Two interesting speeches by Australia's new Governor-General

Mike Head
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When Major General Michael Jeffery, the Howard government's recently-installed Governor-General, delivered a forthright speech earlier this month on Australian military policy in the wake of the Iraq war, media outlets presented his intervention as a defence of the policies of the Bush and Howard administrations.

Louise Dodson of the Melbourne *Age*, for example, said the speech "strongly backed the United States and Australia's push to reform the United Nations Security Council to allow pre-emptive military action against dangerous governments".

On closer examination, however, this is not entirely accurate. Jeffery's October 9 remarks actually suggest certain tensions within Australian ruling circles.

Under the Australian Constitution, the governor-general is effectively the head of state, representing the British Queen. The vice-regal representative is also the commander-in-chief of the armed forces, but in normal circumstances avoids political comment, acting on the advice of the elected government of the day.

Addressing an after-dinner audience of active and retired military officers at a seminar organised by the Royal United Service Institute of Australia; Jeffery called for the UN Security Council to be given the power to authorise pre-emptive operations. He argued this was necessary to head off further unilateral interventions by the United States.

"If the world does not want a superpower of the day to take unilateral or multilateral action against threats that it perceives to be inimical to its national interest, then the UN must be given the authority and the appropriate tools to ensure that human rights and the dignity of the individual . . . are maintained," he said. "In time, this may require the UN to consider co-operative, interventionist action in potential or active trouble spots."

Jeffrey's comments were carefully couched to be consistent with the Howard government's policy, which calls for the restructuring of the UN to allow the major powers to more easily obtain a UN mandate for pre-emptive strikes. Nevertheless they had a different emphasis. While the government insists upon the unqualified right of the US and its allies to mount "first strike" military operations, with or without UN authorization, Jeffrey did not.

The speech produced a divergent response among leading government ministers. Defence Minister Robert Hill and Foreign Minister Alexander Downer, both of whom were present, championed Jeffery's right to speak out on political issues. "I don't think you want to turn the governor-general into an invisible person," Hill stated. Downer enthused that the speech was a "very sensible" and "very important" contribution to public and international debate.

But Howard was more circumspect, saying he had no doubt that Jeffery would "follow the proprieties of office," while agreeing that there could not be a situation where the governor-general could "say absolutely nothing". Howard's main concern appeared to be that Jeffery's comments could be interpreted as limiting the power of the US and its allies to attack unilaterally.

"Clearly, the likelihood of the United Nations being given the authority to behave like that in the future is quite unlikely, indeed remote," Howard said. "And it's a question of the world doing the best it can within a range of existing possibilities."

That Jeffery decided to make such a speech just weeks after being sworn into office, indicates that he is keen to play an active role in the political process and that he may harbor certain reservations about the extent of the Howard government's alignment with Washington.

It was noticeable that he barely mentioned the Iraq war, listing it only as one of the many military operations conducted by Australian forces over the past 13 years. With every day bringing fresh news of mounting Iraqi resistance to the US occupation, his silence was conspicuous.

By contrast, speaking at the same seminar, a government spokesman, Foreign Affairs Department head Ashton Calvert, vehemently defended the US-led invasion of Iraq, declaring that evidence of "weapons of mass destruction" would still emerge, notwithstanding the failure of a US task force to produce any in well over six months.

Jeffery also downplayed the centrality of the alliance with the US by listing it as a "third consideration" affecting Australia's security. His first consideration was the maintenance of the "rule of law" within Australia and the second was reform of the UN.

While the governor-general called for the strengthening of links and dialogue with strategic-partner countries, "such as the United States" and referred to "mutually reinforcing interests" with the US, he emphasised the advisability of building strong relations with Indonesia, India and China.

He nominated the latter two countries as likely to become "superpowers or near equivalents" within the next 60 years or so. "So it seems to me that Australia's direct interests require us to link in every way we can with those two countries—economically, diplomatically, militarily and so on."

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Jeffery's views seem to echo concerns in sections of the establishment that the Howard government's unswerving allegiance to the Bush administration may damage their commercial, strategic and diplomatic interests in the Asia-Pacific region, which accounts for more than half Australia's exports. In these quarters, the UN is also regarded as a valuable instrument for legitimising Australia's own military interventions in the region, as it did in the case of East Timor.

