

How is Government Accountable for What Happens in Armed Conflict Involving Australian Forces

Scott Ludlam
former Greens Senator

Dr Alison Broinowski
Vice President of Australians for War Powers Reform

Ebony Bennett
Deputy Director at the Australia Institute

Ebony Bennett 0:02 Good day everyone. My name is Ebony Bennett. I'm Deputy Director at the Australia Institute and welcome to our webinar series. Thanks for joining us today. I'd like to begin by acknowledging that Canberra is nanowall country and pay my respects to elder's past and present, sovereignty was never seated, and it's always was and always will be Aboriginal land. And obviously, we still have a huge amount of unfinished business in the push towards voice treaty and for a truth telling process as well. Thank you so much for joining us today. We really appreciate it. As with last year, we are aiming to do all these webinars at least weekly, but days and times do vary. You can find all the information for upcoming webinars on our website at AustraliaInstitute.org.au. So don't miss out just a few tips before we begin to help this webinar run smoothly. If you hover over the bottom of your screen, you should be able to see a q&a function where you can ask questions for our panelists. You should also be able to upvote other people's questions and make comments on them as well. Please keep things civil and on topic in the chat. Otherwise, we'll beat you out. We don't normally have to do that. But we will if we have to. So please keep things nice and civil in the chat. And lastly, a reminder that this discussion is being recorded. And it will be posted up on our website and emailed to everyone after the discussion if you have to leave for whatever reason. So it was only in November last year that the Burton report was handed down. It was a landmark inquiry recommending that 19 Australian Defence Force soldiers be investigated by police for the murder of 39 prisoners and civilians in Afghanistan and the cruel treatment of two others. The war in Afghanistan is Australia's longest war. And as it stands, the Australian Government has the power to take Australia to war without a debate or a vote in Parliament even so today we want to discuss not the accountability of our armed forces but how the government is or is not accountable for what our armed forces do in armed conflict that the government sends them to. And joining me for this discussion today is former green senator and author Scott Ludlam, Vice President of Australians for war powers, Dr. Allison broski, and head of the Australian Institute's international and Security Affairs program, Alan beam. Good eye, Allison, Scott and Alan,

thanks for joining us today

Ebony Bennett I'm gonna start off with you, Scott, as a former senator who I know, I think had a private member's bill on this very issue. What are the current processes for committing Australian forces to war? What happens?
2:29

Scott Ludlam Well, I guess the purpose of this conversation this morning is to remind ourselves collectively that there are no current processes. It's a decision of the Prime Minister, not even the Prime Minister and Cabinet. So there's almost no formal process at all, there's certainly a lot that would go on behind the scenes. But the enormous problem that we've got in Afghanistan is, is one rather nasty example of it, of course, Vietnam is another Iraq is another is that these decisions are made behind closed doors, which sets aside all of Parliament's accountability mechanisms as as flawed and brittle as they can be, it completely sets them aside, and either invokes them in a non binding way, as we saw during successive Australian deployments into Iraq, or it invokes them after the fact. And you have the you have Parliament basically scrambling to establish what is the purpose of this engagement? What's it for? How long are we going to be there? What's it going to cost? And it's it's a dramatically unsatisfactory state of affairs. So I imagine we're going to spend a bit of time talking about it today. But one of the proposals that has been actually sitting in Parliament since 1985, since the Australian democrats introduced it is a proposal to shift that war making power that so called war, the war power from the executive government to the parliament, so that it needs to be put to a vote. And there's a bill which was introduced by the Democrats, I picked it up, Senator Jordan steel, John has since adopted it, and introduced it back into parliament, which creates this very streamlined process for making that possible. That's the first thing. The second thing, which I think is really important in this context is that we assume that it's a decision solely of the prime minister. But what really happens is that these decisions are made in Washington, DC. That's a much deeper question about the entanglement of Australian foreign and defense policy without the United States government. And I don't think it's really possible to address one without the other
2:44

Ebony Bennett Next, how do we get into this position? Particularly if there's been kind of proposals on the books since 85, to kind of change this situation? I mean, is there anything that actually constrains the parliament from insisting on some accountability when it comes to taking Australia to war.
4:58

