



Submission No 17

Inquiry into Australia's Defence Relations with the United States

Organisation: Women's International League for Peace and Freedom

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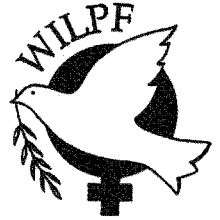
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Women's International League for Peace and Freedom
Ligue internationale des femmes pour la paix et la liberté
Liga Internacional de Mujeres por la Paz y la Libertad
Internationale Frauenliga für Frieden und Freiheit

Consultative Status with United Nations ECOSOC, UNCTAD and UNESCO

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Wednesday 21st April, 2004

Mr. Stephen Boyd
Committee Secretariat
stephen.boyd.reps@aph.gov.au

Dear Mr. Boyd,

Re: Joint Standing Committee's inquiry into Australia's defence relations with the United States

Thank you for the extension granted to our organisation for sending the attached submission.

The Australian Section of the Women's International League for Peace and Freedom (WILPF) is an international non-government organisation in consultative status with United Nations ECOSOC and UNESCO. The Women's International League for Peace and Freedom also has special consultative relations with the FAO, ILO and UNICEF. This submission is made on behalf of the Australian Section of our organisation. WILPF welcomes the opportunity to make this submission to the Committee's Inquiry.

This submission covers the following main points:

- Applicability of the ANZUS Treaty to Australia's Defence and Security with some reference to the role and engagement of the US in the Asia Pacific region;
- Status of Forces Agreement;
- National Missile Defence; and
- US Bases.
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We thank you and Committee members for your kind attention and look forward to the Committee's report.

Yours sincerely,
Cathy Picone
International Executive Committee Delegate, WILPF (Australian Section)

**Submission to the Joint Standing Committee on Foreign Affairs,
Defence and Trade: Inquiry into Australia's Defence Relations
with the United States**

**Submission made on behalf of the Women's International League
for Peace and Freedom (Australian Section) Inc.**

Preamble

In recent years, UN SG Kofi Annan has encouraged the international community to interrogate the concept of national sovereignty. Anticipating the outcome of this debate and assuming that over the course of the next century or so, the concept of the *nation state* begins to erode, WILPF welcomes the prospect of the eventual demise of those nationalisms and patriotisms which have resulted from the *nation state*, and which have been such a useful fuel in inflaming international conflicts over past centuries. In this time of transition, we perceive that two contradictory influences are at work: the globalised influence of corporate economic activity on the one hand, and increasing refugee flows on the other. WILPF believes that there is a link between the two. We in WILPF believe that as the old nineteenth and twentieth century alignments resulting in the quarantining of poverty fade, the *nation state* both as a concept and as a political, organisational and structural entity will be transformed. Of course, we cannot anticipate what will finally emerge. In the meanwhile however, national governments would do well to view present and old power blocs and military alliances through the prism of this transformation that is underway with the focus now on universal human rights.

At present, the pre-eminence of the US has led the Bush Administration into articulating a doctrine by which they believe that they can assume the right to invade other nation states on the basis of "pre-emptive military strike". WILPF believes that the hegemony of the US and the articulation of this doctrine of "pre-emptive strike" have cast the ANZUS Treaty in a changed light. Unilateral military intervention flies in the face of the machinery for arbitrating international conflicts and potential conflicts that the international community has struggled to assemble since 1945. In addition, the changing environment of the Asia Pacific in which Australia finds itself does not lend easily to the old "security" formulas of the past. It is timely for Australia's military alliance with the US to be submitted to critical evaluation.

The US Government's current policy of refusing to be accountable through any international legal system, including the International Criminal Court, for any action (including war crimes) effectively puts the US outside any legal jurisdiction or compensatory tribunal. It is unacceptable that any person or nation can act outside the parameters of law. This abrogation of responsibility highlights the illegitimacy of much of the US Government's present actions (such as Guantanamo Bay) and brings disrepute to the US, as well as to Australia as their ally.

