

# HOW DOES AUSTRALIA GO TO WAR?

A CALL FOR ACCOUNTABILITY  
AND CHANGE

PREFACE BY THE LATE RT HON MALCOLM FRASER AC, CH  
EDITED BY ALISON BROINOWSKI



AUSTRALIANS FOR  
WAR POWERS REFORM

a project of CAMPAIGN FOR AN IRAQ WAR INQUIRY

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Dedicated to the Rt. Hon John Malcolm Fraser AC, CH, GCL (1930–2015),  
Patron and supporter of the Campaign for an Iraq War Inquiry and Australians for War Powers Reform

Australians for War Powers Reform, the key project of the Campaign for an Iraq War Inquiry, consists of Australians from diverse backgrounds. All members are concerned that because no full and independent inquiry into how Australia decided to invade Iraq in 2003 has been held, lessons from that disastrous conflict have not been learnt. As events of 2014 and 2015 have shown, a prime minister can still send Australian troops into action without democratic constraint, parliamentary debate, or public accountability. We can only prevent recurrence of such unilateral decisions by spreading awareness of their dire implications, and encouraging politicians to move for change.

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REFERENCES IN THE TEXT CAN BE FOUND ON THE CIWI/AWPR WEBSITE, [IRAQWARINQUIRY.ORG.AU](http://IRAQWARINQUIRY.ORG.AU)

# PREFACE

13 FEBRUARY 2015

**MALCOLM  
FRASER**

The way we went to war in 2003, as one of three members of the Coalition of the willing, with the United States and the United Kingdom, represented a betrayal of democratic standards and a betrayal of Australian values.

For whatever reason, it seems that the Prime Minister personally committed himself to President George W. Bush. Mr Howard was a strong leader and would have had no difficulty in persuading his government that participating in the war was necessary.

But it was not a just war. It was a war based on a lie that Saddam Hussein had weapons of mass destruction and the capacity to use them. There were many at the time who knew it to be a lie. From the very earliest moment of the Bush administration, the inner circle, Cheney, Rumsfeld, Wolfowitz and others, talked of invading Iraq and getting rid of Saddam Hussein. They were searching for a reason which they believed would gather international support. They suggested that if they could pin weapons of mass destruction on Saddam Hussein, that would provide the reason. They then set about searching for evidence, or fabricating evidence. Douglas Feith was appointed by Rumsfeld to cherry-pick evidence and information because the traditional American security agencies were not giving the Bush Administration the clear-cut advice they needed to support a decision already made.

Alert Australians were aware of the Administration lie. Many of them joined thousands protesting against the coming war, and were ignored. Australian intelligence organisations should equally have been aware of the lie, and aware that what was claimed about weapons of mass destruction was indeed, a fabrication. If they were, and if they said so, they too were ignored.

The Australian Government had another reason for wanting to join America in this particular war. The government believed the American relationship is so

important to Australia, that we must follow America, whether it is in Australia's interests or not, simply because the overriding interest is to please America in the hope that the United States will defend Australia.

I have written a book of course, destroying that notion (*Dangerous Allies*, 2014). The closeness of our relationship with the United States, certainly in relation to the Pacific, means that we no longer have an independent capacity to stay out of America's wars under the policies that presently prevail in Australia. When those hard-hitting, three-service forces in Darwin are used to support a conflict in which America is involved, and when Pine Gap is used to target not only drones, but advanced American weapons systems, how can an Australian Prime Minister stand up in the Parliament and say Australia is going to pass this one by? The Prime Minister would not be believed. Australia could not stop America using those facilities. We have ceded Australian sovereignty, over matters of peace and war, to the United States. We have created a far more powerful linkage than ever existed in the days of Empire.

These reasons emphasise the need for three things. Our relationship with the United States must be changed. We must recapture Australian sovereignty and sense of strategic independence. We must never again allow the circumstances to exist in which one man has the capacity to commit Australia to war.

As this book shows, in many other democratic countries, including the United States, the basic authority to declare war or stay at peace rests with the Parliament. It is essential and urgent in Australia that the power to declare war or to stay at peace be transferred from the Prime Minister to the Australian Parliament.

# INTRODUCTION

PAUL  
BARRATT

In April 2012 a group of prominent Australians, including former Prime Minister Malcolm Fraser, experts in international law, and people with high level military, defence, diplomatic and humanitarian experience, met in Melbourne to discuss the need for an independent inquiry into the decision-making process that led to Australia's participation in the illegal and disastrous March 2003 invasion of Iraq.

The outcome of that meeting was a decision to publish a booklet setting out why we needed an inquiry, what was known of the decision-making process, what evidence was available, considerations that were known at the time relating to the likely impact on Iraqi children and civilians more generally, what form an inquiry might take, a better way for Westminster systems to go to war, and the history of the UK inquiries into the Iraq War. This collection of essays, edited by Dr Alison Broinowski, was published in August 2012 as *Why did we go to War in Iraq? A call for an Australian Inquiry*.

The launch of *Why did we go to War in Iraq* was followed by the establishment of a website - [www.iraqwarinquiry.org.au](http://www.iraqwarinquiry.org.au) - and the establishment of a nationally registered incorporated body, the Campaign for an Iraq War Inquiry (CIWI).

In publishing the essay collection and establishing CIWI we had three objectives. The first was to seek an independent inquiry that could shine a light on

the decision-making process and its consequences. As we said in 2012, the 2003 invasion of Iraq was a humanitarian, legal, political and strategic disaster that has left a trail of death and destruction and millions of refugees, undermined international law and strengthened terrorism.

Second, we wanted to enhance the public's knowledge of how Australia goes to war, the issues associated with the decision-making process, and, as a case study, the consequences of the 2003 Iraq invasion.

Finally, we felt that the outcome of an independent inquiry into how we became involved in the invasion of Iraq would in itself make a very powerful case for transferring the power to deploy the Australian Defence Force into international armed conflict from the Executive to the Parliament, and perhaps other processes.

As we said in 2012, Australia's role in the war raises very serious questions of government honesty and accountability. If we do not learn lessons from this episode, we said, we are at grave risk of engaging in equally ill-founded wars in the future.

In 2014, by decision of we know not how small a group of Ministers, Australia again became involved in military conflict in Iraq, with no clear picture of

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what the objective is, how long it is likely to last, what the likelihood of success is, or even what success would look like. Over the period from mid-August to mid-September our role changed from dropping humanitarian supplies to delivering arms and ammunition to flying ground attack combat missions and sending in Australian Army personnel to train the Iraq Army for combat. The number of personnel being committed to these operations is expanding, as is the timescale and the geographical scope of our area of operation. On 24 March 2015 Prime Minister Abbott said that there was no time limit on our commitment to operations in Iraq and revealed that the RAAF was already assisting allied combat operations in Syria. He left the way open for the RAAF to become directly involved in that part of the conflict.

Whatever process of deliberation may have gone into the initial decision to commit Australian forces, we are left wondering whether the rapid escalations of our involvement were the product of careful consideration or, as seems more likely, the result of a series of 'Captain's calls' made by a Prime Minister who retains effective control of deployment decision making and is famous for his dictum 'Sometimes it is better to seek forgiveness than to seek permission'.

The precarious nature of a situation where the 'war powers' are effectively in the hands of one individual is illustrated dramatically by an article by respected

journalist John Lyons in *The Weekend Australian*, 21-22 February 2015, which reports that at a meeting on 25 November 2014 Prime Minister Abbott raised with Australia's leading military planners the idea of Australia conducting a unilateral invasion of Iraq to help halt the surge of Islamic State in the north of that country – an idea which was quickly knocked on the head. Prior to that, *The Australian* reported in August that in the week following the shooting down of Malaysia Airlines Flight MH17 over Ukraine by Russian-backed militia, Mr Abbott suggested sending 1000 Australian soldiers to secure the site of the crash.

The Prime Minister has strenuously denied the report about a unilateral deployment to Iraq, but the frightening reality remains that he has the authority to make such a decision.

While we remain as committed as ever to the desirability of an independent inquiry into our participation in the 2003 invasion of Iraq, in light of developments since late 2014 we have decided that it would be timely to shift our emphasis to the 'war powers' themselves and concentrate on a campaign, under the banner 'Australians for War Powers Reform' to shift the authority to commit the ADF to international armed conflict from the Executive to Parliament. In support of that aim we have decided also to update our website and to prepare this new set of essays.

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I urge you to reflect upon these essays, which go to the gravest decision any government can take, and to bring them to the attention of your friends and colleagues. A survey conducted on our behalf by Roy Morgan late last year revealed that approximately 75 per cent of Australians, and a majority of supporters of all major political parties, support Parliamentary involvement in the decision-making process, but our political leaders will not move on this issue until they start to hear it direct from you, the voting public.

[Paul Barratt](#)  
[President](#)  
[Campaign for an Iraq War Inquiry/Australians for War Powers Reform](#)  
[April 2015](#)

# 1.

## BACKGROUND: AUSTRALIA'S HISTORICAL PRACTICE IN GOING TO WAR

RICHARD  
BROINOWSKI

Beginning with three conflicts which occurred before Federation, this chapter considers the wars which involved Australian forces and how we were committed to them. It omits the Crimea, the Maori and Taranaki Wars and the American Civil War, in which a few Australians took part. The pattern, both before and after 1901, was much the same - no immediate direct threat to national security (except from Japan), popular enthusiasm at least initially, little if any parliamentary debate, haphazard preparation, and a minimum of formality, such as declaring war or debating it.

In March 1885, an infantry battalion and two artillery batteries from New South Wales joined a British Expeditionary Force to Sudan to retake Khartoum and avenge the death of the British war hero, General Charles Gordon. The contingent was offered by the New South Wales acting premier William Bede Dalley. The colonial governments of Victoria, South Australia and Queensland made similar offers, which Britain declined.

In June 1900, Britain invited the Australian colonies to send naval ships and support troops to join in the suppression of the Boxer uprising in China. Four vessels went, and small infantry contingents from New South Wales and Victoria were dispatched to Peking and Tientsin.

Spanning Australia's Federation period, the Second

Boer War was fought in South Africa from October 1899 to May 1902. The Colonial Office's suggestion that the colonies send small contingents was initially rejected, as the Australian colonies wanted units independent of British command. British colonial commanders overrode these objections, and Queensland, New South Wales, Victoria and South Australia began slowly to respond with mounted infantry units. A privately-funded Bushman's Contingent also went. The nascent Commonwealth Department of Defence struggled to amalgamate disparate colonial forces into a unified Australian army. The war generated much public debate, led by the Catholic Church and the new Australian Labor Party which reviled Kitchener's scorched earth policies and his concentration camps for Boer civilian prisoners. The 'Breaker' Morant episode also caused bitterness among Australians.

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Before the First World War, the British Cabinet was bitterly divided about whether to fight. Notwithstanding the resignations of four colleagues, Prime Minister Asquith decided to honour the UK's triple entente obligations to France and Russia and declared war on Germany. Even before the declaration, war fever gripped the colonies. New Zealand and Canada offered troops without preconditions. Not to be outdone, Australia's British Governor General, Sir Ronald Munro Ferguson, offered 20,000 Australian troops unconditionally, to any destination. He also consigned the fledgling Australian Navy to British command. His telegram was authorised by the Prime Minister Joseph Cook, and supported by the leader of the Labor Opposition, Andrew Fisher. Parliament was informed of the commitment, but with a double dissolution and election looming, there was no meaningful debate.

Whitehall did not share its war plans with the dominions. The Australia New Zealand Army Corps (ANZAC), who left Albany in November and December 1914, were surprised to be sent not to the Western front but to Egypt ostensibly for further training. They knew nothing of Churchill's strategy of invading Turkey to open a supply route to Russia and open a second front against Germany. With British, French and Indian contingents, the ANZACs stormed the Dardanelle coast on 25 April 1915, but failed to break the Turkish defence, let alone reach Constantinople. They withdrew in December 1915 and many survivors were redeployed in France.

For Australia, the Second World War began when Germany invaded Poland on 1 September 1939, triggering a British ultimatum. Australia having declined to sign the Statute of Westminster in 1931, Prime Minister Menzies correctly assumed that Australia was also at war. With no

parliamentary debate or formal declaration of war against Germany, three Australian divisions were immediately offered to fight under British Eighth Army command, against Italian and then German forces in North Africa.

When Japan attacked Pearl Harbour on 7 December 1941, quickly followed by the invasion of Hong Kong, Philippines and Malaya, Australia declared war against Japan, the first time it had not waited for Britain to do so. Labor Prime Minister John Curtin insisted that Churchill return Australia's only experienced divisions from the Middle East. On 8 December, Curtin broadcast that it was now Australia's turn to endure its 'darkest hour', and would transfer its reliance for defence to the United States.

Australian participation in the Malayan Emergency began in 1948 and concluded in 1960 – one of our longest continuous military commitments. When Britain asked Prime Minister Menzies to help put down Chinese Communist rebels, Menzies and his Cabinet hesitated, but sent some transport aircraft, a commitment they then quickly expanded with troops, naval forces and more aircraft. The defence strategy Menzies devised to meet the Malayan Emergency he also applied to Korea and Vietnam – that 'if there is to be a war for our existence, it should be carried out as far from our shores as possible.'

The Korean War began when North Korean troops invaded South Korea across the 38th parallel on 25 June 1950. Two Australians assigned to the UN Temporary Commission on Korea were there to observe it. The Security Council urged by the US quickly convened, and in the Soviet delegate's absence, declared the invasion an act of aggression and invited UN member states to send forces to resist it. Australia was one of the first countries to

respond, a decision taken by Menzies on the advice of Foreign Minister Percy Spender who correctly anticipated that a strong show of immediate support to Washington would deliver Australia the security pact it sought with the United States. Australia sent a squadron of fighter planes and a Royal Australian Regiment battalion, based in Occupied Japan. Hostilities ended with an armistice signed on 27 July 1953, leaving the two Koreas still technically at war. Australia could be involved in another war on the peninsula if the armistice breaks down.

The Vietnamese recall 'the American War' as the last of many decades of fighting – against China, Japan, France, and then the Americans and their allies. Australia's involvement in the Vietnam War began in February 1950 when Canberra recognised the French-created government of Bao Dai. After France's defeat and withdrawal from Vietnam in 1954, the US and Australia supported the southern regime of Ngo Dinh Diem against the Communist North and Viet Cong. Urged on by the Americans, Canberra first contributed an aid program, then an Australian Advisory Training Team, then several battalions of ground troops, initially co-located with the US 173 Airborne Brigade in Bien Hoa, later separately stationed in Phuoc Tuy Province. Australia's expanding troops were supported by a RAAF transport aircraft, bombers and helicopters, and vessels of the Royal Australian Navy. Throughout, Prime Minister Menzies misrepresented the war as part of aggressive Communist Chinese expansion. In Parliamentary debates, Labor spokesmen such as Arthur Calwell described it as a civil war. By 1970, the 'American War' was being seen as unwinnable. Australia's withdrawal began under a conservative government, but Labor Prime Minister Gough Whitlam completed it in 1972.

Since 1991, Australia has participated in three Wars in the Middle East, and is now involved in a fourth. All were initiated by the United States in response to the actions of various Islamic governments and groups. On none were Parliamentary debates conducted before Australian forces were deployed.

