

# ANZUS and Australia's Security

## It's time to see ANZUS as it is: an artefact of history

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If you don't know where you're going, you might end up some place else - Yogi Berra

The ANZUS treaty has not passed its use-by date. Why? Because it never had one. While, at the time it was negotiated and signed, it had political and strategic moment, events in Asia and the Pacific quickly eroded its strategic significance – an erosion that was as much aided by the compounding nature of extended Asian decolonisation as it was abetted by carefully constructed ambiguity within the text of the treaty. The treaty was almost certainly inoperable by the time of the Indonesian-Malaysian Konfrontasi in 1963. President Nixon's 1969 'Guam Doctrine' and the ascension of Donald Trump to the US Presidency have combined to cement this fact into place. ANZUS retains political utility, not least of all as a rubric for AUSMIN – the Australia US Ministerial talks – and an umbrella for the acquisition of US-sourced defence capabilities, as well as continuing to provide a convenient domestic security blanket that at once mollifies and preserves Australia's security anxieties. The ongoing value of ANZUS will be measured much more in the way that Australia goes about identifying and securing its international and security interests than in continuing to pay obeisance at the shrine of a treaty that is now little more than an artefact of Australia's foreign and strategic policy history.

Discussion paper

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# Introduction

What's the difference between mantra, shibboleth and talisman? When it comes to the ANZUS treaty, the answer is very little. A mantra aids concentration during meditation, a shibboleth unifies a group around a slogan, and a talisman brings luck. ANZUS satisfies all three. For that reason, the term 'ANZUS' has taken on considerable political potency, providing an apparent confidence about our national security and a belief that threats will be defused or defeated. Moreover, ANZUS so dominates government discourse on Australia's relations with the US that it has come largely to define the relationship. Successive governments have contributed to military myth-making – some of it based on fact – the unintended consequence of which has been to view the bilateral relationship with the US through the lens of ANZUS. Yet our relationship with the US is significantly deeper and significantly more diverse than the defence relationship can ever be. But governments find it convenient to overlook the deep constitutional links between Australia and the US – constitutional links that ground the operation of the rule of law that defines both of our democracies – preferring instead to be distracted by the glitter of gold braid and the spectacle of sailpasts, flypasts and military parades.

So it should come as no surprise that Prime Minister S.J.Morrison, in his October 2019 speech to the Lowy Institute, proclaimed that “our alliance with the United States is our past, our present and our future – it is the bedrock of our security”.<sup>1</sup> The term used was 'alliance', not 'relationship', 'association' or 'connection'. In the context of the Prime Minister's speech, 'alliance' is about defence, defence being the *raison d'être* of the ANZUS treaty.

The political import of a reference to the Book of Revelation and a term like 'bedrock' is clear: ANZUS has become both a central tenet of our national security faith and the *sine qua non* of our national interest, consolidating both our identity and our power. While hyperbole (and its counterpart, denigration) is increasingly the currency of political discourse, it is incumbent on policy thinkers to consider the impact of such overheated political claims on the authority, credibility and legitimacy of public policy. And they must consider whether the political and strategic dimensions of policy statements are convergent. After all, public policy is what establishes the foundations of government action and the reasons for government decisions.

But when public policy is cluttered in rhetoric and exaggeration, meaning is lost. And when there's no meaning, there can be neither accountability nor confidence.

So we must ask ourselves, is the political power of the ANZUS treaty as a panacea providing national psychological comfort in the face of anxiety and a lack of confidence matched by its

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<sup>1</sup> S.J.Morrison, “In our interest”, *The 2019 Lowy Lecture*, 3 October 2019  
<https://www.lowyinstitute.org/publications/2019-lowy-lecture-prime-minister-scott-morrison>

strategic effect? Does the treaty afford the security 'guarantee' and the ensuing confidence that has long been the holy grail of the nation's political leaders and defence planners?

Hence it is opportune to revisit the ANZUS treaty, not just to assess whether it is as defining of our national character as the Prime Minister would suggest, but more importantly to consider its relevance to our contemporary strategic posture and our future strategic options.

# The Historical Context

Myth-making has long surrounded Australia's strategic relationship with the US. While the former Australian ambassador to the US, the Hon J.B.Hockey, sought to employ his "100 years of mateship" campaign<sup>2</sup> to construct an image of a strategic relationship greater than the sum of its parts, no one bothered to recollect the more self-serving purpose behind the Great White Fleet's visit to Sydney, Melbourne and Fremantle in 1908.<sup>3</sup>

This was a 'bread and circuses' display of naval power, the grandest spectacle seen by the newly formed federation, and the greatest concentration of naval power since the arrival of the First Fleet 120 years earlier. For the unsuspecting Prime Minister A.W.Deakin, who enjoyed issuing an invitation to the US President without the agreement of Whitehall, it was an opportunity for a spot of defence policy free-lancing. For US President Theodore Roosevelt, it was an invitation to undertake a spot of intelligence gathering.

As Prime Minister Deakin wrote anonymously before the Fleet's arrival, "The entrance of a fleet under the Stars and Stripes into the Pacific is an incident of the utmost significance".<sup>4</sup> "Its chief inspiration has been racial and political", he wrote just a few days later.<sup>5</sup> But rather than initiating an act of enduring friendship, President Roosevelt's intention was to gather intelligence on the port capabilities and defences of Sydney and Melbourne to support US military contingency planning should it have been necessary to control Australian ports in the event of a war with Japan and a split from the British empire.<sup>6</sup>

Both the Prime Minister's and the President's objectives were met. But the very fact of such contingency planning reveals a constant feature of US relationship management – America First. As a former Premier of NSW J.T.Lang once said, "In the race of life, always back self-interest – at least you know it's trying". From Washington to Trump, the US has always put its self-interest first.

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<sup>2</sup> See Cameron Stewart, "Joe's mates in the States", *Weekend Australian Magazine*, 27 July 2019 <https://www.theaustralian.com.au/weekend-australian-magazine/how-joe-hockey-rewrote-the-rules-of-diplomacy-in-washington/news-story/5a2700e6e6a674f93eebf72a18de8c01>

<sup>3</sup> See Russell Parkin and David Lee, *Great White Fleet to Coral Sea: Naval Strategy and the Development of Australia-United States relations, 1900-1945*, (Canberra: DFAT, 2008), p. 10 <https://dfat.gov.au/about-us/publications/historical-documents/Documents/great-white-fleet-to-coral-sea.pdf>

<sup>4</sup> See Papers of Alfred Deakin, *Morning Post* letters, "Invitation to United States Fleet", 14 April 1908 <https://nla.gov.au/nla.obj-226190359/view>

<sup>5</sup> Alfred Deakin, "American Fleet's Visit", *Morning Post* letters, 25 April 1908 <https://nla.gov.au/nla.obj-226190595/view>

<sup>6</sup> See also Gary Brown and Laura Rayner, "Upside, Downside: ANZUS: After Fifty Years", *Current Issues Brief 3 2001-02*, Parliamentary Library [https://www.aph.gov.au/About\\_Parliament/Parliamentary\\_Departments/Parliamentary\\_Library/Publications\\_Archive/CIB/cib0102/02CIB03](https://www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/Publications_Archive/CIB/cib0102/02CIB03)

It was Australian self-interest that gave birth to ANZUS, a self-interest driven by anxiety and insecurity, as distinct from the independence and self-affirmation that distinguished early American self-interest as it fought for independence from Britain. At the end of WW2, Australia's longstanding strategic dilemma – how to defend a large continent with a small population – had reappeared starkly. The experience of two world wars in quick succession, and an overwhelming sense of the cost of war in terms of both blood and treasure, fuelled a powerful sense of isolation and dependency. The war with Japan, an ally (of sorts) in WW1, reinforced a deep antipathy towards “the Asian hordes”, reinforced by the powerful anti-Chinese sentiment generated during and after the gold rushes.<sup>7</sup> By the end of WW2, “White Australia” reigned supreme as the unifying national policy.