Applicability of the ANZUS Treaty to Australia's Defence and Security

When the ANZUS Treaty entered into force generally in 1952, the international community's hopes for the United Nations were reflected in its opening words:

“Reaffirming their faith in the purposes and principles of the Charter of the United Nations and their desire to live in peace with all peoples and all Governments, and desiring to strengthen the fabric of peace in the Pacific Area”.¹

Fifty-two years later, the extraordinary pre-eminence of the United States has led to a situation where the dominance of this one state now threatens the principle of decision making by the community of nations.

Although the Australian Government places enormous store on its military alliance with the US, recent events demonstrate that our national interests are not best served if we allow ourselves to be drawn into open-ended military adventures outside the machinery of the Security Council. The 2003 invasion of Iraq and its subsequent occupation illuminates some of the core deficiencies that WILPF perceives in the present Australian defence posture in relation to the US.

Since the attacks on the Twin Towers in September 2001, the US Government has claimed rights of “self-defence” under Chapter 7 of the UN Charter, first to legitimise its war in Afghanistan and more recently the invasion of Iraq. The Bush Administration (and the Howard and Blair Governments following it), has claimed that SC Resolution 1441 gave legitimacy to its strike against Iraq. However, 1441 speaks only of “severe consequences”. Res.1441 did not legitimise a war on Iraq.

Through its present interpretation of Australia's ANZUS Treaty obligations, the Howard Government has been led into joining the war in Iraq, which many analysts view as conflicting with “the purposes and principles of the Charter of the United Nations”. Thus, since the ANZUS Treaty affirms “the principles and purposes of the UN”, this action conflicts with the ANZUS Treaty itself.

In addition, it is now widely recognised that Australia's participation in this war has made Australia less safe. Federal Police Commissioner Keelty is not alone in his assessment that the Australian Government's decision to take us into the war on Iraq alongside the US has increased the likelihood of an Al Qaida-style terrorist attack here in Australia. The Howard Government's present deference to the US has led Australia into a position whereby Australia is apparently unable to exercise the requisite degree of independence of thought in order to serve Australia's national interests where they may not coincide with the interests of the US.

¹ Australian Treaty Series 1952 No 2, Department of External Affairs, Canberra, Security Treaty between Australia, New Zealand and the United States of America

As a result, in recent years, Australia has a diminished reputation and influence within the international community. There is now a widespread international perception of Australia acting as a puppet of the US. Both domestically and internationally, many are questioning the Australian Government's capacity to "say no" to the US. We note with regret that some even speak of "obsequiousness" on our part towards the US.

Nowhere is this more evident than in SE Asia. This is all the more regrettable as it appears to us that there was never any necessity to choose between good relations with the US or with Asia. It was never necessary to sacrifice Australia's relations with our SE Asian neighbours for the US alliance. We believe that we can and should have good relationships with both the US and with the SE Asian nations. However while the Australian Government may feel that they enjoy increased access in Washington's corridors, we note that Australia is still not a full member of the ASEAN Regional Forum.

When last year, Prime Minister Howard blundered into a virtual repetition of US policy on pre-emptive strike, speaking about the possibility of launching pre-emptive strikes in our own region, SE Asian leaders reacted strongly. Our national interest cannot be served by our continuing dependence on the US's goodwill and benevolence. Since our Asia-Pacific neighbours do not necessarily view the US as a friendly force, the "deputy sheriff" badge is an impediment to good relations with Asian and Pacific neighbours. Since Australia is now indeed widely perceived as the "deputy sheriff" in our region, relations with SE Asian and Pacific nations are not likely to improve in the near to medium future. For instance, Australia's difficulties in dealing with the present Papua New Guinea Government do not arise simply from our own colonial history with PNG and our attitudes of superiority arising from that. WILPF believes that these difficulties are exacerbated by our perceived dependence on the US.

The Howard Government's interpretation of the US alliance has also brought a downgrading of our support for the UN and for multilateralism. WILPF believes that Australia can and should have a good relationship with the US while vigorously supporting the UN.

The UN embodies the concept of bringing together world leaders to discuss issues of international importance. The UN is presently the only institution available internationally with sufficient mandate and legitimacy to serve the important function of arbitrating and preventing international conflicts. As such, WILPF regards Australian Government support for the UN as crucial.

