

Kellie Tranter Address to IPAN Webinar on Force Posture Agreement

21/5/23

I also wish to acknowledge:

- the Aboriginal people who died or have and continue to suffer from the nuclear tests in outback Australia between 1953 and 1963, and their land, sea, communities, physical bodies and customs which were all deeply affected;
- that the land beneath Pine Gap is not US territory and stands on the traditional land of the Arrernte people of central Australia. The original owners and custodians were never asked to cede this land – now a strategic nuclear target - and have never been compensated for its use;
- I note that recently local indigenous communities, who initially welcomed the Arnhem Space Centre's potential for employment and development, are now expressing concerns about the Space Centre being used by the military. They rightly hold concerns that they "may become a target if there is a foreign threat and our country is seen as expendable because we are in the middle of nowhere."

I am acutely aware that many of those who are watching and listening have far more experience than I about this matter, particularly Richard and John, so please don't regard my comments as expert comments. My comments are my impressions from reading the Force Posture Agreement and the various documents referred to in it. They grant the United States unacceptable extraterritorial rights over our country. Politicians try to assuage public opinion by saying that US forces are "rotational" but the fact is that the infrastructure is in place and permanent so rotating the components makes it indistinguishable from a permanent military presence.

Force Posture Agreement (FPA)

The FPA should not be read in isolation. To understand it's significance you have to read and bear in mind cooperative arrangements established by earlier agreements which are referred to in the FPA.

The combined effect of the agreements is to nullify our capacity to make independent decisions about war avoidance and war fighting. Together they lock us into providing the United States first with secured areas under its control from which it may conduct a war, and second, with comprehensive logistical support for any such folly.

Australia is in the perfect location from which to wage remote war. Far enough away to be protected from enemy attack but close enough to serve as a staging post for troops and supplies. Big enough that the US can operate freely with minimal oversight and without civilian encroachment. Australia *is* the stepping stone for waging war with China, a stone to be sacrificed in protecting the US homeland.

We're functionally dependent on the United States through interoperability and interchangeability and in the technological aspects of modern warfare.

The FPA provides an international legally-recognisable basis for the US presence and its use of facilities here to conduct its war with Australian support.

The FPA undermines Australia's security, particularly with regard to the capacity to make independent decisions about war avoidance and war fighting. It imposes an obligation on Australia to provide Australian bases and logistical support so the US can conduct war with which Australia might disagree.

With the increased integration and interoperability of our defence forces and our acknowledged dependence on superior US technology, these agreements leave us between the devil and the deep blue sea because we won't have any substantial independent military capacity.

FPA facilitates a massive arms build up in Australia because it provides for the prepositioning of materiel under the control and for the exclusive use of United States Forces, without specifying types or quantities, and gives the US exclusive use and control over the areas it occupies.

Under the FPA it's not inconceivable that nuclear weapons could be prepositioned on vessels, aircrafts or on land, without the knowledge of the Australian public. The US simply tells the Department of Defence what's coming, and if there's no timely objection it comes.

If land and water is contaminated in or around areas exclusively controlled and used by the United States there is no obligation on the United States for removal and reversion, which is to say to restore the areas to the same condition as when they received them. Australia retains ownership of and responsibility for the land even though the US has exclusive rights of use.

When preparing my talk for this evening it was useful to read the book 'Poisoning the Pacific' by Jon Mitchell. It gives insight into the real world consequences of US military presences on foreign soil, from the chemical contamination of water air and soil, poison warfare and biological weapons testing, to nuclear submarines leaking radioactive cobalt-60, all done with impunity.

Daily military operations lead to contamination which poisons civilians and service personnel alike. Solvents and degreasing agents used for cleaning aircraft engines, many of which are carcinogenic, run into the ground; firefighting exercises contaminate water sources with toxic foam; storage tanks leak diesel and fuel. Disposal of hazardous waste and surplus stocks of chemicals is one of the main factors contributing to contamination.

Alarmingly, reference to US "Contractors" is frequently made in the FPA. That is a notable change from earlier agreements.

Some may not realise that the term "US Contractors" does not just apply to say dry cleaners and mechanics providing subsidiary or support services to the forces but includes (and nowadays more commonly means) US Private Military & Security Companies. Mercenaries.

The US government has no doubt been forced to employ mercenaries because the United States military is facing its greatest recruitment crisis in 50 years.

