

Australia needs a consistent voice to end death penalty

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The death penalty is an ugly feature of the world in which we live. The global death row accommodates more than twenty thousand people. At least two thousand people (and probably many more) were executed in 2005. In our own region, fifteen Asian states retain the death penalty for ordinary crimes. China and Singapore are particularly notable: China carried out more than 80% of known executions last year; and in the period 1999-2003 Singapore boasted the highest per capita execution rate in the world.

In Australia we hear about this issue mainly when an Australian national is condemned to death, such as the sad case of Van Nguyen last year. At least four other Australians are currently at serious risk of execution overseas, and given that our key source and transit countries retain the death penalty for drug trafficking and other serious offences, others are likely to join them.

All governments have a responsibility to assist their nationals when they are in difficulties abroad, and by and large the Australian Government does an effective job in arguing for clemency for condemned Australians. There was criticism of the Government's handling of Van Nguyen's case, but it is hard to imagine what else could have been done to alter Singapore's implacable, clinical determination to put him to death. Our consular efforts have their successes as well as failures: for example, the president of Vietnam's decision earlier this year to commute the death sentences of two Australians after a full-court diplomatic press by Canberra.

Quite apart from our responsibility to Australians on death row, however, we should also be active on the question of universal abolition. The current Government and several of its predecessors have confirmed that state-sanctioned killing offends Australian values. Furthermore, pressing our opposition to the death penalty in relation to foreigners as well as Australians conforms with our national interests. The best position from which to petition foreign governments on behalf of our own people is that of consistent and strong opposition to the death penalty in all cases.

In that realm, we do less than we could. Certainly, we are officially abolitionist. We co-sponsor UN resolutions on the topic, and from time to time our officials make bilateral representations on behalf of non-Australians on death row. But few observers would identify Canberra as a leader in the international abolition movement.

The Australian Government should accelerate its efforts on the bipartisan issue of comprehensive abolition, in two ways. First, our leaders should be consistent in their comments on the death penalty. It is difficult to discern such consistency at the moment: for example, Prime Minister Howard said he would welcome the execution of Osama Bin Laden, and former Labor Leader Mark Latham said the sentencing of Bali bomber Amrozi to death by firing squad was a day for celebration. These kinds of comments have attracted much adverse comment in regional newspapers. They erode the abolitionist underpinnings of our position and make us look hypocritical when we ask for Australians to be spared.

The Government should tell Indonesia that it opposes the execution of the three Bali bombers, scheduled to occur later this month. Opposing capital punishment in all cases – including the hardest cases, involving the most appalling terrorists – would buttress our position in relation to Australians on death row.

Second, Australia should initiate a regional coalition against the death penalty. Asia is both the location of most of the world's executions and the region where we deploy our greatest diplomatic resources. It also holds some promise: five Asian countries have abolished the death penalty in the last decade, including the Philippines only two months ago. If we make common cause with Cambodians, Nepalese, East Timorese, Bhutanese, Filipinos and others, we will increase our points of influence and decrease the ability of retentionist states to accuse us of neo-colonialism.

Megaphones need not be employed by the regional coalition. Instead, its work should be guided by the principles of effectiveness and prudence. It could start by focusing its resources on de facto abolitionist countries such as Sri Lanka, seeking to move them up the spectrum toward formal abolition. A regional grouping may be able to influence the thinking in South Korea and Malaysia, two states where the death penalty debate is stirring.

There are other nuanced strategies the coalition could employ, none of them as blunt as simply demanding universal abolition immediately. It could encourage retentionist countries to announce a moratorium on executions, abolish mandatory death penalties (such as the one according to which Van Nguyen was executed), and release comprehensive official statistics about their use of the death penalty.

Speaking with one voice on capital punishment and leading from the front would increase our chances of making a difference. If put our shoulder to the wheel, we may be able to move it a little; certainly, wheels rarely move without pushing. It would also disarm those regional critics who charge that Australia cares only about our own. In other words, it would be the smart thing to do as well as the right thing.

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