In recent years, the part that Australia has played in UN forums and committees has not been a proud one. As a middle-ranking power, Australia has a lot to gain from engaging fully, constructively and actively with the UN. We note with great disappointment that there has been a loss of momentum where Australia's involvement in the UN is concerned. When, for instance, following the US, we vote against resolutions such as the recent GA resolution condemning Israel's building of the "security barrier" along the

West Bank (and into the West Bank), we leave ourselves open to the perception that we are nothing more than a lackey of the US.

As WILPF has frequently advocated in numerous previous letters and submissions to Australian governments over past years, the Nuclear-Weapons States including the US should be closely pressed to act upon their obligations "in good faith" to dismantle their nuclear arsenals. The Bush Administration has a poor record in relation to nuclear non-proliferation measures².

We note the role that states such as Mexico, Brazil, South Africa and our near neighbour, New Zealand have been able to play in recent years in relation to the stalled nuclear disarmament agenda through their New Agenda Coalition. Unfortunately, the Australian vote on these New Agenda resolutions has closely mirrored that of our "great and powerful friend". Thus the vigour, enthusiasm and vision expressed in Australia's pursuit, for instance, of a successful Chemical Weapons Convention and the Biological Weapons Convention, have unfortunately not been paralleled in our pursuit of the nuclear disarmament agenda in recent years.

With the fragile stalemate between India and Pakistan along with China's assumption to super power status, the situation in our region calls for active support by the Australian Government for measures proposed in the UN to further the nuclear disarmament agenda. From our voting record in recent years, it appears that once again our loyalty to our "great and powerful friend" has hampered our capacity to exercise independent judgement in this regard.

Don Watson's observations in *Rabbit Syndrome* may serve as a timely reminder:

"... you only have to think like a deputy to look like a deputy, and look like a deputy long enough and one day they'll pin a badge on you and tell you to shut up and do as you're told. Too late then to discover your independence if the sheriff asks for something that it is not on your interests or nature to give. Too late to insist that you represent more than the sheriff's interests. Too late if you raise your gaze one day and see something weird or sinister lurking in the sheriff's eyes."³

As the list of US shortcomings⁴ grows in relation to their observance of international law, it behoves the Australian Government to reassess our supine defence posture in relation to the US.

² See Appendix

³ Watson, Don: *Rabbit Syndrome: Australia and America*, Quarterly Essay, no. 4 2001, Black Inc, page 25

⁴ See Appendix

Status of Forces Agreement (SOFA)

WILPF has written numerous letters regarding the SOFA whereby US servicemen who transgress local laws while in Australia cannot be tried in Australian courts. While US servicemen continue to be repatriated to mainland US and tried in US courts, women who have experienced rape or sexual assault perpetrated by US servicemen here in Australia⁵, have found that giving evidence is made unnecessarily difficult. WILPF recommends that this particular SOFA be amended to allow the prosecution of US servicemen who have transgressed local laws in Australian courts.

National Missile Defence

Another issue of grave concern to our organisation is the US plan to develop a missile defence system. This not only violates the 1967 UN Outer Space Treaty but also required the abrogation by the US of the ABM. The Outer Space Treaty is designed to keep space for peace. It is a treaty signed by 163 countries. We believe that National Missile Defence (NMD) is a threat to international peace and security, with the potential to lead to international destabilisation and an escalation of the arms race, and most certainly in the South Asian region.

We note that Australia and Japan are the only two countries presently supporting the US National Missile Defence program, with both countries having sizeable citizen opposition to their governments' involvement in the NMD program.

In the *2001 US Report on Space Command*, the US Space Command expressed the view that the US should "have the option to deploy weapons in space". More recent statements such as "Space is the ultimate high ground" and "Space superiority is essential to protect US investments worldwide" can be easily interpreted by other nations as a new form of colonialism, or an attempt at world dominance. In other words, many nations perceive US weapons in space as a "first strike weapon", and not as a defensive shield. While China perceives the NMD in this light, the US plans clearly hold the potential for provoking an arms race at a time when, in view of developments on the Korean peninsula, we can least tolerate an escalation of nuclear arms in our region.

We also note that the NMD program with its space lasers and nuclear or plutonium power packs for space weapons are potential environmental dangers.

