

Australia and Human Rights

Australia and Human Rights:
Situating the Howard Government

By

Caroline Fleay

**CAMBRIDGE
SCHOLARS**

P U B L I S H I N G

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by Caroline Fleay

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For my parents, Val and Ron, and my brother, Stephen.

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ABBREVIATIONS

AusAID	Australian Agency for International Development
CAPOW	Coalition of Australian Participating Organisations of Women
CAT	Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
CCP	Chinese Communist Party
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CERD	Convention on the Elimination of Racial Discrimination
CROC	Convention on the Rights of the Child
CRPD	Convention on the Rights of Persons with Disabilities
DFAT	Department of Foreign Affairs and Trade, Australia
EU	European Union
HRC	Human Rights Commission
HREOC	Human Rights and Equal Opportunity Commission
HRTCP	Human Rights Technical Cooperation Program
ICC	International Criminal Court
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
IOM	International Organisation for Migration
JSCOT	Joint Standing Committee on Treaties
LTTE	Liberation Tigers of Tamil Eelam
MFN	Most-Favoured Nation
MP	Member of Parliament
NGO	Non-Government Organisation
TPV	Temporary Protection Visa
UDHR	Universal Declaration on Human Rights
UN	United Nations
UNCHR	United Nations Commission on Human Rights
UNHCR	United Nations High Commissioner for Refugees
UNHCHR	United Nations High Commissioner on Human Rights
WCC	World Council of Churches

CHAPTER ONE

INTRODUCTION

The victory of the Liberal-National Party Coalition¹ under the leadership of John Howard in the federal election of March 1996 led to the formation of the first Howard government with a resounding 45 seat majority in the House of Representatives. The Howard government won three further federal elections until its defeat at the polls in November 2007. For many human rights advocates in Australia the Howard government's electoral success was not welcome, particularly given the Prime Minister's prior opposition to a number of human rights initiatives in relation to racial discrimination in Australia. For example, in the decade before winning office Howard had publicly questioned Asian immigration into Australia and the acceptance of refugees. As an Opposition Member of Parliament (MP) in 1988 Howard had argued Australian immigration policy should be based more on skilled migration and less on family reunion to enhance social cohesion, and this could mean a reduction in Asian immigration.² Earlier, as a Fraser Coalition government MP in 1976, Howard had reportedly been the only MP to disapprove of his government's decision to accept Vietnamese refugees who had just arrived by boat.³ The previous year Howard had taken a leading Opposition role in attempts to thwart the Whitlam Labor government's efforts to enshrine obligations of the UN Convention on the Elimination of All Forms of Racial Discrimination (CERD) in Australian legislation. The Whitlam government had been the

¹ The Coalition federal government in Australia refers to an alliance between the Liberal Party and the National Party, with the former being the dominant coalition partner.

² Katherine Betts, *The Great Divide* (Sydney: Duffy and Snellgrove, 1999), 283-87; Peter Mares, *Borderline* (Sydney: University of New South Wales Press, 2002), 113.

³ Prime Minister Malcolm Fraser later recalled John Howard's dissenting view to journalist Phillip Adams. Peter Charlton, "*Tampa*: The Triumph of Politics," in *Howard's Race: Winning the Unwinnable*, ed. David Solomon (Sydney: HarperCollins, 2002), 80.

first Australian government to attempt to enshrine Australia's international human rights treaty obligations in this way. In response, Howard had argued the Racial Discrimination Bill should be withdrawn and redrafted on a number of grounds, including that it would threaten individual rights and privacy.⁴

These examples illustrate John Howard's early concerns regarding the influence of international human rights standards on Australian policies, particularly in relation to racial discrimination. Leading up to the 1996 election Howard was also concerned more generally about the increasing international and domestic attention given to international human rights standards and their monitoring bodies. Three years earlier Howard had decried Australia's ratification of "so many international conventions and treaties", claiming that it had led to a "massive erosion of national sovereignty".⁵ This suggested the Howard government era in office would limit Australia's engagement with international human rights and the extent to which human rights would be reflected in government policies.