#### [IRAQ WAR I, 1991](#)

Led by the United States with the approval of the UN Security Council, 40,000 troops from 30 countries went into Kuwait in Operation Desert Shield and Desert Storm to repel invading Iraqi forces. Bob Hawke committed Australia's contribution of 1,800 ADF personnel, naval ships and RAAF aircraft – fighter bombers, patrol and transport aircraft, a clearance diving team, medical and intelligence teams.

#### [AFGHANISTAN, FROM 2001](#)

Following the attacks on the World Trade Centre in New York in September 2001, John Howard invoked Article IV of the ANZUS Treaty. In it, Australia, New Zealand and the United States merely agree, in the event of 'an armed attack in the Pacific area' that each will 'act to meet the common danger in accordance with its constitutional processes.' Parliament supported the commitment on 17 September 2001 to Operation Slipper, directed by US against Al-Qa'eda in Afghanistan, and when many escaped, against the Taliban. Australia also supported NATO's International Security Assistance Force with elements from all three armed forces – SAS troopers, doctors, engineers, mine clearance teams, ships and aircraft – based in regional countries, as well as in Uruzgan, until December 2013. Some 400 still remain in Afghanistan.

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### IRAQ WAR II, FROM MARCH 2003

UN Security Council Resolution 1441 of 8 November 2002 warned Saddam Hussein of the consequences if he did not disclose his WMDs, but did not legitimise an invasion with a further resolution. The driving force for Australian involvement in Operation Falconer, Operation Desert Fox, and the Coalition of the Willing was political. John Howard ordered a substantial input from all three services, with Special Air Services penetrating Iraq to neutralise Iraqi missile batteries even before the invasion was announced. The results were disastrous. A secular government and many aspects of a viable state were destroyed, allowing previously repressed violence to break out between Sunni, Shia and Kurds.

### IRAQ WAR III, FROM SEPTEMBER 2014

Conflict between the forces of Syrian president Bashar Al-Assad, the Free Syrian Army and a radical Sunni group Da'esh (Islamic State, IS) began in the spring of 2011 and quickly took control of more than a third of Syria, and most of its oil and gas. Calling for a caliphate, IS beheaded prisoners and urged its adherents to kill infidels in western countries. By the second half of 2014, IS began overrunning northern Iraq, including Nineveh, Saladin, Mosul, the Kirkuk Governorate and parts of Anbar Province. Australian Prime Minister Tony Abbott said Australia must join other countries in Operation Inherent Resolve to disrupt, degrade and possibly destroy IS. Australia initially air-dropped humanitarian aid, food and medicine, and then bombs. By February 2015, air strikes had been carried out by ten states – the United States, France, UK, Belgium, Canada, Australia, Netherlands, Denmark, Jordan and Morocco. Another eight states are providing training to Iraqi ground forces and humanitarian aid – Germany, Norway, Italy, Portugal, Spain, Turkey, New Zealand and Croatia. Australia has also committed ground forces to train selected Iraqi Army groups in

the Green Zone in Baghdad and in Anbar Province. The Australian government is secretive about ADF activities and their status, and Abbott has declined a debate in Parliament. He has offered selective briefings, but will not indicate an exit strategy for Australian forces.

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### ABOUT THE AUTHOR

Schooled in Melbourne and Adelaide, Richard Broinowski has a Law degree from Adelaide University (1961) and a Masters Degree in Public Administration from the John F. Kennedy School at Harvard University (1978). As an Australian diplomat, he served in Tokyo, Rangoon, Tehran, and Manila, and was Executive Director of the Japan Secretariat in Canberra from 1979 to 1982. He was Ambassador to the Socialist Republic of Vietnam (1983–85), and to the Republic of Korea (1987–89). He was General Manager of Radio Australia from in 1990 and 1991, and returning to DFAT, was Ambassador to Mexico, the Central American Republics and Cuba (1994 to 1997). As an Adjunct Professor in Media and Communications, first at the University of Canberra, then at Sydney University, he initiated a scheme, which continues, to assign media students from Australian universities as intern journalists to ten countries, mainly in Asia. He is the author of four books, and President of AIIA NSW.



# 2.

## HOW DID AUSTRALIA ENTER THE GREAT WAR IN 1914?

DOUGLAS  
NEWTON

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Australians have always been proud of their democracy. Many imagine that Australia's entry into the Great War was somehow a reflection of the democratic will of the Australian people. In fact, in neither Britain nor Australia was the choice for war in 1914 a democratic act. Handfuls of men, in both countries, decided the issue.

In 1914, the war powers in Britain's unwritten constitution were reserved to the King as part of the Royal prerogative. Only the King-Emperor, George V, had the power to declare war, on the advice of the British government, whose inner circles exploited this power to the full in 1914.

London's decision for war was made on behalf of the new Commonwealth of Australia and the whole British Empire. So we must tell both the Australian and the British stories. Britain's decision could not be evaded. As a self-governing 'white' Dominion of the British Empire in 1914, Australia had no constitutional capacity to choose neutrality, to declare war upon any nation, or to determine its own foreign policy. Australian Prime Ministers at this time could not even contact the British Prime Minister in their own right, but had to communicate through the Governor-General, a British appointee, with the Colonial Office in London.

Australia's dash into war in 1914 was no knee-jerk response. Between 1901 and 1914, Australian

politicians had made plans and raised expectations that Australia would contribute to virtually any war in which Britain was engaged. In late 1912, Australia's government authorised Australian military staff to begin planning for an expeditionary force. Australia's Defence Scheme of 1913 included plans for that force to assist Britain by capturing colonies near Australia before departing for wider imperial missions.

Similarly, the navy was scarcely Australia's own. As early as 1909 Australian politicians had agreed that Australian warships would be transferred to the control of the British Admiralty in wartime. Despite the fleet being granted the title 'Royal Australian Navy' in 1911, with its ships flying the Commonwealth flag from their bows and the British Royal Navy's White Ensign from their sterns, the agreement to transfer control of them to Britain in wartime remained in place.

The politicians had always claimed there was no ironclad commitment to send an expeditionary

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force, and that any decision to support Britain militarily must be Australia's decision. Just how rapidly and deeply Australia would plunge into a declared war was meant to be Australia's decision.

The European crisis erupted in late July 1914, in the middle of an Australian federal election campaign with a poll due on 5 September. Australia's campaigning leaders competed with each other in promising unlimited aid to Britain. As if in a khaki election, Liberal Prime Minister Joseph Cook, promised that Australia would dash into 'Armageddon'. Labor, he warned, could not be trusted to defend Australia or the Empire. ALP leader Andrew Fisher sensed that the campaign could soon degenerate into a love-of-empire auction. Hoping to outbid the government in patriotism, Fisher promised to assist 'our own', the British motherland, 'to our last man and our last shilling'. Still, neither side mentioned an expeditionary force.

Pressed by the Governor-General, Ronald Munro Ferguson, four members of Cook's 10-member Cabinet held an emergency meeting on Monday 3 August – when Britain's own decision still hung in the balance. The Governor-General then cabled the Colonial Secretary in London, offering, in the event of war, the immediate transfer of the Royal Australian Navy to the British Admiralty, and an expeditionary force of 20,000 men 'of any suggested composition to any destination'. The force was to be 'at [the] complete disposal of the Home Government,' with Australia meeting all costs. Seeking to gain political advantage, Cook released the astonishing cable to the press. This offer was made some forty hours (in real time) before the British government actually declared war upon Germany, late in the evening of Tuesday 4 August. Australia had jumped the gun, and its public offer, trumpeted in the pro-war British

newspapers, increased pressure on the British Cabinet to decide for war.

Australia's government learned of the war as a *fait accompli* in an official cable from London on Wednesday 5 August, explaining that 'war has broken out between Britain and Germany'. Indeed, war had been declared for Australia. For a few days, it was not even clear who had declared war upon whom. But Australia was at war.

#### HOW DID GREAT BRITAIN ENTER THE WAR?

At first, it was not clear that Britain would go to war at all. In the Cabinet of British Liberal Prime Minister Herbert Asquith a powerful faction of neutralists had long resented Britain's diplomatic alignments with France and with ruthless Russian despotism. Many were reluctant for Britain to go to war over a dispute in the Balkans, where it had no key interest.

As the European crisis developed over the last days of July, the balance of advantage inside Asquith's Cabinet shifted back and forth between interventionists ('Liberal Imperialists') and neutralists ('Radicals'). As late as Saturday 1 August the neutralists carried a decision against Britain sending her own expeditionary force to war in Europe. The Liberal and Labour press also supported strictly neutral diplomacy and mediation of the European crisis, wanting Britain to avoid provocations and to restrain Russia.

In the event, there was no parliamentary or even Cabinet decision for war. Telling the House of Commons almost nothing of British policy in this crisis during the week beginning Monday 27 July, the leading men, Asquith, Sir Edward Grey, Foreign Secretary, and Churchill, First Lord of the Admiralty, pressed for instant intervention on behalf of Russia

and France. But the majority faction of neutralists wanted Britain to stick rigidly to diplomatic mediation. After Germany's declaration of war upon Russia late on Saturday 1 August, the interventionists in the Cabinet the following afternoon extorted a promise of British naval assistance to France. This was Britain's choice for war – if war erupted – while no final decision had yet been taken. Four of Asquith's nineteen ministers, appalled by the government's haste and recklessness, submitted resignation letters overnight. The government tottered.

Just as the British Cabinet was wrestling with the issue, on Monday 3 August the Australian government sent its cable giving the impression Australia was champing at the bit to fight.

That afternoon, Grey made his only major statement on the crisis to the House of Commons, arguing for rapid British intervention. Strong opposition was still evident during debate in the House of Commons in the evening. On the morning of Tuesday 4 August, German troops invaded Belgium. This shifted British opinion in favour of war, but not decisively. Britain was bound by the Treaty of 1839 to respect Belgian neutrality – but not, as is often mistakenly said, to fight any power that did not respect it. Britain was under no obligation to make war. Asquith might still have joined with President Wilson of the United States in pressing for international arbitration at The Hague.

But the 'Liberal Imperialist' ministers called the shots. Before the Cabinet met on Tuesday morning 4 August, Grey and Asquith sent a cable to Berlin urging Germany to respect Belgian neutrality. Cabinet later endorsed a second cable, demanding an answer from Berlin by midnight. Britain was

close to war. But most historians agree that the Cabinet had not actually decided upon an immediate declaration of war upon Germany if she failed to reply that evening.

And how was war actually declared? Asquith and just four ministers, who deliberated at 10 Downing Street on the evening of Tuesday 4 August, decided that Britain must declare war immediately. The Privy Council was the chosen instrument. Asquith summoned the Council. At fifteen minutes notice, just three Privy Councillors, with not one elected man among them, joined the King at Buckingham Palace to declare war.

A powerful political clique, not the Cabinet and not the Parliament, decided for war. It was a triumph of the inner executive. These events in London entirely determined Australia's war.

#### THE CONSEQUENCES FOR AUSTRALIA

The caveats that Australia had insisted upon before 1914 – that Australia must decide when and what military aid she would despatch to Britain – were replaced by almost unequivocal support when war began.

Australia's willing subservience to Britain meant that Australia would be taken for granted, not consulted about where her forces would be deployed or for what purposes they would fight, and not consulted on the high diplomacy of the war, until the final year of the sprawling catastrophe.

As a result, Australians were engaged in military campaigns to achieve British objectives, as outlined in diplomatic deals unknown to Australians: for example, the Straits Agreement (March 1915), the Treaty of London (April 1915), the De Bunsen

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Committee Report (June 1915), the 'McMahon-Hussein correspondence' (July 1915-March 1916), the Sykes-Picot Agreements (May 1916), the reports of the Mallet, Curzon and Milner committees on war aims (April-May 1917), and the St-Jean-de-Maurienne Agreements (April 1917).

The idea that Australians fought simply for 'freedom' under the Union Jack, in a war that Australia itself chose to fight, for noble war aims that Australia formulated, is a naïveté that demeans the maturity of our understanding of the Great War.

The lesson – that in displaying absolute loyalty to allies Australia risks absolute loyalty to the misjudgements of others – has never been learned.

## ABOUT THE AUTHOR

Dr Douglas Newton taught history at Macquarie University, Victoria University of Wellington, New Zealand, and was an Associate Professor at the University of Western Sydney teaching European History, from 1991 until his retirement in 2008. He is the author of a number of studies of war and peace, including most recently, *The Darkest Days: The Truth Behind Britain's Rush to War, 1914* (2014), and *Hell-bent: Australia's Leap into the Great War* (2014).

# 3.

## ANZACKERY, ANZUSTRY AND THE WAR NEXT TIME

DAVID  
STEPHENS

'Every nation has its story', according to the current advertising for the Australian War Memorial. 'This is ours' (Nelson 2014). The Memorial is the chief custodian of the Anzac legend, the idea that Australia was somehow born of men dying on a Turkish beach or that our national identity was so decisively shaped there that certain 'Anzac values' or an 'Anzac spirit' continue to be central to what it means to be Australian.

Australia's military exploits occupy disproportionate space in our historical memory. But history is not just about the past; history is adapted and manipulated for all sorts of current purposes. Over the last quarter century, politicians on both sides have seen advantage in promoting the Anzac legend, particularly to shore up public support for wars. Thus Prime Minister Hawke in 1990 consciously drew parallels between Australian involvement at Gallipoli and in the first Gulf War (Hawke 1994: 527). John Howard, Julia Gillard, and Tony Abbott have all evoked Anzac (Howard 2005, Gillard 2012, Abbott 2014). Kevin Rudd takes the prize, however, for 'Anzackery', the overblown, pious, often jingoistic evocation of this part of our history. He called Anzac a 'profoundly spiritual' legend, whose torch 'each generation of Australians has a duty to pass ... to the next' (Rudd 2010).

The Chief of Army at the time, David Morrison, told troops returning from Afghanistan that they had 'joined that long, loping column stretching back in

memory's eye through the mist of time, of those who have worn the slouch hat and Rising Sun badge abroad in the service of their country' (Morrison 2014). Soldiers need such myths. But Anzac has become a bipartisan 'settled myth' of Australian life; few major party politicians dare depart from the received view of Anzac.

Why has this occurred? Top-down pressures have come from the Australian War Memorial (AWM) and the Commonwealth Department of Veterans' Affairs (Stephens 2015). Ex-service groups, Vietnam veterans, and particularly the Returned Services League (RSL), influence schools and MPs in their electorates, with boxes of relics supplied by the AWM. The Anzac Centenary Local Grants Program provides \$18.75 million to build new memorials to the Great War, refurbish old ones, hold parades, and rehouse war memorabilia (Honest History 2014).

At the grass-roots, our military history is placed front and centre by Australians' interest in family

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history and service records, the dying off of the World War generations, the ease of 'pilgrimage' travel to overseas battlefields, commemorative services, and khaki-tinted media. Peter FitzSimons, author of *Tobruk, Kokoda, and Gallipoli*, with Fromelles and Pozières imminent, is one of our best-selling non-fiction writers of the last fifteen years. Great War-themed television series such as *Anzac Girls* and *Gallipoli* abound and Russell Crowe's film, *The Water Diviner*, breaks box office records.