Australia should not condone, be a party to, or cooperate with any nation that violates the Outer Space Treaty or puts its own interests above the collective interests of every other country.

The Howard Government has publicly supported the US missile defence plan, without any debate in Parliament. Parliamentary debate should be the prerequisite for any important decision such as this. Without parliamentary debate and a vote on such an important issue, the Government's position has no credibility. WILPF believes that the

⁵ There have been several such cases in the Northern Territory in recent years.

Howard Government's acquiescence in NMD once again reveals a degree of compliance with US military adventurism that is not in the best interests of ensuring stable relations in our region.

Such support is both unwarranted and unnecessary. Although we recognise that the Australian Government may be seeking to gain for Australian industry perceived benefits in research and development associated with the US NMD program, WILPF believes that Australia should adopt a neutral position, upholding the integrity of the Outer Space Treaty. We further believe that this position would be in Australia's best long-term interests, maintaining our independence and keeping us in line with other countries who are working toward a reduction in militarism. Accordingly we respectfully urge that the Australian Government desist from any future support of any space missile "defence".

US Bases in Australia

The operations of Pine Gap have been of deep concern to WILPF for many years, especially since the facility, situated as it is on Australian territory, continues to operate under US command. In particular, WILPF believes that it is inappropriate for the host country, Australia, not to have operational control of intelligence gathering activities at Pine Gap. It is essential in our view that the Joint Defence Facility becomes a joint operation in practice. WILPF believes that, at the very least, the Australian Armed Forces and Australian intelligence agencies should have an equal role with the US military and intelligence agencies in the oversight of Pine Gap's operations.

In addition, we believe that it is time for a review of the operations of Pine Gap to ensure that any operations there are within ethical boundaries. WILPF recommends that an Ethical Advisory Committee (with academic/civic rather than politically appointed committee members) be set up in order to monitor intelligence operations at Pine Gap. Such a committee would ensure that civil liberties are not infringed in the operations of the facility. This committee, as we envisage it, would be responsible to the Australian Parliament and would report regularly on its findings through the parliamentary committee system.

On 1 April 2004, in a Senate speech, Senator Andrew Bartlett commented on a report in the Daily Telegraph (27 March 2004) regarding plans for a joint Australia-US "military training facility"⁶, which according to Hugh White of the Australian Strategic Policy Institute, would cost around \$1 billion.

⁶ Senator Bartlett's speech stated: "that the Howard government has been pushing for an American training base in the Northern Territory since 1996, but the US has resisted for cost and operational reasons. The plan involves a high-tech, fully instrumented range outside Darwin that would be paid for by the US and Australia and used by both nations. According to the article, it is Australia that is pushing the concept as the US reviews its global military basing strategy. According to a senior Defence official named in the article, Shane Carmody, so-called 'scoping options' for the project should be ready by June and officials met with US Pacific Command officers in Hawaii just a few days ago to push the plan forward. According to the report, Mr Carmody told a joint parliamentary committee that the training facility would have no role as a nation building or peacekeeping facility."

While the full proposal for such a "training facility" is yet to be publicly revealed, it has been reported in a Northern Territory weekly ('US eye Darwin for base' by John Lamb) that :

"During a tour of South East Asia in late January, US General Richard Meyers, Chairperson of the Joint Chiefs of Staff, reaffirmed that the US is planning to establish a military training facility in northern Australia as part of its network of bases to "pre-position equipment and material".

Little is actually known about what is being proposed, other than that it will be a training facility potentially involving thousands of US troops, and will store large amounts of equipment such as tanks, artillery and ammunition.

The US has also indicated that its pre-positioning of equipment in Australia will include seeking to deploy F-16 fighters for extended periods at the RAAF Tindal base. "

The article goes on to report concerns by local residents as to what kind of armaments would be stored, whether depleted uranium would be used in military training and what storage and safeguards would be put in place.

It needs to be recognized that any US military base in Australia, whether euphemistically called a "training facility" or some other name, is in reality giving the US the capability through the housing of equipment, tanks, aircraft and fuel to rapidly deploy US troops from Darwin. While the US supports the idea of "pre-emptive strike" and is prepared to take unilateral action, this clearly increases the risk of Australia becoming a target for any terrorist strike.

