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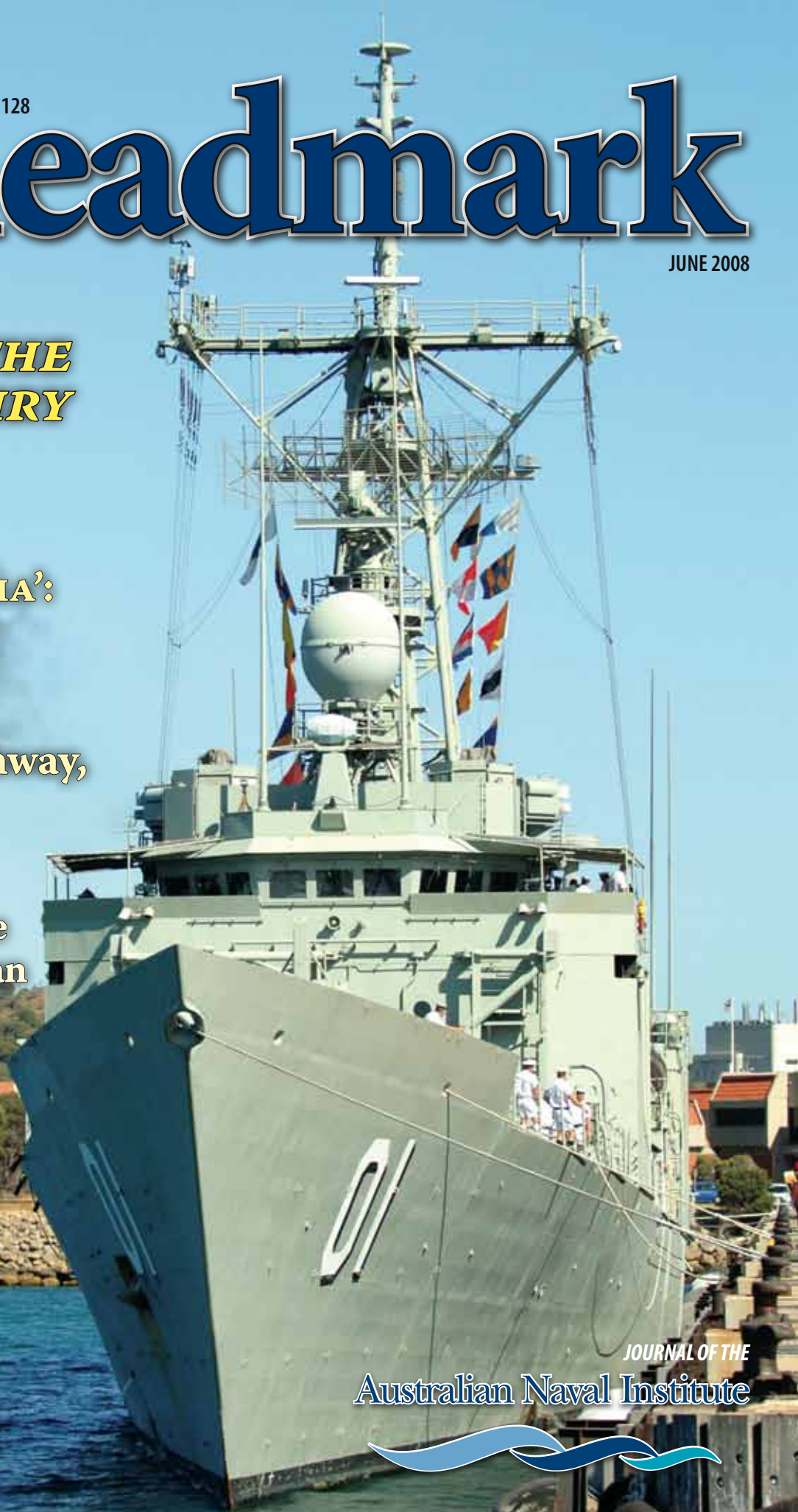
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President's Message

From the Annual General Meeting Report...

It has been a year of some progress and some achievement. We were involved in the King-Hall Naval History Conference through our sponsorship of Dr Eric Grove and the associated lecture program by him and the Sea Power Centre's Synnot Lecturer, Dr Gary Weir. We also conducted social activities in Canberra and Sydney and the Vernon Parker Oration was delivered by Mike Carlton at ADFA in August, followed by the Annual Dinner. The Naval Warfare Seminar conducted in October at *HMAS Watson* was a great success and we intend to stage this on an annual basis.

On 31 January at the Sea Power Conference, we announced the winner of the 2008-2009 Maritime Advancement Australia Award. Through the sponsorship of the Australian National Centre for Ocean Resources and Security, Booz Allen Hamilton, Saab and EDS the Award now stands at some \$22,000 a year and is a substantial scholarship. Vice Admiral Shalders, our patron, presented the Award to Alison Jones, who will conduct a pilot study of marine 'refugia' in the Keppel region of the Great Barrier Reef. More details of Alison's project and the Award will be published in a future edition of *Headmark*.

While we are talking about friends and sponsors, the support they provide through their generous financial sponsorship has continued to provide a solid financial base from which the ANI has been able to conduct many of the activities that I have previously mentioned. Without our sponsors' support over recent years we would

not have been able to achieve what we have.

The Corporate Sponsorship has remained stable over the last 12 months and Council will be working to ensure that this remains a 'value for money' proposition. I would like to formally thank our corporate sponsors, Raytheon Australia, EDS, Booz Allen and Hamilton, AUSTAL Ships, Kellogg Brown and Root, Thales Naval, the Australian Defence Credit Union, LOPAC, SAAB, ATI, P&O Maritime Services and Jacobs Australia; for their continued support for the ANI over the last 12 months.

Headmark has continued to be produced and presents as a high quality journal. If I have one desire, and it seems it is an enduring desire of most Presidents, it is that there should be more contemporary and, frankly, more controversial articles. I should say that the Council and the Publications Committee are addressing this issue and there is some thought to organising some 'special topic' issues, which may be particularly valuable as Defence works to develop a new White Paper.

The Vice President will present the new Strategic Plan in more detail later in the meeting but it is appropriate that I recap on some of the other changes that have occurred over the course of my time as President. Membership in an institute as small as ours is something that occupies a great deal of Council's time. In the last three years we have had a net membership increase of 10% over the last three years. This modest increase is our best three year performance over the last 10 years but is clearly not good enough.

We have in fact had a larger number of

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Front page photograph: *HMAS Adelaide* departs for Sydney from Parkes Wharf, Fleet Base West for the final time.

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PIRACY IN THE TWENTY-FIRST CENTURY

- Questions About Legal Issues

BY DR KEVIN BAKER



"PIRATES" AND WHALES IN 2008

How contemporary is the topic of piracy? The front page of the *Sydney Morning Herald* of 16 January 2008 described an incident between Japanese whalers and anti-whaler protesters in the Antarctic Ocean. Two men from the protest vessel *Steve Irwin* boarded a Japanese whale catcher, the *Yushin Maru No. 2*. The Captain of the *Steve Irwin* stated that the men were trying to deliver a letter of protest and they had been detained and treated violently - the crime of kidnapping in the Captain's view. A spokesperson for the Japanese Institute of Cetacean Research said that the men were being held under guard because they had committed an act of piracy.

As background to the incident, a judge of the Australian Federal Court handed down a decision that the whale hunt in the waters of Australia's self-declared Australian Whale Sanctuary was illegal under the Environment Protection and Biodiversity Conservation Act, and the Humane Society International called for the arrest of any ship found to be whaling within Australian Antarctic waters. A spokesperson for the protest vessels claimed on a Sydney radio program that the protesters were themselves reacting against an act of piracy by the Japanese, and were exercising their right to oppose piracy under international law. However, as Japan (and most other countries in the world) did not recognise Australia's claim to sovereignty over a slice of Antarctic waters, legal experts counselled that any ship interfering with Japanese whaling vessels in waters that all but a handful of countries recognised as international waters might itself be

guilty of piracy.

Claim and counter-claim of piracy in 2008 - the topic is clearly to the forefront of public discussion, but how much of that discussion is fully-informed is another question. On the one hand, some would say that the actions of two protesters boarding a whaler uninvited, solely for the peaceful pursuit of handing over a letter could not be construed as piracy. One the other hand, others could claim that if the motives of the protesters were not just to hand over a letter (which they could reasonably foresee would not be acknowledged) but instead had a motivation of interfering with the navigation of the *Yushin Maru No. 2*, which could be a crime (i.e. causing loss of sea-time, hence revenue and profits for the whaler) then they may indeed have been guilty of piracy. This would especially be the case if there was some element of force in their boarding, such as the protesting ship's fire hoses being used to keep the whaler's decks clear to allow the boarding of the two protesters. It could even be argued that a close and threatening approach by the protest vessel constituted the threat of force - hence the boarding

could be piracy. The matter revolves around legal definitions and practices, legal provisions that are not well-known in detail. Many if not most of the population, certainly the sea-faring population, would think they knew all about piracy and measures that can be taken against pirates, but the issues are not clear-cut at all. They deserve some airing and discussion.

This paper attempts just such a discussion of some legal issues surrounding contemporary piracy.

A BRIEF BACKGROUND TO PIRACY IN THE TWENTY-FIRST CENTURY

Piracy in all its black heart has been common in the early years of the Twenty-first century. In May 2007, there was an incident that was clearly an act of piracy. Pirates captured a ship carrying aid to Somalia - the *MV Rosen* - and after some weeks released the ship and its crew after a ransom was paid. The incident was well-publicised in various news outlets, with quips about modern-day pirates, but the increasing prevalence of piracy was not always as well-studied by media

A VBSS team, assigned to the USS Carter Hall, approaches MS Al-Kausar, an Indian cargo dhow, to conduct a master consent boarding. After gathering intelligence by the VBSS team there were no indications of piracy, terrorism, or smuggling and the cargo dhow was later cleared for its destination. (US Navy photo by Photographer's Mate 2nd Class Michael Sandberg)



commentators, nor the growing death toll taken as seriously.

Pirates are the stuff of morning cartoon shows for children, or fancy dress parties where cardboard swords and eye patches and odd accents get a laugh for a moment or more. The adventures of Jack Sparrow (a.k.a. Johnny Depp) have drawn big audiences in movie theatres. It all looks swashbuckling and somewhat romantic.

In real life, piracy is a growing problem that impacts upon the conflict against terrorist groups. Real pirates are vicious thugs armed with Uzis or AK47s or rocket-propelled grenade launchers who strike when their victims are weak and unarmed. They murder people and bankrupt others. Large ships are targeted, as well as small - in 2002, off Yemen, a French oil tanker was crippled by speedboats loaded with explosives. Piracy is a particular problem in Australia's not-too-distant neighbourhood, running in a broad swathe from the Philippines to the South China Sea to Bangladesh to the Malacca Straits to the coast of the Horn of Africa. These are all areas where our ships regularly passage. Take another recent example of the peril of piracy that struck close to home. In 2006, a large Australian container ship bound for New Zealand was taken by an armed gang of nine men as the ship passed the Indonesian island of Bintan. The captain and crew of the *Australian Star* were lucky to escape with their lives after the boarders had looted the ship and crew of cash and valuables, for in other cases ships' crews had been cast adrift, or in cases like the *MV Erria Inge*, shut up to die of hunger and thirst in a compartment. The incident on the *Australian Star* did not receive the media attention it deserved in Australia (probably because there was no good video footage of the violence).

The strategic impact of piracy, let alone the issues that combating the modern menace entails, have not been well-addressed by legislators and analysts, with some exceptions. In 2006, a parliamentary select

committee of the British Parliament was formed in reaction to increasing costs for British ships in insurance and the like caused by piracy. They were forced to admit that government action to date had been "woefully inadequate ... The government does not even know the scale of the problem. That is failure by any measure."¹

The topic is a crucial one, for reasons spelt out at the 56th session of the General Assembly at the United Nations when a report entitled "Oceans and the Law of the Sea" was considered. That report encapsulated the problem: "Acts of piracy and armed robbery against ships represent a serious threat to the lives of seafarers, the safety of navigation, the marine environment and the security of coastal states. They also impact negatively on the entire maritime transport industry, leading, for example, to increases in insurance rates and even the suspension of trade."

The topic is contemporary. The International Maritime Bureau reported in October 2007 that piracy was still increasing, and that maritime pirate attacks worldwide increased 14% in the first nine months of 2007 compared to 2006. There were 37 pirate attacks in the waters of our near neighbour Indonesia during that period of nine months.



What has been the official (naval) reaction? Many navies are increasing their anti-piracy activities, in some cases recognising that they have to protect their trading interests even at some distance from home waters. For example, units of the Japanese Coast Guard have been authorized to operate out of Singapore to improve protection for the ships taking oil to Japan and her products to the rest of the world. For another example, the Philippines government has ordered no less than thirty new small patrol vessels just for anti-piracy work throughout its extended archipelagos.

