

MORE than half a century after the Nuremberg tribunal which tried Nazi war criminals, an international treaty for the creation of a permanent war crimes court has been signed. And Australia is among those voting for it.

According to the United Nations Secretary General, Mr Kofi Annan, it is a giant step forward in the rule of law, which no one would have thought possible only a few years ago.

But while 120 nations were in favor of the proposal and it comes into force when 60 have ratified it, the most important of them all, the United States, voted against. The Clinton Administration fears its troops abroad would not be protected against politically motivated prosecution, even though numerous safeguards have been built into the pact.

It is difficult in the extreme to square this with President Clinton's otherwise commendable approach to the human rights issue generally.

There has been no objection ~ nor should there be ~ to ad hoc tribunals to deal with Rwanda and the former Yugoslavia. The monstrous Pol Pot ~ the exemplar of the need for such a body ~ died before the international clamor to bring him to justice could come to anything.

The distinction between war crimes and abhorrent deeds forced by the circumstances of war may be a thin one.

There is also the problem, recognised by the US, that war crime tribunals tend to be established by the victors and to be show trials.

But the concept that even in the midst of war, the rule of law still counts and should be upheld by the international community, is one on which all civilised nations, the US very much included, should agree.