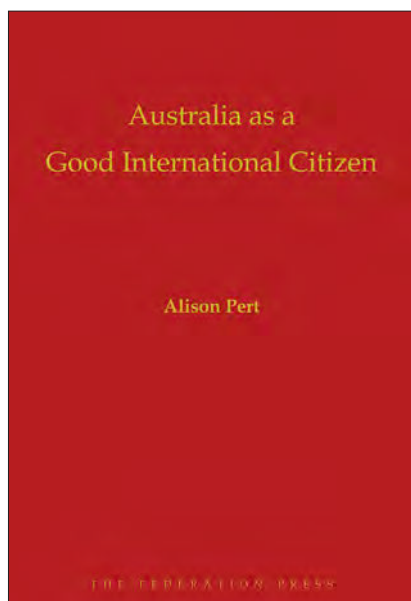


## Australia as a Good International Citizen

By Dr Alison Pert | The Federation Press | 2014.



After security and economic prosperity, writes Gareth Evans in the foreword, states have a national interest in being a good international citizen. Dr Pert wished to test her perception that Australia had first acquired such a reputation under the Hawke/Keating governments, lost it under Howard and possibly regained it under Rudd. She looked at specific aspects of Australia's conduct, and tracked Australia's record on overseas development assistance, environmental protection, human and indigenous rights, and asylum seeker policy.

Chapter 1 considers the concept of 'good international citizenship', for which no agreed or comprehensive definition exists. The concept has a dynamic quality which involves exceeding international obligations, demonstrating leadership and raising international standards.

Two particular attributes are selected: engagement with international law (compliance, treaty participation, responses to the findings of international bodies) and active support for multilateralism (primarily through international organisations such as the

United Nations (UN)). Such features she says are more relevant to an international lawyer than a foreign relations scholar.

Evidence of these attributes was sought in Australian policy since 1901. Chapters 2 to 8 are divided chronologically. Before the 1920s Australia had no independent international legal personality. Good international citizenship was not demonstrated at the 1919 Peace Conference where Australia pressed Germany for reparations. There was no significant engagement with international law during the inter-war years. After 1945 Australia had a low treaty participation rate and committed some international legal violations (such as conscripting aliens and racial discrimination) but its participation in the Vietnam War was not inconsistent with international law. Then Evatt demonstrated 'evangelism' during the UN's formative years before Australia dropped to a neutral status under Menzies notwithstanding peacekeeping contributions and development assistance.

*'good international citizenship' ... has a dynamic quality which involves exceeding international obligations, demonstrating leadership and raising international standards.*

Whitlam's 'vigorous' internationalism included greater treaty participation, combating racial discrimination, recognising Aboriginal land rights and environmental protection. Fraser demanded a federal clause be inserted into new treaties, eschewed reliance on the external affairs power, sought to end Rhodesian apartheid and received Indochinese refugees. Hawke and Keating pursued a bill of rights and native title, and Evan's energetically

contributed to nuclear disarmament and the Cambodian peace process.

Good international citizenship for Australia reached its nadir under Howard. He oversaw many 'egregious' violations of international law and actively opposed multilateralism through mandatory detention for asylum seekers, offshore processing, invading Iraq, climate change scepticism and criticising human rights committees. Rudd/Gillard presented a schizophrenic picture: adhering to the Kyoto Protocol, Aboriginal reconciliation, the whaling case against Japan and Australia's seat on the Security Council but also lethargy on carbon emissions trading, anti-terrorism legislation and asylum seeker policy.

Dr Pert concludes that Australia has been and is a good international citizen. Three themes emerged. Good international citizenship arose from the activities of particular individuals who lifted Australia's standing internationally or promoted internationalism within Australia. Second, the concept varies with context: the White Australia policy,

for example, only became contrary to international law with the emergence of decolonisation, apartheid and the prohibition against racial discrimination. Finally, the degree to which Australia demonstrates good international citizenship depends on which party holds power, with Labour governments tending to be more internationalist in outlook.