In 2008, it seems evident that the Royal Australian Navy may well face increased challenges in regard to contemporary piracy, whether those challenges are well-recognised or not. In determining a response to the challenges, there are a number of issues that have to be considered, from the logistic to the legal. Those issues will especially have to be faced by the "Johnny-on-the-Spot", the frontline defence force officer, if he or she is in command of a unit attempting to apprehend a pirate vessel or of a unit involved in a confrontation with whalers and anti-whaler protesters.

Master at Arms Seaman Kyle Kosanovich and Master at Arms 2nd Class Jose Cortez, training facilitator, of the visit, boarding, search and seizure (VBSS) team aboard amphibious transport dock USS Shreveport watch the passageway while conducting shipboard training. This training was conducted to prepare the VBSS team for anti-piracy measures that may be encountered during deployments. (US Navy photo by Mass Communication Specialist Seaman Recruit Chad R. Erdmann)

PIRACY IN THE TWENTY-FIRST CENTURY - Questions About Legal Issues

WHAT IS THE LEGAL DEFINITION OF PIRACY?

Consider first the parameters of what we are discussing. What are the definitions - popular and legal - of pirates and piracy. The *Oxford Dictionary* states that piracy is "the practice or an act of robbery of ships at sea" (and then refers to "the infringement of copyright by unauthorised reproduction ... " - clearly a form of piracy that does not concern us here.) This popular definition, one with which most people would surely agree - that pirates are "robbers" - is a simple one, and does not have the legal nuances that are necessary to suit all occasions. For example, what is meant by the word "ships" - does it include boats such as cruising yachts? What is meant by "robbery" - are other crimes such as blackmail and kidnapping of ships and crews included within the broad meaning of this term. Does the

definition include robbery on board ships that may be hove to, or stopped, but not in a harbour? Are aircraft covered as well as ships? What if the robbery is carried out by rogue officials acting under the guise of statehood, for example as the arm of officialdom in a failed state, such as Somalia is sometimes held out to be? We need a more precise definition than a dictionary offers.

We can find such a definition promulgated by no less than a convention of the United Nations. The 1982 Law of the Sea Convention (LOSC) defined piracy as "... any of the following acts: (a) any illegal acts of violence or detention, or any act of depredation, committed for private ends by the crew or the passengers of a private ship or a private aircraft, and directed: (i) on the high seas, against another ship or aircraft, or against persons or property on board such ship or aircraft; (ii) against a ship, aircraft,

persons or property in a place outside the jurisdiction of any State; (b) any act of voluntary participation in the operation of a ship or of an aircraft with knowledge of facts making it a pirate ship or aircraft; (c) any act of inciting or of intentionally facilitating an act described in subparagraph (a) or (b)."²

Another quasi-official body, the International Maritime Organisation (IMO) sought to cover such crimes when they were committed against vessel not in international waters, but in the territorial waters of a state. The International Maritime Organisation was established under the aegis of the United Nations to co-ordinate the efforts of maritime nations to improve the safety and security of navigation at sea, and hence its pronouncements are well-accepted in official and semi-official quarters. The IMO introduced the term "armed robbery against ships" to cover attacks within a state's jurisdiction as well, and defined that

Members of a Visit, Board, Search and Seizure (VBSS) team, assigned to the dock landing ship USS Carter Hall, assemble on the boat deck to establish communications prior to conducting a master consent boarding onboard an Indian cargo dhow. (US Navy photo by Photographer's Mate 2nd Class Michael Sandberg)



as “any unlawful act of violence or detention or any act of depredation, or threat thereof, other than an act of piracy, directed against a ship or against persons or property onboard such a ship, within a state’s jurisdiction over such offences”.³

We can look to a semi-official body for another definition. The International Maritime Bureau (IMB) is a non-profit making body, an arm of the International Chamber of Commerce, and recognised as a source of expertise on contemporary maritime issues and research. Its definition of piracy is: “Piracy is the act of boarding any vessel with an intent to commit theft or any other crime, and with an intent or capacity to use force in furtherance of that act.” This definition broadens the intent of boarding to include a range of crimes, not just robbery, and adds the element of force or violence being used in the act. Implied in the definition is that at least two vessels will be involved in the act. The definition also includes boarding by rogue officials, as officials acting properly according to the direction of their state’s laws and regulations would not be boarding “with an intent to commit theft or any other crime.”

These three definitions encapsulate all the elements associated with piracy - boarding a vessel at sea from another (pirate) vessel, using force, intent to commit a crime against people or property on the vessel. Incidentally, based on these legal definitions, the actions of the two men who boarded the Japanese whaler *Yushin Maru No. 2* were probably not guilty of piracy. Technically, they may have impeded the navigation of the whaler, and even intended to inconvenience the whaler’s crew and thereby cause some loss, but unless they used force or the threat of force, they could be not considered pirates. That assessment would have to be

reviewed if, however, the protesters’ ship used equipment such as water pumps to force the whaler’s crew off the open deck-areas of their ship to permit the boarding - that could indeed be the element of force that could up the ante of the protesters’ actions and start to shade their act as piracy. Under the IMB’s definition, the protestors could be seen to have the “capacity to use force” to carry out an “act of depredation” - especially if one of the protesting vessels has been modified to be able to ram and damage whaling vessels. The argument may come to revolve around what is “force”.

DO THE LEGAL DEFINITIONS CREATE PROBLEMS?

Although the legal definitions stated above are good and workable, there are still gaps and issues unstated. For example, the definitions do not spell out what exactly is a “ship”⁴ and we are left with the question about whether an attack upon a private yacht, or a small refugee boat for that matter, is “piracy” within the officially-accepted meaning of the term.

There is also a question about whether all vessels have to be registered and sail under a national flag, even a flag of so-called “flag of convenience” states such as Panama or Liberia. The preamble of the United Nations Law of the Sea Convention states that all ships must have a national flag, not least to ensure that ships are surveyed to be safe on the high seas and no threat to other navigators.⁵ If a vessel does not



have a flag and official registration, can it be considered a “pirate” vessel? What if that vessel is a very small one, i.e. as small as seven or eight metres?

The question of who can apprehend pirates is also subject to debate. On the high seas, according to LOSC, any “state may seize a pirate ship or aircraft”,⁶ but who are the officers of a state who are empowered to carry out that seizure?

The question of dealing with piracy, especially as anti-piracy patrols often involve dealing with suspected small pirate boats operating on the fringes of coastal waters of other nations, raises a whole host of other issues. Many of these issues have not received a lot of attention, probably because legal and practical issues related to piracy have not yet been flagged as urgent topics. Some legal issues concerning contemporary piracy include questions such as:

What is a pirate vessel - revisiting the legal definition in 2008?

How far can a naval party go in pursuit of pirates, for example, do the crew of an Australian ship’s zodiac (i.e. a “rhib”⁷) have a legal right to pursue a pirate vessel?

Who can be authorised to confront pirates?

When and where can deadly force

The US Navy’s Arleigh Burke-class guided missile destroyer USS Winston S. Churchill follows a suspected pirate vessel in the Indian Ocean. After receiving a report of an attempted act of piracy from the International Maritime Bureau in Kuala Lumpur, the Churchill and other US naval forces in the area located this vessel controlled by suspected pirates and reported its position. After some aggressive action by Churchill, US Sailors later established communications and boarded the vessel. (US Navy photo by Chief Information Systems Technician Kenneth Anderson)

PIRACY IN THE TWENTY-FIRST CENTURY - Questions About Legal Issues

be used?

What are technological issues related to piracy patrols?

Discussion on these questions could go on at length. The questions are relevant, for if Australian warships become more involved in anti-piracy operations, it is likely that commanding officers may become closely involved in the apprehension of suspect piratical vessels - and even relatively junior officers may have to face hard decisions, for pirate vessels are very often small boats which have to be apprehended by ship's boats such as rhibs.

There have been a series of recruiting advertisements for Australia's defence forces. The ads set scenarios, and then ask a question along the lines of, "What would you do next?" If, say, an aspiring junior officer finds him or herself suddenly on the trail of suspected pirates, who are endeavouring to escape in a maze of small islands that are in the territorial waters of another nation, what should they do next? Importantly, what are the consequences of their actions? What are they allowed, indeed required, to do? How far can they chase the suspected pirates? Who is allowed to arrest the suspects if they are caught?

These could be real questions that even a sub-lieutenant may face. The junior officers of a rhib of a Royal Navy destroyer in the Arabian Gulf found themselves at the centre of an international incident when inspecting a merchant vessel near Iranian waters - an incident that blew up with surprising speed. It is not unlikely that junior Australian officers could suddenly find themselves confronted with situations they have not prepared for in regard to suspected pirate craft.

This discussion will focus on just one key issue of the smorgasbord of issues on offer. It will consider who and what can apprehend or pursue

suspected pirate vessels.

This issue looks deceptively simple, for surely international law covers the matter. However, it seems that the law is never simple (that may be why top legal people earn much more than top defence people).



ANSWERING SOME QUESTIONS ABOUT DEFINITIONS

Surely the above questions also have a simple answer - suspect vessels can be apprehended by commissioned naval officers in national warships. But what makes a "warship"? For that matter, what makes a "ship" or a "vessel"? Is a hovercraft a "vessel"? Is a seaplane a "vessel"? Is an offshore drilling platform a "vessel"? Is a rhib a "vessel"?

A "warship" also requires definition, especially in times when contractors are used for surveillance in non-commissioned craft and vessels and may be involved in the interception of pirate vessels.

Does it matter what makes a vessel or a ship? The answer is "yes," because the business of intercepting pirate vessels on the high seas and pursuing then apprehending them can be a legal minefield as costly as a sea-laid minefield.

Can the following different ships and craft legally apprehend a pirate vessel - Can a rhib arrest a pirate vessel? Can a helicopter that is equipped with floats do so? What about a ship's helicopter operating off a helideck? Can a surveillance aircraft commanded by a contracted civilian on maritime patrol intervene with force or pursue a pirate craft?

There are related sets of questions - who can command a "warship"? The simple answer may not be as simple in law when complex situations arise. Who is the legal commander of a rhib dispatched to investigate a suspect vessel? Who is the legal commander of a craft such as a seaplane operating in conjunction with a warship?

Before considering what is a "warship" entitled to engage or pursue pirate vessels, first consider what makes a "ship".⁸

The Convention on the Law of the Sea distinguished between classes of vessels, defining warships,⁹ but incorporated no broad definition. The English text alternated between "ship" and "vessel". Legal definitions of what is and what is not a "ship" or

Can a rhib legally pursue and arrest a suspected pirate vessel?



Can Oceanic Viking arrest suspected pirate vessels?



What makes a "warship"?

even a “vessel” vary widely between the legal systems of national states. There exists a broadly applicable definition which has been put forward by the American Branch of the International Law Association. This definition states that a ship is - “A vessel of any type whatsoever operating in the maritime environment, including hydrofoil boats, air-cushion vehicles, submersibles, floating craft and floating platforms.”¹⁰ What about other definitions? In Australia, the definition of a Ship “means any kind of vessel capable of navigating the high seas and includes: a) a barge, lighter or other floating vessel; b) a structure that is able to float or be floated. . . ; and c) an air- cushion vehicle, or other similar craft, used wholly or primarily in navigation by water.” (Section 3, Shipping Registration Act 1981 (Cth)). An alternative definition reads: A ship “means any vessel used in navigation, other than air navigation, and includes: (a) an off-shore industry mobile unit; and (b) a barge, lighter or any other floating vessel.” (section 245A, Migration Act 1958 (Cth)).

By these Australian definitions in law, it appears that the stalwart kayakers who paddled their way from Australia to New Zealand in 2007/2008 were navigating not just a “kayak”, but indeed a “ship”.

A definition from the law of the United Kingdom would state that to be legally a “ship”, the vessel would be anything which “includes every description of ship, boat or other floating craft.” (section 7, Territorial Waters Jurisdiction Act 1878 (UK)). This definition may be too broad - it may even catch up one of the floating craft in the author’s garage, i.e. a 3.6 metre model of an escort aircraft carrier. It would be absurd to call that a “ship”, but sometimes the law can encompass absurdities, for sometimes the law is an ass.

Some European definitions appear to be even broader than the UK one. For example, in Belgian law, even planes can be ships. Article 169.2, General Customs and Excise Act 1977 (Belgium) states: “For the purposes of this Article, the word ‘ship’ shall be taken to mean any vessel or any piece of equipment of any kind, including flat-bottomed launches and seaplanes used or capable of being used as a means of transport on water, and fixed or floating platforms.” This definition apparently leaves it open for punts and river ferries to be considered ships. Even an oceanic oil rig, though firmly attached to the sea bottom in some cases, could be a “ship”, in Belgian law (as in Australian law).