Dr Alison Broinowski And the reason is that we have a Constitution, which permits what Scott has just described the prime minister of the day, virtually alone, to make a decision on the spot to send Australian troops to war. Because I would suggest, our Constitution was written by the British, for its colonies, the New Zealanders, and the Canadians have similar ones. And they wanted colonial troops to be available to fight in British wars. And so they put as few constraints in the way of sending those troops as possible. What they did was
5:19

when Australia became a so called independent country in 1901. It was simply made possible in the constitution for the Governor General to approve, in effect, the advice of the Prime Minister who's not mentioned in the Constitution, and off they went. Now, that remains the case, it has never changed. And that's why it can happen. And all of our wars have been entered in that manner. both before and after the Second World War. The only differences that brought before the Second World War, it was British was that we went to at British request, on our assumption that we should add, after 1945, all of them were American was to which we went, either because we volunteered or because the Americans asked us to. And so in every case, it's the prime minister of the day, who accepted that advice or that request, or volunteered it, and simply said, nowadays through the National Security Committee of cabinet, this is what we're going to do, and then announced now that they know, governments know that people are nervous about this, the the displeasure of the people was made very clear about the Iraq War. In 2003, it was ignored, and 1000s of people marched, and their opinions were disregarded. They got away with it. Because as always, once the troops are in the field, people don't vote against a government that is administering them. And that is the extraordinary situation that continues to this day. We have as Scott said, troops in Afghanistan in the longest war we've ever fought. There's no sign of our winning it. We haven't won any of the wars that he mentioned, not one. And if this was a business that the Australian Government was running, and for 17 years, we kept doing the same thing, without achieving what we said we're going to achieve a victory in this case. And we spent massive amounts of people's money, as well as lives on this and cause massive amounts of damage worldwide. What sort of business I asked, which would survive a shareholders meeting. Now take us as the shareholders, surely, the shareholders should be saying, What is going on here? Now, a lot of shareholders, as you might call voters out there, and people with an opinion in the public, do have these concerns. But their concerns not listen to. Why? Because governments make damn sure that in the parliament, there is no such opportunity. The opposition had a debate in 2003, about Iraq and expressed their disaffection with the whole idea of going to war, but they were ignored, because the government can and do it again. In 2015, when Tony Abbott sent troops to to recommitted the troops to Iraq, and then to Syria, where Malcolm Turnbull put the RAF into Syria, at no point where the Australian people consulted through the parliament.

Ebony Bennett Yes, that's the point I want to pick up on and come back to you, Scott. So obviously, we can all see that the reason why governments don't take this to the parliament is because Parliament might oppose such deployments. But, I mean, walk me through what the parliament can do and what some of the accountability mechanisms might be if such decisions were taken to the parliament, what does that look like in Parliament itself?

9:45

Scott Ludlam I think that the process that the bill sets out, is actually quite streamlined because it envisages that you're only going to be having a debate like that in a crisis. So it doesn't deal with, you know, with deployment of the ADF into emergencies, or climate disasters or, or exercises or that kind of thing. It's principally concerned with crisis situations where a deployment is called for. And so it doesn't have, you know, months, months long committee processes attached to it, it's quite a streamlined piece of legislation. But the purpose of it really is to say, if the executive government can persuade half its parliament. So it can't persuade the other major party that's in opposition and the crossbench. If you can't persuade half of your own Parliament that this deployment is in the public interest, then there's something deeply wrong with with the argument that you're putting. So what what it basically does is it says the executive government needs to come to both Houses of Parliament and pass and win a resolution, but on the basis of information that it puts to the parliament. This has been conflated by opponents of the bill with giving away your tactics to the enemy, and you know, destroying any kind of strategic advantage you might have. And it's very clear in that it's not laid out to do that it is about purpose. What is the purpose of this? What is the justification for this engagement, leave the tactics to the tacticians lead the conduct of the engagement to the people who know what they're doing. That's not Parliament's role, but cutting Parliament out of that key decision, which says we don't trust half of our elected legislators that if we can't persuade half of our elected legislators, so I feel like that is that's the first real problem. But the other one, which I feel like it's worth continually coming back to, is that so many other states around the world have this power. It's effectively normalized in Europe, in the UK, effectively and Dr. Baranovsky correct me if I've got this wrong, they have effectively a convention now rather than a legislated war power within Westminster, and that was embedded after the government attempt to deploy into Syria and the United States as fraud and as much of a debacle. As as congressional processes are, the United States has that war power vested in Congress. And I suggest that the reason we don't and the reason that we've seen in vote after vote Australian parliamentarians voting against accruing that power to themselves is that the United States government doesn't want that it prefers to keep things flexible. were literally on a handshake with John Howard in 2001, he can get the ANZUS Treaty invoked, and commit us to open ended engagements wherever the United States government decides to deploy. I think that that's why it's indivisible for me and many others working on this issue. From the question of who actually sets foreign and defence policy in this country? Is it done in Canberra? Or is it done in DC? I don't think we can really disentangle the two.