This book will explore the Howard government's engagement with international human rights in three key areas: human rights in Australia-China relations; responses to asylum seekers and refugees; and human rights at the United Nations (UN). These are not the only areas worthy of such scrutiny in both Australia's international relations and domestic policy spheres⁶ but they do illustrate very clearly aspects of the human rights policies of the Howard government and those of previous governments which need to be closely examined. The three parts of the book will discuss the policies of previous Australian governments in each area, followed by those of the Howard government. This will situate the Howard government's policies within those of previous Australian governments, to illustrate the heritage of some of the Howard government policies as well showing where other policies clearly deviate from prior government practices. In each of these areas the Howard government adopted policies that were, in some ways, in striking contrast to those of previous governments and attracted much criticism from human rights

⁴ Peter Bailey, *Human Rights: Australia in an International Context* (North Ryde, NSW, Butterworths, 1990), 182.

⁵ The Hon John Howard MP, "Mr Keating's Mirage on the Hill: How the Republic, Like the Cheshire Cat, Came and Went," Proceedings of the Third Conference of the Samuel Griffith Society: Upholding the Australian Constitution, Volume 3, <http://www.samuelgriffith.org.au/papers/html/volume3/v3chap7.htm>.

⁶ For example, Australia's treatment of its Indigenous peoples, those with disabilities, and women and children, and foreign policy case studies other than China, all deserve as much attention as the areas explored in this book.

advocates. A closer examination of these particular areas will illuminate just how different some of the Howard government's policies were from those of previous governments, as well as where they were the continuation, or revival, of earlier policies.

Growing International Attention to Human Rights

By 1996 human rights had received a significant amount of international attention. Since the end of World War Two, international human rights law had substantially expanded and a range of international, regional and non-government organisations had been established to focus on promoting human rights and monitoring the compliance of governments and other actors with their provisions.

Prior to World War Two there was little international usage of the language of human rights although international movements in the nineteenth and early twentieth century sought to abolish slavery, ensure medical support was provided to those ill or injured during war, and protect the rights of workers and minorities. International attention to human rights began to escalate in the final years of World War Two as the suffering and inhumane treatment of millions, particularly in Europe, became apparent. Drawing on ideas of natural rights from the Enlightenment era that elevated the rights of individuals over those of governments, from the time of negotiations for the mandate of the UN in 1944-1945 human rights became a substantial topic of international affairs. Much debate within these negotiations was concerned with the obvious limits that would be placed on government decision-making if individual rights were enshrined in the UN mandate. The outcome of these debates was the inclusion of a clause prohibiting UN interference in the domestic affairs of nations, and minimal mention of human rights, in the mandate adopted in 1945. This underlined the fact that governments were not ready to limit their decision-making capacities within their own borders according to the requirements of human rights. However, the UN Commission on Human Rights (UNCHR) was established in the following year and negotiations began on the development of a comprehensive set of international human rights standards and how they should be enforced.⁷

In 1948, after eighteen months of negotiations, the UN General Assembly adopted the Universal Declaration of Human Rights (UDHR) as a non-binding statement of support for thirty articles of human rights

⁷ David P. Forsythe, *Human Rights in International Relations* (Cambridge: Cambridge University Press, 2006), 35-39.

applicable to individuals anywhere in the world. Further progress to promote international human rights and their enforcement was slow with negotiations continuing over the following two decades for binding instruments that would expand on the UDHR human rights. In 1966 the UN General Assembly finally adopted the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR). A number of other international human rights treaties focusing on particular rights had also been adopted by this time, including the 1951 Convention on the Status of Refugees, although little progress had been made on the enforcement of these treaties. The late 1960s also saw greater UNCHR attention to human rights in particular countries, most notably South Africa under the apartheid regime and the rights of the Palestinians.⁸

