Understanding why, when and how Australia promotes human rights in Asia

There are two negative stereotypes about Australia and human rights in Asia. One is that Australia is a moralising Western country that lectures others on human rights despite its own shameful record.

The other is that Australia is an amoral pragmatist that stays quiet to cosy up to governments that abuse the human rights of their peoples.

Both stereotypes can be seen in how Australia is viewed in Asia. Recent Chinese commentary on Australia's moralising and hypocrisy recalls earlier views from Indonesia, while Australia has been criticised for not speaking up on the coup in Myanmar exactly as it previously was regarding Thailand.

Neither stereotype is completely true but at the same time, neither is completely false. To make sense of this, we need to understand how Australia's promotion of human rights fits into its wider foreign policy and the different techniques it uses. This gives a fuller sense of Australia's human rights promotion in Asia—and the models it can potentially use.

Australia does care about human rights

Contrary to the stereotype of being an uncaring country, human rights is an explicit part of Australia's foreign policy. Australia is an original signatory to the Universal Declaration of Human Rights and party to the seven core human rights treaties; it advocates for their consistent and comprehensive implementation as one of its stated foreign policy aims.

Australia's Minister for Foreign Affairs Marise Payne explains this in terms of Australia's own self-interest, recognising that respect for human rights underpins global peace and prosperity:

'.. countries that respect and promote their citizens' rights at home tend also to be better international citizens.... overwhelmingly, free and self-governed people behave better towards each other and the rest of the world.'

This means that when Australia encourages other countries to respect human rights, its efforts support a stable international system. In Asia, Australia has a self-interest in well-governed countries that contribute to prosperity and security in the region coupled with a belief that this is also in these countries' own interests: that is, that they will be more successful in meeting their peoples' needs if they respect human rights. It presents its work as capacity-building.

Australia does not see any conflict between respecting other countries' sovereignty and promoting universal human rights. In the minister's words:

'Australia recognises the sovereignty of nations… Speaking our minds does not constitute interference in another country. That's why we have used our [2018-2020] membership of the Human Rights Council to raise concern about human rights violations in, for example, Saudi Arabia including the murder in Turkey of the journalist Jamal Khashoggi. It's why we've made the plight of Rohingya people forced to flee their homes in Rakhine state, Myanmar, a human rights priority in our region. And it's why we've released a national strategy for the worldwide abolition of the death penalty. We have also addressed the treatment of the Uighur people in Xinjiang in China. And I will continue to advocate strongly for fair and transparent treatment for Australians overseas, for example for Dr Yang Jun in China…. We will not surprise any country by advocating consistently for human rights.'

That the minister is a true believer in democracy and human rights is evident throughout her career. And the national interests she describes are long-standing. Australia genuinely believes that the world is a better place if human rights are widely respected. This can be seen most clearly in Australia's contribution to the multilateral system of human rights, most recently through serving on the Human Rights Council.

Of course, Australia is much more than just government, with a range of actors including Australian international NGOs, local NGOs, universities, business chambers, legal professional bodies, media and more all also having a role in promoting human rights.

This challenges the stereotype that Australia is uncaring. Australia clearly places promoting human rights as one of its foreign policy aims.

Australia has a range of interests

However, promoting human rights is not Australia's only foreign policy aim. Australia has three core interests: in its security, its prosperity and in global cooperation. Global cooperation includes maintaining the international system through what has variously been described as good international citizenship, creative middle power diplomacy and contributing to a rules-based international order.

So, in pursuing its foreign policy, Australia has to balance these various interests. When dealing with a country where Australia has few other interests, it can decide to advocate strongly on human rights without fearing repercussions. This was the case with Myanmar prior to the (currently stalled) democratisation process. During this period there were very few links—with almost no trade and minimal security implications—so it cost little for Australia to focus on human rights and denounce a pariah regime for its demonstrable failings.

By contrast, with a country like Indonesia, Australia has massive interests in security and stability that outweigh most other considerations. Scholar Dr Ken Setiawan has outlined how over decades human rights have been on the periphery of Australia-Indonesia relations. Australia has remained quiet on human rights issues—including mass killings and detentions in 1965 and Indonesia's policies in West Papua and East Timor—due to national security and geopolitical considerations, such as fears of communism or instability. Australia has been most active in its advocacy on the death penalty, mainly due to domestic pressure to intervene in consular cases where Australians have been arrested for drug offences. From its side, Indonesia has viewed human rights as a source of potential conflict and risk to the bilateral relationship.