When it comes to Treaties and International law the deniability of responsibility for mercenaries has undoubtedly also contributed to their increasing use by the US government in conflicts to pursue geopolitical and economic objectives. It also allows wars to be kept going while minimising domestic public opposition to "boots on the ground".

We hear much of Russia's employment of Wagner mercenaries in the Ukraine but the US employment of mercenaries throughout the world is not publicised.

So when we hear official announcements about US troops numbers in Australia under the FPA I would caution that they may not include US mercenaries.

Status of Forces Agreement

This is an agreement to govern the status of US Forces in Australia. The definition which does not exclude mercenaries is of the “civilian component” of US Forces.

You can see from the Agreed Minutes of Interpretation subscribed to the agreement that the intention was for the “civilian component” provision to extend to organizations like the American Red Cross, for example, but the actual agreement doesn’t say that. Article 1 defines members of the civilian component more generally, and the US and Australian governments would just have to reach agreement about mercenaries being included if any difficult issue arose.

Under the SOF agreement there would be very few circumstances in which Australia would end up not paying half the cost rectifying any damage that occurs because of the multifactorial nature of causation and because of the increasing interoperability and interchangeability between the ADF and US Defence forces.

Article 13 states that the United States Government shall conform to the provisions of relevant Commonwealth and State laws and regulations, including quarantine laws and industrial awards and determinations, and United States personnel shall observe those laws and regulations.

Which is why Defence now wants, and why we’ll see, Defence being progressively carved out of such Commonwealth and State laws.

Statement of Principles between the Government of the United States of America and the Government of Australia (21 November 2013)

Any document about principles between the Australian & US governments isn’t going to be lengthy, and this one isn’t.

It seems to diplomatically formalise the expansion of military activities through the joint posture agreement.

Australia – United States Joint Statement of Environmental & Heritage Principles for Combined Activities (18 November 2005)

A typical “Joint Statement” using the language of hope and good intentions without mentioning obligations.

There is reference to the US and Australia meeting relevant obligations under their respective environmental and heritage legislation and policies and International Conventions but the March 2023 ‘Reforming Defence Legislation to meet Australia’s strategic needs – Consultation paper’ seems to be angling towards legitimising the carve out of Defence activities from any such obligations. If they’re carved out, there’s no obligation. This is particularly important in light of my earlier comments about the daily operations causing contamination, combined with the Consultation paper pressing for ‘ensuring the law allows Defence to train in Australia as close simulation to real-life operations as possible. This can involve the use of the ‘full range of capabilities, incorporating modern technologies...’

The International Conventions mentioned probably do not extend to the actions of mercenaries operating in Australia.

Acquisition and Cross-Servicing Agreement between Australia and the US (27 April 2010)

This agreement, made under the Defence Logistics Agreement, doesn't solely cover logistics for training exercises. It extends to all the materiel support necessary to wage war from Australian soil.

Article II e in the Definitions section defines logistic support, supplies and services as food, water, billeting, transportation (including airlift), petroleum, oils, lubricants, clothing, communications services, medical services, ammunition, base operations support (and construction incident to base operations support), storage services, use of facilities, training services, spare parts and components, repair and maintenance services, calibration services and port services...

Consider the agreement's provision for the payment for logistical support being subject to the availability of government funds for such purposes. The US government is already struggling with its debt ceiling and its reserve currency conceals the fact that it is completely broke (with its total public debt standing at a mere \$31.46 trillion). Then again, I guess it will be able to set off some of the inordinate debt we're incurring to it for its weapons of destruction.

The agreement does seem to authorise Australia providing logistical support to US mercenaries as "agents of US military forces" [Article IV 10].

The current definition of logistic support under the CDLSA is: "materiel and services to military forces to enable the successful accomplishment of assigned missions and taskings in situations extending from peacetime to circumstances of conflict involving either or both Parties. Such logistic support may encompass the provision of Defense Articles and Defense Services which means any weapon etc.

I haven't formed a view and don't know whether the holding of nuclear weapons in an area over which the US has exclusive control constitutes 'possession' for the purposes of the Treaty of Rarotonga. It probably does because under the Treaty "stationing" includes transportation on land or inland waters.