Currently it is understood that there are around 700 US military "bases" in many countries of the world. With such a large number of bases around the world, it is difficult to avoid the conclusion that these bases are not a legitimate defence of US sovereignty but rather part of a belligerent posture to dominate and intimidate other nations.

WILPF believes that no US base or "training facility" can be in the long-term interest of Australia as it will diminish Australia's standing with SE Asian and Pacific countries. In addition, any such base or "training facility" would be an unwarranted expense and, most importantly, is not congruent with peace and disarmament initiatives. We would prefer to see Australia maintaining our independence and focus on a peacekeeping role which leads to stability and holds prospects for peace. Such a stance would more likely gain us respect from all countries.

Conclusion

Certainly while the US continues to undermine the norms of international law, it is our view that Australia's alliance with the US does not remain a "national asset". It is our hope that the Australian Government may be able to bring an increased measure of balance to considerations surrounding our defence relationship with the US. It has become increasingly apparent in recent years that the Howard Government has been

unable to exercise the necessary degree of independence of thought and action in relation to Australia's defence relationship with the US.

In the present situation, the allegiances of old power blocs cannot serve us well. We in WILPF hope that we are not asking too much of our present political leaders in seeking that henceforth they should act with greater breadth of imagination, greater courage and integrity. There are and will continue to be many opportunities for Australia to undertake a constructive role in the Asia Pacific region. Australia can also play a more influential role globally through vigorous participation in multilateral institutions. Australia's long-term interests, in terms of peace and security can only be assured through supporting disarmament initiatives, and upholding the rule of law and the UN Charter.

*Submission prepared for the Australian Section of WILPF
by Ruth Russell and Cathy Picone
April, 2004*

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Appendix

List compiled (2003) by Joan Russow (PhD), Global Compliance Research Project Victoria, Canada, where the US acts outside legal frameworks :

* engaged in covert and overt "Operations" against independent states; from "Operation Zapata", and "Operation Northwoods" against Cuba, through "Operation Candor" in Chile, through years of euphemistic operations such as "Operation Just Cause" against Panama and more recently "Operation enduring freedom" against Afghanistan, and "Operation Iraqi Freedom" against Iraq

* targeted and assisted in the assassination of leaders of other sovereign states, and condoned the targeting and assassinating of leaders by other states

* undermined the international resolve to prevent the scourge of war by intimidating or offering economic incentives in exchange for support for military intervention; (the US continually cajoles, intimidates, and bribes, other members of the United Nations.)

* perceived justice in terms of revenge through military intervention rather than respecting the jurisdiction of the International Court of Justice, and misused Art 51 in the Charter of the United Nations to justify military aggression

* disregarded obligations incurred through conventions, treaties, and covenants; and made commitments through conference action plans, related to the Public trust/ Common security - peace, environment, human rights and social justice

* Failed to sign, failed to ratify, failed to enact the necessary legislation to ensure compliance with, or respect for Public Trust international Conventions, Covenants and Treaties,

* demonstrated disdain for the international rule of law, and refused to accept the jurisdiction or decision of the International Court of Justice

* undermined international obligations incurred through Conventions, Treaties, and Covenants, and commitments through UN Conference Action Plans, related to the Public Trust or to Common Security -peace, environment, human rights and social justice

* failed to act on commitments made through UN Conference Action Plans, or failed to fulfill expectations created through General Assembly Resolutions.

* promulgated propaganda for war in violation of the International Covenant of Civil and Political Rights

* justified military intervention by misinterpreting Article 51 of the UN Charter " Nothing in the present Charter shall impair the inherent right of individual or collective self-defence if an armed attack occurs against a Member of the United Nations, until the Security

Council has taken measures necessary to maintain international peace and security

* participated in military organization, such as NATO that has a first strike nuclear policy in violation of the ruling of the International Court of Justice that the use or threat to use nuclear weapons was contrary to international humanitarian law,

* misconstrued prevention of war by adopting a policy of pre-emptive/preventive attack to aggressively attack sovereign states that are designated as being on the axis of evil.