Croatia says that “boats” can also be “ships” in some circumstances: “The provisions ... concerning ships shall apply also to boats only if expressly so provided.” (Article 2, Maritime Code 1994 (Croatia). Spain seemingly excludes warships from its legal definition of a ship, but almost everything else is included: ship “means any craft, platform or floating device with or without displacement, which is suitable for navigation and not intended for national defence.” (Act No. 27/1992 Concerning National Ports and Merchant Shipping (Spain))

Some jurisdictions ensure that submarines are not forgotten, but also are legally ships: Ship “means a vessel, boat or sea-craft of any kind and includes a submarine.” (Section 2, Maritime Zones Act 1999 (Seychelles)). Malaysia puts forward a similar definition, but seems to leave open the possibility of a sunken structure being legally a “ship”: Vessel “includes every description of ship or floating or submarine craft or structure.” (Section 2, Exclusive Economic Zone Act 1984 (Malaysia)). This latter definition does have its legal purposes - for example, how should a sunken vessel be treated

in law? Is a ship less a ship if it is no longer floating? Some would say of course it cannot be considered a ship any longer, others might hesitate if there were legal questions about the value of the sunken object and her cargo. If a sunken ship is still a ship, what about long-gone ships, Spanish treasure galleons and the like? This question has also arisen in law in recent times, with the controversy over who owns the gold salvaged from ships that went down five hundred years ago and more.

Definitions created by statute in some Pacific Island states not surprisingly make provision for very large canoes to be considered “ships”: Tuvalu’s laws imply that anything over seven metres can be a vessel, even if propelled by paddlers, and not an engine - Vessel excludes “a sailing boat or paddling canoe of native design or a boat, punt or barge having an overall length of less than 7 metres, whether powered by an engine or not.” (Section 2, Fisheries Ordinance 1978 (Tuvalu)) Niue’s definition is even broader than some of those above, implying that anything longer than five metres can be considered a vessel, and like Australia also includes hovercraft as “vessels”. Niue’s law states that a vessel, in law, “means any vessel, aircraft, hovercraft, submersible craft, or other craft, of whatever size... but shall not include any vessel that is five metres or less in overall length” (Section 2, Territorial Sea and Exclusive Economic Zone Act 1997 (Niue))

The breadth of some of these definitions has provoked controversy. One analyst, J. E. Noyes commented on the definition of the American International Law Association: “It may be nonsense to consider fixed platforms as vessels when one is concerned with a rule... that contemplates a vehicle capable of self-propulsion.”¹¹ If discussion is limited to floating, self-propelled craft, another writer, G. Lazaratos suggested that a critical feature of a “ship” was that it be ocean-going.¹² The practice of states in granting the right to fly their flag¹³ would support this limitation. Whatever the debate, it seems clear that a definition of a ship can cover a broad category of waterborne craft.

Having disposed with this discussion about what makes a ship, consider now what constitutes a “warship”. The Law of the Sea Convention details clearly what it is that makes a ship a “ship-of-war” or “warship”: membership of a State’s armed forces, the bearing of the external marks distinguishing such ships of its nationality, command by a duly commissioned officer whose name appears in the relevant service list and manning by a crew under regular armed forces discipline.¹⁴ However, a complication arises that is not addressed by these definitions - namely, how big does such a craft have to be before it becomes a “warship”. When Captain Bligh sailed the *Bounty*’s cutter to Batavia after the well-known mutiny,

PIRACY IN THE TWENTY-FIRST CENTURY - Questions About Legal Issues

he apparently met all these criteria, but was he commanding a “ship of war”? Small craft are not usually granted the right independently, nor is it typical of states to list small auxiliary craft as military vessels. The smallest craft listed is generally of the motor patrol boat or cutter class.¹⁵ The published list of RAN “ships” contains only commissioned, independent platforms.¹⁶ What would appear to be the determining factor in state practice is whether the purported “ship” is able to, or intended to, operate as an independent fleet unit.

A second issue is that of a warship’s “external markings.” Carrying markings clearly and permanently marks the vessel as an authorised state instrumentality and it can always be identified as such. A strict interpretation of this provision would however question the nature of typical markings, which vary across navies - commissioned vessels of the Royal Navy tradition, for example, fly their respective ensigns, display a ship’s crest near the bridge area and are marked with a unique recognition number on the bows.¹⁷ Vessels of some Asian navies carry their names in large characters on their sides. The colour of the vessels is not significant. However, is it the intention of Article 29 that any particular vessel carry *all* typical external markings? Probably not. As a minimum the vessels must carry the national naval ensign and some other identifying number or letter.

Thirdly, the term “belonging” would appear to impart some notion of permanence. That may take the form either of legal and beneficial ownership, probably the most indisputable evidence of belonging, or of regular use, for example under a long-term charter. In the pursuit of the suspected illegal fishing vessel *Viarsa I*, the involvement of South African vessels was explained as a temporary charter

arrangement for which Australia paid.¹⁸ Does this mean that a state can have (very) temporary warships on a short-term (i.e. in terms of days or hours) commission?

Some writers deal with the issues of warship definition. N. Poulantzas, for example, argues that “warship” has a “broad scope”, including any vessel (or aircraft) “irrespective of size, type” and the armed force to which they belong.¹⁹ “Fleet auxiliaries,” however, require a special commission. The exclusion of fleet auxiliaries infers that Poulantzas is suggesting that only vessels of an overtly military character, armed and with a directly military purpose, are “warships.” Yet, it is not required by Article 29 of the Law of the Sea Convention that a warship be armed.²⁰ The vessel chartered by the Australian government for patrol purposes in the Antarctic, *Oceanic Viking*, has been armed with machine guns, but not even this largely-token armament is needed to enable the vessel to be considered a formal warship (although it reinforces its role is of an “overtly military” character).

Who can apprehend a pirate vessel? Authorisation is significant to satisfy requirements for an arrest on the high seas. It is important in law that those responsible for apprehending criminals on the high seas be appropriately authorised and commissioned officers of a state’s armed forces, with their names recorded in relevant lists as noted above. Does the concept of “armed forces” include the army, the navy and the airforce? Certainly. Is Coast Guard vessel part of the “armed forces”? Yes. Is a customs vessel part of the “armed forces”? Probably. Is a government vessel such as a pilot boat part of the “armed forces”? Probably not - but what if there are customs officers on board? The question of definitions can make the waters of discussion murky indeed.

What about the role of the commander in law? There can be potential major problems over who is in command and is the command lawful when, for example, Australian vessels are put in a position of cooperating with vessels from another nation. In the case of the apprehension of the vessel allegedly involved in illegal fishing that has been mentioned above, the *Viarsa I*, it was reported that a “combined [South African] government and private security team” was embarked in the South African vessel that eventually made the arrest, although it was an Australian vessel that was initially involved and actually commenced the pursuit. There was a suggestion that the boarding party itself was composed of South African personnel.²¹ The crew of the South African vessel have alternatively been reported as armed officials from the South African Department of Marine and Coastal Management, and not commissioned members of the national armed forces.²² It is said to be South African practice to swear in private security forces as temporary government officials before any such mission.²³ These practices could be the source of debate in legal circles. Given the purpose of ensuring state responsibility for the apprehension of vessels involved in suspected criminal activity on the high seas through proper authorisation, this might have significant implications in the case of incidents involving Australian vessels and the vessels of other nations. It could be that Australia might find itself responsible for the actions of untrained and possibly improperly authorised foreign personnel. The result could be that Australian servicemen and women could be liable for an illegal action.

Return to some of the sample questions raised earlier about whether various craft could be “ships” under various legal jurisdictions.

Can a rhib arrest a pirate vessel? If it is under the command of a commissioned officer - maybe, but maybe not. In the case of the apprehension of a fishing vessel named the *South Tomi*, the eventual arresting action was made by a South African-owned rhib, launched from a South African vessel a short distance from *South Tomi*. However, it was flagged with the RAN ensign when launched, commanded by an RAN officer and manned by an RAN crew who had been embarked in the South African vessel. But was this a legitimate arrest? There are legal arguments that the rhib was not a ship, and therefore not a warship, and even if it was a ship, it was still not a warship, for it failed the definition of the Law of Sea Convention.

What about the case of a rhib acting in concert with the warship that dispatched it? Then the primary vessel and its boats would be considered to be acting together - the mother-ship would be the instrumentality at law. There is substantial writing on these matters.²⁴ In the *South Tomi*

situation, the rhib could be considered as one with the South African vessel from which it put out, but that vessel was not Australian although the rhib was purported to be an Australian craft. It is not clear whether the boats themselves must exhibit independently the same characteristics required of their mother-ship. The defence in one legal case submitted that they did, especially if the mother-ship is not visible (e.g. at night).²⁵

What about a helicopter with floats - it is probably a legal "ship", because it is a water-borne craft, and therefore it could legally carry out an apprehension (although of course the practical difficulties would be huge).

What about a ship's helicopter - it is probably not a legal "ship" but provisions of the LOSC allow aircraft to carry out pursuit - provided they are clearly marked as officially-sanctioned craft.

What about surveillance aircraft commanded by a contracted civilian - they probably could not lawfully apprehend or pursue a pirate vessel unless within sight of an authorised warship, and acting in concert with it, under the command of a commissioned officer. However, an aircraft clearly marked as belonging to a government, can arrest a vessel suspected of criminal activity, although what those markings should be is not clearly defined, and it is also likely that to conform to legal requirements a commissioned officer of the state should be on board the aircraft.

CONCLUSION

The issues discussed above are not intended to be comprehensive discussions of the issues of definition of pirates and who can arrest them on the high seas, nor is the selection of just a few issues (and several associated

issues) meant to be an exhaustive listing of important matters to discuss. Nor is it a fact that these and other legal issues related to contemporary piracy are clear-cut, and that is the reason why not all the questions raised are answered definitively.

The conclusions of some of the considerations are tentative, but the broad issues need discussion. The topic of piracy is both crucial and imminent. Even if there were not strong links to the conflict on terror, there are good reasons for us to help "keep the house in order", and it is surely likely that Australian defence force personnel will have to confront some of these issues in the foreseeable future, in difficult situation like those in the Antarctic Ocean. 🚢



Kevin Baker is Visiting Fellow at ADFA. He has completed Master's degrees in Economics and Theology, and a Ph.D (1994). He has since filled academic posts in China and Germany as well as Australia. His published books range from *Naval Insurrection (with Tom Frame)* to *History of Sedition in Australia*.

(Endnotes)

- 1 Reported in *The Guardian*, June 12, 2007
- 2 Article 101.
- 3 IMO resolution A.922(22).
- 4 Article 103 does define a "pirate ship", but its definition is a somewhat circular one, viz.: "A ship or aircraft is considered a pirate

ship or aircraft if it is intended by the persons in dominant control to be used for the purpose of committing one of the acts referred to in article 101. The same applies if the ship or aircraft has been used to commit any such act, so long as it remains under the control of the persons guilty of that act."

- 5 Articles 91 to 94.
- 6 Article 105.
- 7 Rigid-Hulled Inflatable Boat
- 8 Various international definitions are brought together by Lewis, A.M., in an unpublished paper, *Wild West: Hot Pursuit and Twenty-First Century Maritime Law Enforcement*.
- 9 1982 *Law of the Sea Convention*, Article 29.
- 10 Walker, G., "Definitions for the 1982 Law of the Sea Convention" 33 *Cal.W.Int'l Law Jnl* (2003) p218.
- 11 J.E. Noyes, "Definitions for the 1982 Law of the Sea Convention and the Importance of Context: 'Ships' and Other Matters (2003) 33 *Cal. W. Int'l L.J.* 318.
- 12 G. Lazaratos, "The Definition of Ship in National and International Law" (1969) *Revue Hellenique de Droit International et Etranger* 57, at p92.
- 13 1982 *Law of the Sea Convention*, Article 91.
- 14 Article 29, essentially the same as Article 8(2), 1958 *Convention on the High Seas*.
- 15 In *Jane's Fighting Ships of World War II*, Studio Editions, London, 1989 (originally published by Jane's Publishing Co, 1946-7), the Thornycroft motor patrol boat is usually the smallest vessel included in the navy lists; in *Jane's Fighting Ships* 1962-63, Jane's Publishing Co, London, 1963-3, the smallest craft is of the nature of a cutter, for example Liberia's two 40-foot patrol boats (p.161).
- 16 RAN list of ships, <http://www.navv.gov.au/ships/alphalist.htm>
- 17 See column two of the table at <http://www.navv.gov.au/ships/alphalist.htm>
- 18 "High Seize," *Bulletin*, 5 November 2003. The word "hired" was used in Ed Stoddard's press release for Reuters, "South African Ship Catches Up with Toothfish Smugglers," Johannesburg, 27 August 2003.
- 19 Poulantzas, N.M., *The Right of Hot Pursuit in International Law*, 2nd edition, Kluwer Law International, The Hague, 2002 pp195-6.
- 20 R.H. Oxman, "The Regime of Warships Under the United Nations Convention on the Law of the Sea" (1984) 24 *VJIL* 809, at p813.
- 21 "High Seize," *Bulletin*, 5 November 2003; "SA Arms Enforce High-Seas Justice," *Sunday Times* (South Africa) 31 August 2003.
- 22 "SA Arms Enforce High-Seas Justice," *Sunday Times* (South Africa), 31 August 2003.
- 23 "High Seize," *Bulletin*, 5 November 2003.
- 24 Article 111(4); *The Araunah* [1888] *Moore's Arbitrations* 824; *The Grace and Ruby* (1922) 283 Fed. 475 (District Court of Alaska); *The Henry L. Marshall* (1923) 292 Fed. 486 (a case where boats not belonging to the arrested vessel were being used). A more recent case, similar to *The Henry L. Marshall*, is *R v Mills and Others*, (1995, Croydon Crown Court, unreported); O'Connell, *The International Law of the Sea*, Volume 2, at pp124; and R.R. Churchill and A.V. Lowe, *The Law of the Sea*, 3rd Edition, Manchester University Press, Manchester, 1999, at pp 214-16.
- 25 W.C. Gilmore, "Drug Trafficking At Sea: The Case of *R v Charrington and Others*" (2000) 49 *ICLQ* 477, at pp 487-8

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Marine 'refugia': the key to reef resilience

The concept of marine 'refugia' is not new. Marine reserves, where all fishing is prohibited, have developed as a fisheries management tool in countries all over the world.