Australia's pre-eminent war historian, C.E.W.Bean, captured this implicit bias in the national subconscious well. Articulating the deep political and social attitudes of four generations of immigrant, largely Anglo-Celtic, Australians prior to WW1, Bean wrote in 1946:

The serious business of [the immigrant community's] lives – to carve homesteads from the intact bush; to organise the carriage of most of their necessities from the growing coastal capitals or the smaller ports, and the carriage thither of their products in return; to establish the machinery of sales, shipping, land transport and – in the latest generation – of manufacture; their recreations, some of these already grown to extensive businesses; their education, their fashions, their holidays; and not least their “White Australia Policy” – a vehement effort to maintain a high Western standard of economy, society and culture (necessitating certainly, at that stage, however it might be camouflaged, the rigid exclusion of Oriental peoples) – all these had been carried on without the least realisation that some great jackboot might smash down within a year or two the whole careful and careless structure, overturn every rule, tear husband from wife, son from parent, savings from those who had spent a lifetime in patient thrift.<sup>8</sup>

The unspoken demons of pre-WW1 Australia were amplified by the Pacific War. As Bean appreciated only too well, the fragility of Australia's self-identity began on the day that Captain Arthur Phillip arrived in Sydney cove. With fragility, anxiety is never far away. This anxiety has long been at the centre of Australia's international and security policy making, and the inevitable quest for security guarantees.

It didn't take long after Prime Minister J.J.Curtin's famous “realignment” from Great Britain to the United States<sup>9</sup> for Australian concerns about the nature the strategic relationship with the US to take root. The Attorney-General and Minister for Foreign Affairs, Dr H.V.Evatt, held firm opinions about the need for equality and mutuality between the United

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<sup>7</sup> For a comprehensive picture of the growth of anti-Chinese sentiment in the second half of the nineteenth century, see Ian Welch, *Alien Son* (ANU PhD thesis, 2003 at <https://openresearch-repository.anu.edu.au/handle/1885/49261>, Ch 7, “Demonising the Chinese: the Pathology of Cultural Difference 1855-1906” <https://openresearch-repository.anu.edu.au/bitstream/1885/49261/39/09chapter7.pdf>

<sup>8</sup> C.E.W.Bean, *From Anzac to Amiens* (Canberra: Australian War Memorial, 1946), p. 5.

<sup>9</sup> See Curtin's famous newspaper article “The Task Ahead”, *The Herald (Melbourne)*, 27 December 1941 <http://john.curtin.edu.au/pmportal/text/00468.html>

States and Australia, and a clear recognition of Australia's interests in both Asia and the Pacific – interests to which the US was inclined to give scant consideration and then dismiss, or simply ignore altogether. It should be noted that Australia's claims were perhaps not greatly assisted by Evatt's forthright and often abrupt demeanour in advancing his arguments, to both his Cabinet colleagues and his American interlocutors.

The more serious contention between the two sides arose in the immediate aftermath of Japan's surrender in 1945. Like Prime Minister W.M. Hughes, who had supported a punitive treaty with Germany in 1919, so Evatt was committed to a hard treaty with Japan that would restrict its ability to re-arm, which in turn meant tight constraints on its ability to re-industrialise. This was anathema to General Macarthur and the Truman administration, which was already looking to a strong Japan as a cornerstone of US strategic power in the North Pacific and as a key element in the containment of China as the inevitability of communist control loomed. As we shall see, this latter element of US strategic policy – the rise of China – in no way informed the negotiation of the ANZUS treaty.

So when, in 1949, the newly elected Liberal-Country Party coalition government led by Prime Minister R.G. Menzies was contemplating the implications of a soft treaty with Japan, Mao Zedong's expulsion of General Chiang Kai-shek's forces from mainland China and accelerating tensions on the Korean Peninsula provided an as yet unrecognised backdrop to Australia's traditional strategic anxiety. In a conversation with the US Special Representative J.F. Dulles in September 1950, Menzies' External Affairs Minister P.C. Spender made it clear that Australia's primary concern was security against future Japanese aggression. He indicated that formal commitment by the United States guaranteeing Australia's security against Japanese aggression might go some way towards allaying Australia's fears.<sup>10</sup>

Australia's fear of a re-armed Japan was also an artefact of the racial anxiety that found expression in the White Australia policy and the deep sense of grievance held across the Australian community at the atrocities committed by the armed forces of Japan during the Pacific war, sentiments that lingered long after the war's end.<sup>11</sup>

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<sup>10</sup> See cablegram of 22 September 1950 from the Australian Mission to the UN to the Department of External Affairs <https://dfat.gov.au/about-us/publications/historical-documents/Pages/volume-21/18-cablegram-from-australian-mission-at-the-united-nations-to-department-of-external-affairs.aspx>

<sup>11</sup> In one of my early outings as a junior diplomat, I experienced the convergence of these pathologies when Australian Ministers met with their Japanese counterparts at the first Australia-Japan Ministerial Committee convened in Canberra in 1972.

The eight Australian Ministers were led by Foreign Minister Nigel Bowen with Deputy Prime Minister Doug Anthony. The five Japanese Ministers were led by Foreign Minister Masayoshi Ohira with Yasuhiro Nakasone, the Japanese Minister for International Trade and Industry. Each of them was subsequently Prime Minister of Japan. The two sides stared at each other across the board room table in the now-demolished CSIRO headquarters – located fortuitously next to the Australian War Memorial where the remains of the Japanese midget submarine sunk in Sydney Harbour in 1942 could be seen through the board room windows. The atmosphere was icy. Nigel Bowen had served in the Australian army in the Pacific theatre, while the Australian Minister for National Development, Reginald Swartz, had fought in the Malaya campaign, was a POW in Changi and was subsequently sent to work on the Thailand-Burma railway. For his part, Minister Nakasone had served in the Imperial Japanese Navy, and was already known as an advocate of Japan's re-armament and the development of a substantial self-defence force.

Notwithstanding Prime Minister W. McMahon's welcoming remarks about friendship and cooperation, cordiality was in short supply. (See McMahon's opening address at <https://pmtranscripts.pmc.gov.au/release/transcript-2693>)

Spender was no Evatt when it came to a visionary approach to a post-war world or the intellectual qualities needed to deliver it. But Spender had the sound diplomatic skills that Evatt so lacked and the realist's capacity to pounce on opportunity. By means of some careful political manipulation, Spender succeeded in convincing Acting Prime Minister Sir Arthur Fadden to announce Australia's early commitment of air and ground forces to the Korean War – without Menzies' knowledge (Menzies was in the middle of the Atlantic aboard the Queen Mary, where Spender attempted to contact him by telephone, to no avail).<sup>12</sup> The Australian decision was well received by the US.

So it was that Spender was able to exploit the confluence of regional strategic events to secure a security treaty with the US as the price for lenient treatment of Japan. While it took another year of diplomatic wrangling for Spender to persuade Secretary of State D.G. Acheson and Special Representative Dulles, and to dissuade Menzies from indulging his Anglophilia by bringing the UK into the Pacific pact, the ANZUS Treaty was signed in San Francisco on 1 September 1951. Basically, America's need for a reliable ally and Australia's need for a "great and powerful friend" converged, with neither side getting exactly what it wanted.<sup>13</sup>

The arrival a revolutionary Marxist-Leninist government in China and the outbreak of armed conflict on the Korean peninsula – developments, one might have thought, of greater strategic moment than a 'soft' peace treaty with Japan – did not influence Australia's quest for a security treaty with the US in any substantial way.

