



Background Sheet 3: Political (Including Democratic) Rights

People's Inquiry: Exploring the Case for an Independent and Peaceful Australia

What are the costs and consequences of Australia's involvement in US-led wars and the US-alliance?

Desire for an Independent Nation

Many Australians want to live in an independent nation. However, there are growing concerns that our political, economic and military needs are subservient to the interests of big foreign powers and corporations operating in Australia. There are growing concerns with the persistent erosion of people's democratic rights.

From the time of the first invasion and violent occupation of the First People's country by the British colonial empire, the settler Australian governments have been compliant appendages to big powers, first the British, and after WW2 the United States of America (US).

For 250 years since the colonial occupation, Australia's independence and sovereignty have always been dependent and conditional on the interests of whichever big power dominated this country's political, economic, cultural and military life.

Australia has a long history and experiences of a high level of foreign interference, first by the British and since the emergence of the Cold

War in the 1950's by the US. The dominant foreign power has no qualms interfering in the internal political affairs of this country when its strategic and economic interests and dominance are threatened. An Australian government or an Opposition out of step with its powerful master is quickly brought into line or, as occurred with the progressive popular Whitlam government, removed, in 1975.

The 1972-75 Whitlam government raised questions about activities at US Bases in Australia, including Pine Gap (the US military intelligence base in Alice Springs) and expressed desire for greater national economic independence. In addition, the Government questioned CIA activities in Australia and its close connection with ASIO.

The Whitlam government expressed a popularly held view that Australia become more independent, which meant, removing



British colonial relics such as knighthoods, more economic independence by “buying back the farm” and for greater political independence from the US. Lionel Murphy, the Attorney General in the Whitlam government, expressed concern about a close relationship between ASIO and the CIA, and their extensive surveillance and destabilising of the Whitlam government. As we now know, the US and British authorities were actively engaged in the removal of the Whitlam government.

More recently, in May 2020, the US Secretary of State Mr Mike Pompeo, on an overnight stopover visit in Australia, publicly threatened the Federal and Victorian governments that the “warm relationship between the US and Australia” may be terminated and the US could “simply disconnect” from Australia because the Victorian Government was showing interest in signing up to China’s ‘Belt and Road’ global infrastructure development to secure large infrastructure investments. Immediately, the Federal government loudly echoed Mr Pompeo’s warning, condemning the Victorian government’s close relationship with China.

The Australian government follows US policies on China, and rubber stamps most US policy position in the UN, most shamefully in supporting apartheid policies in Israel and denying Palestinian sovereignty. It is often

said by commentators and international observers that Australia is simply an echo chamber for US policies.

The US exercises strong influence over Australia’s foreign policy through the US-Australia alliance and exerts undue economic influence these days through its multinational corporations and major tech entities such as Google, Facebook and telecoms companies. In addition, the US exercises political influence through US initiated and led organisations, such as the Australia-US Dialogue. No other foreign country, including China, exercises such a level of influence over Australia’s affairs.

Successive Australian governments’ slavish political following of US is evident through the alliance, in Australia’s involvement in US wars as well as hostile policies towards China which is challenging US global supremacy.

In 2011 the then US President Barak Obama, along with Julia Gillard, the then PM of Australia standing by his side, made the first public announcement to the world of a major US ‘Pivot into Asia-Pacific’. The announcement to the world was made in Australian Federal parliament. President Obama’s announcement included permanent stationing of US Marines in Darwin and deeper interoperability with and

enmeshment of Australia into US military global policies and agenda.

Former Prime Minister Malcolm Fraser observed in 2014 that since the Cold War ended in the late 1980s; "We've given more control over us to America than they would have had on earlier occasions."

Democratic rights

The US political influence extends to the erosion of democratic rights. Many in our community are concerned that long-held democratic rights have been rapidly eroded by successive Australian governments of both major political parties over the last 25 years. These are hard-won and deeply valued democratic and civil rights first fought for at the Eureka Stockade in 1854, and which include labour rights, civil rights, the rule of law and subsequently Indigenous rights (such as the right to vote, the recognition of land rights).

But shamefully, the First People's rights of sovereignty continue to be denied and suppressed and are a deep fault line in Australian political history.

More recently concern has been increasing about the erosion of long-held democratic rights.



Anti-terror laws 2002

In the past 20 years, the anti-terror laws have been used against peaceful protests, dissent, democratically-minded journalists and whistleblowers.

The attack on New York's Twin Towers on 11 September 2001 was a pivotal moment for people's democratic rights. Since 9/11 there has been a raft of extensive anti-terror laws originating and led by the US, curtailing people's democratic rights spread across the globe.

The US response to the 9/11 attacks falsely identified the atrocity with Afghanistan, thus justifying the "forever war" in Afghanistan (as well as Australian involvement). The real perpetrators were people from Saudi Arabia, but it was not convenient for the US to target Saudi Arabia. The misdirection was and is a pattern with anti-terror laws.

In 2001-2002 the Howard government, led by the US and Britain, started to introduce many anti-terror, anti-democratic laws. Over the past 20 years 'wave after wave' of anti-terror laws have swept through state and federal parliaments. In that short time, 83 anti-terror laws have been legislated with unwavering support by the two major parliamentary parties.

Some of these anti-democratic laws go far beyond any other country's anti-terror laws. Australian Federal and State laws have removed many civil rights and substantially increased the powers of domestic and international intelligence agencies, police and the military. The anti-terror laws have extended the military powers of the police and the army to broadly intervene in democratic civilian activities.