China is an interesting case where there are significant security and trade interests at play but Australia has decided to denounce human rights abuses anyway. In this case, domestic politics is another factor to consider.

The reality of Australia's different interests means that there will inevitably be some selectivity in its promotion of human rights, where it is tougher on some countries than others. In 2020 Australia released 20 formal statements regarding human rights abuses which related to Belarus, China (detained Australians, Hong Kong and Xinjiang), Iran, Israel, Myanmar, North Korea, Qatar, Russia, Syria, Venezuela and Yemen. It is lower cost for Australia to take a strong position on human rights in

North Korea than it is on human rights in India.

This means that Australia will sometimes fit the stereotype of a moraliser that lectures others, and at other times may decide to stay quiet due to other interests.

Australia can use a range of techniques

Australia may also sometimes seem to stay quiet when it is working behind the scenes. It has a number of tools it can use to promote human rights. At a multilateral level, Australia can promote and support multilateral treaties and declarations, multilateral institution-building and minilateral advocacy. Often these efforts aim to improve human rights implementation in many countries rather than singling one out.

At a bilateral level, Australia can also use a range of techniques. Declarations denouncing human rights abuses and the imposition of sanctions may be satisfying (particularly for domestic audiences) but they are only one technique and not always the most likely to be effective. Australia has also used a range of engagement techniques aimed at improving human rights compliance, including judicial training, prison training and study tours. The calculation is that by engaging rather than simply condemning, Australia is more likely to get better results.

Training has formed a large part of these efforts based on the idea of norms socialisation, or acculturation into human rights norms. In some cases this has led to significant new human rights infrastructure, such as Australia's work with the Asia Pacific Forum on National Human Rights Institutions which led to the formation of Myanmar's Human Rights Committee.

There are two dangers to a norms socialisation model. First, that human rights become seen as Western imports rather than as universal obligations agreed to by all states. Second, that the model embeds an idea that Australia is the leader and other countries should learn from it. Once countries 'develop' and are less minded to accept a tutelage relationship, they may refuse to participate. This is what seems to have occurred with the Australia-China Human Rights Dialogue which has not taken place since 2014.

A peer support model

An alternative to norms socialisation is a model based on more equal dialogue. This potentially offers a way forward to break down both stereotypes about Australia.

A good example is the Australia-Viet Nam Human Rights Dialogue which started under a tutelage model, but has continued and changed into a more equal sharing where both countries talk about the challenges they are facing in implementing human rights and what they are trying to do about it. So in the dialogue in 2019, Australia talked about its royal commissions into aged care, treatment of people with disabilities and child sexual abuse. Vietnam talked about its legal reform process, particularly recent adoption of new legislation related to human rights, and its plans to revise its Labour Code to comply with International Labour Organization Conventions. Critics will say that neither talked about some of each countries' egregious abuses, which is true. What's interesting is the degree of openness to share what each government is grappling with and seek support.

Peer support could never be the only technique used to promote human rights. There is still a role for declaratory denunciations, for example in cases of large-scale human rights abuses. In this case, the condemnation is not being made because it will necessarily lead to a change in behaviour; it is being done because it is important to bear witness and to affirm universal support for human rights. Charges of hypocrisy are beside the point: it cannot be left just to countries that have a perfect human rights record, as there aren't any. All countries need to call out egregious abuses, even while not always complying themselves.

Universal adherence to human rights is an aspiration which all countries fail to meet in full. Peer support is a model that encourages countries to try to live up to these expectations, and encourages others to help keep them honest and offer support and ideas. It may be dissatisfying compared to the clarity of condemnation, but in some areas it may help improve human rights compliance.

A partnership approach based on peer support breaks down stereotypes about Australia. It shows that Australia is not a hypocritical moraliser; it is a country that engages in a two-way mutual process and accepts its own fallibility. It shows that Australia does not callously disregard human rights; despite its own imperfections, Australia supports others to strive to meet their universal human rights obligations.

International human rights protection is only a very recent invention. For almost all

of human history, most people were subject to arbitrary power. It was an enormous advance for humanity to agree on a set of human rights as a touchstone for judging states' behaviour. This does not mean that human rights are now universal in the sense that they are always respected: the norm is still that they are not. What we have achieved is a common aim, even if there may be differences in interpretation. Understanding human rights as a shared aspiration—one that all countries are failing fully to achieve but should continue to strive for—can help create a sense of common endeavour.

Image: Australia's Minister for Foreign Affairs Marise Payne. Credit: US Secretary of Defence/Flickr.