ANZUS was all about Japan. In a conversation with Dulles on 22 September 1950, Spender "made it quite clear . . . that Australia's primary concern was security against future Japanese aggression and said that Australia would not subscribe to any treaty with Japan unless there were adequate assurances that Australia would be protected against Japanese aggression". Spender went on to say that "formal commitment by United States (sic) guaranteeing Australia's security against Japanese aggression might go some way to allay our fears".<sup>14</sup>

And so far as the US was concerned, the treaty was the price that the US administration was prepared to pay to have Australia's compliance. From the US perspective, the treaty did not address a potential China threat, or a threat from anywhere else. In other words, at its origin, the treaty was of limited strategic application. It is important to bear this in mind as we look at ANZUS in contemporary circumstances.

At the end of WW2, the UK retained significant colonial and political interests in India, Burma, Malaya and Borneo, Hong Kong, the south Pacific and, of course, Australia. It had a devoted acolyte in Menzies who continued to look to the UK rather than to the US as the ultimate guarantor of Australia's economy and security. As late as 3 August 1950, Menzies told Fadden that "we do not need a pact with America – they are already overwhelmingly

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<sup>12</sup> See the cablegram from Spender to Menzies at <https://dfat.gov.au/about-us/publications/historical-documents/Pages/volume-21/13-cablegram-from-spender-to-menzies-and-australian-delegation-united-nations.aspx>

<sup>13</sup> For an excellent and concise analysis of the negotiating history of the ANZUS Treaty, see Joseph M. Siracusa, "The ANZUS Treaty Revisited", *Security Challenges*, vol. 1, no. 1. Pp.89-104 <https://www.regionalsecurity.org.au/Resources/Files/vol1no1Siracusa.pdf>

<sup>14</sup> See cablegram referenced at fn 11.



friendly to us”.<sup>15</sup> Assistant Secretary of State Dean Rusk certainly shared Menzies view, though for altogether different reasons – he saw the participation of ‘Asiatics’ as essential in US regional treaty-making.<sup>16</sup>

In early 1951, the British government was giving serious consideration to its interest in joining the ANZUS treaty and contemplating the consequences of exclusion. The British were concerned that the US was attempting “to supplant and undo us in the Pacific” – a somewhat odd position given the disproportionate cost of US victory in both the European and Pacific wars – and communicated that view to Menzies.<sup>17</sup> But the fact of the matter was that the balance of power in the Pacific had changed forever, and it was the US that finally thwarted Britain’s expectations, rather than New Zealand or Australia. Menzies raised Prime Minister Eden’s interest in ANZUS treaty observer status for the UK with Acheson, though one suspects that Menzies’ efforts were half-hearted. Indeed, by late 1951 it had dawned on Menzies that if he continued to press for British association with ANZUS, the result may well be the scuttling of the treaty *in toto*, given US reluctance. Eventually, Britain was thrown a bone with the establishment of the 1954 Manila treaty providing for the collective defence of South East Asia under the South East Asia Treaty Organisation (SEATO) and, following the withdrawal of UK forces from east of Suez in 1968, the Five Power Defence Arrangements (FPDA) providing for the integrated air defence of Malaysia and Singapore. FPDA continues to operate in a vestigial way. It is of decreasing contemporary strategic relevance.

So, at its inception, ANZUS was indeed a treaty of both political and strategic moment.

- It confirmed the place of the US as the pre-eminent power in the Pacific.
- It provided for the security of Australia and New Zealand as the price paid for a lenient treaty with Japan.
- As an artefact of the Japan Peace Treaty, it consolidated Japan’s position as a critical element in the US strategic dominance of the North Pacific and the US force disposition, particularly the home porting of the US Seventh Fleet at Yokosuka, the 18<sup>th</sup> Air Wing (initially the Seventh Air Force) at Kadena and the 3<sup>rd</sup> Marine Expeditionary Force in Okinawa (US force disposition arrangements that remain largely in place more than seven decades later).
- It provided Australia with the ‘security blanket’ it had always needed – an external solution to the ‘big continent/small population’ dilemma.
- It aligned Australia with US policy that sought to re-create imperial Japan as a constitutional democracy that would provide a critical strategic stabilising factor in North Asia.
- It established a model for a set of US treaties in Asia: the mutual defense treaty with the Philippines in 1951; the security treaty between the US and Japan in 1951; the mutual defense treaty with the Republic of Korea in 1953; the treaty of mutual

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<sup>15</sup> See cablegram from Menzies to Fadden <https://dfat.gov.au/about-us/publications/historical-documents/Pages/volume-21/14-cablegram-from-menzies-to-fadden.aspx>

<sup>16</sup> See cablegram from the Australian Embassy in Washington to Spender <https://dfat.gov.au/about-us/publications/historical-documents/Pages/volume-21/15-cablegram-from-embassy-in-washington-to-spender.aspx>

<sup>17</sup> See John Williams, “ANZUS: A Blow to Britain’s Self-Esteem”, *Review of International Studies*, October 1987, p. 251 [https://www.jstor.org/stable/20097114?read-now=1&seq=9#page\\_scan\\_tab\\_contents](https://www.jstor.org/stable/20097114?read-now=1&seq=9#page_scan_tab_contents)

cooperation and security between the US and Japan in 1960; and, notwithstanding its dissolution in 1977, the Manila pact that still operates in Thailand – the linkages with ‘the Asiatics’ that Rusk sought.

- And, unintentionally, it sealed the fate of Britain as a strategically significant power in the Pacific.

But it was, nonetheless, a treaty forged in the context of its times – a period of uncertainty and anxiety for Australia as it tried to come to terms with the decolonisation of Asia, the victory of a revolutionary communist movement in China, the rise of communist movements throughout Asia, a cold war between the US and the Soviet Union that had clear consequences for the Pacific and, perhaps most importantly, a US that was determined to back its immediate post-WW2 power with the authority and legitimacy that came from its establishment of a remodelled United Nations Organisation.

Over three decades ago, changing strategic circumstances were certainly sufficient to persuade New Zealand’s Prime Minister D.R. Lange that the ANZUS Treaty was less useful as a security guarantee than New Zealand’s support for a nuclear-weapons free zone in the Pacific in 1986. New Zealand’s participation in the treaty was suspended, and while some aspects of the treaty subsequently resumed in the bilateral New Zealand-United States relationship, New Zealand does not participate in the annual Ministerial meeting or in the subordinate ANZUS meetings. For its part, New Zealand does not see itself at all disadvantaged as a result of its suspended membership of ANZUS.

But just how the treaty might be relevant to emergent circumstances, particularly at a time when change is forged through disruption, and whether the treaty can evolve to meet those circumstances, depends in part at least on what the treaty mandates.

# The Terms of the ANZUS Treaty

The ANZUS treaty is short. At just over 800 words, the body of the treaty consists of five preambular paragraphs (unlike the North Atlantic treaty, which has none) and eleven articles (the North Atlantic treaty has fourteen), of which articles 1, 3, 4 and 5 (taken together) constitute the operative parts of the agreement. With its six references to the United Nations, the treaty is a product of its times – the UN Charter itself had been signed only six years before, and the optimism attaching to a new and energetic international mechanism for the maintenance of world peace infuses the document. It certainly stretches the imagination to think that such a treaty could be negotiated in similar terms in present circumstances.

To appreciate the current effect of the ANZUS treaty, it is important to understand the treaty within the terms of its drafting – what it says – and in terms of the external and internal messaging contained in the text – what it means. As we shall see, the US certainly interprets the treaty narrowly, informed as it is by the carefully crafted (and often ambiguous) language of the text.