The anti-terror laws in Australia echo the US laws and range from granting police special powers to detain people without charge for an extended length of time; searching homes without warrants; and new crimes of 'sedition'; as well as powers to stop, frisk and search without a warrant. In addition, there are now laws that allow police to spy on anyone as well as powers regarding mass surveillance; and for jailing journalists for revealing ASIO's special intelligence operations (even

inadvertently);

In addition, people can be held for a month without charge and this time period has been increased several times. There are also now extended powers for police to remotely search computers using secret warrants and children as young as 14 can be interrogated. The definition of a "terrorist weapon" is so broad it can include carrying a pencil or a biro.

Seeking to silence journalists who have exposed the US and Australian war crimes and massacres in Afghanistan and Iraq through a series of raids was a particularly egregious abuse of anti-terror laws.



The Australian Border Force, itself a creature of militarising immigration now has similar powers to traditional defence forces.

The suite of anti-terror laws have been applied to create an atmosphere not witnessed since 1950's cold war hysteria. Organisations can be

proscribed as “terrorist” and anyone joining such an organisation carries a 15-year’ jail sentence. This mirrors the 1951 Anti-Communist Bill designed to ban the Communist Party during the Cold War. However then, in a national referendum in 1952, the majority of Australian people voted against this anti-democratic Bill, in spite of the relentless 18 months campaign by the Menzies government.

Over the years, many civil liberties organisations and lawyers warned that the anti-terror laws and measures were so broad and general they could sweep just about anyone under the charge of terrorism and threatening national security.

State and national civil rights organisations, including state and national Councils of Civil Liberties, the Australian Lawyers Alliance and many others have strongly opposed the anti-terror laws and urged state and federal governments to drop or amend the anti-terror laws to guarantee basic protection of people’s democratic rights.

The community and media’s general willingness to tolerate the anti-terror law regime and climate is an example of a broader and historic reality in Australia. Sections of the media and some politicians encourage and abet the culture that tolerates repression and

injustice of, to use Edward Said’s term “the other”.

The most obvious example are Indigenous people, who from the very first days of invasion and settlement up to the present, have been the victims of such repression. The Northern Territory Intervention, the inherently racist criminal justice system, and the continuing scandal of deaths in custody with no consequences for the white police perpetrators are features of the landscape today. Refugees are another targeted group, shunted into concentration camps like Manus Island and Nauru, and subjected to poverty and detention without charge by the federal government.

Five Eyes

Five Eyes is a US-led intelligence-gathering coalition comprising the US, Canada, New Zealand, Britain and Australia. It co-ordinates extensive mass surveillance and exchange of collected data not only on citizens of the five countries in this coalition but also on governments and citizens across the globe. Five Eyes spies, monitors and gathers intelligence on other countries which can be used to create instability and interference in the affairs of other countries. In 2013 the ex-US National Security Agency whistleblower Edward

Snowden exposed the five-country intelligence web conducting mass surveillance over the world's population by hacking and bugging civilians and targeted governments. Democratic rights and civil liberties activists warned that Five Eyes is used for tracking and suppressing social and political dissent and in preparation for US wars.

Julian Assange

The level of subservience by Australia's two major parliamentary parties to the US is no better demonstrated than by the treatment of Julian Assange, the publisher-journalist who exposed US war crimes and is awaiting the outcome of his trial in Britain, and possibly facing extradition to the US. The Australian government has done nothing to protect him or bring him home.

The prosecutions of whistle-blowers Witness K and David McBride, and Witness K's lawyer Bernard Collaery, and the raids on journalists such as the ABC raids and that on Anika Smethurst of NewsCorp are evidence of the increased repression of truth-tellers and the media.

ASIO Bill

In May 2020 the Federal government introduced ASIO Amendment Bill, further expanding powers of ASIO - in addition to

existing anti-terrorism laws. Amongst the increases of power to ASIO, the Bill will enable ASIO to interrogate 14-year-old children, expand search and seizure powers, and increase surveillance and the use of tracking devices without a warrant. The Bill allows for hearsay evidence to be used and can give powers to ASIO to plant surveillance devices approved by another ASIO officer.

Defence Legislation Amendment Bill

The Defence Legislation Amendment Bill (Enhancement of Defence Force Response to Emergencies) Bill 2020 will allow the Defence Minister to call out foreign troops during unspecified "national" and "other emergencies".

The US Marines take orders from the United States Indo-Pacific Command and will be exempt from criminal charges. This represents a further loss of Australia's sovereignty and control.

Industrial Laws

Many hard-won trade union and workplace rights to defend and improve workers' wages and conditions have been virtually made illegal - for example the Australian Building and Construction Commission (ABCC), the Ensuring Integrity Bill and the Registered Organisations Commission (ROC). The raid on union offices by the Federal and State police is

a further example of the erosion of rights. It is important to note that political and economic rights are often eroded in tandem - for example, attacks on workers' wages are used to undermine rights to protest.

Written by:

Shirley Winton is a Member of the national Co-ordinating Committee of IPAN and is the IPAN Victoria branch co-ordinator as well as being an active member of Spirit of Eureka and a former Union Organiser with the NTEU and CEPU-Communication Workers Union.

Greg Barns SC is a Democratic and human rights barrister. Advisor to Julian Assange Campaign. Past President Australian Republican Movement and Australian Lawyers' Association.