Readers will differ on some opinions. The weight Dr Pert attached to certain events is unclear, albeit a subjective assessment

## BOOK REVIEWS

*Australia as a Good International Citizen* (The Federation Press, 2014)

is admitted. For example, Australia's recognition of Indonesian sovereignty over East Timor, its reservations to the International Covenant on Civil and Political Rights (ICCPR), mandatory asylum seeker detention and adverse findings from the supervisory bodies of the International Labour Organisation are of insufficient weight to negate good international citizenship. Failing to domestically implement the ICCPR was not an egregious violation of international law, and one government was 'forgiven' for not implementing

the Genocide Convention. Instances of poor international citizenship include offshore refugee processing and excluding maritime boundary disputes from the International Court of Justice's remit.

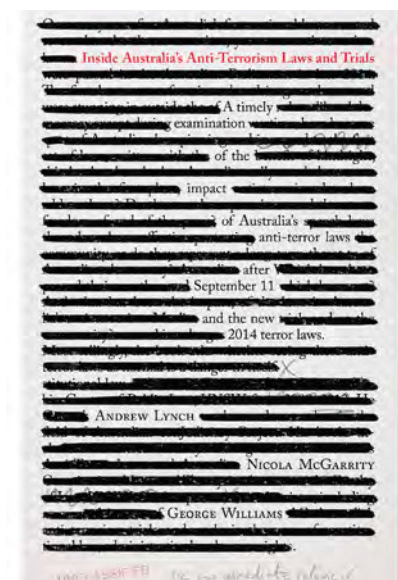
This book is short, lively and accessible. Both international context and domestic policies are painted broadly. Her review is necessarily brief, simplified and selective. It does not delve into some uncomfortable problems or paradoxes, including electoral support for Howard's refugee policies, why incoming governments might abandon

or perpetuate a predecessor's policies and the complex interaction between international decisions and domestic policies across consecutive governments. But given the paucity of existing literature, the desirability of clarifying the concept and establishing a comparative standard to assess future conduct, good international citizenship is a worthwhile subject of scrutiny towards which Dr Pert has made a valuable and timely contribution.

**Reviewed by Stephen Tully.**

## Inside Australia's Anti-Terrorism Laws and Trials

By Andrew Lynch, Nicola McGarrity and George Williams | NewSouth | 2015



Lawyers who come to this piece expecting a detailed reference on existing National Security legislation and related precedent will be disappointed. The book is not, and does not pretend to be, a text. In fairness, neither its length (approximately 200 paperback pages) nor its title suggests this. To the extent the title is evocative of an exposé on the

political machinations associated with the laws' enactment or intrigue surrounding subsequent trials, purchasers at airport gate-lounges are likely to end up a little downhearted as well. If, however, one seeks a comprehensive, digestible and critical rundown of the Commonwealth Parliament's response to the emergence of the 21<sup>st</sup> century terrorist threat post September 11, 2001 then this book provides it.

Time is spent at the outset examining the statutory definition of a 'terrorist act'. While a little dry, covering this territory is necessary. The definition is foundational as most, if not all, of the legislative response to terrorism includes, or is contingent upon, it. From there the book reviews new terrorism-related crimes and their prosecution as well as the expanding powers of law enforcement and intelligence agencies in the name of investigating terrorist activity, gathering information on emerging risks, and monitoring or controlling identified threats.

In setting out their essential detail, the authors provide a critical appraisal of the laws. The reader's sense is that the mere recitation of that detail is, itself, productive of much critical analysis. Reading this book, and thereby understanding the reach of the federal anti-terrorism laws, is to appreciate that central aspects of it have re-drawn the boundaries of state intrusion into an individual's private life as well as the historically accepted limits of the criminal law. An example is ASIO's power to now detain and question people not suspected of any involvement in terrorism. Such action merely requires that questioning could provide 'information' about a terrorism offence. Another is the new 'preparatory' offences. Whereas previously the law of 'attempt' required proof of acts of perpetration rather than mere preparation, now an act preparatory to a terrorist act is a criminal offence punishable by life imprisonment.

The book's coverage of the detail is complemented by reference to