* established military bases in sovereign states (in the case of the US over 700 military bases in over 40 countries around the world

* produced weapons of mass destruction such as nuclear, chemical, and biological, in defiance of the global commitment made at Stockholm in 1972 to eliminate the production of weapons of mass destruction. and refused to abide by the Non Proliferation treaty obligations

* circulated nuclear powered or nuclear arms capable vessels throughout the world, and berthed these vessels in urban ports

* planted land mines throughout the world, and failed to sign and ratify the Convention for the banning of Landmines

* moved towards the militarization of space, and increasing the arms race through the US Anti-ballistic Missile system

* used weapons such as Depleted Uranium and cluster bombs that would be prohibited under the Geneva Protocol II

* continued to engage in cruel and unusual punishment - Capital punishment.

*promulgated globalization, deregulation and privatization through promoting trade agreements, such as the WTO/FTAA/NAFTA etc that undermine the rule of international public trust law

* subsidized and invested in companies that have developed weapons of mass destruction, that have violated human rights, that have denied social justice, that have exploited workers, that have destroyed the environment.

* failed to ensure that corporations, including transnational corporations comply .. with international law, and to revoke charters of corporations that violate human rights, destroy the environment, denies social justice and contributes to war and conflict

* opposed Mandatory International Ethical Normative (MIEN) standards and enforceable regulations to drive industry to conform to international law, and supported corporate "voluntary compliance"

* failed to revoke charters and licences of corporations that have violated human rights, including labour rights, that have contributed to war and violence, and that have led to the destruction of the environment

- * promoted the privatization of public services such as water, and health care, and reduced funding for universities, and promoted corporate funding of education and corporate direction of research
- * contributed to environmentally induced diseases and poverty related health problems and denied universal access, to publicly funded not for profit health care system
- *. failed to reduce their military budget and reallocate military expenses and transfer the savings into global social justice as undertaken through numerous UN Conference Action Plans and UN General Assembly Resolutions. (The US spends over 500 billion per year on the military and is the major exporter of arms)
- * opposed an international commitment to transfer .7% of the GDP for overseas aid, and condoned corporations benefiting and profiting from war
- * advocated and supported IMF structural adjustment program, and exploited vulnerable and indigenous peoples around the world
- * failed to cancel third world debt and failed to ensure the human right to safe drinking water, the human right to unadulterated (non-genetically engineered pesticide-free food), the human right to safe accessible housing, the human right to be clothed, the human right to education, the human right to universally accessible not for profit publicly funded health care that stresses the importance of prevention of environmentally induced diseases, and poverty related illnesses. (many of these rights have been protected through international human rights instruments)
- * promoted the spread of Evangelical Christianity around the world, undermining local indigenous cultures, and instilling fear through the dangerous, and absurd belief in the "rapture" , "Armageddon" and "left behind"
- * participated in the proselytizing of religion and the undermining of other cultures and perpetuated the notion that Christianity is superior to other religions
- * produced or permitted the production of toxic, hazardous, atomic waste, and failed to prevent the transfer to other states of substances and activities that are harmful to human health or the environment as agreed at the UN Conferences on the Environment and Development, 1992.
- * denied civil and political rights including the right to freedom of speech and the right of peaceful assembly, and fundamental labour rights
- * produced, promoted, grown or approved genetically engineered foods and crops and led to a deterioration of the food supply, and heritage seeds
- * ignored the warnings of the Intergovernmental panel on Climate change and have Change, and Kyoto Protocol

- * discriminated on the following grounds:
 - race, tribe, or culture;
 - colour, ethnicity, national ethnic or social origin, or language; nationality, place of birth, or nature of residence (refugee or immigrant, migrant worker);
 - gender, sex, sexual orientation, gender identity, marital status, or form of family,
 - disability or age;
 - religion or conviction, political or other opinion, or - class, economic position, or other status;
 - * denied women's reproductive rights,
 - * denied fundamental rights through the imposition of religious beliefs
 - * enacted anti-terrorism legislation that violates civil and political rights, and engaged in racial profiling
 - * failed to distinguish legitimate dissent from criminal acts of subversion.
-
- * accepted corporate donations, and deluded the public into thinking that citizens live in a democracy.