With some notable exceptions (for example, Joan Beaumont's *Broken Nation* and Peter Stanley's *Lost Boys of Anzac*), these accounts concentrate on what Australians did in war rather than on what war did to them and to Australia. Community attitudes about our military history may have changed to seeing soldiers more as victims than as heroes but this has heightened our emotional responses without increasing our understanding of causes and consequences (Twomey 2013). Statements denying any intention to 'glorify' war seem tokenistic when set against intensely moving commemorative ceremonies. A more effective anti-war message would concentrate on the human cost of war beyond Australia: our 100,000 deaths in war in the twentieth century is around 0.04 cent of all such deaths in that century (Leitenberg 2006). It would also analyse the reasons why wars commence and continue.

Future Australian military involvement appeals, however, to a solid proportion of the community who accept it as a normal part of 'who we are'. Hugh White detects in Australia a failure to examine the purpose and cost of war. He argues that this is partly due to 'the potent idea of war in Australian society, focused on the Anzac legend'. Our 'intense focus on military history, centred on the Gallipoli campaign, has shaped, and in some ways distorted, both our understanding of Australia's history and our image

of ourselves'. We have come to believe that 'the experience of combat brings out personal qualities' which are 'essential to Australia's national character' (White 2013).

Children are pressured to be the future custodians of this bellicose tradition. Almost a decade ago, Anna Clark was 'surprised by just how many students assume this militarised national identity as intrinsically Australian' (Clark 2008: 46). The current Minister assisting the Prime Minister for the Centenary of Anzac, Senator Michael Ronaldson, told RSL audiences that it was crucial to teach young Australians about their 'obligation' to carry the torch of remembrance, and that this generation 'must understand' that 'in many instances [their] freedom has been paid for in blood' (Ronaldson 2014a, 2014b). Carrying the torch requires the preparedness to become the war dead of the future.

Ingrained loyalty to the American Alliance reinforces bellicosity and provides occasions for its expression. We are always susceptible to the White House seeking our involvement somewhere overseas, just as we eagerly lined up with Britain at the beginning of the Great War (Newton 2014). 'Anzustry' is an awkward neologism for this yearning for entanglement but it sums it up nicely. The word also includes a military-industrial implication: Australia is the largest purchaser of 'major weapons' from the American arms industry (Stephens 2014). Using American arms and boosting the profits of American 'gun-runners' – a term used by Australian military officers who are both reliant on and sceptical of the industry – comes with the Alliance territory.

Sentimentalising past wars and the people who served in them works against questioning the merits of both those and future wars, as a West Point lecturer said:

*Sentimentality distances and fetishizes its object; it is the natural ally of jingoism. So long as we indulge it, we remain incapable of debating the merits of war without being charged with diminishing those who fought it* (Samet 2014).

Politicians of both sides would rather we didn't think too much about how we got into past wars and whether these wars were worth it. Most of us go along with this preference; we deal ourselves out of influencing the entry into and the conduct of wars, partly because we fear being accused of disloyalty to serving soldiers.

The received Australian view of war needs to be robustly contested. The power to wage war is too important to be left to politicians, many of whom have failed to wield that power responsibly. Anzackery and Anzustry presage new conflicts. Vigorously confronting and questioning both phenomena will reduce the threat of the war next time.

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## ABOUT THE AUTHOR

Dr David Stephens has an MA in politics from Monash, and from ANU a PhD in political science, a Graduate Diploma in Public Law, and a Diploma in Arts (French). He has worked on transport and communications policy in the Australian public service, and later as a consultant. With historians and others he advocates the balanced and honest presentation and use of Australian history during the centenary of WW1, and is co-founder of Honest History ([honesthistory.net.au](http://honesthistory.net.au)). His articles appear in academic publications and the media and he has written a successful detective novel under the pseudonym Ned Rowney.

# 4.

## ALLIANCE IDEOLOGY: THE MYTH OF SACRIFICE AND THE NATIONAL SECURITY CULTURE

MICHAEL  
MCKINLEY

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Conventional wisdom holds the following claims to be true. Australia is not an aggressive country and goes to war only for reasons of self-defence. The world is a threatening place and by extension Australia is threatened. Because Australia is essentially indefensible against many types of the posed threats it requires a protector who would significantly enhance, if not guarantee its security. The optimum arrangement for acquiring a protector is an alliance which, for more than sixty years and currently, has been through the ANZUS Treaty and the relationship it has fostered with the United States. To remain in good standing with the US, explicit acts of support are required from time to time, the more regular and the more extensive the better. The result is a beneficial arrangement which extends across all areas of national security. This is a popular view and is repeated in official statements, textbooks and media commentary.

These conventions constitute the ideology at the core of Australian security culture. More accurately, it is a civil-religious confession: it constitutes a habit of mind and action, requiring inexhaustible faith and offering absolutions and indulgences for crimes and atrocities committed against adversaries and enemies, actual, potential, or merely presumed. In sum, both the Alliance, and the Empire before it, resembled biblical instruments of redemption against isolation, uncertainty, and vulnerability (also actual, potential or merely presumed). But

being popular and conventional does not make this ideology wise because, for the most part, it is also wrong and/or misleading.

The relevant, undeniable facts are these. Civilization itself is founded on violence. Political collectivities which emphasise self-interest and collective egoism are inherently brutal. A nation is 'a group of people united by a common mistake regarding its origins and a collective hostility towards its neighbours'. Nationalism is, ultimately, a 'community of blood.'

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We are all embedded in violence and, to a greater or lesser extent, benefit from it, and 'government is impossible without a religion – that is, without a body of common assumptions'

(all quotations from Marvin and Ingle 1999: 15).

If traditionally we understand the nation-state as the 'legitimized exercise of force over territorial boundaries within which a population has been pacified,' then, because nations frequently lack 'the commonality of sentiment shared by members of a language group, ethnicity, or living space,' the fundamental commonality is actually 'the shared memory of blood sacrifice, periodically renewed' (Marvin and Ingle 1999: 4).

Alliances in this context are part of the problem. Historically extensive and theoretically rigorous research projects have reached conclusions that comprise a demolition of their role as instruments of peace and security. Specifically they, and the attendant attempts at balance of power, are found to encourage behaviour that is a cause of war. The benefits that are claimed to flow from Australia's alliance relationship are to be seen therefore as inducements to a reckless strategic posture. Worse, they are difficult, even impossible, to verify from the published record. Four benefits are commonly cited. Access to, and influence with US policy-makers and decision-makers; the exchange of a significant amount of strategic intelligence data; the formal and informal assurances of security assistance in time of need; and access to state-of-the-art military weapons systems and technology. But the evidence is either non-existent or contradictory. Furthermore much of it, where it is available, is to be found in government and quasi-government sources (McKinley 2012).

Exacerbating this is the war-prone nature of the

United States, aptly described in one major work as 'a country made by war' (Perret 1989), and this is apparent in any examination of its war history. Notwithstanding the American Revolution, the War of 1812 and the Civil War, the US by 1942 had established its credentials as an enthusiast for the international system and its practices by its role in the Spanish-American War, the Mexican War, and World War I. By 1980 the United States had managed to participate in eight international wars at a cost of nearly 700,000 American dead. On average each war lasted longer (33 months) than those of Britain, and resulted in a higher average of lost American lives (83,000). (Geller 1988: 372-3).

What various studies reveal is that, once committed to a war, states forget the past and need to learn anew the costs it will involve. Wars, in any case, tend to be long and expensive in human, economic, and environmental terms, particularly those fought by major powers. From which it follows that minor powers aligned with major powers share the risks and eventually the significant costs of conflicts that are, at root, derived from a status that is beyond them.

If anything, the prospect of war has increased dramatically: an historical survey by the Congressional Research Service reveals that, between August 1990 and August 2014, the US deployed military force on 146 occasions, or 5 times more often than in the prior 193 years (Project on Defense Alternatives, 2014: 1). And this excludes the current campaign against IS in Iraq. Even then the overall figure may well be significantly understated. During the fiscal year that ended on September 30, 2014, U.S. Special Operations Forces deployed to 133 countries – roughly 70% of the nations on the planet – according to Lieutenant Colonel Robert Bockholt, a public affairs officer with U.S. Special Operations

Command. This capped a three-year span in which the country's most elite forces were active in more than 150 different countries around the world, conducting missions ranging from kill/capture night raids to training exercises. And this year could be a record-breaker. . . just 66 days into fiscal 2015 – America's most elite troops had already set foot in 105 nations, approximately 80% of 2014's total (Turse 2015).

Given that the US is a great power whose leaders encourage a view of the world in black/white, good/evil terms, and which pursues the impossible dream of invulnerability, there is a sense that it envisages a future of perpetual war. When to this mindset are added seven easily identifiable structural determinants of US strategy, this is simply a logical outcome:

1. *War has been privatised.*
2. *The national security state is embraced by both major parties.*
3. *'Support Our Troops' is a substitute for critical thought.*
4. *The details of wars are redacted.*
5. *Threats are inflated.*
6. *The world is defined as a global battlefield.*
7. *War, for the US, is the new 'normal.'*

Under such a regime Australia's security is hostage to Washington's strategic fantasies. Its tokens of support ultimately become, in Edmund Burke's famous phrase, 'an unpitied sacrifice in a contemptible struggle.' Essentially they are blood sacrifices that, the more they are denied, the more of them will be made in the future. But this is no Buddhist cycle in which the actors are faced with a universe of imperfection from which it is possible to escape only through a series of relentless and

repetitive purgings in a long series of existences. On the contrary, this is damnation – if damnation is defined as an eternal punishment that consists in repeating forever one's initial indulgences and excesses (McDonagh 1979: 2).

## ABOUT THE AUTHOR

Dr Michael McKinley graduated from Victoria University of Wellington, New Zealand in Asian Studies, International Politics, and Political Science, and from the ANU in International Relations. He has been a research scholar at the State University of Leiden, the Netherlands; Trinity College, the University of Dublin; and in the Department of International Relations and the Strategic and Defence Studies Centre, ANU. From 1982 to 1988 he taught International Relations and Strategy in the Department of Politics at the University of Western Australia; and from 1988 to 2014 he taught International Relations and Strategy in the Australian National University. He is currently a Visiting Fellow in the College of Arts and Social Sciences at the ANU. In 2007 he completed a major research project comparing post-Cold War theories and practices of economics, strategy, religion, and war, *Economic Globalisation as Religious War: Tragic Convergence*.

# 5.

## ODIOUS COMPARISONS: HOW AUSTRALIA AND SOME OTHER COUNTRIES GO TO WAR

ALISON  
BROINOWSKI

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When Paul Hasluck, an External Affairs Minister and later Governor-General wrote, 'The calling of Parliament [is] an essential, and, indeed, natural step to take in waging war as a democracy' (quoted McKeown and Jordan 2010: 31), he was surely right. It might be expected that prime ministers should share the responsibility and decision for war with the Parliament, and through it with the people. However the Australian Constitution (at S 61 and S 68) in effect bestows unilateral 'war powers' on the Prime Minister. The Defence Act (amended 1975, S 8) gives the Minister for Defence 'the general control and administration of the Defence Force', a provision used in 2003 to send Australian forces to Iraq. This combination of statute law and 'Royal prerogative' enables an Australian prime minister to act more like an autocratic despot in a dictatorial country than the leader of a democratic, independent state.

It is useful to compare Australia's war powers with those of some other countries, which suggest models for reform.

### CANADA, NEW ZEALAND, SOUTH AFRICA

Australia is not alone. In Canada and New Zealand the Royal prerogatives persist, and both countries' Constitutions require no parliamentary approval for declaring war or deploying troops to war zones. In South Africa, the Constitution, S 201(2), provides the President with the power to declare war, and to

declare a state of emergency (S 203) on the advice of the Cabinet member responsible for defence (S 202). In both situations the President must inform Parliament, but does not need to obtain its approval (McKeown and Jordan 2010: 158).

### IRELAND

Unlike Australia, Ireland has an All Party Parliamentary Committee on the Constitution which actively considers the war powers. The Irish Constitution states, 'War shall not be declared and



the State shall not participate in any war save with the assent of Dáil Éireann' (S 3.1). In 2003 a Private Member's Bill sought to slightly widen this by including aiding foreign powers and sending peacekeeping forces on UN missions 'of a policing nature' among those subject to a resolution of the Dáil Éireann. The Defence Act includes this provision (McKeown and Jordan 2010: 152-5).

#### OTHER EUROPEAN COUNTRIES

A survey of 25 European democracies identified the parliaments of the UK, Cyprus, France and Greece as having 'very weak' war powers (Wilks-Heeg and others 2010). A clear majority, 15 countries, have either 'very strong' or 'strong' parliamentary war powers. Those classified as 'very strong' are countries which are Republics, whose Constitutions post-date WWII or the Cold War, or which have minimal military forces: Austria, Estonia, Finland, Germany, Hungary, Italy, Lithuania, Luxembourg, Malta and Slovenia. In Ireland, the Netherlands, Denmark, and Sweden, parliamentary war powers are defined as 'strong'.

EXTENT OF PARLIAMENTARY WAR POWERS	DESCRIPTION OF TYPICAL POWERS	NO. OF CASES	COUNTRIES
Very Strong	Prior parliamentary approval required for each government decision relating to use of military force; parliament can investigate and debate use of military force	11	Austria, Estonia, Finland, Hungary, Italy, Latvia, Lithuania, Luxembourg, Malta, Slovenia
Strong	Prior parliamentary approval required for government decisions relating to use of military force but exceptions for specific cases (foreign troops on national territory, minor deployments, arrangements with international organisations); parliament can investigate and debate use of military force	4	Denmark, Ireland, Netherlands, Sweden
Medium	Ex post parliamentary approval but deployment notification to parliament required; parliament can investigate and debate use of military force	3	Czech Republic, Slovakia
Weak	No parliamentary approval but deployment notification to parliament required; parliament can investigate and debate use of military force	4	Belgium, Poland, Portugal, Spain
Very Weak	No parliament-related action required for use of military force; no specific parliamentary control or debate relating to use of military force	4	Cyprus, France, Greece, UK

Source: Derived from Sandra Dietrich, Hartwig Hummel, Stefan Marschall (2010)

#### UNITED KINGDOM

In Britain, whose Constitution is not written, convention prevails and no standard process exists. Statutorily, the armed forces are accountable to Parliament and each year, Parliament must vote for or against the level of defence expenditure. Every five years, it must renew the legal basis for the existence of the armed forces and the UK's system of military law, through the passage of an Armed Forces Bill. Royal prerogative on the other hand covers the deployment of troops and the issuing of orders to engage in hostilities, and British Ministers effectively exercise that prerogative as their counterparts in some Commonwealth countries do, with the Executive being free to act without the approval of Parliament.