Jeffery said it was imperative for the Australian armed forces to "respond to problems and crises nearer to home—such as we did in Bougainville and East Timor, and we're now doing in the Solomon Islands". He suggested that the Solomons operation could stand as a model for future interventions—" perhaps including ones carried out by the UN".

Each of these three mobilisations was launched under the pretext of protecting the local population—from secessionist fighting in the Papua New Guinea province of Bougainville, from Indonesian-backed militia in East Timor and from government collapse in the Solomons. In reality, the operations were designed to shore up Australian interests in resource-rich Papua New Guinea, to retain a tight grip over the oil and gas in the Timor Sea and to assert Australian hegemony over the South West Pacific.

Significantly, Jeffery made another speech the same day, marking the centenary of the High Court, Australia's supreme court. Addressing current and former judges, he first reasserted the importance of the office of governor-general, stating that it had been central to underpinning political stability.

Australia, he contended, had never known revolution, civil war or insurrection because of the "rule of law". Crucial to that was "the unique relationship under the law, of the Crown, to the Governor-General, to the Prime Minister—and through him to the elected government of the Commonwealth".

This relationship ensured that a prime minister "can have his commission withdrawn by the governor-general if he loses the confidence of the parliament or is in material breach of the Constitution". Alternatively, the prime minister could advise the Queen to revoke the governor-general's commission should the governor-general "speak in a partisan political manner or become unfit to hold the office".

That Jeffery chose to refer to this highly contentious constitutional issue was, again, significant. In 1975, one of his predecessors, Sir John Kerr, sacked the Whitlam Labor government. Kerr's pretext was that Whitlam was attempting to defy the Constitution by governing without financial supply, which had been blocked by the Liberal-National Party-controlled Senate. Kerr also declared that if he had not dismissed Whitlam, the prime minister would have removed him.

Jeffrey's remarks were a clear reminder that under the Australian Constitution, adopted in 1901, the vice-regal representative retains all the so-called reserve powers of the British monarchy. These include the capacity to block legislation, sack governments, dissolve parliament, assume executive power and take control of the armed forces. The colonial politicians who drafted the Constitution deliberately chose to preserve these potentially dictatorial powers in order to deal with political crises that could threaten the established order.

Jeffery also chose to extend his praises to the High Court, which in recent years has come under sustained attack from the Howard government. Even in the context of delivering an official anniversary tribute, Jeffery seemed to go out of his way to applaud the court, saying it enjoyed "a very high reputation at home, and internationally, for the depth and quality of its judgements and its overall integrity".

Whereas Howard and his ministers have railed against the court's "judicial activism", Jeffery provided an interesting list of its "landmark" cases. They included the 1951 overturning of the Menzies Liberal government's laws to ban the Australian Communist Party; the 1990 and 1996 Mabo and Wik cases, which declared the existence of Aboriginal "native title" in land; and the 1998 waterfront case, when the High Court intervened to settle a national waterfront strike.

All of these were highly political rulings, which cut across government policy. Leading ministers in the current government publicly opposed the Wik and waterfront decisions, triggering a political campaign against the court, or at least some of its members. Senator Bill Heffernan, one of Howard's closest cronies, made false personal accusations against High Court judge Michael Kirby in 2002, while the government has introduced laws to exclude the court from hearing refugee cases, laws the court has since held to be ineffective under the Constitution.

Jeffery pointedly stressed the need for "strong judicial independence", declaring that "anything that threatens or imposes on the independence of the judiciary must, therefore, be undesirable".

For Howard's previous choice as governor-general, Archbishop Peter Hollingworth, to have made such remarks would have been inconceivable. Even Hollingworth's predecessor, former High Court judge William Deane, who made veiled criticisms of the government's social and Aboriginal policies, never commented on its attacks on the court.

The full ramifications of the governor-general's political interventions are not yet clear. What is certain is that Jeffery is an extremely right-wing figure with a long career at the apex of Australia's internal military security and intelligence apparatus, from commanding the elite Special Air Services (SAS) to heading the Protective Services Coordinating Centre (PSCC), the federal government's emergency intelligence headquarters.

For this highly conscious and experienced military figure to be asserting such an active political role could well be a symptom of concerns within the military, political and business establishment that unstable times lie ahead.

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