Ebony Bennett Yeah, that might be a whole other webinar. Alan, I might come to you now, maybe just to respond to that. And I'm thinking also of if we're looking to other Parliament's what are some of those other accountability mechanisms? Because, you know, Britain, for example, has been involved in a couple of the

last wars that we have also disastrously and they seem to have taken quite a different tack

Allan Behm 13:51 That that's absolutely right, Ebony? Well, first of all, I'm in complete agreement with the principles that both Allison and Scott have set out so I won't rehearse those. I'll make two practical observations. So before I get on to how accountability sort of works in Britain, the first one is this. It's called pre-emptive decision making. In the case of both Britain and Australia with respect to the Iraq War, the decision was made months and months and months, before there was any actual Australian choice about sending any form of troop commitment. Prime Minister Howard immediately announced at 9.11, that the ANZUS Treaty would be invoked. And that I think, set the stage for a whole series of consequential actions, which had little to do with Australia's strategic interests, and in fact, were very damaging to our broader international reputation. My second point is a practical one. I've found in my discussion with newly arrived backbenchers into our parliament, that they're all very keen there should be appropriate accountability of the executive to the parliament itself. Until they're seniors and quote-unquote, their betters. Remind them that if they're ambitious for a seat in the executive, then they ought to be very careful about having the rights and privileges and prerogatives subject to any external, by which I mean, the parliament review of what they might decide within the confines of the Cabinet Room. And I think a lot of the problem that we confront here is a structural problem within our government party, whoever that government party happens to be, whereby the party itself in the executive actually controls the way in which the conversation or the debate is run in the parliament. And I think that they're both very significant aspects of the problem that we're seeking to discuss this morning. Sorry, I'll stop there.

Ebony Bennett 16:03 I was just gonna say, Allison, did you want to respond to that?

Dr Alison Broinowski 16:07 No, I thoroughly agree with Alan, and it has an extension, as you say, ordinary fair-minded people and newly elected politicians just don't even understand the ramifications of this problem until they come up against it. Now, we and Australians for Wall Pals reform have been to see numerous politicians of all parties. We are long partisan organization, and we have tried to get them interested right across the spectrum. Some get it. But a lot of backbenchers say, are we leaving that to the senior members in our party. In other words, it's not our responsibility, and we don't want it to be that complex. You know, the the the Senate Committees that look after foreign affairs and intelligence and all of that sort of thing. They know what's going on. So we don't interfere with that. That's the typical backbench response. And it's a cop out, because it means that their democratic responsibility to their electors when there is a war, to decide on their behalf if Australia should be involved in his abrogating. And so it gets passed up the line. And in effect, as we described

before, it ends with the Prime Minister. So there is no effective oversight at all, let alone the accountability that Elon is talking about. And that I was referring to when I said it's a bad business the way we're running it, because we're just spending money and wasting lives for no good purpose at all. Now, the second point, that's that's the political side of it. But the more the deep state political aspect of it is, as Scott said, the fact that the policies are made not in Australia at all foreign policy and defense policy, are so called by partners in recent years. That is to say there is no opposition to what the government wants to do. The reason there is no opposition, I suggest is that the opposition wants to get into government. It too, doesn't want to have its hands tied by the sort of responsibility to the electorate that we've been discussing. And furthermore, they know, any opposition leader today knows that if he says, We are not going to automatically send troops to fight an enemy identified by the United States. If he said that he would find his party surprisingly destabilized. The Americans were in good at this. They do a lot of countries. In countries like ours, they do it in a more subtle manner. In other countries, they do it in a more brutal manner. But it is the truth. And they don't dare to tell the people out. And it's true.

Ebony Bennett 19:26 Scott, I might come back to you. Now. I mean, taking up Allison's point there just as a lay person, I cannot imagine a situation in which America kind of went to a war and Australia didn't go with it. That just seems to be kind of where our national debate always is and how our foreign policy unfolds. But I want to come back to accountability, I guess because we've talked about various wars that we've been involved. They haven't gone very well. I mentioned at the beginning the Burton report and dealing with the conduct of Australian soldiers overseas in conflict. Now, the Burton report deals with the conduct of IDF members. But it seems to me it was almost entirely silent on accountability from the executive and what government's responsibility is for taking those decisions, and then the conduct of our soldiers in those kinds of conflicts. Can you talk to me a little bit about where is the accountability there?

Scott Ludlam 20:41 That's the key to this whole debate is that the accountability is lacking is that Australia's leadership in 2002, committed what most international legal scholars agree was a war crime. Under the United Nations Charter, that Australia was one of the very first signatories to we don't get to launch military invasions on other countries anymore. That's something that Planetary Society agreed we would need to prohibit after the catastrophe of the Second World War. JOHN Howard, who still pops up on Sky News, every now and again, it gets feted at Liberal Party conferences is almost certainly a war criminal. So it goes all the way to the top. Tony Blair, no consequences George W. Bush, no consequences. So I think what we saw on the burden report, and it's terrifying to see how rapidly that was firewalled in the media, and kind of buried as rapidly as possible, is that you see this kind of vertical firewalling. So it's like, well, we're just going to end up blaming a couple of wayward soldiers and kind of narrow the case for responsibility as much as we can. But also that it's there's going to be this enormous pushback, I guess,

and they're going to try and isolate that and, and just move it out of our collective memory as rapidly as possible. And that's, I guess, the kind of behavior that ensures this kind of thing will continue. So I think it's great, if any, that you mentioned that, because this is not just about a policy debate that would happen in Parliament. This is about very real consequences for human beings on the ground. And this is what we're grappling with.