The 1970s saw a continuing increase in international activity on human rights concerns. The overthrow of the Allende government in Chile in 1973 was followed two years later by the UNCHR establishing a working group to investigate the repression, showing the Commission's willingness to focus on human rights in particular countries beyond issues of racism and colonialism. The following year the two international covenants finally came into force. Moreover, during the term of US President Carter (1977-81) human rights found a prominent place in mainstream foreign policy for the first time. Throughout the 1980s and 1990s further international human rights treaties were adopted by the UN General Assembly, and the number of non-government organisations (NGOs) focusing on human rights issues dramatically increased.⁹

The end of the Cold War saw even greater attention placed on human rights in international affairs. In particular, there were some attempts to act against gross human rights abuses such as genocide in the 1990s, and efforts to reaffirm international commitments to universal human rights at the Vienna World Conference on Human Rights in 1993.¹⁰ By 1996 a range of UN human rights bodies were functioning, including the UNCHR and its Sub-Commission on the Prevention of Discrimination and Protection of Minorities, the High Commission for Refugees (UNHCR) and the High Commissioner for Human Rights (UNHCHR). Each of the

⁸ Ian Russell, "From Evatt to Evans" in *Australia's Human Rights Diplomacy*, Ian Russell, Peter Van Ness and Beng-Huat Chua (Canberra: Australian National University, 1992), 10-13.

⁹ Jack Donnelly, "The Social Construction of International Human Rights," in *Human Rights in Global Politics*, ed. Tim Dunne and Nicholas J. Wheeler (Cambridge: Cambridge University Press, 1999), 76.

¹⁰ Donnelly, 88-89.

six major human rights treaties also had a committee to monitor the compliance of participating nations, and there were numerous UN Working Groups, Special Representatives and Special Rapporteurs focusing on specific human rights issues or countries of concern.¹¹

Australia's Engagement with the Development of International Human Rights

From the time of the negotiations to establish the UN, Australian governments have participated in international efforts to promote human rights. Australia's Minister for External Affairs, Dr Herbert Vere Evatt, led the Australian delegation's promotion of human rights in negotiations leading up to the formation of the UN and as a founding member of the UNCHR.¹² The following two decades were dominated by Cold War considerations and, even though the Menzies government participated in some human rights initiatives at the UN, such engagement was not given the priority of the Chifley government before it.¹³ Mirroring the greater attention given to human rights in international affairs by the early 1970s, the Whitlam government signed the ICCPR and ICESCR, ratified or acceded to a range of other international human rights instruments, and attempted to enshrine some of these obligations in Australia law.¹⁴ It was not until the election of the Fraser government in 1975, however, that Australia more explicitly supported efforts to pressure another government into improving its human rights practices, in this case the anti-apartheid regime in South Africa. Australia also ratified further UN human rights treaties under the Fraser government¹⁵ and, consistent with the UN Refugee Convention and its 1967 Protocol, helped to facilitate an international resettlement program in response to the plight of Vietnamese asylum seekers, as well as accepted thousands of them for resettlement in Australia.¹⁶

¹¹ Philip Alston and Frederic Megret, eds, *The United Nations and Human Rights: A Critical Appraisal* (Oxford: Oxford University Press, 2nd ed., 2008).

¹² Ashley Hogan, *Moving in the Open Daylight: Doc Evatt, an Australian at the United Nations* (Sydney: Sydney University Press, 2008).

¹³ Dominique F.J.J. De Stoop "Australia's approach to international treaties on human rights" in *The Australian Yearbook of International Law 1970-1973*, ed. R.H. Miller (Chatswood, NSW: Butterworths, 1975), 28-29.

¹⁴ Bailey, 53-54, 180-83.

¹⁵ Russell, 25.

¹⁶ Nancy Viviani, *The Indochinese in Australia 1975-1995: From Burnt Boats to Barbecues* (Oxford: Oxford University Press, 1996), 8-13.

