspections of indigenous communities.

Why is the Government defying the UN and so much that it represents? One answer, of course, is because it can. Australian electors have just given the nod to the Iraq war, lies and all. As Robert Garran has shown in his recent book about Howard, George Bush and the American alliance, *True Believer*, the Prime Minister decided as early as 2000 to march in lockstep with the US President, and that included defying the UN whenever it suited them. Imitating the US, Howard even wanted to refuse to ratify the Rome Statute establishing the International Criminal Court, until the Foreign Minister, Alexander Downer, reminded him that Australia had helped negotiate it.

The UN, imperfect as it is, is all that stands between the Bush Administration and its ambition to reshape the world in its own interests. The US has always resisted being told by the "unelected UN Security Council" what it can and cannot do, and, as its largest contributor, has mostly got away with it, occasionally making and unmaking secretaries-general to prove the point.

But Australia has no such power: we are not one of the permanent five members of the Security Council, nor of the Group of Eight industrialised countries, and we only just make the Group of 20. We have much to gain from an international system that looks after the interests of smaller countries. When the US imperium ends, as it will, or when it clashes with China, as it may, Australia will need the UN and the boundaries that stand between us and chaos. We will have more influence then if we have observed them ourselves.

**Dr Alison Broinowski's forthcoming book is on the United Nations.**

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