



Submission No. 174

38 Wilsons Rd.  
NEWCOMB Vic. 3219  
22<sup>nd</sup>. March 2001

The Secretary,  
Joint Standing Committee on Treaties,  
Parliament House,  
CANBERRA ACT 2600

**re: Statute for International Criminal Court**

Dear Sir,

I wish to make a brief submission opposing the ratification of the Statute for the proposed International Criminal Court (ICC) on the basis that the wording of the Statute will be interpreted according to the moral values of the reader.

We live in a world where many of the terms used in the document e.g. "persecution" have different meanings. - A Prosecutor of the ICC could reasonably believe that the killing of 100,000 unborn children each year in Australia is unjustifiable persecution of innocent human life - all those responsible should be brought to trial. Another prosecutor could believe that the action of the first prosecutor constituted a persecution of women who have an inviolable right to do what they want with their own bodies. Both of these contradictory views could be said to be "universally recognized" and so constitute "a crime against humanity."

I am trying to say that although everyone is aware of good and evil, there is no world-wide consensus, even among members of governments or the judiciary, that legislation on moral matters can be drafted and implemented objectively. It is thus too much to expect that International law on these matters will always be compatible with Australian law. If it is not compatible, Australian law, being inferior, will have to change even if there is consensus against this in our country. This provides a recipe for justifiable public discontent and disrespect of government.

As Australians we must be free to make our own mistakes. At least in this country the population is able to have its say and influence government policy. Our chance of affecting international bodies where unrepresentative, well-organised and influential pressure groups can manipulate smaller countries is infinitesimal.

I presume that the War Crimes Tribunal is a precursor to the ICC. The operations of the ICC however have the potential to be more far-reaching and intrusive into all aspects of civil and cultural life, immigration, defense and peacekeeping activities of sovereign nations.

By signing this Statute the government will be agreeing to be bound to unspecified interpretations of the meanings of words in the statute, which are not always what they seem. Furthermore these interpretations can be revised and extended in future and there is little our government can do about it. In Australia such amendments and interpretations are subject to scrutiny and acted on by democratic process.

Yours faithfully,

  
James Crockett