## THE PREAMBULAR PARAGRAPHS

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There is an unmistakable nobility (some might say naïveté) in the opening preambular paragraph, which states that the parties “[reaffirm] 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”. The reference to the UN Charter is far from accidental. It not only binds the three signatories to the terms of the Charter, but to the conceptual framework within which the Charter was fashioned – humanist concepts reaffirmed in the wake of unimaginable suffering and loss by unimaginable numbers of people in a war that impacted on virtually every person alive at the time and, in important respects, their offspring.

Preambular paragraph 2 positions US obligations within the context of existing US arrangements in the Philippines and the Ryukyus (directly consequential upon WW2) and the impending US force arrangements and disposition consequential upon the entry into force of the Japanese Peace Treaty. This is significant, since it situates US obligations towards Australia and New Zealand within existing force dispositions in North Asia and the constraints those forces would inevitably impose on any attempt by Japan to reconfigure itself as an aggressive military power. It ‘hoses down’ Australian and New Zealand apprehensions regarding resurgent Japanese militarism.

Preambular paragraph 3 is curious, reflecting the British colonial legacy that still deeply influenced the attitudes of Australian and New Zealand political leaders, especially Menzies. It recognises that the two parties, “as members of the British Commonwealth of Nations” continue to “have military obligations outside as well as within the Pacific Area (sic)”. At the

time of signature, Australia and New Zealand were part of the British Commonwealth Occupation Force in Japan, though that was winding down, and had forces assigned to the British Commonwealth Forces in Korea under British command.<sup>18</sup> Australia and New Zealand both retained significant naval links with the UK, and combined the responsibilities of the Royal Navy's Far East station with the Australia station to form the Australia New Zealand and Malaya region, centred on Singapore. While these arrangements were essentially built around streamlined command processes, their reflection in preambular paragraph 3 suggests that Australia and New Zealand were keen to go some way towards accommodating UK interests. These interests had been accommodated in the Radford-Collins agreement<sup>19</sup> which predated the ANZUS treaty by some six months. We shall return to the Radford-Collins agreement in the context of Article 3 of the ANZUS treaty below.

So preambular paragraph 3 can be construed as Australia and New Zealand signalling two quite different things to the US: that they have other obligations and other things to do, too; and that their other commitments might conceivably impinge on their ability to honour the terms of the treaty as quickly or as fully as the US might wish.

The fourth preambular paragraph refers to unity between the parties "so that no potential aggressor could be under the illusion that any of them stand alone". This is a clear exercise of the 'double bluff' that most often underpins deterrence: a statement of 'fact' (we are united) that leaves a potential aggressor with the consequent dilemma of determining whether unity is unbreakable and promises strong retaliatory force, or whether unity will crumble in the face of pressure, changed circumstances or other factors, including strategic distraction. As we shall see, the strategic effect of this double bluff – that the US would automatically wage war to defend Australia against armed attack – is highly questionable in current and foreseeable circumstances. And if indeed the strategic effect of the treaty is questionable, it follows that its political effect is nugatory.

The final preambular paragraph leaves the treaty entirely subject to future developments, providing all parties, but particularly the US, with the wriggle-room that would be consequent upon "the development of a more comprehensive system of regional security in the Pacific Area". The vagueness enshrined in the words 'comprehensive', 'system' and 'regional security' could conceivably encourage the US, in all foreseeable circumstances, to walk away from the treaty because it could claim, with some reason, that a more comprehensive system of regional security was already in place in the Pacific area.

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<sup>18</sup> British condescension towards the colonial cousins, notwithstanding the desperate state of the UK economy in 1951, is evident in Lord Mancroft's remarks in the British House of Lords. "Our present forces in Korea . . . were joined later by an Australian infantry battalion and one field regiment of the Royal New Zealand Artillery. Those two infantry battalions (sic) were under-equipped, lacking in transport, and forced to rely largely upon the Americans for their supplies. They nevertheless gave a magnificent account of themselves." (HL Deb 12 April 1951 vol 171 cc291-7) <https://hansard.parliament.uk/lords/1951-04-12/debates/a7bcc437-0817-44b5-9c83-fc6e60ae4e29/CommonwealthForcesInKorea>

<sup>19</sup> Admiral Arthur Radford was the Commander-in-Chief of the US Pacific Fleet, and Vice Admiral John Collins was the Chief of the Australian Naval Staff. For a concise review of the Radford-Collins Agreement, see Andrew Brown, "The History of the Radford-Collins Agreement", RAN History website <https://www.navy.gov.au/history/feature-histories/history-radford-collins-agreement>

# THE OPERATIVE PARAGRAPHS

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The legalists would point out, however, that these are merely preambular paragraphs, and that, in themselves, they do not determine the courses of action to be decided upon under the treaty's operative paragraphs. The legalists would be right. But they would need to concede that the interpretation of the operative paragraphs, loose as they are, would be highly conditioned by the preamble to the treaty. And therein lies the difficulty: to assume any automaticity in the application of the operative paragraphs, especially in a time of heightened military tension involving any of the parties, would represent the triumph of hope over experience, as we shall see.

Article 1 requires the parties "to settle any international dispute in which they may be involved by peaceful means in such a manner that international peace and security and justice are not endangered". It further requires the parties "to refrain in their international relations from the threat or use of force in any manner inconsistent with the purposes of the United Nations". The 'creative ambiguity' evident in this paragraph is a tribute to the drafter's intention to commit to very little. The loftiness generated by terms like 'any', 'peaceful', and 'justice' lend an unrealistic breadth to 'endangered', effectively eviscerating the first part of the paragraph. The parties are required to refrain from threatening or using 'force' – unqualified in this paragraph – in a way that is inconsistent with the 'purposes' – also unqualified – of the United Nations. What is 'force' and what are 'purposes'? Both terms are so broad in both their denotation and their connotation that they render the clause so unspecific as to be effectively meaningless.

Article 2 is brief. "In order more effectively to achieve the objective of this Treaty the Parties separately and jointly by means of continuous and effective self-help and mutual aid will maintain and develop their individual and collective capacity to resist armed attack." This paragraph oscillates between individual and collective action without any reference to the balance that might be struck between individual, joint or combined preparations and activities. Moreover, it leaves open the question whether mutual 'aid' is provided by means of support or assistance. There is, of course, a world of difference: 'support' does not imply the provision of combat troops: 'assistance' does.

Whatever this paragraph might have been intended to mean in 1950, its interpretation became much clearer with the enunciation of the Guam Doctrine by President Nixon in 1969. The US sought to ensure that nations expecting US military support in times of tension or conflict at a minimum provided for their own self-defence.

Coming as it did during the Vietnam War, when the US was both stretched and stressed, the Guam statement made it clear that the US was not some kind of global saviour. Speaking during a stopover in Guam, Nixon said that the US "is going to encourage and has the right to expect" that "military defense . . . will be handled by, and responsibility for it taken by, the Asian nations themselves".<sup>20</sup> The message was not lost on either Australia or New

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<sup>20</sup> See Document 29 (editorial note), *Foreign Relations of the United States 1969-1976*, Vol. 1, "Foundations of Foreign Policy, 1969-1972" <https://history.state.gov/historicaldocuments/frus1969-76v01/d29>

Zealand.<sup>21</sup> And, for his part, President Trump has driven the message home in his remarks at the NATO Headquarters in Brussels in May 2017, when he upbraided NATO members for not paying “their fair share”, a situation he saw as being “not fair to the people and the taxpayers of the United States”.<sup>22</sup> And not one to let a bone go without chewing on it a bit more, President Trump reiterated his views in London in December 2019 when he said “[The NATO budget] was going down for close to 20 years . . . you wouldn’t have had a NATO if you kept going that way”.<sup>23</sup>

While US reluctance to continue to fund military forces located in Europe and Asia to provide for the security of allies is understandable, it should be remembered that US global force dispositions were the price the US was prepared to pay in the post WW2 years to establish the global authority that gave legitimacy to its strategic power.<sup>24</sup> President Trump appears to regard the NATO partners as ‘free-riders’, underfunding their national defence budgets as they rely on the US to provide European security. Europe was, to some extent at least, the battlefield separating the US and the Soviet Union, and the post-WW2 European nations were disinclined to raise the stakes that might precipitate exactly the outcome they were hoping that US predominance would preclude. NATO members have increased their military spending. But whether that assuages any US sense of grievance or encourages the US to reduce its forward deployed forces is unclear. But if, as President Macron has said, NATO is “brain dead”,<sup>25</sup> the implicit guarantee that the US will engage in the defence of Europe on the basis that “an attack on one is an attack on all” becomes increasingly doubtful. That certainly has a bearing on the longer-term US approach to the ANZUS treaty.