Ebony Bennett 22:19 Alan, I'll come to you now. We've been talking a little bit about the Chilcott report, and how there was kind of no equivalent here in Australia. For people who aren't aware of what that report is, can you just tell us a little bit about it?

Allan Behm 22:35 Yes, Ebony. In about 2014 or 2013, the British government decided that it did need to have a look at what was entailed in the Blair government's decision to commit its forces to the Iraq war. And so John Chilcott was appointed to conduct a review. His review was a damning review, essentially, around the issues of accountability. He went a little bit further than just accountability. He did look at issues of effect. And he came up with quite a long list of fundamental criticisms, and I can't run through them all now because it was a huge report that runs into millions of words. But his key judgments were that the UK had joined the invasion of Iraq, before peaceful options had been exhausted. That Blair deliberately exaggerated the threat posed by Saddam Hussein, that he promised George Bush months in advance, 'I'll be with you, whatever, that the decisions made to invade. We're done so in unsatisfactory circumstances, that Bush ignored UK advice on passport planning, there was no imminent threat from Saddam, that Britain's decision was made on flawed intelligence that the UK military was ill equipped for the task that US-UK relations would not have been harmed had the UK stayed out of the war, that Blair ignored warnings about what would happen after the invasion, the government had no post-invasion strategy doesn't always sound rather familiar. The UK had no influence on Iraq's post-war US-run administration. It had no objectives in Iraq, and the government didn't try hard enough to keep a tally of Iraqi civilian casualties. Now, that's a long list, but the same *mutatis mutandis* would apply to Australia that we were in exactly the same boat. I would just make one slight adjustment to the points that were made just a moment ago that Australia's and Britain's decisions weren't actually made in the Pentagon or in the State Department or in the White House. What happens over there is they set the frame within which their allies take the consequential decisions. So our cabinet does make decisions totally dominated by the strategic and policy concerns of the United States. But we fit in as a subordinate partner, making our own decisions such as they are. But largely premised upon a much broader US strategic calculus, you might say that there's no difference, but there is a bit because we are then legally responsible for our decisions. The United States is not legally responsible for

them. And that is at the heart of chill cots review, also, in my opinion,

Ebony Bennett I'll come back to you on that. So we've got one example of how Britain even post the fact I guess, came back for some measure of accountability and accounting for UK government decisions. But thinking I guess, recently of the Burton report, can you comment on how Australians for war powers reformed kind of seize that issue of executive accountability? Perhaps after the fact of going to war? What are the other mechanisms of accountability that we need to be considering?

25:40

Dr Alison Broinowski Well, in the first place, as trans walk pouch reform grew out of a movement, which was calling for an Iraq war in a campaign for an Iraq war inquiry, that's the same as the Chilcott inquiry that Elon was describing. Because we knew that Australia didn't have one, we thought we should have one, if only because we wanted to make sure that future was of the sort and future war crimes would be avoided. No, we couldn't get any traction from either government or opposition on this. Britain was lucky to do so they just happened to have a change of government at the right time we didn't. We never got an inquiry, and we're unlikely to ever get one. So that won't be done. And for that reason, we in we changed our campaign to an effort to change the walkout. But you talk about accountability. Here, we are up against a further problems, because as Scott was not declared any more wars don't happen out of a clear blue sky where a country is suddenly invaded, which means that the invader is in breach of, of their obligations under the UN Charter and international law was planned months and years in advance. And all the potential parties to those wars know about them. Now you say evany, and my blood runs cold. You say? Well, we just always go to was I can't imagine with the United States, I can't imagine us not doing so. Now, think about the implications of that. Think about what if the United States continues, as it has been doing for a decade or more, to plan a war against Iran? In more recent times, they have been planning a war in the South China Sea, which would be against China. If you're right, and if Australia automatically would find itself involved in both of those. Just think about the implications. It's all very well to do an expeditionary war in the Middle East. But what about Australia being involved with a war against a country that is still our major trading partner, and which could very well, this is a talk about Iran a minute, but China could very well decide if such eventuality took place to send a message to the United States by attacking us bases in Australia, because they don't care. Australia is neither here nor there. But if the United States was the enemy, and if Australia was involved in hostilities with China, that is a very likely possibility. Now, if you think that it's perfectly normal for us to be involved in that way, then I hope that not too many other people think the same way because it is extremely different and extremely dangerous. Now, in the case of a more likely possibility, and that is even under the by administration set particularly under bad ministration it's quite likely that they like every US administration want a war and one little war.