Since Iraq War II, a convention has developed that the House of Commons should debate conflict decisions before UK troops are committed abroad, except when an emergency makes this impossible. The Government acknowledged this convention in March 2011, and Foreign Secretary William Hague committed them to bring forward a resolution setting out Parliament's role in conflict decisions, as an interim step towards legislation. In spite of a Committee of the House of Commons calling repeatedly on the Government for it, this has not yet been done. The Constitutional Committee of the House of Lords recommended that a Parliamentary convention should replace the Royal prerogative; that the Government should seek Parliamentary approval of a commitment of troops to war in advance, or if urgency made that impossible, then within seven days, together with an indication of the deployment's objectives, its legal basis, likely duration and size; that the Government should keep Parliament informed of the progress of such deployments and, if their nature or objectives

alter significantly, should seek a renewal of the Parliament's approval.

The Blair government's commitment to Iraq War II in 2003 was debated in advance and secured support of the House of Commons, although Labour's leader in the House of Commons, Robin Cook, resigned in protest against it. In August 2013, in response to the alleged use by the Syrian government of chemical weapons against insurgents and civilians engaged in a civil war, the UK and US governments contemplated making aerial attacks to destroy those weapons. But Prime Minister David Cameron's proposed deployment of troops to Syria was debated by the Commons and rejected, and the action did not proceed. President Obama then dropped his own proposal to Congress. In September 2014 however, when a military response to the activities of Islamic State (IS) in Iraq and Syria was proposed, the British government, lacking authority to engage militarily against IS elements in Syria, instead sought authorisation for air strikes limited to Northern Iraq. Its proposal to Parliament was resoundingly approved.

#### UNITED STATES

The US Constitution gives Congress the power to declare war, to raise and support armies, and to provide and maintain a navy (Article I, section 8, clause 11). The President is Commander in Chief of the armed forces (Article II, section 2, clause 1). The War Powers Resolution (also known as the War Powers Act), passed at the height of the Vietnam War, requires the President to seek approval of Congress on the deployment of armed forces. Doubt was later advanced about the legality of the Resolution, and in 2008 the National War Powers Commission recommended a new War Powers Consultation Act, to require that the President

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passed, would ensure that both houses of Congress vote on the particular military action within thirty days after deployment.

President George H.W. Bush was careful not to exceed his powers in Iraq War I, and refrained from pursuing troops fleeing from Kuwait back into Iraq. After the attack on America on 11 September 2001, President George W. Bush secured Congressional approval to wage global war against Al-Qa'eda, and in 2002 to wage war in Iraq. His successor, President Obama, inherited this approval and used it to increase drone strikes and assassinate enemy leaders while gradually drawing down troop deployments. He sent US troops into Northern Iraq from July 2014, beginning with a humanitarian mission followed by air strikes, without seeking endorsement from Congress or a resolution of the UN Security Council. In November 2014 Obama requested congressional authorisation to fight IS, but in March 2015 he encountered opposition both from Democrats who feared open-ended war, and from Republicans who sought unlimited capacity to fight IS (*New York Times* 2015).

#### JAPAN

Article 9 of the post-WWII Constitution prohibits war as a means to settle international disputes involving Japan, and states that, to accomplish these aims, armed forces with war potential will not be maintained. Japan has de facto armed forces, the Japan Self-Defence Forces, and right-wing politicians who have argued for many years that Japan should become a 'normal' country, have sent Japanese troops on peacekeeping missions, and sought to change the Constitution. In July 2014, with the support of the United States, the LDP Abe government approved a reinterpretation which gave more powers to the Self-Defence Forces, allowing them to defend Japan's allies in the event of war

being declared upon them. China and South Korea expressed concern and disapproval. This change is considered illegitimate by some Japanese parties and Japanese citizens because of the manner in which the prime minister circumvented Japan's constitutional amendment procedure (Wikipedia, 'Article 9').

#### AUSTRALIA

The Constitution allows the Australian Parliament to legislate to ensure that any decision to declare war or commit troops would require parliamentary approval. Attempts were made in 1985 and 2003 (by Australian Democrats) and 2008, 2014 and 2015 (by Greens) to introduce such legislation, but on every occasion they lacked the support of both major parties.

As the practice of other countries shows, options for parliamentary scrutiny of war powers cover a wide range. The 'strongest' examples in other democracies include constitutional or legislated requirements for prior parliamentary debate and approval of any deployment of force, including in peace-keeping operations. Several countries require parliamentary debate; in some, exceptions are made for certain circumstances including emergencies; others allow parliament to review and withdraw approval of a military deployment. In the 'weakest' examples, including Australia, parliament has no defined role at all.

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#### ABOUT THE AUTHOR

A former Australian diplomat, Dr Alison Broinowski is a graduate in Arts from the University of Adelaide, and in Asian Studies from ANU. Her postings included Manila, Tokyo, Jordan and UN New York, and she was DFAT Regional Director in Melbourne. She has written or edited eleven books on aspects of the interface between Australia and Asia, particularly *Howard's War* (2003) and *Allied and Addicted* (2007). She is a Research Affiliate at ANU, and has taught there and at Macquarie University. She has been co-Chief Investigator in two ARC projects, at ANU and at the University of Wollongong. In 2014 she was elected to the Council of the University of Adelaide and in 2015 became vice-president of Honest History ([www.honesthistory.com](http://www.honesthistory.com)) and of CIWI/AWPR.

# 6.

## THE 'WAR POWERS' IN AUSTRALIA: WHY REFORM IS NEEDED

PAUL  
BARRATT

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On 14 August 2014 the Australian Defence Force (ADF), in the form of a RAAF C130J Hercules, was brought into action for the purpose of dropping ten pallets of supplies, mainly in the form of high energy biscuits and bottled water, to 'Yezidi civilians trapped on Mount Sinjar by encircling ISIL forces' as the Prime Minister's media release of 14 August 2014 put it. There was no hint at this stage of any form of participation in the conflict being in contemplation; it was described as a humanitarian mission and it plainly was.

By 31 August, however, all that had changed. On that day (a Sunday), in an announcement that startlingly stretched the definition of humanitarian assistance, the Prime Minister announced that the RAAF would conduct 'further humanitarian missions' – in the form of transporting arms and munitions to one of the participants in the conflict, at the request not of the host government but the United States!

On 14 September the Prime Minister revealed to the Australian public what we would really be up for in helping 'to counter the ISIL terrorist threat' (Islamic State of Iraq and the Levant). We would deploy up to eight F/A-18 combat aircraft, and RAAF tanker

refueller and a Wedgetail Early Warning and Control Aircraft. We would also send a Special Operations Task Group as military advisers to assist 'Iraqi and other' security forces.

No Parliamentary debate took place before these changes. We do not know what Cabinet consideration was given, nor what political and military advice was received.

On 24 March 2015, in spite of having 'counselled' in October against speculation that Australia's mission might be expanded to Syria, Mr Abbott revealed that Australia's in-flight refueller and Airborne Early

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Warning and Control Aircraft are already providing services to allied aircraft conducting 'air operations throughout the theatre, and that includes air operations in Syria'. He left the way open for RAAF aircraft to conduct direct combat operations in Syria, a matter which is entirely within his decision-making power.

The rapid shifts of Australian policy appeared to reflect equally rapid shifts in US policy, a policy which Time magazine – hardly a journal renowned for leftist sentiments – described on 23 September 2014 as a piecemeal approach, an improvised mission, and one whose objectives and justifications had repeatedly shifted over the previous six weeks. Was Tony Abbott deliberately taking the Australian public a slice at a time, getting us used to each step before creating 'new facts on the ground'? Or was he himself struggling to keep up, and unable to say 'No'? Either way, it is a very poor way to lead one of the oldest continuing democracies on the planet. In this desperately complex situation, the nature and extent of Australian involvement is effectively in the hands of just three people – Prime Minister Tony Abbott, Foreign Minister Julie Bishop, and Defence Minister Kevin Andrews. As two of these are appointed on the recommendation of the third, it is reasonable to suppose that the Prime Minister will always get his way, so effectively whatever we do will come down to what one man decides.

This degree of personalised prerogative resting with the Prime Minister of the day is the result of a century-long evolution, from a situation where when the King declared war we were automatically at war (1914, 1939), through delegation of the 'war powers' to the Governor-General (1942), to today's situation where, without legislation to change the Governor-General's traditional role, it has become

settled bipartisan policy that all that is required to deploy the ADF into international armed conflict is a 'captain's call' by the Prime Minister, leading to a direction to the CDF from the Minister for Defence under Section 8 of the Defence Act which gives the Minister 'the general control and administration of the Defence Force'.

This precarious way of making such an important decision presents a problem for the Australian body politic and especially for the members of the Australian Defence Force who might be put in harm's way. It exposes the community to the risk of ill-considered decisions, inspired by considerations of party-political advantage, such as we have seen in the 21st century deployments to Afghanistan and Iraq.

An important part of the solution to this problem is to involve the Parliament in any future decision to deploy the Australian Defence Force into international armed conflict.

Four principal arguments against Parliamentary involvement are raised by those who wish to preserve the status quo:

First is the argument that minor parties might block the necessary resolution in the Senate. For the negative vote of a minor party to be effective, however, it would be necessary that there also be a negative vote from the major Opposition party: the combined votes of Government and Opposition would make the views of the minor parties irrelevant (see above). As it is difficult to conceive of a major (or minor) party voting against deployment of the ADF at a time that the nation is genuinely under threat, this sounds more like a concern that the involvement of the Parliament would make it more

difficult for the Government of the day to inject the ADF into wars of choice – which is of course the whole point of the exercise.

Another argument is that the Parliamentary process will take too long. This reveals a lack of understanding of the readiness levels at which most of the Australian Defence Force is held. Apart from the Ready Reaction Force at Townsville most combat elements of the ADF are held at a low state of readiness. Quite properly, most units are not maintained in a battle-ready state, and before they can be deployed a major investment in both personnel training and materiel is required in order to bring them up to the required standard.

A third argument – one often regarded as the supreme card to play – is that the Government might have access to information or intelligence which it cannot reveal. This cannot be accepted within the framework of a Westminster-style Parliamentary system. While it is certainly true that a government may possess information that cannot be used in Parliamentary debate, it is fundamental to our system that today's Opposition Leader could be tomorrow's Prime Minister – even without an election. This being the case, it is fundamental to our national security that at the very least, leading members of the opposition be cleared to deal with national security classified information, and that at times of looming threat they be made privy to the available intelligence so that both government and opposition can be properly informed in relation to the matter. That this is normal procedure is borne out by the fact that, in its uncritical support of the Government's stance, the Opposition stresses that it has received briefings from Government.

Finally, there is the argument that the process would

be nugatory because everyone would simply vote on party lines. This may be so, but cannot be assumed to be so. History shows that on the occasions when deployments have been debated in Parliament, members have voted on party lines. Historically, however, these debates have taken place against the backdrop of a decision already taken. This brings into play two dynamics for MPs. First, an obligation to the members of the ADF who are being put into harm's way, and a reluctance to undermine the morale of the troops by suggesting that they should not be participating in the conflict. Second, there is the defensive shield: 'It doesn't matter what I think, the decision has already been taken by Cabinet and my job now is to support it and to support the young men and women of the ADF'.

If Parliament itself is to be the place where the matter is decided, the dynamic will be quite different. If the matter is to be put to a vote in both houses, every member of Parliament will have to participate in that process knowing that her or his vote will become recorded history, no matter how events turn out. People who feel strongly about it can not absolve their consciences with the thought that the matter has been taken out of their hands; it will be very much in their hands, and they will have what looks very much like a conscience vote. If it turns out that the matter is decided on party lines and the government wins the day, one can hardly complain that there has been a failure of the democratic process.

The Australian public needs to be much more vigilant about the circumstances in which the Australian Government deploys the Australian Defence Force and for what purpose. This vigilance is likely to remain minimal while a decision to send troops remains the prerogative of the executive – that is,

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Cabinet, meaning in practice the Prime Minister and a very small group of key ministers – an arrangement which means that a decision, once taken, can be acted upon without significant debate. Vigilance is much more likely to develop if we embrace the republican notion, one which seems fitting also for a constitutional monarchy, that the power to make war should be vested in the legislature. In any polity founded on the principle that power flows from the people to the state, rather than from the state to the people, the spectacle of the executive clinging to the ancient privileges of the sovereign is both an anachronism and an anomaly.

In the UK, Prime Minister Cameron submitted the 2014 Iraq deployment for debate in the House of Commons, which both authorised the deployment of UK forces and restricted its geographical scope, giving no authorisation for operations in Syria. The United States, through its own system, did the same. Australia is increasingly out of step with countries to which we like to compare ourselves, and it is high time we made the change to requiring Parliamentary approval for deployment of the ADF into international armed conflict.

## ABOUT THE AUTHOR

Paul Barratt AO, BA, BSc (Hons), FAICD, is President of the Campaign for an Iraq War Inquiry. He has degrees in Physics from the University of New England, and in Arts (Asian Civilisations and Economics) from the Australian National University. He worked for the Australian government for 25 years, mainly in resources, energy and international trade, and in 1992 became Executive Director of the Business Council of Australia. He was Secretary to the Departments of Primary Industries and Energy (1996–98) and Defence (1998–9). He now runs his own consulting business, is Deputy Chairman of the Cooperative Research Centre for Advanced Composite Structures, and is a director of UNE Foundation Ltd.

# 7.

## ISSUES AND OPTIONS: CHANGING THE CONSTITUTION AND COMPLYING WITH INTERNATIONAL LAW

CHARLES  
SAMPFORD

### Australian Political and Constitutional Process

In Australia, political decisions about the use of troops in war-making, peace-keeping (and the variety of activities in between), are made by the Prime Minister in consultation with the cabinet or a sub-committee. However, neither the Prime Minister nor the cabinet have formal legal powers and their decisions must be given legal effect by those who do. The traditional and most obvious constitutional process to engage in a foreign conflict is for the Governor General to authorise it using the quintessential sovereign power to declare war and make peace. These powers passed to Australia in 1942 (backdated to 1939 'just in case') and form part of the 'Executive power of the Commonwealth' 'vested in the Queen and exercisable by the Governor-General' in the Constitution (S61). Such power would only, and could only be exercised on advice from the Prime Minister – as happened when Australia made new declarations of war against new Axis belligerents and made peace with the vanquished.

To the surprise of Governors-General and constitutional lawyers, this mechanism was not used in the 1991 and 2003 Iraq wars. While not officially stated, it appears that in each case, Australia's involvement in Iraq was legally authorised by the Defence Minister exercising his statutory power under section 8 of the Defence Act which, under

a 1975 amendment, vests 'the general control and administration of the Defence Force' in the Minister and requires the military to exercise its powers 'in accordance with any directions of the Minister'. While anyone reading the parliamentary debates about this section would be surprised that it was used to authorize Australia's participation in a war,

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I doubt that the High Court would rule this use of the Minister's power unconstitutional. There can be no doubt that the traditional option through the Governor-General is still available.

## INTERNATIONAL LAW

While the power to make war was long seen as the quintessential sovereign power, it has been very much circumscribed by international law since 1928 when, under the Kellogg-Briand Pact, Australia, along with all major powers, renounced the use of war for the settlement of disputes. This was the legal basis for trying German and Japanese leaders for crimes against the peace (aggression) at Nuremberg. The Pact was enshrined in the United Nations Charter (Article 2) and in various treaties – notably NATO, ANZUS, and the Treaty of Amity and Cooperation in Southeast Asia. The UN Charter recognizes the right of individual and collective self-defence while requiring those who do so to bring the issue to the UN Security Council at the earliest opportunity (Article 51).

