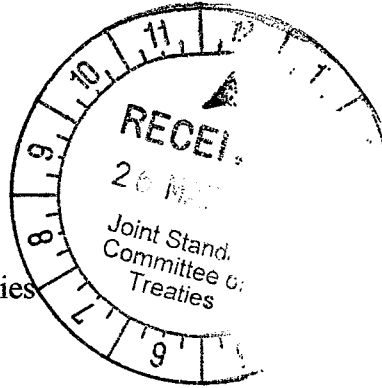


122 Kirby Street
RYDALMERE NSW 2116
21 March 2001



Chairman
Joint Standing Committee on Treaties
Parliament House
CANBERRA

Submission No.173.....

Dear Sir,

Submission : Inquiry into the International Criminal Court Statute

It is with considerable concern that I have noted the support by the bureaucrats for the adoption of this statute by the Australian Government. Their arguments appear to be based on a naive assumption that the obvious unpalatable possibilities would never occur. Apparently we can always trust the Court to be unbiased and independent of any external influences and to always accept the sovereignty of countries. How do the members of this court suddenly become the arbitrators of what all peoples can and cannot do? Who appoints them, how can they be dismissed, how can one appeal against their decisions, who gives effect to their decisions, what if a whole country rejects their decision or refuses to accede to their demands, will they enforce their decisions with force, who will judge their actions (including enforcement) on what model are penalties determined, what rules of evidence will be acceptable, can they take witnesses by force to ensure their attendance, can they subpoena people and documents and so on?

I have yet to read one supporting argument which stands up and is not based on tenuous assumptions. We now know how some of the UN treaties Australia has entered into have had serious repercussions for our citizens, lawmakers, law enforcement officers and the courts. The all-embracing nature of the proposed Court makes a mockery of democracy and human rights which it is purporting to uphold and protect. It will have carte blanche to do what it likes and its justification for any action becomes sufficient merely because it determines it to be so. The idea that it will always take the "high moral ground" is ludicrous. They will be making judgements after the event, out of context, independent of the culture and mores of the country and making comparisons with the supposedly agreed standards of other countries. Why would any sane person want to hand over the control of their government, judiciary, law enforcement officers, armed services personnel and individual citizens to a foreign court?

Australia could be acting in good faith or at the request of another country and be called before this court for judgement, especially if their actions adversely affect the home country of some of the judges. The court will determine if any court proceeding in Australia are considered adequate and if not, then this court claims jurisdiction to make its own decision and enforce it. It is fascinating that the countries which have better human rights records etc are the ones being targeted to accept the court and from past experience we know that the problem countries will just thumb their nose. It is also obvious that they will go after the soft compliable targets rather than the real problem countries as is common with the UN organisations. A cynic would say that this is desired by the bureaucrats because it creates new opportunities, additional staff, allowances etc for them when their country is challenged; the government must devote more funds for the bureaucracy to investigate and fix the problem.

This issue has been discussed amongst my friends and work colleagues and not one of them supports the concept. In fact, some of them are positively hostile and hark back to other instances where we are becoming subservient in many aspects to unelected foreign people and organisations. This has occurred yet we were told it would be to our benefit and was encouraged by the bureaucrats.

I am not unfamiliar with the working of those in the bureaucracy since I have been in the public service area for thirty eight years and am aware of how one achieves what one wants and selectively ensures a preferred option is presented. Unfortunately, I have also advised of the inherent problems in proposals but was ignored on the basis the problems were never likely to occur and because a set agenda had already been determined. Subsequently, the problems arose and Acts of Parliament were embarrassingly amended. Perhaps having a mathematics background, my approach is dictated by logic, extrapolation and lateral thinking but it certainly has resulted in my "being wise before the event".

It is enlightening to read the American negative response to the proposed court and the seriousness with which they view the extraordinary powers to be conferred on it. Surely we should be adopting the same refusal rather than be lead into a no win situation. The Government must protect our people and our sovereignty.

We would appreciate these views being taken into account during your deliberations.

Yours sincerely,

A handwritten signature in cursive script that reads "Michael Sobb".

Michael SOBB