26:17

They want a winnable war to make them look as if they're great again, and they particularly the now Secretary of State defense minister, The National Security Adviser and the new head of the CIA are all dead set Iran, enemies, and Biden even even called hooten a killer the other day, I mean, these people are not in control. They're almost more frightening to me than Trump. Now, if they started things in such a way as to have a war with Iran, and if you're right, then Australia would be in it right away with no discussion, and motivate because it's been planned for months and months and months. Wars don't just happen, it takes a lot of planning to sort of turn the Queen Mary around and make it get there, they're doing that they can pull it down off the shelf, any minute. And you will be right, in that respect, because Australia would be involved.

Ebony Bennett 30:56 I'm not saying that I am certainly not a, an expert in these areas. But I guess the point of these discussions is it's discussions that we should be having in peacetime well ahead of getting involved in any conflict. But it's been raised several times, I guess, that the the idea that America leads Australia's foreign policy, Alan, can I just get you to talk a little bit more about that

Dr Alison Broinowski 31:25 book, um, Allison makes a very sort of powerful case. But I think that the strategic logic and strategic decision making has many, many more steps in it than simply rushing from a declaration of some sort of situation by the United States and China to China deciding that it will attack us facilities, so called in Australia, I think there's much, much more in it than that. It's not to say that Australia has not got a predisposition to go wherever the United States goes, it's sort of hardwired into the way in which we think about our strategic dependency. But as I said, a moment ago, there are still many decisions to be taken. And if you look at the precise nature of our contribution in Iraq, it went nowhere near what the United States actually asked us for what they wanted was armored regiments on the ground with, with sort of personnel carriers, tanks and that kind of thing. What did we actually send, we sent the essays so that they could stand on the hills, and send in intelligence and watch. So how it was very, very sensitive to losing people to people who might get killed. And I think that the exactly the same sets of calculus always apply to the nature of Australian contributions to the US. I think at the moment, complexity is beginning to weigh in on the way in which at least many of those who advise the government that is within the civil service are beginning to shape the way in which we should be thinking about our own long term strategic options. They're not advising that we should walk away from the United States, but they are advising that we have a bigger role in offering counsel and advice. And I would strongly encourage them to amp that up a bit. Because we must be free to choose our own way of delivering on our own long term interests. And that I think goes to the heart of the point that that Allison has been making, and that you were touching upon in your earlier remarks. We've got to recalibrate and recondition the way in which we think about our alliance with the United States not to walk away from it, but to make it work to our advantage, rather

than simply seeing it working to the advantage of us global strategic interests.

Ebony Bennett 33:54 Indeed, while we might go now to questions from the audience, I can see we've got nearly 400 people on line with us today. Thank you again for joining us for such an important discussion. Scott, I'm going to direct this first question to you. It's from Fiona Cresskill, she says, Did the parliament have any say in Australia recently becoming a weapon making an exporting country? I believe that was a Malcolm Turnbull innovation. No,

Scott Ludlam 34:21 No, it didn't. That was that was policy conducted by press release. So No, it didn't. And that's a big part of the problem.

Ebony Bennett 34:31 Yeah. And what are some of the implications for that? I guess. Now where Australia finds itself.

Scott Ludlam 34:38 I guess the implications are twofold. One is that we they seem to be quite intent through people like Chris Pine and other pretty senior Australian officials who are now very enmeshed in in military industries. They seem quite intent on on increasing Australia's dependence on arms exports, and so kind of hijacking The imperative of rebuilding the Australian manufacturing sector, except now we're going to be designing, you know, we're going to create an industrial dependence on this pretty toxic sector. And the other consequences that there's now, you know, this potentially Australian equipment being deployed into into catastrophes like Yemen, which is about as deeply unethical and immoral use of Australian industrial capacity, as you can imagine. So it is all it's all kind of in meshed together, I guess

Ebony Bennett 35:30 The next question is from lorelle. Thomas. And I might give this one to you, Allison. It says Paul Barrett says that the US did not welcome our troops into the Vietnam War, but that our Prime Minister volunteered our troops, can you give any other instances where Australian troops have been volunteered and not asked