As with much international law, the problems are not the lack of noble content but the means of adjudication, compliance and enforcement. I am sure that the Chief US prosecutor at Nuremberg was entirely sincere in saying: 'Let me make clear that while this law is first applied against German aggressors, the law includes, and if it is to serve a useful purpose it must condemn aggression by any other nations, including those which sit here now in judgment.' But the International Criminal Court (ICC) was not established until 2002 and will not have jurisdiction over crimes of aggression until at least 2017. And like other international courts it can only rule in cases in which both states parties agree to its jurisdiction: either on an ad hoc basis or generally to a 'compulsory jurisdiction'. The United States is not a party to the ICC; Australia is.

While criminal prosecutions are still in the future, the International Court of Justice (ICJ) can and has ruled on the legality of wars as it famously did in *Nicaragua v US* (1986 ICJ 1) in which Nicaragua sued the US for, inter alia, mining its harbours. Enforcement of ICJ orders is the responsibility of the United Nations Security Council but the US vetoed the relevant resolution (11 in favour and 3 abstentions). The US saved itself future embarrassment by withdrawing from the compulsory jurisdiction of the ICJ and refusing to ratify the Rome Statute that established the ICC.

Australia has a better record of support for international courts. It supports the ICC, its extension to the crime of aggression and accepts the compulsory jurisdiction of the ICJ – though a change in its recognition in March 2002 meant that Iraq could not have sued it when that war began in March 2003 (Australia limited suits it would accept to those states which had, themselves, accepted the compulsory jurisdiction for 12 months).

But just because a state refuses to subject itself to the jurisdiction of the ICC does not mean that its actions thereby become legal. The opinions of senior professors of international law have long been recognized in jurisprudence as a source of international law. Where at least 90 percent of international lawyers consider the 2003 war illegal (an estimate by one of the few who gave the US position even qualified support), it is clear that the better view is that it is safe to say it was illegal. Such a conclusion can only really be overturned by a treaty, court decision, UN General Assembly resolution, or changed state practice.

Internationally, the great challenge is to make international law more effective – that is, to extend the rule of law to international affairs (which

President Eisenhower called for in 1959 and which was unanimously agreed by the UN General Assembly in 2005). Domestically, the challenge is to consider whether the procedures for authorizing war are appropriate in a world where the decision to wield the quintessential state power to start a war is illegal. Luckily, there are no constitutional impediments to the more common suggestions for improving the domestic process. Commonwealth executive power can be regulated by statute – by requiring certain actions to be taken before the Governor-General or Defence Minister can legally authorize the use of force.

## IMPROVING THE WAY WE GO TO WAR: FIVE OPTIONS

### *Parliaments and parliamentary committees*

The reform most often proposed is to require a prior vote in one or both houses. This could be inserted as a requirement of Commonwealth Legislation – though one should be cautious about how effective this will be by itself. Those who put faith in this mechanism to prevent Australia joining in American led wars must face the irony that such wars cannot start without clearing the same (indeed stronger) constitutional hurdle in the US.

Parliaments as political bodies are often swayed by perceived political advantage and frequently operate on inadequate information. While it is not clear that we can or should attempt to address the former, much can be done about the latter by providing better legal, military and intelligence advice. Where necessary this can be done in secret session (as practised during WWII) or through multi-party confidential committees (as is common in the US).

### *Legal Advice*

There is much to be said in favour of the second

option where a parliamentary committee comprising government and opposition members could listen to the legal advice provided by the Attorney-General, Solicitor-General and others it might call. This committee should seek to come up with a shared view to put to parliament. But if doubts remain as to the legality of the proposed action, this would inform the position taken by the parties in the parliamentary vote. This will become particularly important once the ICC has jurisdiction over the crime of aggression in 2017 or thereafter. Those who put a tendentious and one-sided legal argument to sway parliamentarians would be severely embarrassed in front of an Australian court or, if Australia had not adequately investigated and prosecuted the alleged crime, in front of the ICC.

### *Military, intelligence and security advice*

Of course, just because something is legal does not mean we should do it. The same committee that heard legal advice could also receive confidential briefings on military, intelligence and security assessments. These assessments must, of course, be professional, independent, reliable, frank and fearless.

### *The Federal Executive Council*

While governments have used the statutory power of the Defence Minister to enter armed conflicts, there is much merit in the re-inclusion of the Governor-General and the use of the Crown's uncontroversial boiler-plate constitutional authority. Ideally this would be done through the Federal Executive Council. Under Cabinet Handbook procedures, the Attorney-General has to provide a certificate as to the legality of what he is advised to do. There is also an opportunity for the Governor-General to perform the role Bagehot identified for a constitutional monarch – to 'counsel, advise and warn'.

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### *A combination of safeguards*

Safeguards often work well in combination.

Implementing all of the above would not add more time to the processes that government would need to engage in before taking part in a 'war of choice' initiated by ourselves or our allies. If Australia were a victim of aggression, our institutions would have to move quickly. But the legality would not be in question and a response is unlikely to be politically controversial.

### ABOUT THE AUTHOR

Professor Charles Sampford graduated in philosophy, politics and law at Melbourne University, and at Oxford (DPhil, 1986). As Griffith's Foundation Dean of Law from 1991, he led the 1998 bid for the Key Centre for Ethics, Law, Justice and Governance and was its Foundation Director. Since September 2004, he has been the Director of the Institute for Ethics, Governance and Law. He has held senior fellowships at St John's College Oxford (1997) Harvard (2000). He has written over 130 articles and chapters and has completed thirty books and edited collections, and in 2008, his work on ethics and integrity systems was recognized by the ARC. He was Convenor of the ARC Governance Research Network from 2004-10 and is now Convenor of the Global Integrity Summit. Charles is also a Barrister and company director and consultant on governance issues.



8.

**‘WE GO TO WAR  
WHEN OUR  
COUSINS DO’:  
THE COUNTRIES  
AUSTRALIA  
CONSULTS**

**TONY  
KEVIN**

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My research forces me to conclude that since 2001 there has been a deepening disconnect between Australian governments’ long-established rhetoric of good global citizenship and close Asia-Pacific regional engagement – pillars of Australian diplomacy going back to Richard Casey – and their current practice. Australia’s international security diplomacy is now focussed on the US alliance, augmented by cosy five-power intelligence and policy-sharing partnerships with fellow white anglophones.

The five-power arrangement comprises US, UK, Canada, Australia and New Zealand. It is augmented on some issues by Japan. It lurks beneath DFAT’s urbane surface: it is actually the game that most matters in Australia’s international security diplomacy.

Nowhere is this more true than on issues of Australia engaging in armed conflict. Answering this book’s question – how does Australia decide to go to war? – I find it easy to demonstrate that for many years now neither our Asia-Pacific regional engagement aspirations, nor our global security obligations as a senior well-respected UN member, have had much to do with these decisions.

Since 2001, Australia under Coalition and Labor governments has loyally followed the US into

four wars – two in Afghanistan and two in Iraq. Authorisations for these wars by UN Security Council (UNSC) resolutions have been limited or absent. Nor is there evidence of Asia-Pacific regional consultation prior to Australian decisions to enter these four wars – not with Japan, China, India, Indonesia or the rest of ASEAN. Decisions to join Washington-led ‘coalitions of the willing’ in fighting these wars were taken by Australian Prime Ministers, sometimes in consultation with Cabinet’s National Security Committee on which the Foreign Minister sits, or sometimes simply endorsed by NSC after unilateral prime ministerial decisions, as in the 2003 Iraq invasion.

It was not always so. It is true that up to WW2, Australia’s rule was that when the mother country goes to war, Australia was also at war. But under

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Curtin's prime ministership, the vulnerability exposed by the Japanese conquest of Asia ended that practice.

After 1945, Australian foreign policymakers worked to build a structure of international security resting on two pillars: respect for national sovereignty under the UN Charter, and respect for the mandatory powers of the UNSC to authorise military or peacekeeping actions. Australian governments also worked to build our Asia-Pacific regional engagement, and to strengthen ANZUS as our security backstop. Our international military and peacekeeping interventions were based on UN Security Council decisions. The Korean War took place under a UNSC umbrella.

Our doctrine of UNSC-sanctioned war was strained by the Vietnam War, involving Australian participation in a US war of choice against North Vietnam. After Whitlam withdrew Australian forces from the Vietnam War, and under the successive governments of Fraser, Hawke, Keating, and Howard in his first term, Australian decisions to send armed forces into combat or to monitor ceasefires abroad were taken under UNSC peacekeeping authorisations, as in Cyprus, Somalia, Sinai, East Timor, and Cambodia. Everything changed with the terrorist attacks on the US in September 2001. Howard resolved that Australia should be there with boots on the ground, helping George Bush to take the fight to the terrorists wherever they were.

The first Afghanistan war 2001-2002 had some UNSC connection. The Australian Defence Force took part in a NATO International Security Assistance Force, which maintained security for Kabul under authority of UNSC resolution 1386. But our major involvement was in Operation Enduring Freedom (OEF), a US-led

'coalition of the willing' outside UNSC authority. By the end of 2002, OEF had wound down, and US and Australian forces were withdrawn from Afghanistan.

A senior ADF general was positioned in Central Command (CENTCOM) in Florida in mid-2002, tasked to press for Australia's involvement in Bush's planned invasion of Iraq. In that invasion, Australia was responsible for the Western Iraq theatre. Australian forces fired the first shots in the war there, nearly a day before the main US/UK coalition invasion from the south (Kevin 2004). As is now clear, there was no UNSC authority for this invasive war; the 'coalition of the willing' leaders manipulated and twisted words of previous UNSC resolutions. Nor did Australia undertake serious regional consultations before this war. Years later, we withdrew ADF forces from Iraq in step with the Americans. There is no sign that any countries other than US and UK influenced Australia's decisions to enter or withdraw from Iraq.

In August 2005, Australia went back to war against the resurgent Taliban in Afghanistan, as part of a revived US-led 'coalition of the willing', without a UNSC resolution. Our fighting in Afghanistan continued through the prime ministerships of Howard, Rudd, and Gillard. Australian governments and Parliament accepted US strategic leadership in this long second phase of our Afghanistan war. As Barack Obama eventually wound down US military involvement there, Australia wound down in step: we remained a loyal ally to the end.

Tony Abbott was keen to get Australia into war again in Iraq, in support of US President Obama's military ground operations against ISIS (Islamic State of Iraq and Syria). The Iraqi Government was offended by Abbott's announcement of Australia's decision to send forces into war against ISIS alongside US forces

without first seeking Iraqi Government agreement.

*There was a long delay in obtaining Iraqi Government permission for the first contingent of Australian soldiers to deploy to the battle zone.*

The matter of Russia is equally disturbing. Over the past year Australia with its five-power partners has taken up a strident anti-Russian stance, after events in Ukraine in February-March 2014. Australia joined the EU, US and Canada in imposing 'autonomous trade sanctions' against Russia. This has no UNSC authority and is condemned by Russia as internationally illegal. Russia in response is strengthening ties with China and other non-NATO major trading nations.

Is Canberra now interested in the views of other governments outside Australia's five-power cultural comfort zone on questions of sending Australian forces into combat abroad? It is hard to see evidence of it. True, we discuss questions of international security with Japan, China and India. But there is nothing remotely like the intimacy or immediacy of the intelligence-based diplomatic exchanges we have had for many decades with the US and UK. Yet these are the Asian powers with the greatest potential to influence our strategic environment.

John Howard as PM tried to maintain some meaningful regional strategic engagement with the East Asian Summit and with China and Indonesia in particular. But under Rudd, these linkages weakened.

There has also been regression in the depth and quality of our security relationship with Indonesia. Australia's obsession since 2013 with stopping irregular maritime movements of asylum seekers from Indonesia has led to practices by Operation

Sovereign Borders which degraded military dialogue and cooperation. OSB will let no considerations of international law or bilateral relations with our large neighbour impede its determination physically to return asylum-seeker boats or passengers to the Indonesian 12-mile maritime boundary – or on several occasions inside that boundary.

In the wider ASEAN region, Australia under the Bali Process has force-fed a regional criminalisation of unauthorised maritime people movements. With all of Southeast Asia, our previously rich regional security dialogue – as in Australia's Cambodia peacemaking diplomacy, on which we consulted closely with ASEAN, or in the subsequent Burmese transition to democracy – has in more recent years been sacrificed to the Australian obsession with people smuggling. Australia no longer engages in substantive regional security dialogue with ASEAN.

Five-power links, on the other hand, thrive. They have expanded beyond intelligence cooperation into broader fields: close collaboration on border protection as detailed by the Secretary of the Department of Immigration and Border Protection, and now seemingly also on questions of relations with Russia and China.

So this is the new dominant paradigm of Australia's international security diplomacy. The boundaries between peace and war are increasingly blurred by evasive phraseology like 'police operations', 'coalitions of the willing', 'autonomous sanctions regimes' – and no one declares war any more, it just happens under other names.

The custodianship of Australia's foreign relations by the Department of Foreign Affairs and Trade is beginning to look a little like Alice's disappearing

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Cheshire cat. The gracious, practiced smile is still there, but much of the body of Australia's international security diplomacy has just gone elsewhere.

What we most care about now is the military cooperation and international security exchanges that we have with our American, British, Canadian and NZ cousins. In a way, it's back to Sir Robert Menzies in 1939. I find it hard to conceive of Australia entering into any war abroad that did not also involve at least two of these four countries as military partners. We go to war when our cousins do.

I have no great hope of much change under new leadership, either in a Coalition or Labor government. These patterns of official thinking about Australia's international security have become so deeply embedded in Australian government agencies and supportive think-tanks since 2001 that it is hard to see the old UNSC-based multilateralism or Australian regional security engagement coming back in any but a formal, rhetorical sense. Five-power seems to be the growth industry.

## ABOUT THE AUTHOR

Tony Kevin's 30 year career in Australian diplomacy was completed by postings as Ambassador to Poland (1991-94) and Cambodia (1994-97). He has since written four books (*A Certain Maritime Incident: the Sinking of SIEV X*, *Walking the Camino*, *Crunch Time* and *Reluctant Rescuers*). He writes regularly for the online journal *Eureka Street* on a range of Australian foreign policy and boat people refugee policy issues. His article, 'Australia's secret pre-emptive war against Iraq, 18-20 March 2003' appeared in the *Australian Journal of International Affairs*, Volume 58, Issue 3, 2004. He lives in Canberra and is an Emeritus Fellow at the Australian National University.

# 9.

## AUSTRALIA'S MIDDLE POWER WAR-MONGERING

ALLAN  
PATIENCE

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The post-Cold War world is fragmenting into what has been described in Foreign Affairs as 'powers great and powers small and some in between trying to speak louder than the latter and to exert some influence on the former' (Campbell 1984: 1247). The label 'middle powers' is now the conventional term for those 'in between' states. Some of them have limited success in shaping the global agenda. A minority has been impressively influential: Norway, for example, on human rights; Canada on the international agreement to ban land mines. Other states are more noisily irrelevant than they imagine themselves to be (Beeson 2011). Nonetheless, ambition for middle power status has emerged as a significant driver shaping the foreign policies of states in pursuit of influence amid the maelstrom of contemporary global politics.