From the election of the Hawke government in 1983 until the defeat of the Keating government in 1996, both governments had argued human rights were best promoted through supporting both multilateral and bilateral human rights diplomatic efforts. A marked increase in human rights representations to other governments as part of bilateral relations soon became evident, although there were some suggestions that this support diminished the importance placed on supporting multilateral initiatives. Even so, the Hawke and Keating governments supported the development of further international human rights treaties and accepted the scrutiny of human rights monitoring bodies.¹⁷ By 1996 the attention given to human rights in international affairs outlined above had resulted in greater international scrutiny of the human rights practices of governments. There continued to be weak enforcement mechanisms for compliance with international human rights standards but there was a greater capacity for the monitoring of this compliance. Through the engagement of successive Australian governments in these developments, by 1996 Australia had willingly submitted itself to this greater international attention.

The Howard Government and International Human Rights

Soon after winning office in 1996 it was clear the Howard government would not be embracing this increased international attention to human rights issues. The Howard government quickly made it clear that its human rights diplomacy would be consistent with its national security and prosperity goals and would focus on making “a practical difference” rather than “posturing”.¹⁸ In relation to China, by then considered one of Australia’s four key economic partners¹⁹ as well as the continuing subject of reports on human rights abuses, this meant an end to Australian support for resolutions critical of the Chinese government’s human rights practices at the UNCHR. Instead, the Howard government adopted the bilateral human rights dialogue approach. In other words, the Howard government refused to continue Australia’s support for public and multilateral forms of

¹⁷ Russell, 27-43.

¹⁸ Department of Foreign Affairs and Trade, *In the National Interest: Australia’s Foreign and Trade Policy White Paper* (Canberra: Commonwealth of Australia, 1997), 14.

¹⁹ Department of Foreign Affairs and Trade, *People’s Republic of China: Overview of Bilateral Relations* (Canberra: Commonwealth of Australia, 2000).

human rights diplomacy in relation to China and instead agreed to express its human rights concerns to the Chinese through participating in private bilateral talks between mid-level officials on human rights.

The Howard government's responses to asylum seekers and refugees in the aftermath of its 1996 election highlighted that it would not be embracing the human rights obligations Australia had incurred through international human rights law in this area. The Howard government sought to deter the arrival of unauthorised asylum seekers by expanding the previous government's mandatory detention policy, excising Australian islands for migration purposes to prevent asylum seekers accessing Australian immigration processes, and granting temporary rather than permanent protection visas. These policies diminished the capacity of asylum seekers to seek refuge in Australia, despite the nation being a signatory to the UN Refugee Convention and its 1967 Protocol, and a range of other international human rights treaties that impose obligations in relation to the treatment of asylum seekers and refugees.

In the first few years of the Howard government's term in office it was also evident that the government would not be willing to further Australia's engagement with human rights at the UN more generally. In particular, the Howard government limited its engagement with the UN human rights treaty committees, often rejecting their criticisms of human rights compliance in Australia. The Howard government also rejected the criticisms of other UN human rights bodies and challenged the legitimacy of international oversight of human rights in Australia. This included attempts to reduce the capacity of the UN human rights treaty committees to monitor and comment on the human rights policies and practices in Australia.

It could easily be concluded from this brief overview of some of the Howard government's practices in relation to human rights that the era of this government is an anomaly in the history of Australian governments. Given the involvement of previous Australian governments in the development of international human rights standards and their monitoring bodies, it could be assumed that the Howard government effectively wound back this Australian support for international human rights. In some respects this assumption is justified. The Howard government did adopt policies and practices that diminished Australia's compliance with international human rights standards and their monitoring bodies in particular areas. However, when a closer examination is made of the Howard government era and those of previous Australian governments since the birth of the UN and its human rights bodies, a clear heritage for at least some of the Howard government's policies and practices can be

seen. Qualifications to the support of previous Australian governments for international human rights standards and their monitoring bodies can also be seen.