Article 3 is equally brief. “The Parties will consult together whenever in the opinion of any of them the territorial integrity, political independence or security of any of the Parties is threatened in the Pacific.” Consultation is the core requirement of the ANZUS treaty.

This article has several moving parts, but they do not necessarily move in the same direction. First, it is important to recognise that consultation, without any subsequent commitment of forces, would of itself meet the requirements of the treaty. Then, of course, there are the limits that might apply to whatever ‘consultation’ is taken to mean. The article specifies that such consultation would take place “whenever in the opinion of any of them” a threat arises, but without specifying whether the consultation is to be conducted between all the parties or, as has happened at least twice, between only two of them, or, indeed,

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<sup>21</sup> See Hugh White, “A very unreassuring bombshell: Richard Nixon and the Guam doctrine, July 1969”, *The Strategist*, 25 July 2019 <https://www.aspistrategist.org.au/a-very-unreassuring-bombshell-richard-nixon-and-the-guam-doctrine-july-1969/>

<sup>22</sup> President Trump, remarks at the unveiling of the 9/11 and Article 5 Memorial and Berlin wall Memorial, 25 May 2017 <https://nato.usmission.gov/may-25-2017-president-trumps-remarks-911-article-5-memorial-unveiling/>

<sup>23</sup> President Trump after the 1:1 Meeting, London, 3 December 2019 <https://www.whitehouse.gov/briefings-statements/remarks-president-trump-nato-secretary-general-stoltenberg-11-meeting-london-united-kingdom/>

<sup>24</sup> See Allan Behm, “The Decline of US global leadership: Power without authority”, *The Interpreter*, 7 October 2019 <https://www.lowyinstitute.org/the-interpreter/decline-us-global-leadership-power-without-authority>

<sup>25</sup> See “A president on a mission”, *The Economist*, 9 November 2019. Also, “Emmanuel Macron warns Europe: NATO is becoming brain-dead”, *The Economist*, 7 November 2019 <https://www.economist.com/europe/2019/11/07/emmanuel-macron-warns-europe-nato-is-becoming-brain-dead>

whether action could be unilateral without any trilateral or bilateral consultation at all. One could certainly have imagined situations where New Zealand might not have wanted to have been dragged into bilateral Australia-US action. Whereas Prime Minister J.W.Howard invoked the ANZUS treaty in his immediate response to the attack on the World Trade towers and the Pentagon on 11 September 2001 – and he did this unilaterally and without any formal Cabinet consideration – with New Zealand having already suspended the treaty, Prime Minister H.E.Clark did not. Nor did New Zealand deploy forces to the Iraq war in 2003.

And finally, the article specifies “the territorial integrity, political independence or security of any of the Parties . . . in the Pacific” as being the target of the threat. How any of these elements might condition each of the other elements is unclear. Article 3 apparently restricts the geographical scope of the treaty to the Pacific. Pre-dating as it does more modern terminology such as ‘Asia-Pacific’ and ‘Indo-Pacific’, the term ‘Pacific’ has attracted considerable exegesis over the decades, particularly in the Australian Department of Defence. While the Radford-Collins agreement mentioned earlier predated the ANZUS treaty and does not form part of it, this ‘gentlemen’s agreement’ remains in effect, providing the additional confidence to successive Australian governments that ANZUS applies to the defence of the entire Australian continent and the adjacent waters in the Indian Ocean.

Articles 4 and 5, taken together, are the heart of the treaty, addressing specifically the issue of armed attack in the Pacific area on any of the parties. Its terms are particularly open-ended, requiring each party to “act to meet the common danger in accordance with its constitutional processes” – where those constitutional processes are unspecified and vary significantly between the parties. The article also restricts the application of the treaty to those attacks that might occur “in the Pacific area”, which is construed in article 5 to mean the entire landmass and island territories of each of the parties. It does not extend to Afghanistan or to the Middle East.

The second part of Article 4 is, in contemporary circumstances, highly problematic. It requires the parties to report “all measures taken as a result” of an armed attack to the UN Security Council, and then to terminate such measures “when the Security Council has taken the measures necessary to restore and maintain international peace and security”. In the context of 1951, when the UN and its Security Council were new international rule-makers deeply dependent on the power and authority of the US, the provisions of Article 4 made perfect sense. But at a time when the US displays disregard for the UN and for many of the institutions that manage the international rules-based order that is so critical to the management of Australia’s international relations, such recourse to the Security Council is virtually unthinkable. It is just not what the US does any more.

# The Contemporary Politics of the ANZUS Treaty

The ANZUS treaty is legal text and should be construed as such. It is not poetry. Yet Prime Minister J.W.Howard's invocation of the ANZUS treaty in the aftermath of the 11 September 2001 terrorist acts in New York and Washington DC construed Article 4 in broad terms, and the treaty in emotive terms. His speech in the Australian Parliament, where he defended his decision to invoke the treaty, was highly oratorical and blatantly rhetorical.

If that treaty means anything, if our debt as a nation to the people of the United States in the darkest days of World War II means anything, if the comradeship, the friendship and the common bonds of democracy and a belief in liberty, fraternity and justice mean anything, it means that the ANZUS Treaty applies and that the ANZUS Treaty is properly invoked.<sup>26</sup>

In his insightful commentary on Prime Minister Howard's speech, Graeme Dobell described it as "a speech from the heart as well as the head". He continued:

Formally invoking the treaty for the first time, Howard marked another moment in an Australian tradition: Deakin inviting the US Great White Fleet; Curtin turning to the US in the Pacific war free of any pang for the traditional links to Britain; Spender achieving the ANZUS treaty; Menzies committing to Vietnam with the new great and powerful ally; Holt going all the way with LBJ; Whitlam hanging on to the alliance despite Vietnam and the controversy over the US bases in Australia; Hawke incorporating the US bases into the alliance. The course Howard set with his speech and parliamentary resolution took Australia to Afghanistan and Iraq. The commitment Howard made was not just to the alliance but to George W Bush. The Push With Bush was to impose great political costs on Howard and Tony Blair, and significant alliance burdens on their nations.<sup>27</sup>

There is no doubting that the 2001 terrorist attacks were a transfixing moment for the US, for its allies and for the global community. It was a moment that played to the fragility of people and the vulnerability of the social institutions that support their well-being. More than that, it presented world leaders with an opportunity to cement themselves in their

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<sup>26</sup> Prime Minister Howard, Speech in the House of Representatives on the terrorist attacks in New York and Washington on 11 September 2001, *HoR Hansard*, 17 September 2001, p.30739

[https://parlinfo.aph.gov.au/parlInfo/genpdf/chamber/hansardr/2001-09-17/0004/hansard\\_frag.pdf;fileType=application%2Fpdf](https://parlinfo.aph.gov.au/parlInfo/genpdf/chamber/hansardr/2001-09-17/0004/hansard_frag.pdf;fileType=application%2Fpdf)

<sup>27</sup> See Graeme Dobell, "Great Australian foreign policy speeches: Howard on 9/11 and the US alliance", *The Interpreter*, 15 August 2014 <https://www.lowyinstitute.org/the-interpreter/great-australian-foreign-policy-speeches-howard-911-and-us-alliance>



guardianship role, exploiting anxiety and fear both to consolidate their power and to introduce social controls ostensibly to prevent the reoccurrence of such attacks. It permitted national leaders to create a sense of 'transcendental' alliance that brought nations together in common pursuit wherever and whenever 'shared interests' might be involved. It led inevitably to an illegal war in Iraq where concepts of treaty alliance were attenuated to legitimise a new form of military adventurism.