The seemingly inevitable impacts of climate change induced by human greenhouse gas emissions now threaten coral reefs globally. Inshore reefs running along the coastline of Queensland's Great Barrier Reef may be some of the most vulnerable due to their shallow nature and their tendency to warmer than average sea temperatures. Sea temperatures only 1-1.5°C above the normal range can cause bleaching severe enough to kill reef corals [1]. However, a glimmer of hope lies in the paradox that coral reefs have survived for thousands of years in spite of periodic climatic upheavals far greater than those currently predicted by climate change scientists [2]. The capacity of some corals species to adapt by changing their population of endosymbiotic zooxanthellae when environmental conditions change may be part of the answer to the paradox of coral reef resilience. The extent to which they adapt may depend on how we manage the changes that will occur as climate change takes effect.

The concept of marine 'refugia' is not new. Marine reserves, where all fishing is prohibited, have developed as a fisheries management tool in countries all over the world. Preserving pockets of marine ecosystems where fish can reproduce and multiply without human disturbance is seen as an insurance policy against fisheries management failure. Marine reserves are seen as a tool to maintain biodiversity and ecosystem structure and an enhancement to tourism [3]. However, the concept of marine refuges is not limited to the preservation and sustainability of fisheries. The existence of pockets of marine life that are low in abundance but high in biodiversity could be the key to sustainability of marine ecosystems in general against climatic disturbance. Reef-building or 'scleractinian' corals form the structure of coral reefs due to their capacity to

convert CO₂ and calcium from seawater into internal calcium carbonate skeleton. Branching reef corals provide habitat and food for a variety of marine life and declines in the abundance of corals on a reef can cause concurrent declines in the abundance of other species [4-6]. Identifying, mapping and protecting coral 'refugia' or pockets of coral biodiversity that are resistant to climatic disturbance may be the key for ensuring coral reef regeneration in the future.

The Keppel region of the Southern Great Barrier Reef lies at the mouth of the Fitzroy River Catchment (Lat. 23.1°S, Long. 150.9°E). The region is made up of extensive fringing inshore coral reefs around 15 continental islands east of Rockhampton in Central Queensland. The Keppel region has a history of multiple disturbance regimes in the past including coral bleaching and flood [7, 8]. In spite of these disturbances, the recovery of reefs in the region has been dramatic in contrast to that of reefs in warmer, northern regions. Part of the reason for this high coral reef recovery potential lies in the 2-5 times greater growth rate of staghorn (branching) corals in the Keppel region (Ray Berkemans, personal comm.). Another reason for the high rate of recovery could lie in the existence of coral 'refugia' which survive to re-seed the impacted reefs following disturbance. If they exist, the refuges would potentially have cooler waters, lower light levels and be near strong currents which would carry coral propagates and fish larvae to re-seed nearby reefs. These potentially small patches of deeper water coral

refuges may be the key to ensuring that reefs in the Keppel region are resilient to climatic disturbance like flood, bleaching and sedimentation. Identifying and mapping these 'refugia' is an important step towards building reef resilience.

This project will result in detailed GIS maps of coral cover, SST, light, ocean currents and symbiont

biodiversity around the

Keppel islands in the southern section of the GBR. Areas that may be resistant to bleaching, flood or sedimentation damage and inter-reef areas that are important

for connectivity will be

identified and their location

and physical characteristics published as a management tool. Molecular identification of population differences will result in a better understanding of the general patterns of connectivity of reefs in the Keppels. The results of this study will improve our understanding of the adaptive capacity of reefs to recover from climate change-induced damage.

ABOUT ALISON JONES:

I first fell in love with Great Keppel Island and its reefs after moving there to recover from a serious illness. It was while living on Great Keppel Island that I learned to SCUBA dive which opened up a new world for me. I grabbed any chance I could to go diving while I worked in the local dive shop. I gradually began to feel that I should be doing something to protect the magical places that I saw while diving. I had a very ancient Chemistry and Biochemistry Degree from James Cook University and I decided to use it to learn more about the reef. I didn't



Marine 'refugia': the key to reef resilience



specifically choose a PhD in corals. It more or less chose me in the form of my supervisor Dr Ray Berkemans from AIMS who was already doing some work in the Keppels. He already knew what I was beginning to realise: that the reefs around Great Keppel Island are one of the best kept secrets in the whole of Australia. I believe that places such as the Keppel Islands and reefs should be protected from over-development at all costs as they are one of the last of the 'wild' places. And people need wild places to go to. 🌴

Alison Jones, Central Queensland University/Australian Institute of Marine Science/Doctor of Philosophy candidate.

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AUSTRALIAN NAVAL INSTITUTE

'MARITIME ADVANCEMENT AUSTRALIA AWARD'

I am delighted to be able to inform members of the results of this year's competition for the 'Maritime Advancement Australia Award'. As you are aware, the ANI, in conjunction with the Australian National Centre for Ocean Resources and Security (ANCORS) at the University of Wollongong, makes the 'Maritime Advancement Australia Award', sponsored by Booz Allen Hamilton Australia, EDS and SAAB Systems, on a biennial basis.

The Award is in the form of a two year grant for research or development in an Australian maritime activity. \$22,000 each year is made available to the winning project. The grant is awarded to the most promising research or development proposal from any of the various fields of maritime endeavour, including science, the environment, maritime law and policy, defence, commerce, shipbuilding and maritime industry. The intent of the award is that it be available to the widest range of potential researchers and innovators, rather than just one sphere of maritime endeavour.

THE 2006-2007 AWARD

This is the second award. The winner of the inaugural award for 2006-2007 was Christopher Skinner, whose research topic was 'The *Collins* Class Submarine – Analysis of National Benefit and Costs'. Chris' project has brought new understanding to the impact of the *Collins* class submarine projection on the Australian economy and highlighted key lessons about the significance of such activities for national development, as well as the lessons to be learned for the future. Chris presented his findings during the Sea Power Conference session immediately preceding the award and we are looking forward to a summary

of his completed report in a future edition of *Headmark*.

2008-2009 AWARD WINNER

The 2008-2009 Award winner is Alison Jones, of the Central Queensland University. Alison has recently completed her doctorate of philosophy studies and her project for the Award will be 'Marine "refugia" in the Keppel region of the Great Barrier Reef: a pilot study aimed at identifying, mapping and protecting marine "refugia": pockets of diversity that can survive extreme environmental disturbance and seed coral regeneration on impacted reefs.'

Further information about Alison and her project are in the accompanying article. The ANI, ANCORS and our sponsors are confident that she will do the Award proud in her work in the next two years.

CERTIFICATES OF MERIT

The selection committee was very encouraged by the increased number and quality of the applicants by comparison with the first round of the Award in 2006. A number of those applicants were considered to be of a quality that also merited recognition.

Certificates of Merit were therefore presented to Emeritus Professor Lawrence Doctors of the University of New South Wales for his proposal 'A High Efficiency, Environmentally-Friendly River Ferry' and to Dr Mateus Mangala for 'Sustaining Supply Chains in an Energy Constrained Future' and, in conjunction with Mr Adrian Sammons, 'A New Approach to Port Choice Modelling'.

PRESENTATION CEREMONY

The award was presented to Alison Jones by Vice Admiral Russ Shalders

AO, CSC, RAN, Chief of Navy and Patron of the Australian Naval Institute at the Final Session of the Sea Power 2008 Conference, on 31 January 2008 at the Sydney Convention and Exhibition Centre at Darling Harbour. Admiral Shalders also presented the Certificates of Merit to our other winners. It was great to see them all on the day and the ceremony was the source of much interest to conference attendees.

I want to take this opportunity, on behalf of both the ANI and the ANCORS, to express our gratitude to Booz Allen Hamilton Australia, EDS and Saab Systems for making this award possible, demonstrating their own strong commitment to the advancement of Australia's maritime activities.

JAMES GOLDRICK



The Sea is a Highway, not a Barrier

BY "GIRGIS"

The United States (US) Navy, Marine Corps and Coast Guard recently released A Cooperative Strategy for 21st Century Seapower, which states:

The oceans connect the nations of the world, even those countries that are landlocked. Because the maritime domain - the world's oceans, seas, bays, estuaries, islands, coastal areas, littorals, and the airspace above them - supports 90% of the world's trade, it carries the lifeblood of a global system that links every country on earth. Covering three-quarters of the planet, the oceans make neighbours of people around the world. They enable us to help friends in need and to confront and defeat aggression far from our shores.

Australia, like the US, is a maritime nation that should consider the sea as a highway of opportunity, rather than as an artificial barrier. The sea acts neither as a fence along the Australian shoreline; nor as a defensive moat, and our adjacent seas do not constitute an air-sea gap in any real military, economic or strategic sense. The theoretical construct that Australia should be defended by an air-sea gap to our north was developed during the 1970s and 1980s by academics often labelled as the 'Defence of Australia' school. Although the Australian defence debate has moved on since those times, many commentators have remained in the 'gap' mindset.

Defence 2000: Our Future Defence Force essentially limited Australia's defence policy to sea denial:

The key to defending Australia is to control the air and sea approaches to our continent, so as to deny them to hostile ships and aircraft, and provide maximum freedom of action for our forces.

But the authors of the Defence 2000 appear to have misunderstood the nature of modern maritime strategy. In practice the Royal Australian Navy (RAN) has, and continues to plan for,

and conduct operations involving a full range of maritime tasks. These include many diplomatic and constabulary activities in addition to military ones.

The military role is also not limited to sea denial but includes sea control, and power projection. Such operations do reflect Defence 2000's lesser requirements 'to maintain the ability to support Australian forces deployed offshore' and 'to contribute to maritime security in our wider region.' However such statements tend to minimise the RAN, and often the wider Australian Defence Force's, involvement in global operations. It has been suggested that Australian contributions are small, primarily symbolic and limited to niche capabilities. However such assessments tend to underplay the extent of our global commitments. With maritime forces, the Australian Government has the ability to deploy adequate forces rapidly where required, to act as a deterrent where possible, but to be on hand with the option to ramp-up if the situation escalates. Maritime forces may be deployed in Australian waters, in our region or across the globe. They are inherently flexible and mobile, while ships are unique in their ability to move highly capable military force over great distances. Australia's National Security: A Defence Update 2007 has partially recognised these aspects of the practical application of Australia's maritime strategy.

Flexibility is an essential requirement. A Sea King helicopter from HMAS



Kanimbla transports trailers and equipment to Banda Aceh, in support of Operation Sumatra Assist 2005.



Australian Army Engineers prepare to lay portable track over a beach landing site to enable heavy equipment to move over soft ground.



An Australian Army Landing Craft Medium in transit to Banda Aceh, Indonesia, during the Operation.



HMAS Kanimbla anchored off Banda Aceh, Indonesia, during Operation Sumatra Assist. (Photos courtesy ADF)

The RAN operates in places that most Australian's would rarely if ever visit. If we live near the coast we may visit the beach or marvel at the sea views, or when travelling overseas we fly over great expanses of ocean, but we rarely, if ever, reflect on the importance of the sea to our security and way of life. The reality, which has not changed since the first British fleet arrived in 1788, is that most goods move by sea and most people in the world live within easy reach of the sea. Australia is one of a number of maritime nations that are fundamentally reliant upon the sea.

