

# **'How does Australia go to war?'**

**by Nick Deane**

## **Speech to the Quakers' Peace and Justice Group**

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Thank you (especially to Jan de Voogt) for welcoming me and giving me this opportunity to speak on matters that are close to my heart. I will try to keep on topic - but if I begin to speak 'as the spirit moves me', I think that should be 'OK' in this company.

This is actually not the first time I have spoken at a meeting of Friends. I raised my voice, rather feebly, in the room above us one Sunday early in 2003, during those crazy weeks when the Australian government was openly contemplating joining the invasion of Iraq. At the time I was deeply disturbed. Contemplating the invasion of a sovereign nation was so blatantly wrong. And how much more wrong was it when we actually did join the invasion on that unforgettable date, twenty-o-three, twenty-o-three.

That marks the time that I became convinced that, as Senator Sam Dastyari said very recently in a slightly different context, there is something fundamentally 'wrong and rotten' in Australia. All is not well. And we all probably share a sense of unease about our country's current trajectory through time.

I came to my present position through realising that humankind faces a deep predicament and crisis. We have a prevalent economic ethos of perpetual growth that is being imposed on a planet of dwindling resources. Experts, including military experts, agree that climate change, ocean warming, droughts, famines and flooding will foster tensions and raise the potential for conflicts. Now the intelligent but counter-intuitive response to this our collective predicament should be to lessen the likely effect of these conflicts by disarming. However the actual response we see going on internationally is the intuitive one of 'arming up', a response that can only deepen and worsen the crisis for everyone on Earth.

So I was already concerned about and opposed to militarism in general before Iraq, but following 2003 my concerns got focussed on Australia's military alliance with the US. My impression is that the US is a belligerent, imperial power and my suspicion is that its belligerence is driven by the financial interests of an elite within the Military, Industrial, Media, Intelligence Complex (or MIMIC), the only beneficiary of 'perpetual war' or war as the new normal. One of my fears is that our alliance with the US may be leading us into a future confrontation with China. So I am in firm agreement with the late Malcolm Fraser, who described America as a dangerous ally.

But I have been asked to talk about How Australia Goes to War. And it is not hard to link into this specific issue. For along with the points I have just mentioned one must acknowledge that Australia too has a long tradition of belligerence. Too often Australia has gone to war in distant lands under some misplaced notion that it is in the nation's interests. So that to me Australia as a nation rather resembles Bill Barnacle in Norman Lindsay's Magic Pudding - always ready and spoiling for a fight - as though fighting is, in and of itself, a good thing to do. Australia, a country under no threat and with no enemies, has a peculiar tendency for going to war.

And, post 2003, I felt bound to ask how it could have been that Australia, nominally a democracy, could have committed such a great wrong as that of invading Iraq – especially in the face of the overwhelming public opposition that existed at the time. So it became necessary to explore the decision-making process that had gone on. And my initial, low-level research led me to the realisation that, for all practical purposes, the decision to take the country to war was taken by one man (or, at best, by very few men – and, yes, they were all men).

To understand how this situation has arisen we need to go back. I am not an academic historian and I do not claim expertise. For expertise I refer you to this publication, which I am relying on heavily. It is highly readable, crammed with useful facts and astute analyses and I recommend it highly. I'll give a very brief account of the decision-making process Australia followed and follows before our troops go off to war.

Back in colonial times, continuing a tradition that went for centuries, the power to declare war resided with the British monarch of the day. And it followed, Australians being that monarch's subjects, that any war that was declared by the British monarch automatically involved Australia. As recently as 1939, as Australia had not signed the Statute of Westminster of 1931, PM Menzies was legally correct in saying that because Britain was at war with Germany, so was Australia. In our constitution, the power of the Commonwealth is vested in the Queen (through her representative, the Governor General) – who is also named as the commander of Commonwealth military forces.

In 1975, however, (and I don't know the reason for this) there was an amendment made to Section 8 of the Defence Act, an amendment which gave the Minister for Defence 'general control and administration of the Defence Forces'. The significance of this was that it meant that the Governor General could actually be left out of the military decision-making process, as decisions could be made by the executive. And, if I've understood correctly, it was that amendment that opened the way for the current system. Whilst the 'old' way of operating – going through the Governor General – is still available, precedent has been set for relying on Section 8.

1975 fell in that post-war period, during most of which Australia's involvement in military action overseas was guided by the principles of respect for national sovereignty under the UN Charter and respect for the mandatory powers of the UN Security Council. And whilst the doctrine of Security Council sanction had been severely strained by the Vietnam War, successive governments did return to following it.

However, all of this changed following September 11, 2001 or '9/11' as we have come to call it.

PM Howard was in Washington on that day. He is reported to have seen the smoke rising from the attack on the Pentagon. He may have been emotionally affected by what he witnessed and the effect it had on those around him at the time. More than likely, he would have come under immediate and intense pressure from senior American military personnel. And with his judgement possibly clouded by emotion, it might have been easy to win him over. Whatever the 'back-story', it has been reported that he was probably forming the view that Australia should be involved in any military response against those responsible for the atrocity, before he left America. All commercial flights were cancelled on September 12 – but Howard was flown out in a US military aircraft on that day.

Now, at some point (before or after 9/11) Howard must have come to an understanding that the 1975 amendment gave him and his minister the power to take the country into war through an executive decision. The important point is that, following 9/11, he clearly felt comfortable exercising that power. For the decision to join the invasion of Iraq was a legally made decision. Ironically, although the invasion itself was probably illegal, the decision to join it could legitimately be made the way it was under the terms of Section 8 of the Defence Act.