Situating the Limits of the Howard Government's Engagement with International Human Rights

There have been some important analyses of Australian government responses to human rights issues in Australia-China relations, asylum seekers and refugees, and the UN human rights treaties and monitoring bodies. A number of explorations of the policies of the Hawke Labor government from the time of the violent Chinese government's response to the thousands of demonstrators in Tiananmen Square in Beijing in June 1989, those of the Keating Labor government several years later, and those of the early years of the Howard government provide comparative studies of these governments' policies. In particular, Ann Kent provides detailed analyses of successive Australian government responses to reports of human rights abuses in China in addition to situating these Australian policies among international responses.²⁰ Kent argues the Howard government's adoption of private forms of human rights diplomacy in relation to China contrasted greatly with previous governments' support for resolutions critical of China at the UNCHR, although a trend towards quieter forms of diplomacy was evident during the Keating government's term in office. I have written recent analyses on the Australia-China relationship under the Howard government, particularly exploring the bilateral dialogue approach as a form of human rights diplomacy.²¹

Part One of this book builds on previous research to explore the Howard government's responses to reports of human rights abuses in China throughout its entire term in office in addition to those of previous Australian governments. Chapter Two outlines the relatively little

²⁰ Ann Kent, "Form over substance: the Australia-China bilateral human rights dialogue," *China Rights Forum* Fall (1999): 30-46; Ann Kent, "States Monitoring States: The United States, Australia, and China's Human Rights 1990-2001," *Human Rights Quarterly* 23(3) (2001): 583-624; Ann Kent, "Human Rights" in *Re-orienting Australia-China Relations: 1972 to the Present*, ed. Nicholas Thomas (Aldershot: Ashgate, 2004).

²¹ Caroline Fleay, "Australian Foreign Policy, Human Rights in China and the Spiral Model," *Australian Journal of Political Science* 41(1) (2006): 71-89; Caroline Fleay, "Engaging in Human Rights Diplomacy: The Australia-China Bilateral Dialogue Approach," *International Journal of Human Rights* 12(2) (2008): 233-252.

attention given to human rights in China by Australian governments from the time of the founding of the People's Republic of China until the killings in Beijing in 1989. A discussion of the responses of the Hawke government to these killings and ongoing reports of human rights abuses in China follows, in addition to the Keating government's diplomacy. Chapter Three provides a detailed analysis of the Howard government's responses to reports of human rights abuses in China to highlight how this government built on the heritage of former Australian governments' policies.

In contrast to the few explorations of human rights in Australia-China relations, the Howard government's asylum seeker and refugee policies have been the subject of much analysis. For example, Mary Crock, Ben Saul and Azadeh Dastyari provide a detailed discussion of refugee policies under the Howard government compared with other nations' responses and international law.²² Drawing on the voices of refugees subjected to the Howard government's policies, their advocates, and government officials who found themselves responsible for implementing policies they found inhumane, Linda Briskman, Susie Latham and Chris Goddard provide an important critique of these policies.²³ There have also been some explorations of Australian responses to asylum seekers and refugees under earlier Australian governments. In particular, Klaus Neumann provides a detailed account of Australian responses to asylum seekers and refugees from the earliest decades following white settlement to 1973, challenging assumptions that prior to the Howard government Australia responded much more generously to refugees.²⁴ Nancy Viviani's analysis of Australian responses to Indochinese refugees focuses on the era when, for the first time, Australia faced the arrival of boatloads of asylum seekers.²⁵

Some analyses have explored the policies of the Howard government and those of previous Australian governments. For example, James Jupp situates the Howard government's immigration policies in relation to those of earlier governments²⁶, and Anthony Burke provides an historical

²² Mary Crock, Ben Saul and Azadeh Dastyari, *Future Seekers II: Refugees and Irregular Migration in Australia* (Leichhardt, NSW: Federation Press, 2006).

²³ Linda Briskman, Susie Latham and Chris Goddard, *Human Rights Overboard: Seeking Asylum in Australia* (Carlton North, Vic.: Scribe, 2008).

²⁴ Klaus Neumann, *Refuge Australia: Australia's Humanitarian Record* (Sydney: University of New South Wales Press, 2004).

²⁵ Nancy Viviani, *The Indochinese in Australia 1975-1995: From Burnt Boats to Barbecues* (Oxford: Oxford University Press, 1996).