The concept of middle power in International Relations remains slippery. Its modern origins lie in the arrangements in the second half of the nineteenth century known as the Concert of Europe (Patience 2014a). The Concert was a confected balance of power that served the interests of the great European nations short of their going to war. However some small states deemed to be useful to the great powers were granted opportunities to become attached to one or another of them. The pay-off for the small states included security guarantees, economic advancement, and reflected glory.

Small states that succeeded in making alliances with great powers within the Concert of Europe were raised from relative ignominy in global affairs to something like middle power status. But that status was always contingent on the good will of the great powers and the willingness of the small powers to do the bidding of their great power patrons. Middle power status thus came at the cost of compromised sovereignty. However the Concert of Europe balance of power all came crashing down with the outbreak of World War I. After the war some mendicant states still clung to great powers, most of which were on

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the wane. Australia was one of those mendicant states. But World War II demolished that whole ramshackle structure as decolonization became the order of the day.

Throughout the Cold War, middle power thinking underwent another significant change. States previously seen as relatively powerless began taking a different route towards middle power recognition through membership of regional groupings like the European Union. Britain, for example, is something like a middle power today almost wholly because of its membership of the EU – a fact that the far right in contemporary British politics seems incapable of understanding. Some of the ASEAN states – Indonesia, Malaysia, Philippines – have achieved degrees of middle power recognition because of their membership of a surprisingly resilient grouping of states that might otherwise have been indifferently regarded in the grand scheme of things.

In the post-Cold War era the identity of middle powers has undergone yet a further development. States managing to exercise degrees of leadership at regional and global levels have achieved this through adroit alliances of 'like-minded states' and International Non-Government Organisations engaging in niche diplomacy (Cooper 1997). Examples of niche diplomacy include advocacy of women's rights, opposing human trafficking, supporting the UN and similar organisations (especially the International Criminal Court), engaging in peace keeping operations, defending the rights of refugees and asylum seekers, urging action on climate change, outlawing weapons of mass destruction, and constraining transnational crime syndicates.

Despite these advances in middle power thinking the concept has not evolved in Australia in the way it has in other parts of the world. Australia's

imagining of its significance in international affairs remains bogged down in a reified Concert of Europe understanding of what constitutes a middle power (Patience 2014b). The origins of this understanding lie in the country's posturing as a White Dominion in the years of the British Empire. To reinforce this posturing the White Australia Policy was devised to preserve Australia as a racially pure enclave in the vast and seemingly threatening geo-politics of Asia. Given the feared proximity of Asia, Australians looked to Britain, the motherland, for their security, avowing abject loyalty to the crown and adhering to a doctrine of British race patriotism. When federation was achieved in 1901 Australia became a colonial limpet clinging to the already floundering ship of the British Empire.

As Britain's imperial reach contracted in World War II, especially in Southeast Asia, Australia turned to the United States for a more reliable great power alliance. The ANZUS treaty signed in 1951 incorporated Australia into America's security domain, making it a 'strategically dependent' state in a region in which American power has not infrequently disaffected the country's neighbours. As Malcolm Fraser has noted: 'Our integration with US defensive systems and over-enthusiastic bipartisan support for ANZUS – above and beyond what ANZUS should entail – further emphasise our estrangement from the region in which we live' (Fraser 2014: 6).

Australia's typically Concert of Europe attachments – first to Britain amid the imperial chauvinism of the Empire, then to the United States amid the ideological hysteria of the Cold War – are clear evidence of classic nineteenth century middle power thinking. Seeking the protection of a great power against real and imagined enemies is at its core. Moreover the comforting (if dangerous) myth of British race patriotism and a risible and

related belief in the shared interests of a grouping of 'Anglosphere' states have reinforced a 'West versus the Rest' mentality in Australia. This mentality reinforces the country's anxious dependency on 'great and powerful friends.' As Coral Bell has pointed out: 'The sense of affinity (justified or not) sweetens the consciousness of dependence' (Bell 1988: 203).

Australia's arrested development as a middle power has resulted in the country becoming a war-monger, joining with its great power allies whenever they have gone to war. The record is a grim one. Moreover it has not been always obvious that Australia's remarkable enthusiasm for joining its great power allies' wars has contributed to the country's strategic interests. The British alliance took Australia into the Boer War, World War I, and World War II. Australia colluded with the great powers at the Versailles Peace Conference in 1919 to marginalize Japan and subsequently to abrogate trade agreements with the Japanese in the 1930s. This contributed to the militarization of Japan and ultimately to that country's hostility towards Australia and its allies in the Pacific. The American alliance took Australia into the Cold War, the Korean War, the Vietnam War, the Iraq War, and the war in Afghanistan. Moreover, Australia has become an eager participant in America's 'pivot' to the Pacific, announced in 2011. Effectively a containment of China strategy, it raises some profound strategic and economic issues for Australia (White 2012).

The prevailing mode of middle power thinking in contemporary Australian foreign policy has generated a worrying complacency in the country that could see it being drawn into yet another war of America's making. As Hugh White has warned, Australia is in danger of 'sleep-walking into a role of timid automatism in an uncertain, contested Asia'

(White 2012: 71). To avoid this nightmare possibility, Australia needs to rethink its war-mongering proclivities by re-imagining a more up-to-date middle power identity for itself. This will require, inter alia, democratizing the country's procedures for going to war. This terrible power should be removed from the prime minister and a coterie of close associates and placed irrevocably within the remit of the Australian parliament.

Persuading Australians to surrender their nineteenth century middle power imagining won't be easy, even though that self-image leads to war-mongering. But it needs to be recognised that it is a construct of the past – one that threatens the country's future.

The time has come for a new middle power imagining that eschews war-mongering and promotes alliances with like-minded states, not great powers. These alliances should nurture niche diplomacy focused on easing tensions between the United States and China while working towards a harmonious order in the Asia Pacific. Australia's middle power war-mongering has long passed its use-by date.

## ABOUT THE AUTHOR

Professor Allan Patience was educated at Monash University and the London School of Economics. He has held chairs in politics and Asian Studies in Australia, Papua New Guinea and Japan. He is presently a Principal Fellow in the Asia Institute in the University of Melbourne.

# 10.

## TO WAR, LIKE IT OR NOT: THE 'JOINT FACILITIES', INTEROPERABILITY, AND THE ERASURE OF INDEPENDENT WAR POWERS

RICHARD  
TANTER

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An earlier version of this chapter appeared on the website of the Nautilus Institute for Security and Sustainability,

<http://nautilus.org/publications/napsnet/>

Since the announcement of the US nuclear submarine communications base at North West Cape in 1963, Australians have been concerned that hosting such 'joint' facilities may limit the country's sovereign independence in its foreign policy and defence choices. Six decades after the signing of the ANZUS Treaty, Australian defence policy is more deeply rooted in the American alliance than ever before.

In the past decade, Australian governments have agreed with its considerable expansion of existing bases such as Pine Gap, Kojarena, and North West Cape, as well as the deployment of a large US Marine force on 'permanent rotation' in the Northern Territory.

Despite government claims that these are operated with to its 'full knowledge and concurrence', each of critically important US facilities is capable of being used by the United States in war without Australian consent or control, effectively dragging Australia into war without choice – including nuclear war with China.

Conversely, the Australian Defence Force's technological dependence on access to US military

communications systems is now so great that should the United States object to an Australian decision to deploy the ADF abroad, Australia may well not be able to act independently.

Australian sovereignty and the need for accountable decision-making about how and when Australia goes to war require a comprehensive re-assessment of the consequences of increasing alliance integration.

While symbolically important, the most visible parts of this networked alliance – Australian troops in the Middle East and American Marines in Darwin – have little to do with profound shifts in the military relation between Canberra and Washington. At the heart of these changes are the so-called joint facilities, the military and intelligence bases in

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Australia operates in conjunction with the US. The critical Australian contribution to the alliance is a combination of hosting the bases and implementing joint plans for the ADF to function as a niche auxiliary force in support of the US in the Middle East and East Asia. Under a pervasive doctrine of interoperability, substantial numbers of ADF personnel from major-generals down are embedded in US high-technology units from Qatar to Hawaii to Colorado, building careers based on strategic doctrines which assume Australian and US national interests always coincide.

These bases, of which Pine Gap is the most famous and controversial, have new roles as the leading edge of what is now the networked alliance between Australia and the US.

These include: a greatly increased role for the joint facilities in US global military operations, US nuclear and conventional global military operations, drone surveillance and assassinations, missile defence, and planning for space warfare; technological and organisational integration of Australian military forces with those of the US, as a niche auxiliary force for global deployment; an unprecedented missile defence role for Pine Gap, the most controversial of the joint facilities, in the defence of Japan; and new capacities at a number of joint facilities transforming Australia's military relationship with China, as well as the US.

Decades of bipartisan support for the US alliance rest on a belief that, despite the known risk of nuclear attack on the major bases, hosting the facilities is the price to guarantee American support for Australian defence.

Yet the possible nuclear cost for Australia remains high: Pine Gap is still, as it was throughout the Cold War, a high-priority missile target in the event

of major war between the US and China, with heightened risks for the residents in nearby Alice Springs, now a much larger town, with many more likely casualties, than it was during the Cold War.

The designation of these bases as 'joint facilities' disguises the fact that the degree of 'jointness' is in most cases highly asymmetrical, with serious consequences for Australian sovereignty.

Whatever the sign on the gate may say, if a joint facility is built by the US, paid for by the US, and can only function as part of an American technological system, then in real world terms, it is an American facility to which Australia has greater or lesser degrees of access.

The Joint Defence Facility Pine Gap exemplifies this situation. True, the base has an Australian Assistant Secretary of Defence as deputy chief of facility, but in 2008, the last year for which data is available, Australia's contribution to Pine Gap's budget was just \$8 million – perhaps enough for the station's security guards and a bit left over.

These days Pine Gap has twice as many antennas as it did at the end of the Cold War, in a compound double its original size. Most importantly, far beyond its original mission, Pine Gap makes critical contributions to planning for nuclear war, missile defence of the US and Japan, US military operations in Iraq and Afghanistan, and CIA targeted-killing operations by drone.

Some important ADF facilities are becoming joint bases: the Australian Defence Satellite Communications Station at Kojarena near Geraldton in Western Australia, long a critical electronic spying station for the Australian Signals Directorate, has three completely new elements for advanced US

military satellite communications systems. North West Cape, once an essential part of US nuclear missile submarine command, was subsequently rendered redundant by increased missile range, and handed back to Australia. It is once again a joint facility, this time critical in America's quest for what is called full-spectrum dominance in space, with a powerful space radar and a space telescope to find elusive adversary satellites.

These three bases – and a number of others as well – hardwire Australia into United States strategic objectives and military operations, pre-empting any consideration of sovereign responsibility for acts of war.

Pine Gap and Kojarena involve Australia in drone assassinations – extra-judicial killings in legal language – in countries with which neither the US nor Australia are at war, including Pakistan, Somalia and Yemen. Pine Gap contributes intercepted communications intelligence to facilitate drone targeting. Kojarena is a key communications link from drones to their controllers in the continental United States.

Both Pine Gap – in its secondary role as a Relay Ground Station for American early warning satellites, now functioning as part of the US-Japanese missile defence system – and the new space warfare facilities at North West Cape are now integral parts of U.S. planning in the event of war with China.

These are facts unlikely to be ignored by Chinese military planners. For all the recent discussion in Australia about its relationship with China, most commentators have avoided the hard implications of the American facilities in Australia.

From a Chinese perspective, Australia is not so much

hosting US military bases but is a virtual American base in its own right, just as it was seen to be by Japan in 1942.

The real question, however, is not whether the bases oblige the US to defend Australia; that is something that will always rest on the US government's calculation of its interests. The critical question – more urgent after sending the ADF four times since 1990 to American wars of strategic irrelevance to Australia – is whether the alliance embrace nullifies Australian sovereignty and our ability to assess Australian national interests independent of the United States.

In the mantra of 'full knowledge and concurrence' that successive Australian governments have claimed as a condition governing the bases, 'full knowledge' equates, according to former Defence Minister Stephen Smith 'to Australia having a full and detailed understanding of any capability or activity with a presence on Australian territory or making use of Australian assets.'

Concurrence, in its turn 'means Australia approves the presence of a capability or function in Australia in support of its mutually agreed goals. Concurrence does not mean that Australia approves every activity or tasking undertaken.'

These claims amount to an assumption that the involvement of Pine Gap and Kojarena in extra-judicial killings by drone in countries with which Australia is not at war is legal under both International Humanitarian Law and the Laws of Armed Conflict – the two international legal frameworks that govern the activities of the ADF – a position firmly rejected by most legal authorities.

Moreover, this doctrine implies that the Australian

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government understands the consequences of these operations and believes they advance Australia's strategic and defence interests. In the cases of extra-judicial killings by drone and the technological integration of Australia into US planning for war with China, these are not matters that any Australian government has been willing to defend in public, nor in Defence White Papers.

Given the risks brought by the bases and the tightening web of alliance integration, the ability to test government claims in informed public debates amounts to a necessary and presently missing condition of Australian democracy.

## ABOUT THE AUTHOR

Since the 1970s, Professor Tanter has worked on peace, security, and environmental issues as a teacher, researcher, policy analyst, and advocate in Australia, the United States, Japan, Korea, and Indonesia. He is currently Senior Research Associate at the Nautilus Institute for Security and Sustainability, and Professorial Fellow (Honorary) in the School of Social and Political Sciences at the University of Melbourne. His comprehensive 2012 study of *The 'Joint Facilities' Revisited* is to be followed by a study of Pine Gap. With Desmond Ball, he is completing a major research study of Japanese electronic intelligence organization, the next volume of which, *The Tools of Owatatsumi : Japan's Ocean Surveillance and Defence Capabilities* is forthcoming from ANU Press. Richard is a frequent commentator on international affairs in newspapers, radio and television in Australia and abroad.



# 11.

## PARLIAMMENTARY INVOLVEMENT IN THE DECISION TO GO TO WAR: IRAQ II – 2003

MARGARET SWIERINGA

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A week after the attacks on the World Trade Center, the Australian Parliament devoted the whole day of 17 September 2001 to a motion moved by the Prime Minister. All members were unanimous in condemning the terrorist attacks and expressing sympathy for and solidarity with the United States.

However, the major parties differed on what response should be made. The government emphasized the need for action and the Defence Minister declared that Australia was 'keen, anxious and ready to do whatever we can' (Reith 2001) in support of the United States in any action they decided upon. To this end the Prime Minister invoked the ANZUS Treaty. The Foreign Minister Alexander Downer said that the attacks invoked Article 51 of the UN Charter – the right of self-defence in the face of armed attack. The possibility of war was implicit in most government statements for the next 18 months.