Dr Alison Broinowski 35:48 Yes, in fact, Paul freid, that was the case. And Menzies inspired a letter of invitation, which was delivered hand delivered by one of our diplomats to the government of South Vietnam, and came back as a request for Australian troops. That's how that was done. We did the same in effect for Iraq, because we had people from the IDF training in the United States for years, in preparation for this because Iraq was on the list. Iraq was on the list of seven countries, which the United States intended from the mid 1990s, to destabilize, in the Middle East. That was the list put together by the neo cons, the P Nic. The project for a New American Century, we knew about that. We

wanted to be in there, we had people training in the United States to be ready. And when John Howard wanted to sell them, he said, Look, we've got these people, they said to Condoleezza Rice, connotes, Rice said to George Bush, or we've got these Australians, they keep saying they want to be in it. That's how that was done. We invite ourselves as well as being invited. And that was what happened. In the case of Syria, I can't tell you, because they started to get very secretive, indeed, about what was going on, we still don't know how that was decided, or who volunteered. But you can be quite sure that if a country like Australia is going to refuse a request from an ally for troops, that ally will be warned in advance not to put itself to the embarrassment of asking and being turned out. So in other words, there's a kind of a diplomatic dance that goes on, what is it okay for us to mention this. And we come back and say well mentioned away because we are looking to avoid going to agree, that kind of stuff happens. And I, as I've said, none of these wars have not heard of clear blue sky, which is why it's so difficult for people like us trying to change the war powers to stop governments being able to do that. Because, in fact, the war is never declared. It doesn't just happen. It is planned slowly and incrementally and in what we used to call mission creep. You put a few people in there and a little bit more or a little bit more, and before you know, we we've got a full blown war.

Ebony Bennett the next question is from Lisa Byrne. And I'm gonna give this one to you, Scott, and then I've got one for you, Alan. So Lisa asks, Why is the military so heavily funded, but peacebuilding isn't? Shouldn't the trillions of dollars that go into military and weapons be used for prevention and solutions to end war and violence and for peacebuilding and peacekeeping?

38:37

Scott Ludlam Yes, that's, that is beautifully expressed, and impossible to disagree with. When you think about, in particular, like we've been talking about everything from these very fine grained deployments into places like Afghanistan, and Iraq, and potentially China, all the way through to these incredible investments in nuclear weapons capabilities that simply can never be used. In an age of climate change, where we need to very rapidly evolve the way that our industry and our societies operate. We simply cannot afford these industries anymore. Nobody can afford it. China can't afford it, neither can around neither can Australia. That's going to take civil society power building, because these industries have fearsome momentum behind them very high level political connections. And so that's I guess that's why a conversation like this is tremendously important. If we stay isolated and powerless. These things are going to continue to happen. There's a couple of bright spots, if I may, because some of this conversation is traversing pretty bleak ground. So three bright spots, if I may. So here's one. There was a poll last December, about transferring the war power and creating that parliamentary accountability. Hate more than 83% of Australians are on our site. You that's, that's astonishing. That's moved significantly over the decades, I suspect as well. 83% of Australians are on the side of the people holding this

38:58

conversation this morning. I think that's something that then it becomes an organizing question, or how does that 83% channel that enormous discontent, interchange, another bright spot in 2018 AARP conference, so this is when Bill Shorten his opposition leader, had proposed to refer the White House proposal to the Senate Foreign Affairs, defense and trade committee. Now you don't that's not a particularly big deal. I sent my version of the bill to that committee in 2009. And for people who are interested, there's a fascinating story. But having labor propose to do that opens up a hairline crack in the bipartisanship, somebody in there, probably Allison knows more about this than me, has done some very effective lobbying work with allies inside the inside the Alp to open up that hairline crack. Here's a third one. That an initiative that began in Australia, the nuclear weapons ban treaty that has changed international law that has just come into force, nuclear weapons are now as illegal as chemical and biological weapons. So the alternative Australian government proposes to sign that treaty, and that would bring the world's first nuclear umbrella state into a body of international law that says these weapons are illegal. That, again, would be a significant shift in Australia, in Australian independent foreign and defence policy around nuclear weapons. So I don't want people coming off this call thinking there's no hope, like there is hope when people have good hard work together, we can do everything from changing international law, all the way up to I suspect, changing the way that these war powers are engaged in Australia.

Dr Alison Broinowski

42:07

If I add one more, yeah, one more tip to Scott's list. And yes, that was an Australian for war powers. Public opinion survey that produced that really encouraging result, which we did the other day. And you may have seen, we lashed out on a full page advertisement, first of all we've ever done to publicize that fact. One other note of optimism, because when we talk about things like this is terribly pessimistic stuff. And we don't want people to go away feeling disempowered. The Pope, recently, on his courageous Bishop visit to Iraq, apologized for the Iraq War, which the Vatican didn't declare, or fight, of course, but he apologized on the part of humanity, or of Catholics, I suppose, for the Iraq war, and for the 18 years spoliation of Iraq that have resulted from it. And there is a good example, perhaps, for the Catholics in our government, who meet and say prayers together before the parliament opens and things like that, to follow his example, and to apologize on Australia's behalf, perhaps before the anniversary, well, this is the anniversary year to apologize to Iraq, for our illicit invasion and of Afghanistan and of Syria. And to say, if they have trouble doing that, well, we should have a report that tells us what we did, and then we'll know if we have something to apologize for and what it is, and if they have such a report like showcard, they'll show finding.

