

Australian government insists on unfettered war powers

Mike Head**11 August 2023**

With virtually no media coverage, let alone public discussion, the Albanese Labor government last week released its official response to a parliamentary committee report on the power to go to war by sending troops overseas.

Under conditions in which it is already participating in an escalating US-NATO war in Europe against Russia and intensifying preparations for a US-led war against China, the government doubled down on having unlimited powers to launch military operations entirely behind the backs of the population.

The government welcomed and praised the committee's primary recommendation that "decisions regarding armed conflict are fundamentally a prerogative of the Executive"—that is a backroom cabal formally consisting of the prime minister and the national security committee of cabinet.

Significantly, the government rejected a proposal from the committee that such decisions be formally made in the name of the governor-general—as per the country's 1901 Constitution—particularly in conflicts not rubberstamped by the United Nations Security Council or by a supposed invitation from the country invaded.

That recommendation by the Joint Standing Committee on Foreign Affairs, Defence and Trade inquiry was revealing. It was, in effect, an indication that preparations are being made for wars that are illegal under international law, most obviously against Russia and China.

The committee sought to protect the government from popular opposition and the danger of war crimes charges. It said such decisions made by the governor-general were not "justiciable"—that is, they could not be challenged in court.

The Constitution, a colonial-era document adopted by the emerging Australian capitalist class, deliberately retained the centuries-old "prerogative" powers of the British monarchy, which include the power to declare war, and vested them in the hands of the governor-general.

The government brushed aside the committee's suggestion, saying it would cut across the "existing arrangements." These "support timely and flexible decision making as well as the security of highly-classified information that is necessary for governments to make critical decisions" to enable the military to "effectively and efficiently deploy into contested environments."

That is, as it ramps up its commitment to a US-led war on China, including via the AUKUS pact and the opening of bases across the country to the US military, the Labor government is adamant that

any decision to go to war, or deploy troops anywhere, must be made entirely in secret, with no formal process required whatsoever. This secrecy is directed against the people, not the designated enemy, which would be quite aware of military intervention.

In a cursory media release, Defence Minister Richard Marles claimed that the government's response displayed a "commitment to improving openness and accountability." It was important, he said, "that parliament has effective mechanisms to examine and debate such decisions."

In reality, fearing deep-seated public concern and opposition to being plunged into potentially catastrophic wars, the government adopted suggestions from the committee for a token debate in parliament—but only after the war was already underway, and confident of support from the parliamentary establishment.

In its report, released in March, the parliamentary committee was clearly conscious of the hostility among workers and youth to another war, especially after the barbaric disasters, involving the deaths of millions of people, of the Vietnam War and the invasions of Afghanistan and Iraq—all conducted on the basis of lies and propaganda concocted by the US, UK and Australian governments and their intelligence agencies.

Media polls have provided some limited measure of the extent of this anti-war sentiment. The latest one, conducted earlier this year by Essential Research, reported 90 percent support for the proposition that the prime minister should be required to get approval from parliament before making a decision to go to war. Two polls produced similar results in 2020 and 2021, as noted in the committee's report.

In a bid to stifle such resistance by securing a parliamentary seal of approval for war, the government adopted the committee's recommendation that after the Australian Defence Force (ADF) was "engaged in major military operations," a written statement be tabled in parliament setting out the objectives of the intervention, the orders made and its legal basis.

Even then, the government insisted that it must be able to keep the public in the dark about the legality of the operations. "The Government reserves its right to determine the appropriateness of disclosures with respect to questions of international law and advice on questions of legality," it stated.

No time frame was set for this process, except that a debate be conducted in both houses of parliament "not later than 30 days from the deployment of the ADF, subject to any considerations of

national security or imminent threat to Australian territories or civilian lives.” In other words, even that 30-day timeline could be swept aside, based on government claims about “national security” or threats to Australian lives.