The Leader of the Opposition said that Australia should commit to 'international intelligence, police and military effort against those who supported and harboured the perpetrators' (Beazley 2001). However, the shadow Foreign Minister with considerable prescience warned of the illogicality of waging war on individuals and ideas as well as the strategic dangers of war in the Middle East:

The primary purpose [of the attacks] is to elicit a large-scale military response from the US and its allies in the Islamic world. The terrorist objective was to trigger a conflict, which would further radicalise Arab public opinion and destabilise Arab governments (Breton 2001).

These arguments established significant differences between the government and the opposition as the case for war was made.

By July 2002, in the US and the UK, planning for war with Iraq was well developed. The Head of MI6 reported to the British Cabinet on 23 July that the intelligence and facts were being fixed around the policy. Whether the Australian government was included in these plans has never been made clear. The Prime Minister claimed that the government 'had an understanding of American thinking [and]... had personnel placed in the US command structure' (Howard 2002a). Iraq was a subject of major debate internationally, yet the Australian Parliament,

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distracted by refugee 'children overboard' did not discuss it at a parliamentary level until August 2002, when the opposition asked the government to make a full parliamentary statement explaining their intentions.

This was refused as premature. The Prime Minister said that no decision had been made either in the United States about going to war or in Australia about committing troops. He continued to argue this until the day before the invasion.

Howard repeatedly answered opposition questions by saying that Parliament, following the Westminster tradition, should await the decision of the executive government. He also argued that the opposition's suggestion of conducting a parliamentary inquiry into Iraq at that stage 'would fairly be seen as political rather than in the national interest' (Howard 2002a).

He intended that the commitment would precede the debate.

[If this government were ever to take a decision to commit military forces, I would present a motion to this Parliament – to this House – seeking support for that decision \(Howard 2002b\).](#)

The opposition were told they might be given private briefings on Iraq at an appropriate time. Government members' questions were designed to offer Ministers opportunities to claim Saddam Hussein had WMD and to assert the problematic nature of any UN process to stop him. The whole process was directed at establishing the war case rather than whether war was advisable (House of Representatives 2002).

In September 2002, as the British and US governments and the UN began seriously to debate the intelligence on Iraq's WMD, Downer laid out for

the Parliament the intelligence on Iraq, drawn largely from the pre-1998 UN weapons inspectors' reports or from the UK dossier or US sources, all intelligence being 'fixed around the policy'.

The opposition complained that there was no new evidence. They argued that the UN inspection process, by then agreed by Iraq, should be exhausted and that any further action should be authorised by a new resolution of the Security Council.

There was no further debate in the Australian Parliament until February/March 2003 when war was imminent and by which time Australian troops had been pre-deployed to the Middle East.

On 4 February 2003 the Prime Minister set out his case for war. Despite random references to his abhorrence for war, the speech stressed that the time had come to deal with Iraq: that Iraq continued to defy the UN and its inspectors; that Iraq possessed WMD; that Iraq supported terrorism and was therefore a threat to international and Australian security; and that to delay was weakness and a failure of international will, which would have 'terrifying consequences'. Despite the pre-deployment of Australian troops to the Middle East, he insisted that no decision had been taken (Howard 2003). In lockstep with Blair and Bush, he argued that the legality of the war was based on the need to disarm Iraq and its failure to comply with Security Council resolutions and weapons inspections.

The opposition rejected the Prime Minister's case.

[What we have just heard from the Prime Minister is a justification for war, not a plan for peace. We have heard the Prime Minister unctuously in this House talk of his abhorrence of war and say that he wants](#)

[peace, yet he has already committed our troops to war without a mandate from the Australian people, without a mandate from the parliament and without a mandate from the United Nations.](#)

[You committed Australia's young men and women to a war that has not yet been declared, knowing all along that, having committed them, you cannot pull them out.](#)

[You say that no such commitment has been made. I do not believe you, Prime Minister. You have not had the courage or conviction to tell the Australian people what you have done and what you have committed to. There is no greater decision that a Prime Minister can take than to send men and women to war, but there is no greater breach of trust than committing them to war without telling them the full extent of the commitment \(Crean 2003\).](#)

[All along the Prime Minister dissembles, denies and evades. From the very beginning of this debate he has sought to pull his own curtain of deceit over his war diplomacy \(Brereton 2003\).](#)

On 5 and 6 March independent MPs, Tony Windsor and Peter Andren, tried to force a vote on Australia's involvement in the war on Iraq. The motions were gagged. Despite two days of debate and the government's continual denial, the decision had in fact been made. It was too late. The parliamentary contribution was futile.

As the war progressed in 2003, the ostensible and only legal case for war – Iraq's possession of WMD – evaporated.

Two inquiries were held after the war.

On 18 June 2003, the Senate, on a motion of

Senator Faulkner, referred a parliamentary inquiry to the ASIO, ASIS and DSD committee, requiring it to examine the intelligence upon which the government relied, its accuracy, the independence of its assessment and accuracy and completeness of the government's presentation of the intelligence to the Parliament.

The Prime Minister thought the inquiry premature; some Senators thought the scope too limited. The committee itself was limited by the Act under which it operated: its reports had to be vetted by the Ministers for Foreign Affairs, Defence and the Attorney General; it had limited access to the intelligence provided to government, although the agencies claimed that the intelligence that was provided to the committee was a 'reasonable reflection of what was said to government'; the committee's time and resources were limited; and, as the terms of reference did not cover the actual decision to go to war, neither Ministers nor policy officials from the departments of Foreign Affairs or Defence or the Attorney-General's Department were called.

Despite all these limitations imposed upon it, the committee received 24 submissions and held 5 hearings, only one in public, and reported to the Parliament on 1 March 2004.

The committee's conclusions on the accuracy and independence of the intelligence were mildly critical of ONA after September 2002 for being too accommodating of the government's 'policy running strong' as one witness described it. However, the committee found that the Defence Intelligence Organisation (DIO) had been closest to the reality on the ground.

[We thought it likely that they \[Iraq\] still retained some weapons of mass destruction that had](#)

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been produced prior to the Gulf War. But we did cast some doubts about the likely state, fragility and reliability of those weapons (Parliamentary Joint Committee 2004: 82).

The Australian intelligence agencies expressed more doubts than their partner agencies and as a result the Australian Prime Minister and Ministers chose to rely on the UK dossier and the US National Intelligence Estimate to argue their case. Both these documents were controversial before the invasion and, after it, were shown to have been manipulated.

The committee also found that Prime Minister and Ministers also quoted selectively from the weapons inspectors' reports suggesting that Iraqi non-compliance was greater than it was (Parliamentary Joint Committee 2004: 82). As evidence that Iraq had WMD Ministers quoted the debriefing of Kamal Hussein when he claimed that Iraq has a massive WMD program, but failed to mention that Hussein also said that it had been destroyed (Parliamentary Joint Committee 2004: 95).

The committee concluded:

The case made by the government was that Iraq possessed WMD in large quantities and posed a grave and unacceptable threat to the region and the world, particularly as there was a danger that Iraq's WMD might be passed to terrorist organisations.

This was not the picture that emerges from an examination of all the assessments provided to the committee by Australia's two intelligence agencies (Parliamentary Joint Committee 2004: 93).

The war in Iraq was an expensive strategic and humanitarian disaster.

The failure was not so much a failure of intelligence as a misuse of intelligence in the lead up to the war in Iraq in 2003. Since the Australian intelligence agencies largely understood and accurately presented the state of Iraq's WMD, the next inquiry should have been one that examined the way in which the decision to go to war was made. The government's response – a further inquiry into the intelligence agencies, which was one of the committee's recommendations – was a distraction from the main issue.

The parliamentary process on Iraq was extensive, but intermittent and ultimately impotent. All the warnings made by members who opposed the war strategy were ignored. The most important lesson from the experience is that whenever significant disagreement on the decision to go to war exists in the Parliament, it would be wise to heed it. Provision should therefore be made to include the Parliament in the decision making process. The government claimed executive privilege and precedent in its war making powers and relied on its numbers to frustrate any attempt on the part of MPs to gain knowledge of its decision or to include the parliament's reservations in it. Today this executive privilege is exercised by only a few democratic governments and, being an unchecked power, it is disastrously susceptible to arrogant and faulty judgements.

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## ABOUT THE AUTHOR

In 1990, after a twenty-year career teaching English literature, history and politics in the Canberra and Sydney, Ms Swieringa was recruited by the Australian Parliament as a committee secretary for the Joint Committee on Foreign Affairs, Defence and Trade and the Intelligence and Security Committee of the House of Representatives. For the In the Intelligence Committee she worked on the inquiry into the intelligence on Iraq's weapons of mass destruction and the reviews of counter-terrorism legislation between 2002 and 2007. After her retirement in 2009, Ms Swieringa worked as an adviser on national security to a minister in the Labor Government, and has been a consultant for the Centre for Democratic Institutions and Ethos CRS Consulting.

# 12.

## HERE WE GO AGAIN – MORE MISSION CREEP IN IRAQ

JOHN  
MENADUE

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We seem unable to learn from the history of past centuries and decades as we plan to send another 300 Australian troops to Iraq in May 2015 to train forces fighting Islamic State (IS).

To show his patriotic fervour Tony Abbott needed eight Australian flags as a backdrop for his announcement of this on 3 March.

For centuries foreigners like the Greeks, Romans and British, thought that they could subdue Iraq to their wishes. In the process, the fragile country of Iraq has been subject to imperialism, resource exploitation, despotism and religious rivalry. The most recent calamity inflicted on the long-suffering Iraqi people was at the hands of George W Bush, supported by Tony Blair and John Howard. We were told that the invasion of Iraq was to expand freedom and democracy in Iraq and free that poor country from Saddam Hussein. Not so frequently mentioned was access to the fifth largest oil deposit in the world.

The result has been a catastrophe for the Iraqi people and almost everyone except the US companies who gorged themselves on military contracts.

In opposing IS we chose to forget that the Saudi government and wealthy Saudis, along with the wealthy in the Emirates, have been funding IS. They did the same for Al-Qa'eda.

The result of the most recent foreign intervention was first seen in Mosul where the brutal advance of IS ended 1,600 years of Christian worship in the province. Saddam Hussein was a monster but at least he kept the IS 'death cult' caged. Do George Bush and John Howard and Tony Abbott feel responsible for the consequences of their earlier actions in invading Iraq?

Have we forgotten Vietnam and all the other disastrous wars that we have got involved in at the request of the US? Invariably these wars start with humanitarian aid, then advisers, then logistic support and all the way from there to full-scale military involvement in causes we don't understand. In Vietnam and later in Iraq and Afghanistan our role steadily expanded with disastrous consequences for everyone concerned.

Having withdrawn from Iraq in 2011, we are now back again. First it was humanitarian air drops. Then it was arms to elements of the Kurdish Workers' Party

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in Northern Iraq, which is a proscribed terrorist organisation. Our mission then crept to sending 200 Special Forces to help train the Iraqi army. Then we sent 600 RAAF personnel and aircraft to operate out of the Gulf. Now we are putting in another 300 Australian military trainers. And there is probably more to come. Prime Minister Abbott refused in March 2015 to rule out further commitments. 'I'm not going to be too prescriptive' he said. If all that is not mission creep, I don't know what is.

Recent attempts to save Iraq by sending more troops as 'trainers' hark back to 2003. Since then there have been enormous contributions of blood and money from many countries – the US, Iran, Israel, Rumania, NATO, Japan, Jordan, New Zealand, and many others including Australia. In all, the US alone has spent between \$US20 billion and \$US28 billion to train the Iraqi army. But last year the Iraqi army which we thought we had trained threw its arms away and surrendered to the IS in northern Iraq. Our interaction with the Iraqi army has been an abject failure every step of the way. This is despite the fact that we were told ad nauseam about the enormous progress that was being made in training the army. In fact it was a failure on such a scale that it is very difficult to admit.

At its most basic level this is a sectarian war between Shia and Sunnis. Foreign fighters make it worse, giving both sides a common enemy.

Foreign interests have brought disaster to the people of Iraq and Afghanistan for centuries. The history lesson is quite clear that foreigners and particularly westerners cannot solve either country's problems. We invariably make them worse. Only the Iraqis and their neighbours can solve the problem of IS.

Our intervention over the last decade in Iraq has also

exposed us more to domestic terrorism. Tony Abbott won't acknowledge the obvious, not only that our foreign intervention is counterproductive in Iraq but it increases the risk of more terrorism in Australia. In The Guardian in March 2015 even Tom Switzer, a long-time supporter of Tony Abbott, said 'It pains me to say it but Abbott has learned nothing about Iraq. He's taken the Islamic State's bait' (Switzer 2015). It is sad that the ALP, which opposed Iraq War II, has voiced no such criticism. Labor has allowed itself to be wedged into Iraq War III, proposing only the weakest of conditions on Australia's commitment. Presumably Bill Shorten fears the electoral damage Labor may suffer in a khaki election at the hands of the United States and its loyal News Corporation.

#### [UPDATE: AUSTRALIA IN IRAQ, 2014 – RICHARD TANTER](#)

(As of April 2015. For updated details see Australia in Iraq, Nautilus Institute Briefing Book, Nautilus Institute, at <http://nautilus.org/publications/books/australian-forces-abroad/iraq/>)

#### COMPONENTS

- Air Task Group
- Special Operations Task Group
- Headquarters Joint Task Force 633 – Middle East Area of Operations
- Australian Contingent, Combined Task Force 150 and NATO Operation OCEAN SHIELD (HMAS Success, 2014.11 – 2015.5)

#### AIR TASK GROUP

- six Boeing F/A-18F Super Hornets (first rotation); F/A-18A or B Hornets (second rotation)
- one Boeing E-7A (737) Wedgetail airborne early warning & control aircraft
- one Airbus Defence & Space KC-30A (A330

MRTT) air-to-air refuelling tanker

- C-130J Hercules and C-17A Globemaster aircraft

#### SPECIAL OPERATIONS TASK GROUP

First rotation (2014.9 – c.2015.4)

- Special Operations Command, including elements of
  - Special Air Service Regiment
  - 1st and 2nd Commando Regiments
  - Special Operations Engineer Regiment
  - Special Operations Logistics Squadron

Second rotation (2015.4 – )

- 7th Brigade, which could include elements of
  - 2nd/14th Light Horse Regiment (Queensland Mounted Infantry)
  - 1st Regiment, Royal Australian Artillery
  - 2nd Combat Engineer Regiment
  - 139th Signals Squadron
  - 6th Battalion, Royal Australian Regiment
  - 8th/9th Battalion, Royal Australian Regiment
  - 7th Combat Service Support Battalion

#### BASES

- al-Asad Air Base, Anbar Province, Iraq (SOTG)
- Baghdad Diplomatic Security Centre (Embassy protection)
- Camp Taji, Baghdad and Salah ad Din Provinces, Iraq (SOTG)
- Al Minhad Air Base, Dubai (ATG, JTF633)
- Al Udeid Air Base, Qatar (609th Air and Space Operations Center, USAF)
- Naval Support Activity Bahrain, USN (Combined Task Group 150)

#### ABOUT THE AUTHOR

John Laurence Menadue, BEd, AO was educated at the University of Adelaide. His career in the private sector and the Public Service began as Private Secretary to Gough Whitlam, Leader of the Opposition (1960-67), and he then became General Manager of News Limited, publisher of *The Australian*. As Secretary of the Department of Prime Minister and Cabinet (1974-76) he worked for successive Prime Ministers Gough Whitlam and Malcolm Fraser. He was Australian Ambassador to Japan (1976-980), Secretary of the Department of Immigration and Ethnic Affairs (1980-83), and Secretary of the Department of Trade (1983-86). He was Chief Executive Officer of Qantas (1986-89), a Director of Telstra (1994-96), and Chairman of the Australia Japan Foundation (1991-98). He has advised the NSW and SA governments on health policy, and was founding Chair of NewMatilda.com, an independent weekly online newsletter. He is a Fellow of the Centre for Policy Development, and Patron of the Asylum Seekers' Centre in Sydney. His awards include the Distinguished Alumni Award from the University of Adelaide (2009), the Centenary Medal 'for service to Australian society through public service leadership' (2003) and the Japanese Imperial Award, The Grand Cordon of the Order of the Sacred Treasure (1997). In October 1999, John Menadue published his autobiography, *Things you learn along the way*. His blog is [johnmenadue.com](http://johnmenadue.com).