The sea remains the primary and the most cost-effective means for the movement of international trade. In Australia's case, about 75 per cent by value of our total exports and imports go by sea. In terms of weight, nearly 100 per cent is transported by sea. For 2005-06 some A\$249 billion worth of international sea freight travelled in and out of Australia. While Australia is largely self sufficient for most resources, it is dependent upon petroleum imports to meet domestic demand, particularly in heavy crude oil. Australian bulk exports, including iron ore, coal, meat and cereals, provide the critical export earnings necessary to maintain a stable economy and to promote industries and employment in many parts of the country. The nation's economic well-being depends upon the maintenance of our international trade and the security of our sea lines of communications along which that trade flows. Coastal shipping not only plays a substantial role in Australia's domestic transport network, but its free movement is essential to the survival of many cities and towns in the north and west.

Our major trading partners are also acutely dependent upon maritime trade. Japan is totally dependent on seaborne imports for energy and raw materials, as is South Korea. China is also a major user of the sea. It is reliant upon energy imports from many nations, including Australia, but its critical petroleum imports from the Middle East rely upon secure sea communications through the Strait of Hormuz and the Malacca Strait, which are some of the world's most intensively used chokepoints. Chinese exports reach worldwide markets via the sea. Provided the seas are secure, sea transport is relatively inexpensive and international trading partners are effectively brought closer together. It now costs more to transport a car from Adelaide to Sydney than it does to ship it from Korea to Sydney. Many of the

items that fill our shopping centres are transported by sea from nations on the other side of the world. It is hard to conceive of an Australia cut-off from its international imports for very long, as it is also in the interests of the exporter that the goods get through. So threats to one nation's trade are a threat to all trading nations many of whom would respond in a cooperative manner. The sea unites the world rather than divides it.

We need to remind ourselves that Australia is a maritime nation. In the early years of the Australian Commonwealth, our forebears recognised that Australia could not be defended along its coastline as the sea offered too many opportunities for an attacker. The only viable option was to build a seagoing fleet, the embryonic RAN that would be capable of threatening potential attackers closer to their bases so that they would be deterred or forced onto the defensive.

The early months of World War I (WWI) saw an Australian fleet participate in a campaign that cleared the German fleet from the Pacific. When *HMAS Sydney* (I) sank the German raider *Emden*, she removed the threat to Australia's Indian Ocean sea lanes. Although the Australian mainland was safe from German raids and our neighbouring sea communications were secure, Australian interests did not end there. Australia's economic well being was inseparable from the British imperial trade system, a global trade system not unlike the globalisation which exists today. The collapse of imperial trade would have isolated Australia, led to the collapse of industry and threatened our way of life. Such conditions would have quickly destabilised the Australian Government and brought about political unrest. In addition, our intellectual and spiritual links with Great Britain and the other members of the British Empire were

fundamental to many of the structures of Australian society and culture at the time. Australian democratic culture could not have survived in a world dominated by Germany. Clearly, to protect Australian interests and values, it was necessary for Australians to fight globally in defence of the British Empire, imperial trade and sea communications. And indeed this is what Australia did.

If you lived in a port 100 years ago, the importance of sea communications would have been obvious. Many Australians doubtless at one time or another witnessed the flotillas of merchant shipping tied up in harbour or alongside wharves near the centre of major towns and cities. As new container facilities have moved to designated seaports this is no longer the case. It is even less obvious, if you live inland, although many Australian primary producers know all too well how fluctuations in international prices can affect their export potential and in turn their livelihood. If we return to the isolationist policies of the past, we could reduce Defence expenditure in the short term but we would suffer the consequences arising from an insecure and unsafe world, which may be much more costly in the long run. We have not learnt from our grandparents who experienced the failure of similar isolationist defence policies of the 1930s.

But what of those who think Australia should only be concerned about the security of our continent? As the sea is a highway not a barrier, we can understand that places like Saudi Arabia, and Iraq are much closer to Australia than some might think. Conversely, maritime forces have great reach upon the world's seas, and are much closer to enemy bases than its adherents may suppose. Current operations in Afghanistan confirm this. It stands to reason that if we can use the sea, so can others.

The RAN is on-duty everyday in

The Sea is a Highway, not a Barrier

seas both around Australia and across the globe, and is already effectively contributing to a global maritime security partnership. Since Federation, Australian participation in the global maritime environment has always depended more upon interoperability with our coalition partner's naval, army and air force units, than it has upon Australian joint forces. Perhaps our way of life will never willingly accept the level of resource commitment that is required for strategically significant and independent joint forces.

We cannot rely upon a policy limited to sea denial in Australia's approaches. In cooperation with other maritime nations, we must be capable of controlling the seas when and where required. Only in this manner can we protect the sea communications. We must also have the ability to project power globally, as part of a global partnership, to assist those who need help, to deter those who may be tempted to abuse their power, and to punish those who aim to bring down the international system. The new Defence White Paper needs to

recognise that Australia's maritime strategy properly includes sea control and power projection:

The key to defending Australia is to employ a maritime strategy to control access to the sea and to influence events ashore, as necessary, in Australian waters, throughout the region and across the globe. 🚢

All opinions in this article are the author's own and should not be attributed to the Australian Department of Defence or any other organisation with which he is or has been associated.

US Navy, Marine Corps, and Coast Guard, A Cooperative Strategy for 21st Century Seapower, October 2007, p. 4.

Department of Defence, Defence 2000: Our Future Defence Force, Defence Publishing Service, Canberra, 2000, pp. xi, xii and 47.

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H. White, *Beyond the Defence of Australia*, Lowy Institute, Sydney, 2007, p. 23.

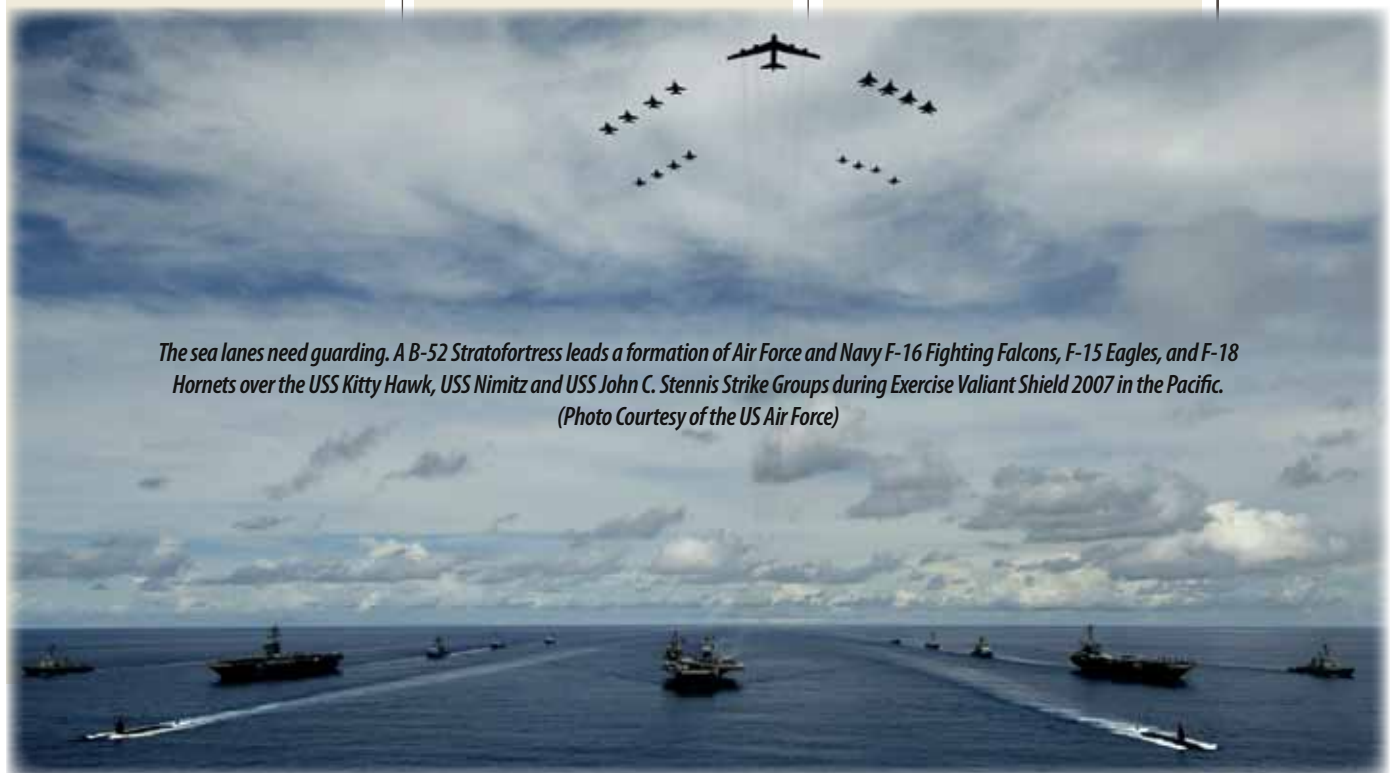
For example the RAN commitment in the Persian Gulf increased from a single frigate in 2001, to two frigates, an amphibious transport and a clearance diving team before the start of the Iraq War 2003.

Department of Defence, *Australia's National Security: A Defence Update 2007*, Defence Publishing Service, Canberra, 2007, especially 'our interests must be secured in places distant from Australia', pp. 25-29, and 'Update on Operations' pp. 41-45.

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Michael Evans, 'The Essential Alliance', *Quadrant*, Oct 2006, pp. 17-24, especially p. 23, presents similar views.



The sea lanes need guarding. A B-52 Stratofortress leads a formation of Air Force and Navy F-16 Fighting Falcons, F-15 Eagles, and F-18 Hornets over the USS Kitty Hawk, USS Nimitz and USS John C. Stennis Strike Groups during Exercise Valiant Shield 2007 in the Pacific. (Photo Courtesy of the US Air Force)

AUSTRALIA'S INVOLVEMENT IN THE 2004/05 INDONESIAN TSUNAMI RELIEF

BY SUB-LIEUTENANT D.S. AXFORD, RAN

I firmly believe that any man's finest hour – his greatest fulfilment to all he holds dear... is that moment when he has worked his heart out in a good cause and lies exhausted on the field of battle – victorious. - Vince Lombardi¹

Operation Sumatra Assist was the name for the ADF contribution to a whole of government operation to provide assistance to the Indian Ocean/Southeast Asian region in the aftermath of the 2004/05 tsunami/earthquake. More than 800 personnel from the ADF were deployed under Operation Sumatra Assist in company with forces from the United States, India and Japan as Combined Joint Task Force 629. Before the United Nations assumed administrative control of the relief mission, the task force entered the disaster zone and began assisting specific areas affected by the massive earthquake and resulting tsunamis that hit large areas of Southeast Asia on 26 December, 2004. Australia focused its military assistance mission to the islands of Sumatra and Nias and established a land-based command and control point at Banda Aceh.

Australian assistance consisted of several civilian agencies that interacted with the military to achieve a set task of assisting the people and surrounding areas affected by the disaster. The relationship between international civil and military authorities flourished as a result of the tragedy. Civil and military ties within and amongst states have increased significantly as a result of this catastrophe.

COMMAND AND CONTROL

Two divisions were set for the command and control option in



providing disaster relief. The ADF primarily operated in the vicinity of Sumatra and Nias under Operation Sumatra Assist, which consisted of two phases. Civil authorities and agencies operated under the new Australia-Indonesia Partnership for Reconstruction and Development (AIPRD)² in which AusAID (working for the Department of Foreign Affairs and Trade) was the primary coordinator. The two divisions operated independently in simple and routine matters. However, at times they interacted closely and in a coordinated manner to achieve complex designated goals. Subdivisions emerged from these main divisions as well as other groups and organizations that needed to be included. Cooperation and networking within the divisions included the following:

DFAT
NSW Counter Disaster Unit
Emergency Management Australia (EMA)
Australian Federal Police (AFP), and
Australian NGOs including the following:

Australian Red Cross, World Vision Australia
Australian Council for International Development
Archbishop of Sydney's Overseas Relief and Aid Fund
Assisi Aid Projects
AUSTCARE
Australian Foundation for the Peoples of Asia and the Pacific
Baptist World Aid Australia
CARE Australia
Caritas Australia
CCF Australia
Christian World Service
National Council of Churches in Australia
Friends of the Earth Australia
Habitat for Humanity Australia
International Centre for Eyecare Education
International Women's Development Agency
Oxfam/Community Aid Abroad
PLAN Australia
Save the Children Australia
TEAR Australia
The Salvation Army, and
Union Aid Abroad - APHEDA.³

Australia's Chief of Army, Lieutenant General Peter Leahy, meets residents of Banda Aceh during a visit for the handover to civilian control of hospital facilities set up by Australian Defence Force medical personnel. (RAN photo)

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Brigadier David Chalmers assumed the position of Commander Combined Joint Task Force 629 (CJTF 629) from Air Commodore Glen Steed in early January, and took command of Operation Sumatra Assist – a 1000-strong ADF contingent.⁴ Under Brigadier Chalmers' command were numerous unit commanders including Commander Steve Woodall (replaced later by Commander George McGuire), Commanding Officer *HMAS Kanimbla*, who picked up an Army Combat Engineer Regiment (approximately 200 personnel) from Darwin on route to Banda Aceh.