But articles 4 and 5 of the ANZUS treaty are constructed in terms that were designed to narrow the opportunity for military engagement, not to encourage it. Moreover, it set the resort to military force squarely within the UN-based 'international rules-based order' as it existed in 1950 – essentially an artefact of US power and authority resulting from its overwhelming victory in WW2.

It is also important to appreciate that article 4 does not imply automaticity for any party following any other party into armed conflict. Acting 'to meet the common danger' would require policy makers to consider precisely how far 'act' extends, what 'common' means, as indeed to consider what 'danger' might mean. The consultation invoked by article 3 does not imply commitment of forces under article 4. When, in 2017, Prime Minister M.B. Turnbull said that he would invoke the relevant clauses of the ANZUS treaty were North Korea to launch an attack on American forces, former Defence Minister Kim Beazley was quick to point out that the clause "to consult" does not automatically require the commitment of force.<sup>28</sup>

Beazley, of course, has long been a firm advocate for the ANZUS treaty. Just days before the 11 September 2001 attacks in the US, the Parliament debated a motion commemorating the 40<sup>th</sup> anniversary of the signature of the ANZUS treaty. Beazley detailed the various evolutions through which the treaty had passed.

At different points of time the ANZUS Treaty has presided like an umbrella over strategies of forward defence. More recently it has presided over strategies of defence self-reliance, albeit within a framework of an alliance relationship. For either purpose, the ANZUS relationship served us well in terms of improving the capabilities of Australian military forces and, through that, the security of the Australian nation. Early on, it was a question of troops, of soldiers on the ground and the possibility of an intervention of armed forces; more recently, it has been technical excellence. As more and more of our armed forces rely for their effectiveness, in the region in which we live, on a margin of technical superiority in terms of equipment, on excellent intelligence, the military significance of the alliance to Australia has taken on more of that character.<sup>29</sup>

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<sup>28</sup> See Kim Beazley, "Why ANZUS does not automatically commit us to follow the US to war", *The Sydney Morning Herald*, 11 August 2017 <https://www.smh.com.au/opinion/kim-beazley-why-anzus-does-not-automatically-commit-us-to-follow-the-us-to-war-20170811-gxuays.html>

<sup>29</sup> Kim Beazley, HoR Hansard, 30 August 2001, p. 30706 [https://parlinfo.aph.gov.au/parlInfo/genpdf/chamber/hansardr/2001-08-30/0125/hansard\\_frag.pdf;fileType=application%2Fpdf](https://parlinfo.aph.gov.au/parlInfo/genpdf/chamber/hansardr/2001-08-30/0125/hansard_frag.pdf;fileType=application%2Fpdf)

Looking back from his vantage point in 2001, Beazley recognised clearly that ANZUS was a product of its times, and that to renegotiate the treaty following New Zealand's self-exile from the treaty would be so fraught as to be impossible.

. . . We discussed the issue of how that relationship should continue in the absence of New Zealand. . . . Consideration was given to the creation of a separate bilateral treaty. Consideration was given to what we ultimately arrived at: a set of ministerial discussions, albeit under a rubric of a continuation of that treaty [AUSMIN]. At the time we all sat down and talked it through, it was quite evident to us that, to get together the type of treaty that could be sustained through an argument in Congress and through deliberations between our two peoples, with the difficulties that seemed to emerge from that process, the best thing we could do was to stick with what we had.<sup>30</sup>

As touched upon earlier, New Zealand Prime Minister Lange's 1984 decision to ban nuclear powered or nuclear armed US naval vessels from access to New Zealand ports was tantamount to a fundamental step back from ANZUS. It caused considerable soul searching, particularly on Beazley's part. He instituted a thorough-going reappraisal of Australia's involvement at the two major joint Australian-US facilities at Pine Gap and Nurrungar in South Australia, a review that, paradoxically, had the effect of turning the ANZUS treaty on its head.

Reflecting on events over a decade later, Beazley spoke guardedly about the fundamental shift in both control and engagement in the joint facilities. He did so in terms of Australia's bilateral relationship with the US, not its partnership through ANZUS. This was not just a shift in rhetoric. It was a shift in policy, repositioning the defence relationship within the framework of the broader and much deeper bilateral relationship.

The key elements of the **bilateral relationship** [emphasis added] for Australia were the joint facilities. The Labor government approached the Americans with a new agenda with the following elements. Firstly, we wanted the ability to say more about their functions publicly. This was not only because our party policy demanded it but also because, if we were to win over elements of public opinion that were slightly or, in some cases, massively sceptical, we needed to be able to detail the significance of the joint facilities for a stable nuclear balance and for arms control. . . . We wanted more day-to-day Australian involvement in the facilities and the ability to utilise those facilities for Australian purposes. As we . . . got a deeper and deeper understanding of what the joint facilities did and their levels of capability, which were really quite massive, the more it appeared to us that there was value in those joint facilities for Australian purposes. We wanted Australians running the operations in so far as that was possible. In the case of Nurrungar, that became quite substantial. The early warning of a Soviet attack under us, as we changed the structure of the staffing, would be delivered to the United States essentially by a shift

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<sup>30</sup> *Loc.cit.*

run by an Australian squadron leader. So there was an effort on our part to get more and more control over those facilities ourselves.<sup>31</sup>

Beazley's 'more control' and 'deeper engagement' had the effect of replacing the common threat basis of the ANZUS treaty into a common interests-based paradigm for the bilateral relationship.

ANZUS was negotiated by Australia's Minister for External Affairs as a response to the nation's strategic and security concerns as they were in the immediate post-war years. But much has happened since then to change the strategic dynamics of the Asia-Pacific region. The ineluctable processes of decolonisation transformed Asia. The formation of ASEAN as a bloc espousing non-aggression and non-interference, along with its various institutions, particularly the ASEAN Regional forum and the East Asia Summit, was indicative of the progressive changes in the strategic dynamics of the Asia Pacific region. The creation of APEC (Asia-Pacific Economic Cooperation), a key initiative of the Hawke government, and the emergence of multilateral trade agreements in the form of the Regional Comprehensive Economic Partnership (RCEP) and the Trans-Pacific Partnership (TPP) – imperfect though they be – reflect a radically different strategic world from that which distinguished the immediate post-war period.

Even by the mid-80s, the ANZUS Treaty had become the domain of the Minister for Defence. It had become less of a statement about Australia's place in the strategic affairs of the Pacific than an umbrella under which the Australian Defence Force was able to develop its force structure through increasingly open access to core US defence systems. The treaty moved from providing a strategic assurance to Australia against a remilitarised Japan to providing the underpinnings of Australia's bilateral intelligence and security relationship with the United States. Its effect was to strengthen the bilateral relationship with the United States rather than an open-ended security guarantee against all potentialities. And while, as a core expression of the Australia-United States defence relationship, ANZUS has some strategic effect, it is far from the strategic panacea that once it might have been – at least in Australian minds. While remaining an important part of our shared strategic history, ANZUS was no longer the driving force of Australia's strategic security, if ever it had been. As we saw earlier, ANZUS nonetheless retained considerable political cachet, as it still does, and could be played into a Prime Minister's narrative supporting a foreign and security policy and defending force deployments to remote theatres (as a kind of insurance premium). Its utility as a strategic asset, however, had become a thing of the past.