# 13.

## WAYS OF AVOIDING WAR: PEACEKEEPING AND PEACE MEASUREMENT

PERA  
WELLS

In this chapter the focus is on two very different but complementary means of avoiding wars. First, peacekeeping: the United Nations mandates personnel organised by one or more nations to intervene between warring parties whose conflict has for the moment ceased by truce or otherwise, to try to prevent or discourage its resumption. The detailed nature of such interventions varies greatly according to the circumstances. Secondly, Australian, Steve Killelea, has created the Global Peace Index, to identify and if possible reform in good time those elements in any nation that indicate a significant risk of descent into war.

### AUSTRALIAN PEACEKEEPING OPERATIONS

It is a little known fact that the beginning of Australian peacekeeping and the beginning of the Australian Regular Army were simultaneous events.

Speaking on the 67th Anniversary of Australian Peacekeeping on 15 September 2014, Lieutenant General John Sanderson AC (Retd.) observed that Australian personnel were first committed to the service of world peace in September 1947 when the Australian Regular Army was raised by legislation.

Sanderson commented that 'Few people make this connection between our nation's hope for a better and more peaceful world and these two historic

outcomes of World War Two – the international commitment to the UN Charter and the raising for the first time of a regular army in Australia. The Australian Armed Services have been involved in many conflicts since 1947 but the one constant that has brought them together with the nation's police forces and engaged civilians over that time has been peacekeeping and peace building.'

Sanderson was speaking in support of the proposal to erect an Australian Peacekeeping Memorial in Canberra in September 2017. It will recognize the sacrifice and continuing contribution of Australians to international peacekeeping.

<http://www.peacekeepingmemorial.org.au/>

For the first few years, Australia's peacekeepers were unarmed military observers, promoting peace indirectly by ensuring that neither side in a conflict could violate a ceasefire or commit atrocities without the United Nations knowing about it. One of the first deployments of Australians was to the UN military observers who helped the Indonesian republicans win their independence from the Dutch. In Korea in 1950, the UN's judgement that North Korea had invaded the south was based, in part, on a report by Australian military observers serving with the UN Commission on Korea.

Since 1947, Australia has provided more than 65,000 personnel to more than 50 United Nations and other multilateral peace and security operations. Of these, over 30,000 have participated in UN peace operations and more than 20,000 in UN-mandated operations, including Cambodia and East Timor.

Australia continues this tradition today, with Australians serving in peace and security operations across the globe, as shown in the map below.

#### MAP OF AUSTRALIAN PEACEKEEPING OPERATIONS

[www.awm.gov.au](http://www.awm.gov.au)



#### FACTS ABOUT UNITED NATIONS PEACEKEEPING OPERATIONS AS AT JANUARY 2015

There have been 69 UN peacekeeping operations. In the current 16 the total number of personnel serving is 123,122; 104,235 of those being uniformed (Troops 90,023, Police 12,433, Military Observers 1,779).

Countries contributing uniformed personnel now number 128. Approved financial resources for these operations for the period from 1 July 2014 to 30 June 2015 total about \$US8.47 billion.

When, as is commonly the case, the personnel involved are from diverse nations, the appointed commanders have to overcome special problems from differences in language, training and competence. United Nations peacekeeping is therefore a large and complex effort which relies on the collective political and practical support of Member States.

#### HOW SHOULD THE AUSTRALIAN GOVERNMENT DECIDE WHICH PEACEKEEPING OPERATIONS TO SUPPORT?

In August 2008, the Senate Standing Committee on Foreign Affairs, Defence and Trade issued a report on Australia's involvement in peacekeeping operations. The Committee identified the main criteria against which Australian decision makers should assess whether or not to commit to a multinational peacekeeping operation:

- clearly identifiable and achievable objectives;
- adequate resources and level of commitment to meet those objectives;
- proper legal underpinnings, i.e. consistency with Australian and international law;
- force protection that matches the needs on the ground;
- an exit strategy.

The Committee accepted that in the real world compromises are reached in order to achieve an agreement on the modalities of an operation which may fall short of these criteria.

The Committee, however, was not convinced that Australian government agencies fully grasped the meaning of 'exit strategy'. The Committee argued that specifying an end date or end state for withdrawal is not of itself an exit strategy. Their view was that an exit strategy should provide a structured plan for achieving the stated objective and contain benchmarks against which progress towards the ultimate goal of sustainable peace, and can be measured.

The final part of the report notes that:

- government agencies do not have effective processes for converting lessons from a peacekeeping operation into policy or practice due in large measure to inadequate evaluation mechanisms, particularly the absence of effective performance indicators;
- current reporting practices can be improved to provide greater transparency and accountability;
- there is a compelling argument for a white paper on Australia's engagement in peacekeeping; and
- considerable scope exists for the Asia-Pacific Centre on Civil-Military Cooperation to have an integral role in developing a culture of learning and improvement for those involved in peacekeeping.

The observations of the Senate Standing Committee resonate with the concerns expressed by the Campaign for an Inquiry into the War in Iraq, which has led to the call for War Powers Reform. Interestingly, it is now evident that the United

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Nations itself has been addressing these concerns.

#### **FUTURE DIRECTIONS FOR THE UNITED NATIONS CONDUCT OF PEACEKEEPING OPERATIONS**

In 2014, in its first-ever resolution (2185) on the topic, the Security Council resolved to make policing an integral part of the mandates of United Nations peacekeeping operations and special political missions. The Council stressed that such policing mandates must be clear, credible and achievable and matched by appropriate resources from police-contributing countries. The Secretary General had to ensure the professionalism and effectiveness of United Nations police. The goal of increasing to 20 per cent the number of women in police by 2014 had so far led to the nomination of 2,000 women, but more were needed.

On 12 February 2015, United Nations Deputy Secretary-General Jan Eliasson called for a greater focus on security sector reform, a process which aims to transform the security sectors – defence, law enforcement, corrections, intelligence services and institutions responsible for border management, customs and civil emergencies – into more accountable and professional institutions which fully respect human rights and the rule of law.

On 20 February 2015, a group of United Nations experts urged the UN's peacekeeping presence to incorporate technological advances into its operations in order to better confront the dynamic challenges of the 21st century. Along with the critical upgrade of field technology, including drones, the UN is aiming to 'go green' through the responsible use of Geographic Information Systems (GIS) data to help find water sources.

All of these recommendations could affect Australians in peacekeeping operations.

#### **THE GLOBAL PEACE INDEX: A MUCH NEEDED TOOL FOR MEASURING LEVELS OF PEACEFULNESS IN THE WORLD**

It remains to make an all too brief mention of this valuable tool created by successful Australian businessman, Steve Killelea.

International investment and business in the increasingly interconnected world of the 21st century needs peace in order to flourish. Killelea recognised that for peace to be sustained and enhanced in countries there was first a need to identify measurable indicators of peacefulness. He had the foresight to set up the Institute for Economics and Peace, and then to create a Global Peace Index, which has become the world's leading measure of national peacefulness. Now in its ninth year, it ranks 162 nations according to the 'absence of violence' on the basis of 22 indicators, ranging from a nation's level of military expenditure to its relations with neighbouring countries and the percentage of its prison population. Australia, having ranked in the mid-twenties for 'peacefulness' during its involvement in Iraq War II, had gradually climbed to 15th by 2014. The GPI is intended to contribute significantly to the public debate on peace and is currently used by many international organisations, governments and NGOs including the World Bank, the OECD, and the United Nations. Its website: [www.visionofhumanity.org](http://www.visionofhumanity.org). brings peace research to life, with interactive peace maps, ground breaking reports and the very latest news and videos pertaining to peace.

#### **CONCLUDING MESSAGE FROM JOHN SANDERSON:**

'How to resolve conflicts peacefully without engaging in the process of reciprocating violence that war and enforcement entails is the main question of the day. Whatever happens, peace will not come from

violence. It will only come through reconciliation through negotiation and dialogue, combined with a real commitment to justice and wellbeing on all sides of the conflict.

'The problem is now, as it has always been, how to create the circumstances in which a negotiated peace becomes a tangible thing, where people can have a sense that a better life for them and their families becomes possible through compromise. This is what peacekeeping is all about – helping to create those circumstances and that hope.'

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#### **ABOUT THE AUTHOR**

As an Australian diplomat from 1973 -1998, Pera Wells served in Ghana, the United Nations, the Commonwealth Secretariat and to India. From 2000-2009 she worked for the World Federation of United Nations Associations, and was elected its Secretary-General in 2006. She is the Vice-President of the Australian Council for Human Rights Education, a Fellow of the Australia India Institute and of Ormond College, University of Melbourne, a member of AIIA, and the Director of the Model Global Parliament program. ([www.modelglobalparliament.org](http://www.modelglobalparliament.org))



# CONCLUSION:

## ‘AN UNPITIED SACRIFICE IN A CONTEMPTIBLE STRUGGLE’

ALISON  
BROINOWSKI

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Australia, before 1901 and since, has known many times of war, and hundreds of thousands of Australians have fought in dozens of foreign countries. Their experiences are copiously recalled and described in heroic terms every Anzac day. Succeeding generations of Australians have become accustomed to war, and to the banality of evil that fighting involves. In the process, Australian society has been militarised, and never more so than now. Australia, says historian Henry Reynolds, is obsessed with war (Reynolds 2015).

Not all of us however, have succumbed to this obsession. The contributors to this publication, from diverse academic, legal, and governmental backgrounds, share the conviction that because our political leaders refuse to hold a proper inquiry into how and why the Prime Minister sent Australia to war in Iraq in 2003, it is urgently necessary to change the war powers that enabled him, his predecessors and successors, to begin, expand and repeat such expeditions. John Menadue, who was head of the Prime Minister's Department under both Whitlam and Fraser, observes here the insidious, repeated practice of 'mission creep', and former Secretary of Defence Paul Barratt describes how another Prime Minister was able to do it again in 2014-5.

In every war since Vietnam, Australia's participation has lacked a clearly-stated purpose, its legitimacy has been dubious, and its outcome at best unsuccessful, at worst disastrous. In every war, Prime

Ministers were told what our ally in Washington required, and they complied. Prime Minister John Howard invoked the ANZUS Treaty in 2001, and overstretched its terms to go to war. As Margaret Swieringa observes, Australia's deficient war powers provisions allowed him to avoid seeking the agreement of Parliament before committing the troops. Australian governments are not, unlike some other countries surveyed in my chapter, obliged in advance to justify going to war, nor later to explain what happened, nor to take responsibility for the deaths, the damage, and the expense of war. As Charles Sampford shows, they advocate law-abiding behaviour for others, but ignore and deride international law when it inconveniences them. In advance of wars, Australian prime ministers do not consult our neighbours, as Tony Kevin points out, nor any countries other than the Anglo-allies.

Always focussed on the short term, Australian

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governments rely on loyalty to allies and support for troops in the field to win them the next election, a consistent pattern which Richard Broinowski traces from pre-Federation to the present. Always citing national interest and security, he writes, they instead serve their own interests, launching troops into ill-planned wars without clear purpose. On at least three occasions, Australia pre-emptively pressed for involvement before wars had begun: in WW I (Douglas Newton's chapter), in Iraq War II (Tony Kevin's) and Iraq War III (Paul Barratt's). The disregard of Parliament that led to Australia's calamitous invasion of Iraq in 2003, minutely detailed by Margaret Swieringa, together with successive governments' resistance to a proper inquiry, should warn us against trusting them with such future adventures.

In nominally secular, settler Australia, the Anzac narrative fills the void of a national myth. Anzac is the cosmetic face of a national security culture founded on atavistic theories and practices of serial sacrifice whose origins, Michael McKinley contends, are poorly understood and seemingly ineradicable. (His quote from Edmund Burke heads this Conclusion). National security is deliberately promoted by 'Anzackery', as David Stephens calls it, a mythology whose purpose is to prepare future generations for more wars in the service of the 'Anzustry' – Australia's equivalent of the US military-industrial complex. Such compliant behaviour was typical of satrapic allies a century ago, but modern Australia's 'middle power imagining', Allan Patience argues, is overdue for an update, as is its compulsion to fight in other countries' wars. Middle power or not, journalist Nicholas Stuart elsewhere assesses Australia's self-asserted influence on world events as 'not so much peripheral as non-existent', endorsing academic Andrew Carr's view that Australia's objectives are increasingly unlikely to be achieved through such military means

as Iraq War III (Stuart 2015, Carr 2015).

Signalling some hope for a less militaristic future, Pera Wells notes the initiative of an Australian in founding the Global Peace Index, and the contribution to the greater good made by thousands of Australians in more than 60 peace-keeping operations since 1947. But as long as Australia willingly hosts US bases and forces and collaborates in global surveillance and remote drone strikes, as Richard Tanter demonstrates, we will continue to become involved in conflicts that have nothing to do with us. In Malcolm Fraser's last book, *Dangerous Allies* (2004) and in his Preface here, he points to the paradox that our ally, by its presence and its policies, constitutes the greatest threat to Australia, one which we have brought upon ourselves. Dedicating this booklet to the late Prime Minister, we invite Australians to join us in seeking change.

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## ABOUT CIWI/AWPR

In 2012 a group of concerned Australians set up a website [www.iraqwarinquiry.org.au](http://www.iraqwarinquiry.org.au) and established of a nationally registered incorporated body, the Campaign for an Iraq War Inquiry (CIWI). In 2014, members decided to shift the Campaign's emphasis to the 'war powers' themselves and concentrate on a further campaign, under the banner 'Australians for War Powers Reform' (AWPR). Dependent upon membership and donations, the Campaign welcomes both.

# A CALL FOR WAR POWERS REFORM IN AUSTRALIA

AUSTRALIANS FOR WAR POWERS REFORM IS THE KEY PROJECT OF THE CAMPAIGN FOR AN IRAQ WAR INQUIRY, ESTABLISHED IN 2012. THAT CAMPAIGN CALLS FOR AN INDEPENDENT INQUIRY INTO THE REASONS BEHIND AUSTRALIA'S PARTICIPATION IN THE INVASION OF IRAQ IN 2003, TO DRAW OUT WHAT LESSONS CAN BE LEARNED FOR THE FUTURE.