Their initial role was to establish water purification plants to provide personnel in the area and remote locations with potable water. Problems arose with this as there was limited supply of suitable water to purify, particularly when Indonesian Armed Forces were hauling up to 1000 bodies a day out of the nearby rivers.⁵ It was not only the Navy and Army that were assisting the devastated area, but also the Air Force with its Logistics and Support Element, numerous aircraft and associated personnel, and also a team of Air Traffic Controllers.

The Navy was capable of transporting the large army contingent to Indonesia but on arrival, *Kanimbla* turned into a fully operational headquarters until a suitable land based Command and Control HQ could be established. The ship, being multifunctional, also acted as a distribution point for fresh rations, as a hospital, laundry service and ideally as a place for R&R, particularly for AFP and other deployed personnel working non-stop on the ground. As an amphibious ship, *Kanimbla* was capable of running a non-stop flight program with its ship-borne helicopters as well as helicopters from other authorities.



CJTF 629 was established to provide transport of humanitarian aid, health and engineering support in Northern Sumatra. Joint Force Support Group 629 (JFSG 629) was solely responsible to Commander CJTF 629 and 'comprised a Headquarters, Maritime, Engineer, Health Support, Air, Joint Force Support and Communication groups.'⁶ The Joint Logistics Force Group Maritime Element (JFSG-ME) remained on *Kanimbla* whilst the other groups transferred to Banda Aceh. JFSG 629 conducted its operation in four phases; phase one-activation and deployment, phase two-establishment, phase three-support/sustainment, and phase four-transition and redeployment.⁷

The biggest difficulty encountered was the Logistical Supply Chain-Equipment Transfer in which Op Sumatra Assist supplies (which were not loaded on *Kanimbla* in Sydney or Darwin) were transported to Banda Aceh through RAAF Butterworth by RAAF C-130J Hercules aircraft.

Butterworth was established as the distribution centre for the operation and it provided support in terms of equipment, rations, water, laundry, and mail delivery and garbage disposal. This support was not solely for military

personnel but rather all government sponsored personnel deployed to the area including those in AusAID and the Australian Federal Police. The AFP provided assistance to Indonesia with its forensic science experts who assisted in identifying the deceased. Indonesia was still emerging from its economic crisis of 1997/98 and as such AusAID has been involved in Indonesia since the 1950s.

AusAID's involvement in terms of the tsunami relief was primarily an administrative role (while the military were in specific operation - command and control) with particular focus on finance, funding and politics in the form of media releases. AusAID appeared to be the only organization prepared to ensure the flow-through of funds for aid relief. The organization didn't directly have a position in emergency relief, rehabilitation or reconstruction however; AusAID did have a significant role when the majority of foreign troops had disembarked Indonesian soil. Primarily, AusAID was involved in the future development of the state, particularly with Indonesia being the world's third largest democracy. The organisation focused on 'the restoration of vital community services such as village

HMAS Kanimbla at sea on her way from Darwin, Australia, to Indonesia to support tsunami disaster relief operations on the Indonesian island of Sumatra. (RAN photo)

halls, and transport infrastructure, such as restoring port facilities, in order to accelerate the reconstruction process.⁸

There were numerous Australian NGOs operating in the disaster area and these numbers were steadily increased. Relatively high numbers of unnecessary personnel could have been detrimental to the relief program as the supply line of the aid effort became saturated. The Australian Embassy in Jakarta stated in a media release that 'the overall success of the operation depends on coordinated delivery of supplies and careful placement of optimal numbers of appropriately skilled personnel to handle distribution of material, medical and counselling services and orphan support and relief.'⁹ There were many emergency nurses from the Australian Red Cross operating alongside military medical staff in makeshift hospitals across Sumatra.

Operation Sumatra Assist was well structured to deliver a sustainable force in terms of immediate disaster relief. The command and control element of the operation was vital for success, and this could only come from the inspiration, motivation and leadership ability of the Commander CJTF 629. Brigadier Chalmers had 'the heavy burden of ensuring that good relationships were made and maintained between Australians and the multitude of international and local government organizations and aid agencies operating in the region.'¹⁰ He not only had responsibility for his own troops, but also for the Australian and International authorities and forces operating in the area:

With aid, medical and military units now in Banda Aceh from across the globe, it is also an exercise in multinational cooperation, with the ADF team working alongside Indonesian soldiers, a New Zealand medical unit, German paramedics and

a group of doctors from Singapore, all involved in cleaning up and re-establishing the field hospital's capability to provide care.¹¹

The main relief efforts came from countries outside the region such as Australia, Japan, India and the United States. These four states made up the core group that initiated the relief process, although some controversies were evident between them from previous and current policies. For those states to put their differences aside in the name of humanitarian assistance for Southeast Asia was a great feat of strength. The Australian Task Force Commander, Brigadier Chalmers interacted on a high level with Lieutenant-General Robert Blackman Junior who was the head of Combined Support Force 536 that was the 'command, control and communication hub directing U.S. military efforts throughout the region.'¹² Australia had a contingent of roughly 1000 military personnel including a 30-strong headquarter group, six C-130J Hercules aircraft, a RAN Hydrography Survey Team, 1st Combat Engineer Regiment (with purification and removal equipment), a Landing Platform Amphibious, two Sea King helicopters, four Iroquois helicopters, two Army Landing Craft Medium (LCM8), and a Landing Ship Heavy. Sadly, nine ADF members lost their lives in a tragic helicopter accident on 02 April 2005 during Operation Sumatra Assist Phase Two.

The United States sent to Southeast Asia more than 20 ships with a Marine expeditionary force of some 1300 marines, including 200 engineers.¹³ They also sent six C-130J Hercules aircraft, nine air surveillance and rescue planes, a total personnel force of 14000, a hospital ship, an amphibious assault ship,¹⁴ and a state-of-the-art aircraft carrier, the *USS Abraham Lincoln* that departed Hong Kong and

arrived off the west coast of Sumatra.

¹⁵ India and Japan both deployed ships, engineers and other valuable equipment and personnel to bring the total core-group personnel operating in the area to 35,000. Whilst globally this was an amazing military achievement, some complications arose in terms of operability between the forces of the United States, Japan, India and Australia.

Several issues occurred between military forces and civil agencies, including the immediate outpour of international aid, the severe complication of aid delivery, and the lack of coordination on a logistical level. 'The UN welcomes the huge military presence but warns more is desperately needed to avoid a second tragedy from famine and disease.'¹⁶ The excessive numbers of personnel from the military and civil organizations had the potential to slow the relief process. However, strong leadership

Able Seaman Communication Information Systems Kirstin Bett on the aft flight deck of HMAS Kanimbla, at Fort Hill Wharf, Darwin, deploying to Operation Sumatra Assist. (RAN photo)



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and direction from command posts, and collaboration from civil agencies ensured that relief was administered and delivered adequately and timely. 'USAID has provided life saving emergency services to affected populations, including water, sanitation, food, shelter, and health care such as psychological and social support.'¹⁷

A problem occurred where military forces prioritised tasks to be achieved based on what was most important to them in terms of needs. (USAID might see psychological and social support as the most important service, which is in direct opposition to military concepts that are usually supported by other military forces.) This type of conflict lowered the productiveness of agencies and authorities in the disaster relief. The problem increases when much larger and more powerful military forces take an aggressive stand on what needs to be achieved and consequently set out to achieve it with disregard for any external input.

Even the question of who is coordinating the relief efforts has been subject to political manoeuvrings. Sidelined by the United States in favour of a core group of countries... the United Nations found its agencies playing a secondary role in the difficult task of managing the relief effort.¹⁸

The United Nations had several agencies working to bring relief to the victims including United Nations Office for the Coordination of Humanitarian Affairs (OCHA); United Nations Fund for Children (UNICEF); United Nations Development Fund (UNDP); United Nations High Commissioner for Refugees (UNHCR); World Food Program (WFP); World Health Organization (WHO); International Strategy for Disaster Reduction (ISDR); and United Nations Populations Fund (UNFPA).¹⁹

Australia was 'criticised for using

its aid for political purposes after directing all of its pledged aid to near-neighbour Indonesia, the world's most populous Muslim country.'²⁰ Even India was criticised for refusing aid or assistance from other nations preferring to go it alone with a great sense of remote independence and isolation. India sent two ships to assist the relief process at Banda Aceh. 'The naval deployment was a humanitarian effort and achieves a political objective; India has moved from a beggar state to a financially secure one.'²¹ Rahul Bedi, a journalist and researcher on military affairs continued to suggest that Indonesian officials welcomed India but the Chinese were still considered untrustworthy in military and political terms. Remarkably though, this operation was the biggest international peacetime relief effort particularly with Japan deploying around 1,000 troops, its largest military mission for disaster assistance since World War Two.²²

Japan offered Thailand a US\$20 million financial assistance package but subsequently Thailand declined the offer. 'With its money and expertise in dealing with the aftermath of disasters, Japan could seize the moment in the tsunami aftermath to show its commitment to the rest of Asia and strengthen its political and economic standing.'²³ Economic analysts suggested that 'the most important contribution Japan can make to peace would be a solid relationship with China,²⁴ as the race for prestige between China and Japan could give way to a battle for hegemony.'²⁵ Japan was fighting for a seat on the UN Security Council, which could have been a reason for its prospective financial offers, although, it was an Asian disaster and Japan being the world's second wealthiest country may have felt obliged to have a major role in the relief operation both physically and also by administrative applications.



Japan has strengthened its relationship with the US the same as India has: 'India and the United States have begun to overcome entrenched mindsets in their establishments and prepare for unprecedented naval cooperation in the Indian Ocean.'²⁶

It is interesting to note that the nations of the initial core group were also members of ASEAN and participants in the ASEAN Regional Forum, which promotes multilateral security dialogue. One of ASEAN's concerns is 'how to prevent internal regional instability problems from sabotaging effective and responsive rehabilitation efforts in affected disaster areas'²⁷, particularly with the Aceh rebellion. 'Southeast Asia is a region of weak security institutions and little legacy of effective multilateral military-to-military cooperation.'²⁸ Indian and Japanese forces maintained a sense of professionalism by operating within their doctrine and policy standards during the disaster relief and surprisingly, neither were forced nor required to carry armed weapons with them.

Warrant Officer Communications and Informations Systems (WOCIS) Colin Scott on the flagdeck of Kanimbla on Operation Sumatra Assist. (RAN photo)

US forces and Australian forces maintained a *No Guns* policy throughout the disaster relief. President Susilo Bambang Yudhoyono who assured the security of foreign forces by the TNI. 'Australian troops in Aceh said security risks in the war-torn Indonesian province were not sufficient for them to carry weapons.'²⁹ Firstly, this understanding displays the marked professionalism of the military from previous ages, and secondly it displays the second form of Objective Civilian Control; in that society seeks what political scientist Samuel Huntington classes as 'high military professionalism and high military power.'³⁰

INTERNATIONAL RELATIONS DURING THE RELIEF OPERATION

Indonesian Ambassador Imron Cotan said that 'Indonesia's military personnel had joined hands with Australia's and didn't see any indication that Indonesia still harboured any feelings as far as East Timor is concerned.'³¹ There were desperate people in need of attention after the devastating path of the earthquake and tsunami, and Australia was able to be the first foreign force in Indonesia. The TNI were concerned about population movement and rushes for aid, which resulted in security being provided to Australian forces.³²

Sporadic and precarious relations between Canberra and Jakarta were seriously strained in 1999 when Indonesia objected to Australia leading a U.N. peacekeeping force into East Timor to quell an outbreak of violence after it voted for independence. But they have been mending fences and their police have worked closely together since the 2002 Bali nightclub bombings that killed 202 people, including 88 Australians.³³

Indonesia may have helped bridge the diplomatic void and may have helped promote Canberra's relations

with Indonesia and ASEAN.³⁴ Brigadier Chalmers had been working in close proximity with the Commander of the Indonesian Government tsunami relief programme in Aceh Province, Major General Bambang Darmono who was aiming for removal of foreign forces (except Australia) by the end of March. Indonesian officials were grateful for the vast contribution during the relief, but the government of the day strived to retain independence and self-assurance within its own population. Indonesians and foreign civil aid workers took over the recovery process from conventional military forces a short time after the initial disaster struck. LTCOL Whelan, CO of the ANZAC Hospital said that Australia 'will leave behind a functioning medical facility in the hands of those who will provide long term care'³⁵ including AusAID and more specific UN sponsored agencies.