Parliamentary complicity

In any case, the purpose of a parliamentary debate would be to try to legitimise the war and quell popular opposition to it, with the political establishment reliably expected to perform that function. Parliament’s role would be to seek to mobilise the population behind what would be a disastrous war of aggression, not to prevent one.

That is politically in line with the submissions made to the committee inquiry by the Greens and Australians for War Powers Reform (AWPR), which have held out utterly false hopes that a Labor government would “reform” the war powers to make them more democratic.

The committee’s report noted that AWPR said “Parliament served as a means for the Government to convince the Australian public regarding the necessity for the war.” At committee hearings, AWPR witnesses assured the inquiry that parliamentary approval would be all but a sure thing, “due to Australia’s general bipartisanship on matters relating to defence.”

As these submissions showed, parliament is not the means to stop war. Rather, it is part of the capitalist state apparatus, dominated by the parties that defend the profit interests of the Australian ruling class, including its control and plunder of the South Pacific and other parts of the region.

To reinforce parliament’s role in justifying war, the government agreed to form a new parliamentary Joint Statutory Committee on Defence to facilitate the war-launching process. As with the existing foreign affairs, defence and trade committee, its membership would be shared between the government and the Liberal-National Coalition. Its members would be vetted by the military and intelligence agencies, and sworn to not divulge any information to the public.

Greens members of the inquiry committee filed a dissenting report, urging support for a joint sitting of parliament to approve military deployments overseas. Even that proposal would have allowed the governor-general, “by proclamation,” to declare that an “emergency” required a deployment without parliamentary approval.

The ruling capitalist class invariably launches war on the basis of claims of “emergency,” such as the fraudulent assertions of the imminent threat of “weapons of mass destruction” invented as the pretext for the 2003 invasion of Iraq. The real purpose was to establish US control over the oil and resource-rich country at the centre of the strategically crucial Middle East and the wider Eurasian landmass.

The Labor government remains intent on covering up the real nature of that US-UK-Australian invasion, which the Labor Party falsely claimed to oppose in 2003, at least until it was, in effect,

subsequently whitewashed by the UN.

The government bluntly rejected a recommendation from the Greens dissenting committee report that the legal advice given to the then Howard Liberal-National government about that invasion “should be made publicly available so that Australians can determine for themselves what was understood about entering Iraq.”

In reality, it is already known that the invasion of Iraq was conducted on the basis of lies that should see those responsible, in the Bush, Blair and Howard administrations, charged with the crime of conducting an unlawful war of aggression.

Nevertheless, the government responded baldly to the Greens: “As a matter of convention, the government of the day does not publicly disclose the confidential deliberations (including advice provided to inform cabinet decision making) of a former government. This is a longstanding and fundamental practice in the Westminster system.”

That only underscores the true character of the “Westminster system.” It exists to provide a façade of democracy over a secretive system of government in which the decisions are made, behind closed doors, in the geo-strategic and profit interests of the ruling class and its imperialist partners.

In practice, any decision to go to war with China would be made in Washington. Labor and Liberal-National governments alike have increasingly integrated Australia into US military operations, making it an essential platform for a war against China.

That has accelerated since 2011, when US President Obama announced Washington’s military and strategic “pivot to Asia” on the floor of the Australian parliament, courtesy of the Gillard Labor government.

Australia hosts vital US military and intelligence facilities, such as the Pine Gap communications and surveillance station in central Australia and other war bases across northern Australia. This embodies the Australian ruling class’s alignment behind US imperialism, on which it has depended since World War II to prosecute its own predatory imperialist interests in the Indo-Pacific region.

Workers and young people must draw a warning from the moves to bolster the war powers. Far from being an “accountability” check on the threat of a third world war being provoked by the US and its allies, the parliamentary establishment is pivotal to the war preparations. That danger can be answered only by a mass movement of the working class, in Australia and globally, to overturn the source of conflict, the capitalist profit system itself.



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