



Some real battlelines developing?

The reshuffle of shadow portfolios in the national security arena is encouraging for those who believe informed public debate is important. For the first time since John Gorton and Lance Barnard squared off in the early 1970s, both frontbench teams in the defence portfolio include former ADF personnel and able ones at that. The Parliamentary Secretary, Dr Mike Kelly, is now shadowed by Stuart Robert, also a former Army officer and the only other parliamentarian (among the 226 of them from all parties) with operational service experience.

A former intelligence officer, Robert is a confident public speaker and his professional background should enable more focused and in-depth discussion of defence matters by the Opposition. This will be important in an election year where considered policy alternatives must be offered, rather than just repeated criticisms of the type of departmental administrative bungling that occurs under any government.

In wider national security matters retaining Senator George Brandis as shadow attorney-general also makes considerable sense — as does the introduction of fresh faces and fresh approaches for justice, policing, citizenship, customs and border protection responsibilities. A big handicap the Opposition still faces across defence and wider national security responsibilities, however, is a marked difficulty in attracting and retaining advisory staff with appropriate and in-depth expertise.

Finally, in Tony Abbott, the Opposition have a leader with a long-term interest in defence and foreign policy issues again. While his early 2009 book, *Battlelines*, naturally concentrates on domestic matters the bit that does cover defence, foreign policy and domestic security (pp. 156-161) is at least a coherent and balanced summary of relevant challenges. •

An enduring lesson from Copenhagen

A key strategic lesson from the inconclusive UN conference on climate change in Copenhagen is China's total opposition to proposed international verification arrangements involving independent inspections inside China. When transposed across to the military sphere this Chinese attitude does not augur well for strategic stability. It poses a particular problem for development of the common security architecture needed in the Asia-Pacific region. Such a hard-line Chinese attitude appears to reject both the spirit and practice of the mutual transparency, open verification and multilateral trust model pioneered so successfully in the Organisation for Security and Co-operation in Europe (OSCE). •

Highlights:

- Kelly and Robert square off on respective frontbenches
- Copenhagen provides an important strategic lesson
- Being a true friend of Japan means telling Japan the truth and requiring similar respect in return
- *Armidale* class patrol boat limitations exemplify flawed principle underlying capability development process
- Risks in new National Security College at the ANU?
- Resurrecting FDA's Daleks ("the most evil life-form in the universe") would be even more disastrous now
- The Law Council of Australia makes sense on a military issue for once

Centaur highlights current problem

Real and media-contrived furores over the sinking of the Australian hospital ship *Centaur* by the Japanese submarine I-177 off the Queensland coast in May 1943 have tended to miss the relevant point for our modern strategic circumstances. No reputable authority disputes that the sinking of this clearly distinguishable hospital ship was a clear breach of the 1907 *Hague Convention for the Adaptation to Maritime War of the Principles of the Geneva Convention* — and contrary to Japan's declaration in 1941 that it would continue to accede to the convention it signed and ratified some 34 years earlier.

While still disappointing it matters little, now, whether Japan has ever formally or sincerely apologised (although they effectively have not with either) or whether Japan should still so apologise for this atrocity. It even matters little, now, that the commander of the I-177, Hajime Nakagawa, while convicted in 1948 of other callous and serious breaches of the Laws of Armed Conflict, was imprisoned for only four years. He died in 1991.

What does matter now is that the first official Japanese reaction to the discovery of the *Centaur's* wartime grave was again to deny Japanese responsibility for this war crime — even though official histories of the Imperial Japanese Navy submarine force admitted the sinking in 1979 and 2002. This is, however, consistent with Japan's continued obfuscation or denial concerning numerous other war crimes committed against Australian military personnel and civilians during World War II.

Today, in 2010, the strategic distrust of Japan by China and both Koreas is still shared widely by many of the Asian states and peoples subject to brutal Japanese conquest in the 1931-45 period. This distrust is inherently destabilising in North Asia. It also affects the wider Asia-Pacific region, particularly since the re-emergence of China as a world power. True friends of modern Japan — and Australia is a consistent one — do not help Japan by acquiescing to continuing atrocity denial by Japanese leaders and officials, nor by failing to protest that the Japanese educational system still denies or glosses over Japanese wartime atrocities.

In 2010, 65 years after World War II, there is deep European acceptance of a Germany that has genuinely confronted its past politically, culturally and morally. Europe as a region also enjoys considerable strategic stability and unprecedented and effective strategic architecture such as the European Community and the Organisation for Security and Co-operation in Europe (OSCE). Japan's refusal to truly confront its past presents a stark contrast to Germany on political, cultural and moral grounds.

This is not an historical issue or one solved now by renewed diplomatic carpet sweeping. Nor is it just a peculiar "Japanese issue". Two generations after World War II continual dishonesty and denialism led by Japan's government, and cultivated ignorance of Japanese wartime atrocities throughout much of Japanese society generally, continue to have enduring strategic consequences for us all. Japan's continuing failure to genuinely confront its past causes much enduring strategic instability and is a major obstacle to the Asia-Pacific region developing a much-needed and trusted common security organisation like the OSCE.

True friends of Japan and its people should not continue to excuse or tolerate further Japanese denialism about the past, especially when Japan's pervasive failure to recognise, acknowledge and resolve the problem so nourishes endemic, region-wide strategic instability in the present and the future. •

Shooting the ADF victim yet again

Continuing problems with the Navy's *Armidale* class patrol boats have resulted in some press coverage rightly noting how it is unusual for naval vessels to be constructed to commercial rather than warship standards. But rather than investigate why this occurred and sheet home the real responsibility for this situation, some media and partisan comment has gone on, wrongly, to blame the Navy for this situation and for the associated long-term constraints on defence and border protection operations.

