

An anti-democratic witch-hunt in Australia over dual citizenship

Mike Head
10 August 2017

Over the past month, an unprecedented media and political campaign has been launched against members of the federal parliament who allegedly hold, or are entitled to hold, citizenship of another country as well as Australian citizenship.

The witch-hunt involves a provision in Australia's British colonial-era 1901 founding Constitution, declaring ineligible anyone owing allegiance to a "foreign power." This anti-democratic clause today potentially disqualifies millions of people—about half the population—who were born overseas or had a parent born overseas, even if they are Australian citizens.

Two Australian Greens senators—party co-leaders Scott Ludlam and Larissa Waters—have resigned their seats already. Ludlam was born in New Zealand and Waters in Canada, and both were unaware they automatically remained citizens of those countries. They had lived in Australia since they were infants.

However, as soon as the issue was raised in the media—in circumstances that remain murky—Ludlam and Waters each quit without any fight, not even a legal challenge. Instead, they both abjectly apologised for their supposed negligence in not checking their status.

After parliament resumed this week from its six-week winter recess, the Senate referred their cases to the High Court, the country's supreme court, along with those of two other senators—a National Party government minister and a One Nation representative. Other MPs could face challenges. Media outlets have drawn up lists of more than 20 declared to be suspect because of their migrant heritage.

Every parliamentary party—the ruling Liberal-National Coalition, the Labor Party, the Greens and the various "third parties"—has joined the crusade against so-called dual citizens sitting in parliament or even standing for election. None has called for the scrapping of the anti-democratic provision.

Prime Minister Malcolm Turnbull quickly endorsed the witch-hunt, deriding the "incredible sloppiness" of the Greens. Labor leaders demanded that the Coalition "come

clean" on any of its MPs "at risk" of dual citizenship. Greens leader Senator Richard Di Natale was the most fervent of all, demanding an official investigation of all 226 members of parliament to "immediately establish" their eligibility.

This hue and cry is anti-democratic to the core. Australia has an estimated six million dual citizens, who are potentially barred from standing for or sitting in the parliament.

Section 44(i) of the Constitution disqualifies anyone who "is under any acknowledgment of allegiance, obedience, or adherence to a foreign power, or is a subject or a citizen or entitled to the rights or privileges of a subject or a citizen of a foreign power."

The clause excludes not just dual citizens. It covers any Australian resident "entitled" to foreign citizenship. For some countries, children and even grandchildren of citizens may be entitled to citizenship. In other countries, like Canada and New Zealand, citizenship is acquired by birth and sometimes may be virtually impossible to renounce.

The words "adherence to a foreign power" could extend even further, particularly in wartime conditions, to anyone with an overseas family heritage, or who opposed a war or wartime measures such as conscription. It should be recalled that during both world wars, thousands of residents of "enemy" descent—German, Italian and Japanese—were arbitrarily rounded up and interned in camps for the duration of the war.

The anti-democratic character of this provision is highlighted by the fact that when it was adopted, there was no concept of Australian citizenship. Instead the continent's inhabitants were classified as "subjects" of the British monarch, as were people throughout the British Empire.

The colonial politicians and businessmen who drafted the Constitution opposed using the word "citizen" because it smacked of republicanism. While they had their own imperialist ambitions, they were tied to the apron-strings of the empire, which remained their economic backstop and great power guarantor.

The only reservation of the “founding fathers” was that the term “subject of the Queen” would open the door for “Asiatic” royal subjects from Hong Kong and elsewhere. The constitutional convention debates are full of references to barring the Chinese and other “coloured races.”

In the end, this fear was addressed by the first parliament adopting legislation to expel Pacific Island labourers and impose English-language “dictation” tests to exclude immigrants not of the “British race.”

However, British subjects from elsewhere in the Empire such as New Zealand, Canada or Britain could stand for and sit in parliament, as long as they met basic residency and age requirements.

Australian citizenship was only introduced in the Nationality and Citizenship Act 1948. By then the ruling class had shifted its alignment behind the US following World War II. Even so, it was not until 1987 that “British subjects” were no longer entitled to Australian citizenship.

Today, section 44(i) stands as a barrier to essential legal and democratic rights. With the exception of the Aborigines, the entire population is composed of people who are either immigrants or the descendants of immigrants who have arrived since 1788. Moreover, Australia, like many other countries, is increasingly diversifying because of the globalisation of economic and social life.

Full civil political rights, including to stand for elected office, should be available to all, regardless of birthplace, skin colour or ethnic background. More broadly, people should be free to live and work where they choose, with full democratic participation, not straitjacketed by the anachronistic capitalist nation-state system.

More than a century after it was imposed, section 44(i) is being brought to centre stage now for definite political purposes.

One immediate motive is to create a potential vehicle to remove politicians, and possibly governments, via legal challenges and court rulings, effectively overturning election results. Over the past decade, the Australian political establishment has become increasingly unstable, with one government falling after another, amid rising popular discontent with glaring inequality, falling living conditions, attacks on basic democratic rights, and mounting militarism.

If any Liberal or National lower house MP is disqualified, Prime Minister Malcolm Turnbull’s government could lose its one-seat majority, triggering a new election or the formation of a highly unstable minority government, led by the Coalition or Labor.

The other, underlying, purpose is to whip up nationalist sentiment. This is designed to divide Australian workers along ethnic and communal lines, as well as split them from their fellow workers across Asia and internationally. Such

agitation seeks to create the ideological climate for war. Around the world, with the Trump administration in the lead, ruling elites are inciting protectionism, jingoism and bigotry as a means of diverting the deepening social tensions outward and justifying war-mongering threats.

“True-blue Australian MPs only,” was the headline of an *Australian* editorial on July 20, highlighting the nationalist character of the outcry. The Murdoch publication insisted that patriotism, loyalty and national pride are essential prerequisites for sitting in parliament.

The disqualification of “foreign” MPs is just one manifestation of this promotion of nationalism. The government is proposing legislation to restrict Australian citizenship to “patriots.” Applicants will have to formally “pledge allegiance” to Australia and pass tests of “Australian values” and university-level English—reminiscent of the “White Australia” dictation tests.

In late 2015, the Coalition government also pushed through legislation, with Labor’s backing, enabling it to revoke the citizenship of dual nationals by decree. The immigration minister can now unilaterally declare, on the basis of secret intelligence reports, that someone has “renounced” Australian citizenship. These provisions could be used to terminate the basic rights of many people, including those opposing the predatory and criminal wars being conducted by the US and its allies, such as Australia.

For now, these powers have been confined to dual citizens, but there have been calls within the government to extend the measures to all citizens. Citizenship is an essential democratic right, without which members of society can be stripped of all political and civil rights, including to vote, stand for office and obtain health, education, welfare and other social services.

These developments are a warning sign. The clouds of war are gathering, and the media and political establishment is trying to foment a xenophobic atmosphere, with far-reaching implications for fundamental democratic rights.



To contact the WSW and the Socialist Equality Party visit:

[wsws.org/contact](https://www.wsws.org/contact)