The Indonesian military (TNI) were also assisting in loading all relief planes and were actually accompanying US helicopter missions and trucks delivering relief supplies. This however did not stop the TNI from continuing military action against separatist rebels in Aceh; killing more than 200 rebels since the tsunami struck. Indonesian authorities requested that foreign aid groups wishing to remain in the area would have to pledge not to interfere in domestic affairs. The fear was that rebel contact with Westerners would encourage the GAM (Free Aceh Movement) leadership to 'escalate its claims for independence.'³⁶ Indonesian authorities also came under scrutiny for having allowed foreign navies, particularly the US and Australia, free access to a politically sensitive and volatile area.

'The United States and Indonesia have sought closer military ties after years of limited contact because

of concern over past human rights abuses by the TNI.'³⁷ These abuses include the shooting of demonstrators as well as the suspected murder of two American citizens. The US began curbing excessive arms sales to the Indonesia government in protest re the suspect abuses in East Timor. Since the rekindling of states after the tsunami disaster, the US suggests that it will adopt a new Southeast Asia security policy and lift sanctions to allow economic assistance to flourish.

After assessing the West Point Scheme, and despite considerable human rights issues, Indonesia has resumed the International Military Education and Training (IMET) program in lieu of counter terrorism assistance.³⁸ Both of these programs are provided by the US. Whilst it may appear pro-American in terms of disaster relief, Indonesia is now well equipped to reconstruct its society and return economic markets to pre-tsunami status. Towards the end of 2005 only foreign civilian aid workers were assisting Indonesia, as contributing armed forces left the area. Indonesia's capability was increasing and in full swing by this time. Since major relief has ceased, Indonesia has moved to a new strategic age with key issues emerging such as: improved military relations with the US; new TNI leadership (Army, Navy and Air Force); BIN changes (counterfeiting operations, BIN redeployment and Australian connection); Navy modernization; Air Force procurement; and regional relations.³⁹

ACHIEVEMENTS FROM AUSTRALIAN RELIEF EFFORT

In helping tsunami victims in Indonesia, Operation *Sumatra Assist Phase One* achieved the following:

- 1200 tonnes of humanitarian aid distributed by air
- 70 aero-medical evacuations
- 2,530 people transported by air
- 3,700 medical treatments
- 4.7 million litres of clean water produced
- 9,000 cubic metres of debris cleared
- 1,000m of road cleared
- 1,700 large drains cleared, and
- Six large fishing boats salvaged.⁴⁰

In helping earthquake victims in Indonesia, Operation *Sumatra Assist Phase Two* achieved the following:

- 133 tonnes rice delivered
- 5000 litres of water provided
- 570 patients treated ashore by medical staff
- 13 Surgical and further treatments conducted on board *HMAS Kanimbla*
- Seven Sea King aero-medical evacuations
- Lahewa town water pump and generator repaired

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- Over 138 tonnes of stores moved by C-130 Hercules, and
- Hundreds of smiling faces: Operation *Kindergarten Cops* entertained hundreds of children in Lahewa, teaching them to play cricket and Aussie Rules Football.⁴¹

In the aftermath of destruction, Australia provided immense assistance in terms of platforms, personnel, equipment and financial funding to the stricken state of Indonesia. Indonesia could not have achieved the relief progress that Australia and several nations attempted and achieved. Only after major support had ceased were Indonesian professionals (with guidance by the UN) able to begin the process of taking over disaster recovery from the Australian contingent. The humanitarian assistance that was initiated within moments of the destruction was the cause for an initial sense of praetorianism in which the military-based American-led core group comprised of the U.S, India, Japan and Australia assisted immediately without any prior international requests.

The intervening forces consisted of permanent defence personnel as well as a constabulary force of reservists (citizen-soldiers) who were trained in the medical and emergency fields. The US Pacific Command was in control of US forces that interacted not only with Australian military and civil personnel, but also with Indonesia authorities to provide the best relief aid possible. Military forces provided initial support, but were later withdrawn to allow civil authorities and agencies such as the United Nations, AusAID, USAID, Red Cross and World Vision to take part in the future of Indonesia as well as Southeast Asia.

What needs to be remembered from this international mission is that people forget how fast you do a

job, but they remember how well you did it. It is also amazing to see how much people can accomplish when states don't worry about who gets the credit, and notably, the path to success is to take quick, decisive and determined action. The success of the vast disaster relief was a result of steady accretion. Military commanders such as Brigadier Chalmers, Commander Woodall and Commander McGuire showed their leadership simply because of their absolute sense and devotion to the people they lead and the task at hand. The mission could not have been achieved without the support of Australian personnel (both civil and military), international relations (previously established and those developing), and the will of persons affected by the tsunami and earthquake. 🇦🇺



After joining the Navy in 2003 Dale Axford active service in HMAS Melbourne in the Persian Gulf as a part of Operation Catalyst. After training at ADFA, he is currently serving in HMAS Manoora.

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President's Message Continued from page 3...

members join but not remain with the Institute; we too have a retention problem. The membership demographics however are improving both from an age and rank diversity perspective. This has been a most satisfying aspect of our development.

One matter that we do need to deal with is that of membership fees which we will consider after our financial report and before the election of office bearers for 2008. I outlined our considerations behind the proposal to change the fee structure in the letter recently circulated to the membership.

Briefly, we want to put the ANI on a financial footing whereby the membership fees cover our core running costs. We also wish – and need to do so to achieve this state – to continue to improve the attractiveness of our membership, particularly amongst the junior and younger members of the Navy. So an increase in the standard rate will be accompanied by the setting of a reduced junior rate and a reduced retirement rate.

I should add that we also wish to develop and increase our equity. If I will foreshadow the Strategic Plan, I have a long term view that the ANI won't really achieve its full potential until we have a core of permanent, paid staff, whether full or part-time. Our wonderful office manager, Jean Davitt, provides excellent service and continuity of administration which has been a great help to the ANI. But we really need an Executive Director and, in the short term, an On-Line Editor and Webmaster. More on that later.

My regret in not being present today is particularly coloured by the fact that, after three years, I am stepping down as President and retiring from the Council. I believe that it is vital to maintain the Council as a dynamic body and the ANI is much more important than any individual. I know that my successor will do a great

job and I wish him and the Council well.

I should add that I will continue to support and contribute to the Institute in any way that I can. Perhaps the journal and the website might be able to feel the effect of my having a little more time for such activities. I have long thought that the only two ranks in which one can be really radical are those of midshipman and flag officer. Watch this space.

I believe that Council has continued the good work started under Rowan Moffitt to become a more strategic body. I have been impressed by their efforts which of course they undertake voluntarily in their own time. I would like to close by thanking the members of Council in my time, particularly Peter Jones, Ray Griggs and Steve Gilmore, and the indefatigable secretaries, Geoff McGinley and Sam Fairall-Lee, and Treasurer, Richard Jones, as well as the sponsorship councillor, Martin Brooker, and Webmaster, Ernie Power not to forget the assistance that LEUT Geoff Lawes has provided Ernie as we have dealt with a range of technical challenges. I should also mention our ADFA Councillors – Bernard Dobson, Josh Watkin, Thomas Ford and Nikki Johnson. They have all been terrific. 🚩

Rear Admiral James Goldrick



A 'ghost-net' is hauled towards the ramp of HMAS Tarakan, while the crew take a short break, 10 nautical miles off the Northern Territory coast near Maningrida



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Australia's Secret War – The Other Side

BY HAL G.P. COLEBATCH

"[The] assertion that left-wing unions sabotaged the war effort ... is not worth much of a rebuttal because it simply is not true." - Ian Hills, (former trade union official), West Australian, 17 August, 1994.

"The inference ... that left-wing unions sabotaged Australia's war-effort by striking, purely out of malice obviously, will not stand up to scrutiny." Ian Hills

"What would be the point of sabotaging a war effort knowing that the trade union movement, left and right, had been decimated by the Nazis and, in the event Germany won the war, its future was not assured?"

- Ian Hills, West Australian, 29 August, 1994.

I have noted above the reticence of some historians when it comes to the question of wartime strikes. However in an exception that tests the rule, in 1982 an "oral history" of reminiscences by Melbourne watersiders, titled *Under the Hook: Melbourne Watersiders Remember Working Lives and Class War, 1900-1980*, compiled by Wendy Lowenstein, was published in association with the Australian Society for the Study of Labour History.

Lowenstein, according to this, had previously been involved in the Communist Party's New Theatre and Eureka Youth League. However, the bitterest enemy of the watersiders could hardly have created a more damning indictment of them. Its version of events leading up to World War II seems to be a Left-wing mythology fossilised about 1940 and

thereafter unchanged. It claims:

Throughout the '30s Australia had appeased the Fascist Countries ... while so many young men were turning to the army for a job or for adventure or patriotic reasons, many other Australians had grave doubts about the war, not because they supported Fascism but because they feared that many of Australia's leaders still did ... Many people in the labour movement and among the intellectuals believed that the war would soon be directed against the Soviet Union. Others did not see Australia as threatened. They saw it as a phoney war.

The people seen to gain most from it were the capitalist class, ship-owners in particular. And the Establishment's support was expressed not in terms of anti-Fascism but in jingoistic support of the British Empire...

Similarly, academic Russell Ward claimed:

Labor and intellectual opinion initially had grave reservations about the war, not at all because any of these elements were pro-Fascist but because they feared their own governments might be covertly so.¹

This running together of "Labor and intellectual opinion" as if the two were synonymous is piquant if hardly flattering to Labor. "Intellectual opinion", in the sense Ward means, had nothing to set against Nazism except Communism and specifically Stalinism, a creed then already responsible for more murders than the Nazis would ever be. To suggest that the conservative governments of Britain and Australia which

had declared war on fascism were covertly fascist themselves is of course completely grotesque. Untroubled by the intellectual bankruptcy of his assertion, however, Ward, writing well after the war, when there was no excuse for ignorance, also claimed that the British attack of the German-occupied Norwegian port of Narvik in 1940 might have been:

[A]n effort, perhaps in alliance with the German nominal enemy, to "switch" the war against the USSR.²

This would have been news to Captain Warburton-Lee of the flotilla-leader *HMS Hardy* and the thousands of other British servicemen who died fighting Germans at Narvik and elsewhere in the Norwegian campaign, (*Hardy* was being commanded and fought at the end by the Captain's secretary, Lieutenant Stanning, there being no other officers left), or the crew and air-group of the aircraft-carrier *Glorious*, annihilated with its escorts. News also to the men in the battleship *Warspite* which, almost incredibly, charged with its huge bulk up the narrow waters of Narvik Fjord to obliterate the German Naval forces in the second battle there.

News, too, to the Germans, whose surface Navy was practically wiped out in the Norwegian campaign - the Arctic conditions told against survivors in the water from either side. The only time it seriously looked as if Britain and France might fight Russia was when they planned to send a force to the aid of Finland, which had been invaded by Russia in the winter of 1939-40

In *A History of Australia* at p. 236 Ward again claims: "there was talk of giving aid to the Finns and so 'switching' the war, possibly in alliance with the Nazis", against the USSR. The use of the word "so", implying cause and



*HMAS Warspite
in 1944 off the
Normandy coast -
courtesy Maritime
Quest*

effect, is another remarkable example of Ward's style. The Soviets and Nazis were in alliance, and there was great sympathy in the Western democracies for the Finns, who like the peoples of the Baltic States were the victims of unprovoked and murderous Soviet aggression.

It was the French, not the British, who were planning to send an Army to aid Finland. However, the Chief of the British Imperial General Staff, General Ironside, saw aid to Finland as a pretext to occupy Swedish iron ore fields and distract *German* forces away from Western Europe.³

Even long after the admission of Stalin's crimes by Khrushchev, Ward was still prepared to subscribe to a completely Stalinist view of events.

It speaks volumes that such a nonsensical concept as "switching the war," should be accepted in such contexts as some sort of realistic proposition. How, exactly, does one "switch" a war? Its use by a professional academic historian is similar to a professional astronomer invoking the concept of a flat Earth. It shows the extraordinary indulgence with which some Australian historians have been accepted providing only that they have recognised left-wing credentials.

The phrase "switching the war" also occurs in various Communist Party publications in this context, and in the

unlikely event that it is meant seriously indicates a quite bizarre concept of international relations and decision-making. It is more likely an attempt at *ex-post-facto* rationalisation. The West Australian history of the Communist Party in that State, *The First Furrow* (see

above), is one that refers to "switching" the war, as well as to the leader of the Finnish resistance against the Soviet invasion, Marshal Mannerheim, as "Butcher" Mannerheim (p. 165-66), also suggesting a readiness to subscribe to a completely Stalinist interpretation of events, and, being published in the 1970s, also suggests a strange inability to alter conceptions of the world in order to accommodate objective reality.