Those who know their history know that these boats were wrongly built down to a low funding cap arbitrarily set by the early Howard government, then in full thrall to flawed theories of running our defence force like a commercial business. As with all ADF platforms the boats should instead have been designed and constructed to the operational capability logically derived and clearly required — as the Navy and the wider ADF professionally and appropriately advised at the time.

The *Armidales* are not warships. Their only military characteristics are effectively their (one) gun, electronics suite and grey paint scheme. This was tacitly conceded in the 2009 Defence White Paper when the nature, characteristics and joint operational requirements for the *Armidale's* replacement class were specified. It is also demonstrated by the fact that each succeeding class of Navy (and Customs) patrol vessel has had to be bigger and more capable than its predecessor.

The *Armidale* class boats are capable for many, perhaps most, border protection duties (although not being helicopter or UAV capable to any degree is a big limitation). They also appear to handle situations implausibly depicted in fictional television series where the incoming fire is only blanks, the need for battle-damage control (and much else) is ignored, and all can be faked to end well and romantically within an hour-long episodic format.

But in the real world the *Armidales* largely cannot be used for most wider defence roles. They are almost useless in helping deter or fight shooting wars in either archipelagic or open waters, especially where missile-equipped adversaries (virtually all navies in the near and wider regions) might be involved on either side.

The clear lesson of the *Armidale* saga for Australia's political class, media commentators and defence academics, once again, is that Australia's real strategic and operational requirements always need to drive defence equipment procurement. Properly equipping our defence force must not be driven by the funding thought to be available politically. Nor by irrelevant "hands-off" theorising by ideologues, bureaucrats, academics and business figures who have never seen a shot fired in anger, spent even an hour on the open sea in a naval vessel, nor experienced any of the other day-to-day realities of defence force operations. ●

National Security College & fresh thinking

The announcement that the new National Security College is to be joint venture with the Australian National University, rather than with a major tertiary institution outside Canberra, or independently but in some form of affiliation with the Centre for Defence and Strategic Studies at the Australian Defence College, is somewhat puzzling. While physically locating the new college in Canberra makes financial and personnel management sense, there are some obvious disadvantages of too close a relationship with the ANU.

ANU already fosters the Asia-Pacific College of Diplomacy (in conjunction with DFAT) and includes the Strategic and Defence Studies Centre (SDSC). Some healthy intellectual and institutional separation in how we subsequently educate our diplomats, strategists, intelligence officers and broader national security policy-makers is clearly desirable to avoid groupthink and

any further strengthening of Canberra-centric and Public Service-dominated perspectives.

The risk can be appreciated by noting the damage done to Australian policy-making, and to the diversity of thinking in various government departments and agencies, through the SDSC having developed such an unyielding ideological bias and narrow activist focus to much of its research over recent decades. While the associated academic courses have not been affected as much, especially in recent years, such experiences mean that the new National Security College would be better off distancing itself from the dogmatic influences and stale thinking that can arise when bureaucratic and academic institutional cultures grow too fond of, and too co-dependent on, each other's views. ●

Resurrecting an evil best left well interred

A recent ASPI "policy analysis" paper rightly noted that contestability of advice was important within the Department of Defence. But it then went on, oddly, to glorify the long discredited and superseded Force Development and Analysis (FDA) division model. FDA was instituted in 1974 to play the devil's advocate role but soon became a divisive, ivory-tower type of bureaucratic monster. It was justly terminated by the Defence Reform Program in 1998 in favour of modern, integrated, swifter, more accountable, and far less wasteful joint-Service and departmental processes. FDA was also abolished because it institutionalised inter-Service rivalry rather than help cure it, hindered the evolution of true "jointery" at the strategic level, relished in exacerbating ADF-Public Service tensions, and encouraged personality clashes that undermined departmental efficiency and poisoned inter-personal relations for a generation.

Even as an exercise in subjective nostalgia, resurrecting FDA would be just as silly as the *fitted-for-but-not-with* delusion the division long championed — and which contributed so much to the ADF's serious unpreparedness for the strategic challenges it actually had to face since the East Timor intervention in 1999. ●

Law Council backs return to courts martial

The Law Council of Australia has called for the defence force to retain the traditional system of courts martial, rather than constitute another new military court, this time under Chapter III of the Constitution. The Council rightly emphasises the obvious problems of deploying a Chapter III court to overseas war zones and notes that such deployability is a *fundamental requirement for any effective military discipline system*.

Such arguments strongly echo the points previously discussed by the ADA (<http://www.ada.asn.au/Recent.Comment.htm>) in late August 2009, when the High Court invalidated the Australian Military Court instituted in October 2007 based on the defence heads of power in the Constitution alone.

The Law Council's commonsense approach to this issue is also a refreshing change to some other recent Council comment on military matters. The Council's general criticism of the lawful detention of David Hicks as a belligerent captured in a war, for example, seemed to result from it becoming unduly sidetracked by human rights lawyers concerned, however legitimately, with the validity and nature of his separate criminal trial by US Military Commission. This led to the Council ignoring that the specialist body of international law applying to Hicks' detention (but not his separate criminal trial) were the Laws of Armed Conflict (LOAC) and to the Council claiming incorrectly that he was somehow "held without trial" or otherwise detained unlawfully.

The obvious lesson is that in all cases involving Australian military law and LOAC the Council is better off consulting its own Military Justice Working Group rather than relying on other members with barrows to push and no specialist or objective knowledge of the law actually applying. ●