²⁶ James Jupp, *From White Australia to Woomera: The Story of Australian Immigration* (Cambridge: Cambridge University Press, 2002).

analysis of Australia's fears of invasion and their dominant influence over Australian foreign policy including some focus on asylum seekers and refugees.²⁷ In addition, through his examination of Australian responses to refugees until 1973, Klaus Neumann makes some comparisons with those of the Howard government.²⁸

Expanding on the analyses of these writers, Part Two of this book explores the Howard government's policies in relation to asylum seekers and refugees and those of previous Australian governments. Chapter Four provides a discussion of the responses of Australian governments, particularly from the first half of the twentieth century, up until the election of the Howard government to illustrate some of the historical precedents to the latter's policies. Chapter Five examines the Howard government's responses to asylum seekers and refugees, highlighting the heritage provided by earlier governments to some of these policies as well as the distinct differences made by the Howard government.

Finally, as in relation to the Howard government's asylum seeker and refugee policies, there has been much analysis of the Howard government's diplomatic engagement with human rights at the UN. In particular, Spencer Zifcak provides a detailed analysis of the relations between the Howard government and the major UN human rights treaties and their monitoring bodies.²⁹ There has also been considerable attention given to Australia's engagement with human rights at the UN under the energetic leadership of Dr Evatt, Minister for External Affairs from 1941 to 1949. For example, Ashley Hogan and W.J. Hudson both detail Australia's involvement in the negotiations to establish the UN and the UNCHR in the 1940s under Evatt's leadership.³⁰

Annemarie Devereux provides one of the few analyses of successive Australian governments' human rights diplomacy at the UN. Devereux provides a detailed and extensive analysis of Australian involvement in the drafting of the International Bill of Rights from 1946 to 1966, covering

²⁷ Anthony Burke, *Fear of Security: Australia's Invasion Anxiety* (Cambridge: Cambridge University Press, 2008).

²⁸ Neumann.

²⁹ Spencer Zifcak, *The New Anti-Internationalism: Australia and the United Nations Human Rights Treaty System*, The Australia Institute, Discussion Paper Number 54, April 2003.

³⁰ Ashley Hogan, *Moving in the Open Daylight: Doc Evatt, An Australian at the United Nations* (Sydney: Sydney University Press, 2008); W. J. Hudson, *Australia and the New World Order: Evatt at San Francisco* (Canberra: Australian National University, 1993).

both the Evatt era and that of the Menzies Coalition government.³¹ In her concluding chapter, Devereux also draws comparisons between Howard government responses to human rights at the UN and those of earlier Australian governments. Other analyses of Australian human rights diplomacy include Ian Russell's chapter on Australian human rights diplomacy from the time of Evatt until the Keating Labor government in the 1990s³², and Ann Kent's article on successive Australian governments and international human rights up to and including the Howard government era.³³

Part Three of this book will expand on the work above to provide a detailed analysis of the Howard government's diplomatic engagement with human rights at the UN and those of earlier Australia governments. Commencing with Australia's involvement in negotiations to establish the UN in the mid 1940s, in Chapter Six the diplomatic engagements of successive Australian governments until 1996 with human rights at the UN are examined, including the responses of the later governments to their international human rights critics. Chapter Seven explores the Howard government's engagement with the UN human rights treaties and monitoring bodies, in particular its responses to the greater degree of international criticism on Australian human rights policies and practices evident during its term in office.

In doing so, this book will provide a nuanced understanding of human rights under the Howard government. It will explore both the policies and practices of the Howard government and the preceding federal governments in these three areas. This will highlight some of the consistencies in human

³¹ Annemarie Devereux, *Australia and the Birth of the International Bill of Human Rights 1946-1966* (Annandale, NSW: The Federation Press, 2005).

³² Ian Russell, "From Evatt to Evans" in *Australia's Human Rights Diplomacy*, ed. Ian Russell, Peter Van Ness and Beng-Huat Chua (Canberra: Australian National University, 1992).