Ebony Bennett

44:12

The next question is perhaps a rhetorical one, from Judith O'Byrne, she says is there any greater irony than the munition sector sponsoring the Australian War Memorial? Probably I think you're right on the money there. I'd also add that our chief economist Richard Dennis, has talked about how the gas industry sponsors the eternal flame for the Unknown Soldier there so I think

kind of offenses on multiple fronts there. But Alan, there's a couple of people in the in the questions who are asking about how do we separate at Australia's interesting and foreign affairs policy from the United States.

Allan Behm 44:55 I think if any, the first thing we've got to do is to stop allowing senator mentality and romanticism to color the way in which we look at our relationship with the United States. We talk a lot about shared values with the United States, the Prime Minister, after his first round of conversations with Prime Minister Modi, announced our shared values with India. But if you think hard about it, they're very, very hard to discover what they are. It's just a way of talking and filling the air, we do have some very serious structural alignments with the United States. And they're really built around about the way in which we run our courts, the way in which our courts relate to our parliament, the way in which we look at political structures, that representation. These are very important alignments that we have with the United States, much, much less around what we might otherwise call values. And it's by focusing on those systemic relationships that we would, I think, become much clearer in the way in which we see our interests, very often divergent from those of the United States, most particularly in Asia. And until we lose some of the sentimentality, some of the silliness, that attaches to vague words like, like values, and we we don't know the difference between the national interest and what are our national interests in the plural, what that might mean, we just simply complete them until we become clear on what we mean by our interests. And what we mean by an enduring relationship with the United States, we will continue to girdle down the plughole of sentimentality. And that, I think, is one of the most dangerous parts of this long term reliance on the United States for our cues, rather than a much more serious reliance on ourselves a confident reliance on ourselves to plot our own way into the future, and look to see where countries like the United States might actually fit in with that. So I would actually look for quite a serious recalibration.

Ebony Bennett 47:22 this next question is mine prerogative as a host? Scott, I want to come back to the Burton report and the allegations kind of contained within that. And back to the idea of well, how are we holding the government to account for that? Are there any parliamentary mechanisms, a senate inquiry, that type of thing, where we could go back to revisit some of the issues that come out of the Burton report of accountability for the executive? Because, you know, as we've said, multiple times, we haven't had any kind of, you know, Chilcott report. But also, it must be, you know, terrible for morale within the IDF. There's got to be a lot of other implications of these kinds of allegations of walkarounds coming out.

Scott Ludlam 48:14 I wouldn't disagree with any of that any. I have not checked in with my colleagues to see how they're pursuing that. I think it gets difficult. Once prosecuting authorities get involved, I think it's going to be in the government's interests to just kind of bury it to spoil it out to have internal

inquiries, that, that take a very long period of time, because they they're managing the political risk of, of Australian soldiers being prosecuted for war crimes, which does significant damage to that Teflon, ANZAC myth that Raytheon sponsor up at the war memorial.

I guess I'm not close enough to, to the committee process at the moment to know exactly what kind of value Parliament could add. But as a general rule, it can always add value to those kinds of things. Because the hearings tend to happen out in daylight, they happen in public, that's the that's the purpose. That's the point of doing them. And I think they would also, I mean, your question went less about, I guess, the conduct of the soldiers and more about the command structures that put them there in the first place. That gets us very close then to an inquiry into why on earth were there. What are we doing that? Why are we still there? And so yeah, I guess it could kind of bring the conversation full circle about the political decisions that that put us into these situations, which are then very different to the to the strategic and tactical decisions that put people into harm's way and end up with Australians committing war crimes.

Ebony Bennett 49:49 I'm Allison, I might come to you just to reflect on that a little bit. And there's also a question here from Matt decent off who says what roles, if any, Do the Australian strategic Policy Institute and the Lowy Institute play in Australia's participation in wars. And he comments that he's observed a tendency of both Institute's to push for Australia to develop nuclear weapons. For example, Alison Allen's talked a little bit, and Scott about the role of civil society. But if you could speak to that, and maybe just reflections on what Scott said about executive accountability, in the wake of Burton,