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<sup>31</sup> See Kim Beazley, "ANZUS Alliance", *Joint Standing Committee on Foreign Affairs, Defence and Trade Seminar*, 11 August 1997  
[https://parlinfo.aph.gov.au/parlInfo/search/display/display.w3p;db=COMMITTEES;id=committees%2Fcommjnt%2Frcmw970811a\\_jfa.out%2F0002;query=id%3A%22committees%2Fcommjnt%2Frcmw970811a\\_jfa.out%2F0002%22](https://parlinfo.aph.gov.au/parlInfo/search/display/display.w3p;db=COMMITTEES;id=committees%2Fcommjnt%2Frcmw970811a_jfa.out%2F0002;query=id%3A%22committees%2Fcommjnt%2Frcmw970811a_jfa.out%2F0002%22)

# Interpreting the ANZUS Treaty: Australian Hope and American Constraints

While Prime Minister J.W.Howard was the first head of government to invoke the ANZUS treaty, it was Prime Minister R.G.Menzies who first tested the waters. Australia's commitment of forces to the defence of Malaysia against Indonesian 'Confrontation' in 1963 was made against the assumption that, were Australian forces to come under direct attack by Indonesian forces, the US would commit forces to support Australia. Discussions between the US Under-Secretary of State for Political Affairs W.A.Harriman and the Australian government in June 1963 skirted around US policy in southeast Asia, with Harriman apparently adopting a more committed interpretation of the ANZUS treaty than President Kennedy subsequently adopted in his conversations with Prime Minister Menzies and Treasurer Holt, and the Australians seemingly hearing what they wanted to hear.

So when Prime Minister Menzies met President Kennedy in July 1963, the key topic of conversation was the applicability of the ANZUS treaty to an Australian force under attack in Malaysia. Menzies assumed that ANZUS was operable in such a situation. Kennedy was equivocal.<sup>32</sup> In a subsequent conversation with Treasurer Harold Holt, Kennedy was more forthright: the US was not going to be the backstop behind UK and Australian power in Malaysia. Kennedy is recorded as saying, "We have *not* said 'if you [Indonesia] do so and so [attack British or Australian forces] the result will be war with the United States'".<sup>33</sup>

The record of this meeting ends with, "As the party took their leave the President repeated that he did not want the Australians to think that the United States was not with them, but he did want some idea of the direction we were going and what specific commitments the Australians understood we had made". And the footnote to the record drives home the basic difference between Australian and US interpretations of the automaticity of Articles 4 and 5 of the ANZUS treaty.

In a memorandum for the President, August 8, Acting Secretary Ball suggested that under ANZUS the United States was only committed to consult and to act in the event of an attack on a treaty member's forces in the Pacific. "Act" covered a broad range of measures from diplomatic support to the use of troops. The Department of State did not want to give Australia a "blank check" for support of their troops anywhere in the Pacific.

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<sup>32</sup> See note 3 to the Memorandum of Conversation between US President Kennedy and Australian Treasurer Harold Holt, 2 October 1963 in *Foreign Relations of the United States, 1961-1963, Volume XXIII, Southeast Asia*, document 337 <https://history.state.gov/historicaldocuments/frus1961-63v23/d337>

<sup>33</sup> This statement is quoted in the document cited above.

In October 1963, Harriman evidently began correcting the record. In a draft Memorandum for the Australian Ambassador, he summarised previous conversations against the backdrop of President Kennedy's remarks.<sup>34</sup> Harriman's draft was not conveyed to the Australian Ambassador.

What was finally provided to the Australian Ambassador by Kennedy's National Security Advisor, McGeorge Bundy, was a carefully drafted paper, with all the necessary disclaimers, that appears to have been based on Harriman's earlier draft. It represents a tighter interpretation of the ANZUS treaty, useful but not nearly as generous a promise of US military support in any or all circumstances as Australian security needs might dictate. Indeed, it cautions Australia. The paper advises Australian policy makers, then and now, as follows:

In view of the extensive commitments of the United States throughout the world . . . further consultations would be necessary before any United States armed forces were committed. In case it was decided that such forces were necessary . . . the United States would be prepared to commit air and sea forces and to provide logistic support. . . . It was recognized that the interests, commitments and responsibilities of the ANZUS partners in the Pacific area require that all parties concerned . . . avoid political actions or statements which might lead to precipitate military action involving one or more of the ANZUS partners.<sup>35</sup>

In short, Australia might reasonably expect some logistic support, but no ground forces. Moreover, the US retained the right to 'opt out' should it have deemed that Australia had brought military action upon itself. Interestingly, the US adopted the same position in its consideration of US policy towards support for the International Force East Timor (INTERFET) when it deployed to East Timor in 1999 in the aftermath of the East Timor independence vote.

Ultimately, the scope of application of the ANZUS treaty will be decided by the US President. The President's decision will be informed by the self-interest of the United States and the domestic political acceptability of the use of US forces, especially ground forces, in distant theatres. No US President will be held to ransom by ANZUS. Its application is by no means automatic. Even less would it be generous. As Dick Woolcott has noted, "the Kennedy administration declined to support Australia under the ANZUS Treaty".<sup>36</sup> Well may we ask whether any future US administration would act differently.

And even if a future US Administration were to wish to provide Australia with direct military assistance in the event of direct military pressure against Australia, one would have to

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<sup>34</sup> See "Memorandum for the Australian Ambassador (Beale)", in *op.cit.*, Document 338, 4 October 1963 <https://history.state.gov/historicaldocuments/frus1961-63v23/d338>

<sup>35</sup> See "Paper presented to the Australian Ambassador (Beale)" as attached to "Memorandum of Conversation", Washington, 16 October 1963 in *op.cit.*, Document 343 <https://history.state.gov/historicaldocuments/frus1961-63v23/d343>

<sup>36</sup> R.A. Woolcott, "The American alliance and Vice President Biden's recent visit", *John Menadue's Pearls and Irritations*, 23 July 2016 <https://johnmenadue.com/richard-woolcott-the-american-alliance-and-vice-president-bidens-recent-visit/>

question whether it retains the ability to do so. The logistic capabilities of the United States are in deep trouble. In September 2019 the US military conducted the largest stress test of its wartime sealift fleet in the US Transportation Command's history. Less than 40 percent of the fleet was mission-capable.<sup>37</sup> And given that any direct threat against Australia would almost inevitably occur in the context of a broader strategic disturbance in the Asia-Pacific region, Australia's chances of standing first in line would be highly doubtful.

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<sup>37</sup> See David B. Larter, "The US military ran the largest stress test of its sealift fleet in years. It's in big trouble", *Defense News*, 31 December 2019 <https://www.defensenews.com/naval/2019/12/31/the-us-military-ran-the-largest-stress-test-of-its-sealift-fleet-in-years-its-in-big-trouble/>

# Where to for ANZUS?

Hyperbole, along with its consort hubris, is no basis for strategy. While overblown statements may afford their speaker and their audience a warm inner glow, they seldom represent bankable policy. Prime Minister Morrison, with characteristic confidence and lack of nuance, stated in October 2019 that the ANZUS treaty with the US was “the single most important achievement” of the Liberal party in its 75 years.<sup>38</sup> This may well be a view shared by former Foreign Minister Julie Bishop, who declared that “at the heart of the treaty is a commitment to come to one another’s aid in the worst of times” – a claim that the ABC’s fact check unit judged as being “like the ANZUS treaty itself”, ambiguous.<sup>39</sup> But if Alexander Downer’s characterisation of the treaty as ‘symbolic’<sup>40</sup> retains any currency – and the former Defence Minister David Johnston appeared to share the non-compulsory and non-automatic interpretation of the treaty<sup>41</sup> – then the Liberal party has not achieved very much at all in its 75 years.