Now Howard was, as Malcolm Fraser says in his introduction to the booklet, a strong leader – and he would have been influential in winning over others. He may have made his decision with the assistance of the National Security Committee of Cabinet (the NSC), which includes the Minister for Defence – but you can check the website of the NSC and read there that ‘decisions of the NSC do not require the endorsement of the cabinet’. It was essentially a decision made at best by a small coterie of men, but in all probability and for all practical purposes by just one person.

There was nothing put to the House of Representatives. There was not even a Cabinet decision, as far as I’m aware. When you boil it down, the decision, a decision of such magnitude that 13 years later we have yet to reach the end of its ramifications, was really made by one man. It was fundamentally anti-democratic.

In 2008 I became aware that Senator Scott Ludlam had introduced a private members Bill into the Senate, a Bill to make it compulsory that there be parliamentary debate before Australia’s Defence Forces are committed to action overseas. And, in response to an invitation to the public from the ‘Foreign Affairs, Defence and Trade Legislation Committee’, I wrote a submission on behalf of the Marrickville Peace Group, supporting Ludlam’s Bill, because his idea seemed so inherently sensible and correct. Subsequently I contributed to the Greens Dissenting Report – after the Committee had decided that Ludlam’s Bill was not worthy of debate in the Senate.

That was that Committee’s decision in 2010. The question of whether or not there should be parliamentary debate before the country sends its military forces to war, would not even be asked. Ludlam’s Bill was not debated. The matter was killed off before it even reached the chamber.

It did reach the Senate eventually, when Senator Ludlam re-introduced it in 2014. However, and predictably, the majority (i.e. both major parties, the Coalition and Labor) disagreed with the bill’s main idea – meaning that, for the time being, it has been defeated and will no longer be considered by the parliament.

I find this state of affairs horrifying and incredible. What it means is that in our so-called democracy, our parliament will not give itself the power to decide whether or not the country commits its military forces to war. Instead, in the case of Iraq we had a decision made by very few, possibly led by a person emotionally affected by what he had witnessed. Too much power in the hands of too few – definitely not the model for good decision-making in a democracy. And a great wrong resulted.

But it gets worse, because nothing has changed, the state of affairs continues to this day – Abbott followed the precedent set by Howard for our current involvement in bombing in Syria. Again - no deliberation and weighing up of all the arguments one would expect to go into a major decision; no debate amongst our elected representatives; none of the checks and balances one expects of the

democratic process. Too much power in the hands of too few people. Without, I hope, causing anyone any offence, we put more effort into discussing same-sex marriage than we put into deciding whether or not the country goes to war. We no longer declare war. If and when the PM decides, our military forces can just go off.

But, returning to theme, I ask you this:- in the cases of Iraq and now Syria, was it not highly convenient, from the standpoint of those responsible for the USA's military agenda, that Australia can be persuaded so easily to join in going to war? Does it not sit very comfortably within the cosy arrangements of our alliance with the USA? It is only necessary for the US to 'win over' a small number and Australia will join whatever action the US engages in. Who benefits from this arrangement? Is it not beneficial to that powerful elite within the US that profits from perpetual war?

So one can make connections between the process by which Australia goes to war and our alliance with the USA. It suits American interests to have allies when it launches its attacks. So it suits American interests that it can persuade Australia to join in these actions – just by persuading a small number of powerful individuals. And that is a pattern that we can see repeating itself – notwithstanding the disastrous consequence of the invasion of Iraq.

And this process is actually not limited to going to war. Do you recall how we learned that there were to be US marines stationed in Darwin? It was simply announced jointly by the then PM (Gillard) and President Obama, when he visited in 2011. No debate. No public discussion – but a decision of very significant, strategic import for the nation was simply announced to us by a foreigner. It was an executive decision, requiring no involvement of the parliament or Governor General. It was another example of the manner in which Australia's undemocratic way of taking military decisions facilitates the US following its military agenda.

There is much that is wrong in Australia at the moment. All sorts of things are happening that make us uncomfortable. Small things at first. And unless people stand up and speak out, those small things will persist and get bigger. Undemocratic decisions are made. Legislation is passed that impacts on civil liberties. The media pay little attention to some very important developments. It gets harder and harder to speak out effectively – whilst at the same time it seems to be getting easier and easier for 'the authorities' to suppress those who do.

I put it to you that this issue of Australia's War Powers is one matter upon which we can speak out and take a stand with no danger of our standpoint being undermined by logical argument. It is a clear-cut case. The main point – that it makes good sense, in a democracy, that our elected representatives debate the question of taking the nation to war - is unassailable.

And if you, like me, also sense that there is something not right about our alliance with the US, then I point out that this year, the 50<sup>th</sup> anniversary of the establishment of Pine Gap – a highly significant US military facility - is a very good year in which to get active.

In October the Independent and Peaceful Australia Network or IPAN will hold its third annual meeting and conference. This year it will be in Alice Springs, chosen because of its proximity to Pine Gap.

Next year (2017) I am hoping that IPAN shifts its focus onto the presence of the US marines in Darwin, because, frankly, it is embarrassing to the nation to have them there. US marines have no business being in Darwin.

I need hardly add that IPAN needs all the support (emotional, financial, political) that it can muster.

I'll finish with my favourite quotation from Edmund Burke, that has informed my activities and which I find highly applicable to Australia at this time – "For evil to prevail, it is only necessary for good people to do nothing."

*Nick Deane*

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