Dr Alison Broinowski 50:30 okay, version first, then it seems to me that if you send highly trained, motivated troops to a war, without them clearly understanding why they're there, or what they're supposed to do, or what victory would look like in that war, you are going to have a problem. And the longer they are there, and the more rotations, those same people do back into the same wall, for worse it's going to get, so if you're in a hole, and you keep digging it, the result is what we have and Burton found down there, which almost certainly is only a small part of what is done there. And the damage that we have done to our own service people, let alone to the people of Iraq and Afghanistan, who were damaged by their presence in different ways, particularly Afghanistan teams, is a measurable and unquantifiable and shameful. And this is what happens when governments start doing illegal things. They knew that that invasion was illegal in the first place. We shouldn't have been in Iraq, in Afghanistan anyway, because Afghanistan didn't do 911. That was a lie. We went there because the Americans said go, and we did. We didn't tell the soldiers what they were there to do. And they didn't know how to do it. And so naturally, and the same in Iraq, naturally, their behavior, and the standards of their daily operations start to slip. And there's deceit and cover up, and lack of accountability and responsibility all the way up the train. right up to the very top, I suggest on the defense force, which Burton has found, of course, and as

as Alan says, it will be buried for a very long time, and they hope that it will go away. Now, Mark, decent often. Thank you, Mark, for your, for your highly relevant question. Brings us around to one of the real threats that we face much more threatening than, shall we say, Islamic terrorism. And that is the looming possibility of nuclear warfare. And Mark says, picking up on Scott's point about the the nuclear weapons treaty. What is Australia going to do about dissociating itself from that? Well, unlike our New Zealand colleagues, nothing, because there are there is actually talk around the place of converting our French submarines to nuclear ones, eventually, the possibility exists in the future of nuclear armed aircraft, passing through Australian airspace to these new bases that they're building. And Australia will be implicated in all of that without without knowing by this slow drip effect that we've just talked about, as far as nuclear power is concerned, which some people in Australia keep clamoring for. They are not the ones By the way, who ever tell you where these power plants are going to be built, the fact that we need 50 of them to make the slightest dent in our emissions in time to change anything. And the fact that government would have to bear the costs not only of constructing them, and indemnifying the users of getting huge insurance, but also what do we call it redeeming the the the site afterwards, which has been totally contaminated. And we haven't even got the capacity for a properly functioning nuclear waste dump in this country. So for people to start talking nuclear in Australia is really pipe dream stuff and they're trying to catch up with a world which in many parts of me have given up on this already. So for Australia to stay off that bandwagon and I know microgreens is the best option.

Ebony Bennett We've got time for one last question.

55:05 So I'm not sure who I'm echoing on there. Sorry for that. reverb in the background. And the last question I'm going to direct to you, Alan. This one's from Terence how he says the declaration of war is perhaps the easier reform, the preparation for war in the purchase of submarines and fighters would seem to be more difficult for parliament to control in the light of lobbying and the fiction that these are not dangerous provocations. I know, Alan, you've got some feelings about accountability when it comes to submarine contracts. What What do you think?

Allan Behm Yes, terrorists? It's a fantastic question. And we probably need another couple of hours for a webinar. I'll try to handle it in about one and a half minutes. Okay. The fundamental issue here is how the citizen is engaged with the state in making these very fundamental determinations about our future. And that's really what accountability and transparency are designed to deliver to us as voters. And it will be my contention. And I have a suspicion, it might be that co panelists contention, that we have very little of that at play at the moment. We have no say over how our long term defense planning is conducted. And look, I've been a part of this for a great part of my career. And what little one adds to it just tends to disappear into an enormous sort of ambition, that we want to look bigger and more powerful than probably

we really are. We over invest in in armament, and we under invest in diplomacy. And all of that, I think, is a reflection of the fact that we don't have at play in Australia, the sorts of transparency and accountability mechanisms that we really need, if we as citizens are to have our rights protected, both by ourselves and by our parliament. So it's a very fundamental and systemic issue of which war powers is just one bit.

Ebony Bennett

57:13

Well, we might wrap it up there. Thank you so much to our panelists, Scott Ludlam, Dr. Allison baranowski. And Alan Bane. Thank you for joining us today. And thank you, everyone, for your fantastic questions. There was a lot of excellent questions there that we just didn't have time to get to. And so I apologize for that. I want to thank everyone for coming today. Just a reminder that the it will be up on our website, the recording of this webinar and on our YouTube channel, that's Australia institute.tv. You can find us there. But please make sure to join us in the next couple of weeks for some more exciting webinars. Next week, we'll be talking to our chief economist Richard Dennis, about the long COVID economic crisis that's Wednesday, March the 31st at 11am. That should be a really good one. And if I may, please tune in to our podcast follow the money. This week, we've got a cracker episode with our research economist Eliza Littleton on eight things that Prime Minister Scott Morrison could do right now to improve women women's equality. I got very mad by the time I got to the end of the podcast, but it was a good one to record. And definitely worth checking out. Thanks again to all of our panelists. Thanks, all of you for joining us today. Thanks for a great and productive chat as well. And hopefully we'll see you next week. Thanks very much. Take care everyone. Stay safe out there. Bye.

Automated Webinar Transcript
Recorded live: 24 March 2021