³³ Ann Kent, "The Unpredictability of Liberal States: Australia and International Human Rights," *The International Journal of Human Rights* 6(3) Autumn (2002): 55-84.

rights diplomacy and practices as well as clear deviations made by the Howard government. This will allow for a greater understanding of the human rights practices of the Howard government, as well as those of previous Australian governments. Such an understanding is vital to ensure informed challenges can be made to current and future Australian engagement with international human rights.

PART I:

RESPONSES TO HUMAN RIGHTS IN CHINA

CHAPTER TWO

AUSTRALIAN GOVERNMENT RESPONSES TO HUMAN RIGHTS IN CHINA TO 1996

There had been reports of campaigns of widespread human rights abuses in China under Chinese Communist Party (CCP) rule since the 1950s. However, until the extensive international media coverage of the Chinese government's violent response to the demonstrations in Tiananmen Square in Beijing in June 1989, other governments gave little attention to abuses in China, including successive Australian governments.

In 1949 the CCP defeated the Kuomintang forces and established the People's Republic of China. The CCP had played a prominent role in liberating China from the violent Japanese occupation and had attracted the widespread support of peasants across China. Under Mao Zedong's leadership the CCP had extensive influence throughout China, playing a controlling role in the economy and the redistribution of resources.¹ CCP rule subsequently achieved some improvements in social and economic conditions for Chinese citizens; however, campaigns designed to target its enemies soon resulted in large-scale human rights abuses. These included the "anti-rightist" campaign that led to the persecution of 700,000 intellectuals in 1957-1958. This was accompanied by the Great Leap Forward in 1958 where all agricultural production was placed under communal control, which led to the decreased yield of grain and 20 million Chinese starving to death. Persecution dramatically increased again in 1966 with the beginning of the decade-long Cultural Revolution where 100 million Chinese, mostly educated, were targeted for being "bourgeois", supportive of capitalism or "counterrevolutionary" and nearly one million are estimated to have died.²

¹ David Shambaugh, "The Chinese state in the post-Mao era," in *The Modern Chinese State*, ed. David Shambaugh (Cambridge: Cambridge University Press, 2000), 161.

² Roberta Cohen, "People's Republic of China: the human rights exception," *Human Rights Quarterly*, 9 (1987): 448-49.

Upon the death of Mao and the end of the Cultural Revolution in the late 1970s, CCP rule continued with Deng Xiaoping assuming the leadership of the Chinese government. This was accompanied by an unprecedented official acknowledgement of the suffering endured during the “anti-rightist” campaign and the Cultural Revolution. Under Deng’s rule China embarked on a modernisation program, increasing its engagement with international trade and economic affairs. As a member of the UN and a permanent member of the UN Security Council since 1971, the Chinese government had also begun to engage in international debates, including those on human rights.³ China joined the UNCHR in 1982 and its Sub-Commission on the Prevention of Discrimination and Protection of Minorities in 1984, and ratified or acceded to UN human rights treaties on women, racial discrimination, refugees, apartheid, genocide and torture throughout the 1980s.⁴ However, a number of campaigns of repression of those considered a threat to CCP rule continued in the late 1970s and 1980s, although not on the scale of previous campaigns.⁵

Throughout this time there was little international attention to human rights in China. Even governments that were supporting the development of UN human rights treaties and other human rights bodies showed little interest in the repressive campaigns of the CCP but were keen to commence trade relations with the Chinese government. With the adoption of the modernisation program in China these economic relations deepened, including those between Australia and China. It was not until the killings in Beijing in 1989, communicated to the rest of the world by a large contingent of international media covering the demonstrations in Tiananmen Square, that human rights in China became a prominent consideration in the foreign policies of many democratic governments, including Australia.

³ Ann Kent, *Between Freedom and Subsistence: China and Human Rights* (Hong Kong: Oxford University Press, 1993), 101.

⁴ Cohen, 537.

⁵ Rosemary Foot, *Rights Beyond Borders: The Global Community and the Struggle over Human Rights in China* (Oxford: Oxford University Press, 2000), 66-67.