Certainly the Australian government doesn't believe that American B-52 bombers armed with nuclear warheads 'rotating' through Australia would breach treaty obligations. In any case, the Australian public would never be informed whether such aircraft are carrying nuclear weapons under the so-called US policy of "warhead ambiguity" in which it neither confirms nor denies whether any particular military equipment is nuclear-armed. Our politicians accept this notwithstanding its obvious inconsistency with the long-standing policy of 'full knowledge and concurrence'.

But also consider the Australian territory Cocos (Keeling) Islands which is currently having its runway upgraded to accommodate heavier military planes and conveniently sits in the Indian Ocean, outside the South Pacific Nuclear Free Zone. It was reported in 2012 that the US military was eyeing off the Cocos Islands as a future Indian Ocean spy base given the impending end of its lease over Diego Garcia. Cocos Keeling Islands conveniently are 2,700 km to the east of **Diego Garcia**. Sovereignty issues over Diego Garcia create difficulties for the United States. It has been reported that 'support for nuclear-capable military platforms is a key function of Diego Garcia' with B-2 nuclear capable heavy bombers frequently visiting the atoll. The extent to which nuclear weapons are stored and stockpiled on Diego Garcia is unclear.

The Cocos Keeling islands being outside the treaty zone might overcome "technical hurdles" to storing nuclear armed weaponry on Australian soil. The US could neither confirm nor deny and Australia strictly could claim to be complying with the Treaty, but if that happened how would it reflect on our integrity with our treaty partners to see us weasel out of our treaty obligations because the zone isn't accurately drawn to encompass all of Australia?

Chapeau Defence Agreement

Seems to ensure that US legal requirements that US forces are deployed properly under enforceable agreements. It seems to exist to satisfy US statutory requirements.

The agreement repeats the definition of logistical support.

Agreement Concerning Security Measures for the Protection of Classified Information

The Agreement defines classified information as oral, visual, electronic or documentary form or in the form of materiel including equipment or technology.

It states that classified materiel including equipment shall be transported in sealed, covered vehicles, or be securely packaged or protected in order to prevent identification of its details and kept under continuous control to prevent access by unauthorised persons.

Now what might be transported in sealed, covered vehicles so that it can't be identified?

If the FPA or any of its provisions undermine Australia's security or freedom of action with regard to armed conflict, what practical steps can be undertaken to mitigate or remove that impact?

On 18 May 2023, Dr Bianca Baggiarini, Lecturer ANU Strategic and Defence Studies, wrote 'if the region continues the stockpiling of military technologies and capabilities, war becomes more likely'. She refers to the Richard H Kohn definition of militarisation as a process that codes the degree to which a society's institutions, policies, behaviours, thought and values are devoted to military power and shaped by war. That's the danger and the challenge. None of us want to be a military-administered colony.

That is why public education is important, starting with the communities living outside of military facilities. They need to be shown what has happened to overseas communities under US military domination and connected with them to gain insight from those with experience. There needs to be more rather than less environmental and other safety regulation and monitoring. Their water and soil should be independently tested and the results documented on a regular basis. Those potentially affected should all have annual blood tests. Richard will talk more about the need for the monitoring of these sites. Vice Admiral James Amerault said in 2001 that "environmental laws provide a powerful weapon for those who oppose the military." We cannot permit the military to wind back any of our hard-won existing protections.

Informed young people are no longer fooled by official narratives or by politicians. They see the blinding truths behind US hypocrisy and contradictions, and the lamentable waste of scarce resources on war and destruction and death in the pursuit of money. With the world set to get hotter by 1.5 degrees by 2027, and with military carbon emissions and diversion of resources exacerbating this and causing many other problems and hamstringing solutions, now is the time to reach out to young climate leaders to engage with them on these issues. In death counts and injury and economic loss statistics young people are going to be the primary victims for years to come and they should not be expected to bear the burden of our generation's follies.

And throughout all of this campaigners will need to bear in mind that intelligence agencies and PR machines work very hard to discredit truth-tellers and to keep the press tightly controlled. Governments, the media and many individual politicians have been co-opted by a wealthy and powerful war-mongering elite that has also infiltrated the higher echelons of the US and Australian military forces, so the hard work is cut out for us. But for the sake of all young people and their

children and grandchildren, for the sake of humanity as a whole and for the sake of our Mother Earth, we must do all we can to stop this madness.