At a time when the Trump Administration has unsettled the traditional allies of the US while the President displays a preference for strongmen such as Russia’s Vladimir Putin, China’s Xi Jinping (notwithstanding the bilateral trade tensions), Hungary’s Viktor Orban, Egypt’s Abdel Fattah al-Sissi, Israel’s Benjamin Netanyahu, Turkey’s Recep Tayyip Erdogan, North Korea’s Kim Jong-un, The Philippines Rodrigo Duterte, Thailand’s Prayuth Chan-ocha, and Saudi Arabia’s King Salman bin Abdulaziz al Saud, treaties and alliances come a clear second to the raw self-interest of the US, as Trump sees it.

President Obama’s assistant secretary of state for human rights and democracy captured the current US mood well. “The whole idea of ‘America First’ is that we’re not trying to make the world better: we’re trying to protect the homeland and domestic security, and the rest is all cutting deals with whoever is willing to cut deals with us”.<sup>42</sup>

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<sup>38</sup> See Troy Bramston, “Scott Morrison: ANZUS is Liberals greatest move”, *The Australian*, 9 October 2019 <https://www.theaustralian.com.au/nation/politics/scott-morrison-anzus-is-liberals-greatest-move/news-story/df16de58c667155689acf02687e95fe6>

<sup>39</sup> See RMIT/ABC Fact Check, “Fact check: Does ANZUS commit the US to come to Australia’s aid, as Foreign Minister Julie Bishop claims?”, <https://www.abc.net.au/news/2014-07-08/does-anzus-commit-us-to-come-to-australias-aid-fact-check/5559288>

<sup>40</sup> See *The Age*, 18 August 2004 <https://www.theage.com.au/national/downer-flags-china-shift-20040818-gdyh62.html>

<sup>41</sup> See Senator David Johnston in conversation with Tony Jones, *ABC Lateline*, 12 June 2014 <https://www.abc.net.au/lateline/australia-supports-japans-return-to-normal-defence/5520234> and <https://www.minister.defence.gov.au/minister/david-johnston/transcripts/minister-defence-transcript-interview-tony-jones-lateline>

<sup>42</sup> See Philip Rucker, “Trump keeps praising international strongmen, alarming human rights advocates”, *The Washington Post*, 2 May 2017 [https://www.washingtonpost.com/politics/trump-keeps-praising-international-strongmen-alarming-human-rights-advocates/2017/05/01/6848d018-2e81-11e7-9dec-764dc781686f\\_story.html](https://www.washingtonpost.com/politics/trump-keeps-praising-international-strongmen-alarming-human-rights-advocates/2017/05/01/6848d018-2e81-11e7-9dec-764dc781686f_story.html)

When the President of France, as we saw earlier, calls out NATO for being ‘brain dead’, and Australia’s Prime Minister channels the Book of Revelation to proclaim ANZUS as “our past, our present and our future”, it becomes clear that traditional treaties are encumbrances at worst and motivational at best.

As a kind of security policy rallying point, the ANZUS treaty may play a role in reducing the prevalent but ill-founded anxiety and insecurity that distinguishes much Australian conversation on defence and security policy issues. Some find the new world order to be sufficiently destabilising – and anxiety inducing – to warrant a significant beefing up of the ANZUS treaty. Stephen Kuper asks whether it is “time for the two parties to renegotiate and expand the scope of the ANZUS treat to reflect the ‘combined arms’ economic, political and strategic competition they both find themselves engaged in?”<sup>43</sup> Geoffrey Barker, on the other hand, has posed the opposite question, “has ANZUS passed its use-by date?”<sup>44</sup> arguing that departing ANZUS would have limited security consequences.

So, should Australia defend ANZUS, or discard it? Like many of the binaries that masquerade as the terms of political and strategic analysis, this is in fact a confected alternative. It is like asking diners whether they prefer the front or back half of a potato. The question is meaningless.

ANZUS has always served political purposes for all its parties, even New Zealand. It continues to serve political ends for Australia and the United States. Although some of those political ends are negative – for instance the constant trumpeting of ANZUS as Australia’s ultimate security guarantee which only serves to exacerbate our chronic anxiety – others are decidedly positive – such as the annual opportunity for Australian and US foreign and defence ministers to confer (AUSMIN). ANZUS also provides the umbrella agreement under which scores of subsidiary agreements, MOUs, exchanges of letters and other quasi contractual arrangements support the development, maintenance and operation of much of Australia’s defence capability.

But ANZUS no longer has great strategic utility. Times have changed. The strategic circumstances that gave birth to ANZUS have changed. The region has changed. The US has changed. Australia has changed. The treaty is an historical artefact, not a fundamental principle of national strategic policy. Quite simply, it is not, and cannot be, the basis of Australia’s strategic policy or defence planning.

To return to the question that began this essay, if ANZUS is no longer relevant to our contemporary strategic posture and our future strategic options, should we ditch it? Has it passed its use-by date? The answer must be no, since it never had one. What advantage would there be in denouncing an instrument that is strategically irrelevant but remains an important statement of an enduring defence relationship? As Paul Barratt has pointed out, a

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<sup>43</sup> See Stephen Kuper, “Beyond consulting: is it time to expand ANZUS for a new era?”, *Defence Connect*, 22 October 2019 [https://www.defenceconnect.com.au/key-enablers/4990-beyond-consulting-is-it-time-to-expand-anzus-for-a-new-era%20%20%20\(22](https://www.defenceconnect.com.au/key-enablers/4990-beyond-consulting-is-it-time-to-expand-anzus-for-a-new-era%20%20%20(22)

<sup>44</sup> See Geoffrey Barker, “Has ANZUS passed its use-by date?”, *Inside Story*, 13 June 2011 <https://insidestory.org.au/has-anzus-passed-its-use-by-date/>



much sounder response to contemporary circumstances is to return to first principles – “a really deep stocktake of what is in our vital national interests and what we are prepared to sign up to”.<sup>45</sup> And to this end, ANZUS does not define who Australians are and what Australia is. Our identity and power are determined by how Australians identify themselves, who they are and who they want to be, not by some kind of vague proposition that might or might not protect us against real or imagined threats. It was never, and isn’t now, the “bedrock of our national security” as Prime Minister Morrison proclaims. The bedrock of our national security is to be found in who we are and what we stand for, not who might protect us.

Ultimately, Australia’s security depends on how clearly we understand who we are and what we stand for. It depends on how we view our identity and our power – in which our national interest consists – and how we define our national interests – the purposive dimension of our international and strategic policy. It depends on how we maintain a strong economy and underpin the long-term prosperity of the nation. It depends on how we build human and social capital, without which we are unable to maintain an inclusive and resilient community. To that end, Australia’s security relationship with the US is important, but not determinant. There are not many countries whose constitutional arrangements both promote and protect the rule of law. The US and Australia are two of them.<sup>46</sup> Our joint future is not in fighting wars, but in securing the peace. That is not the role of ANZUS. It is the role of an active, engaged and properly endowed diplomacy that builds the kind of world we would like to live in while we deal with the world in which we actually live.

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<sup>45</sup> See Paul Barratt, “Managing ANZUS in the age of Trump”, John Menadue’s Pearls and Irritations, 28 November 2016 <https://johnmenadue.com/paul-barratt-managing-anzus-in-the-age-of-trump-quo-vadis-series/>

<sup>46</sup> Senator Penny Wong outlined a nuanced and sophisticated approach to the Australia-US bilateral relationship in a speech titled “Australia and the US in the Age of Disruption”, Cranlana (Melbourne), 22 November 2017 <https://www.pennywong.com.au/speeches/australia-and-the-us-in-the-age-of-disruption-cranlana-melbourne/>