The British did in fact enter Norwegian waters and violated Norwegian neutrality briefly in February, 1940, when the British destroyer *HMS Cossack* rescued 299 British seamen held prisoner on the German ship *Altmark*. The German invasion followed, though how important *Cossack's* action was in precipitating it is unclear. Hitler himself is said to have expressed the opinion that the British could hardly have done anything else, and the invasion would have come sooner or later anyway. Hitler wanted to seize Norwegian iron-ore and deny it to Britain, to gain strategic bases *vis-a-vis* Sweden and Russia and to bring the "Nordic" population of Norway into the Nazi orbit. The German Naval staff had submitted proposals for invading Norway to Hitler as early as 3 October, 1939. Plans were well advanced by late January, 1940. British and French forces tried to defend Norway and

were defeated with some heavy losses on both sides. It would take a particularly creative mind to see all this as an anti-Soviet or pro-German plot by the British and/or Australian establishments.

Many conservatives and others in the West saw Nazism and Stalinist Communism as morally indistinguishable and as two aspects of the same enemy. Michael Wharton (later Colonel Wharton), afterwards the *Daily Telegraph's* "Peter Simple" columnist, recalled hearing of the Nazi-Soviet pact as a young man of military age:

News came to us that the Nazis had signed their pact with the Russian Communists. To us, as to Evelyn Waugh, this was a kind of relief. War was now certain and until 1941 it was to be, beyond question, a war against the right enemies, a conjunction of evil monsters; in Waugh's own phrase, we faced "the modern world in arms."⁴

The Left's argument appears to be that to fight and make war against Nazis was evidence of secret pro-Nazism. Actually, it was the Soviet Union which at about this time committed a pro-German act of war directly against Australia: the German raider *Komet* was escorted into the Pacific Ocean by Soviet ice-breakers after traveling round the Arctic coast: it would bombard Nauru and sink ships in Australian and New Zealand waters.

Were Dunkirk and the Battle of Britain also British ruling-class plots to join the Nazis? The Left who had been considerably exercised over the Nazi bombing of Guernica were apparently indifferent to the Nazi bombing of London. The German bombs used steel and explosives from the Soviet Union.

There were countless incidents of Soviet pro-Nazi propaganda and Soviet moral support for the Nazis. When, at the Battle of the River Plate, three smaller British cruisers forced the

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December 17, 1939: The after section of the Admiral Graf Spee burning off Montevideo, Uruguay. (Photo from the collection of Maschinengefreiter Erich R. Halupczok courtesy Ana Marcela Halupczok)

heavily-gunned and armoured German pocket-battleship *Admiral Graf Spee* to sink itself (one, *HMS Exeter*, was severely damaged but subsequently repaired), the Soviet Navy paper *Red Fleet* of 31 December, 1939, reported:

Nobody would dare to say that the loss of a German battleship is a brilliant victory for the British Fleet. This is rather a demonstration, unprecedented in history, of the impotence of the British. Upon the morning of 13 December the battleship started an artillery duel with the *Exeter*, and within a few minutes obliged the cruiser to withdraw from the action. According to the latest information the *Exeter* sank near the Argentine coast ...

There was vast material Soviet support for the Nazis, including the supply of munitions and raw materials of every kind. French Communists and leftists aided the collapse of France when the Nazis attacked. It should hardly be necessary to belabour the point but a quote may be made from British Labour leader Clement Attlee's diary entry when he visited France with Churchill on 31 May, 1940, during the German Blitzkrieg, and noted of the French Government:

They had decided they would rather lie down than fight. It was a terrible thing ... and the whole country was infested with Communists and ... defeatists ... for 24 hours Winston put a bit

of heart into them and then it wore off.⁵

It was an odd sort of "Capitalist War" that was sending Britain broke and taxing private fortunes out of existence. People who hoarded a few private gold sovereigns, perhaps against a coming currency collapse, perhaps as heirlooms, were subject to criminal prosecution. In November, 1940, Lord Lothian, the British ambassador to Washington, said available gold and securities had virtually been used up.⁶ Shortly before the end of the war in 1945 it was estimated that - even with Lend-Lease - the war had destroyed a quarter of Britain's entire national wealth, some £7,300 million, with overseas assets of £4,200 million also lost, income from foreign investments and exports halved, and external debt at £3,300 million: the effort of the war had sent Britain virtually bankrupt and in some ways it would never entirely recover. Further, the First World War had left no-one with any illusions about the cost of total war: it had led to an explosion of income-tax and other taxes, and had left Britain with a huge debt and pension bill.

Hitler and Stalin regularly assured one another of their friendship, though there were rifts in the lute. On one occasion Molotov was in Berlin discussing Germany's and Russia's future spheres of influence when his host, Von Ribbentrop, pointed out to him that England was finished. Mototov tactlessly asked him why, in that case, they were holding their talk in an air-raid shelter cowering from British bombs. However, propositions that are not rationally based cannot be changed by argument and it is probably pointless to argue with Ward's mythologising, except to make the point that it could have been written by a Nazi propagandist.

The joy on the waterfront over the outbreak of war following the Nazi invasion of Poland is recorded in *Under the Hook*. A watersider, John Morrison, recounts of that happy time:

There isn't one of us who isn't licking his lips over what is going to happen next week [i.e. the increased demand for wharf labour] ... the joy of presenting our insolent backs to the first foreman who picks up the wool on Monday morning. (p. 92)

One cross-head in the book exults: THE BOOT WAS ON THE OTHER FOOT. It continues:

Waterside workers had more reason than most to doubt the sincerity of the Government's foreign policy, and that of their employers. Many set out to "even up" with the bosses. Men boycotted jobs ... (p. 93)

In Poland, as Evelyn Waugh put it, the cattle-trucks were beginning to roll east and west with their doomed loads. One Tom Hills is quoted as follows:

When the war got going there was a sudden shortage of labour. That suited us. We were the ones that could pick and choose. We didn't have to stand up for work. The boot was on our foot. We said, "We'll just do the night work, get penalty rates." Ships were lying idle in the ports during the day and working at night-time. Wharfies were getting the cream. (p. 93)

But another watersider, Don Strang, mourned the hardships and suffering that war brought, and apparently agreed with General Sherman and Admiral Fisher that War was Hell. With stark realism that did not spare the reader's feelings, he recounted one

of his own more particularly harrowing experiences: when unloading a large ship called the *Argentina*, on 9 May, (apparently, given the reference to the American Army, in 1942, after it had ceased to be a Capitalist or Phony War), it started to rain! As he put it:

Imagine me supervising it. It was unreasonable for me to expect them to work in this heavy rain, and the American Army was kicking up a fuss. (p. 92).

Not only is this all written with a straight face, but the readers' sympathy and agreement are obviously expected. Several similar stories were recounted by various watersiders with evident pride. For example:

During the war a foreman couldn't open his mouth - he'd have been told to get the Hell out of it ... There was a larrikin gang on the waterfront - they were weight-lifters but they wouldn't exert their muscles on the cargo. They'd get down the ship's hold and the sun would be shining and they'd be demonstrating their muscles, watching shadows on the ship's sides. (pp. 96-97).

One watersider's complained bitterly of one task of unloading:

Terrible ships with terrible gear ... this ship came down from New Guinea and it fetched back a cargo of US and Australian clothing from the dead. And when we went down to discharge it we were finding their feet in boots. (p. 95)

It will be noted that this watersider's sense of martyrdom and pity in this situation was reserved entirely for himself, rather than the owners of the boots or the feet. However others

to whom I have shown this passage expressed doubt that such things ever happened. In the collection, *Weevils in the Flour*, a book introduced with a foreword by Manning Clark in which he suggested it might lead to the singing of hymns, Lowenstein quoted another watersider, Ted Englart, proudly recalling one of the watersiders' finer hours - a wharf strike called the very day after the outbreak of the Second World War, as the Wehrmacht and Luftwaffe smashed into Poland, with the SS not far behind to mop up the *Untermensch*:

We broke the tonnage of sugar to be loaded right down and we put in claims for dirt money for molasses and that. Things you couldn't do before. (p.70).

This does not seem to be a matter of ordinarily or even extraordinarily venal men trying to do a minimum of work for a maximum of pay. Nor (or at least not in every case) of men with the mentality of children seeking revenge, however destructive, on the world. It appears rather to be a deliberately and strategically-targeted attack on the war-effort, though the self-revelation seems curiously unintentional.

The publication *When the War Came to Australia* (Allen & Unwin, St. Leonards, 1992) quotes one Joyce Batterham, described as a "Communist Party worker, Sydney and Newcastle" on the fall of the Menzies government in 1941:

I think the feeling amongst people was that it would be impossible for Menzies to remain as Prime Minister because he could not get the co-operation from the working people and the trade unions that was needed to help Australia win the war, that he would not be able to - he was no Churchill. (p. 53)

Here a Leftist blames Menzies for the Left's own behaviour.

Of considerable historical, literary and psychological interest is a book by a former member of the Seamen's Union, George Stewart's *The Leveller* (Creative Research, Perth, 1979). Stewart was a union delegate aboard the steamship *Time* in 1943. He recounts with evident pride a series of major and damaging strikes over the most trivial matters, apparently entered into in order to be revenged on the hated "owners," while betraying a complete awareness of the seriousness of the military position and of the consequences of these strikes on the war effort, and describing his position as being of the militant Left. He also documented links with the violent criminal underworld. He claims the ship *Macedon* was tied up for 11 days because the crew did not get marmalade jam. Apparently they had not been drawing it for some months (possibly in order to provoke a strike when no more was issued?). Further:

The union instructed all crews on Australian Articles to draw all rations they were entitled to, and **what was not used was to be dumped at sea**. This ... was carried out to the letter. (p. 58, emphasis added).

Another stop-work meeting resolved that members of the Seamen's Union would not work on any ship unless "the company supplies us with a hot press for keeping our meals warm." (p. 58) It was hardly the spirit which the Communist Party sought to evoke when describing the heroism of the Siege of Leningrad, or that displayed by the crew of the burning petrol-tanker *San Demetrio*.

The *SS Time* sailed in February, 1943, taking, among other things, high-octane fuel for the British and Australian Spitfires then based at Darwin to defend it against further Japanese air attacks (because of their relatively short range the Spitfires were used as interceptors). As Stewart recounts it:

In Townsville we decided not to sail unless the company gave us an ice-box with ice from the ship's freezer [The Captain "borrowed" one], **so we sailed with our dangerous and precious cargo, badly needed by the Spitfire Squadron at Darwin**. (p. 60.) [emphasis added. The Spitfires had been sent by Britain.]

Thus, it appears that the seamen who had refused to sail with this fuel were quite fully aware that they were prejudicing not merely the interests of the hated "owners" or even of the troops in New Guinea, but also the direct defence of their own country - even, perhaps, of their own families and certainly of their own class, for if Darwin was bombed

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again, ships in the harbour, seamen and dock-workers would be obvious prime targets. They seemed as unmoved by this as by the plight of the Spitfire pilots defending them, who because of their actions might have to take off and go into battle with their range, tactical options and/or numbers all reduced by insufficient fuel.

Two seamen on the *Time* found eight cases of creme de menthe among the cargo. Stewart claims (in the face much evidence to the contrary from other sources), that the unions had a strict prohibition against stealing supplies from the troops, but a meeting of the seamen and firemen of the ship decided that this was the property of “some selfish officer with a pull somewhere” and on the basis of this assumption it was consumed without further qualms of conscience on the part of any concerned. (p. 60) At the siege of Malta precious Scotch whisky was doled out for mess celebrations as a reward to help the morale of aircrew who shot down enemy aircraft or completed hazardous missions - perhaps the pilots there were fortunate that the *Time* was not among the ships supplying them.

A curious incident now occurred, that appeared to briefly and temporarily jolt the seamen's sense of identity as a victimised minority entitled to take whatever revenge on the world they might. On arriving at Darwin, Stewart and the other seamen encountered the 2/2nd Independent Company, just evacuated from Timor, whose story has been sketched above:

About this time the remnants of an AIF Independent company had been rescued from Timor. We assisted in a small way and gave most of our fresh meat, vegetables, milk, tobacco and goodwill. But what could you say to walking skeletons, with dysentery so bad that watery

shit ran down their legs as they walked, their big eyes that looked into your soul? Sores, scabs and war. Our hardships seemed like a Christmas holiday with a faint smell of petrol thrown in. I've wondered since what has happened to these heroic men and how did the nation repay them? (p. 62)

We are not left long in doubt as to how part of the nation repaid them, for *immediately after* recounting this anecdote, and with apparently no sense of incongruity, Stewart has the tale of yet another strike, one seriously damaging to the national economy and the war-effort, precipitated immediately after by a few men on the *Time*. At Lucinda Point in Queensland, loading sugar after leaving Darwin, the men stopped work because firemen were asked to work the boilers without a trimmer. The ship was held up a month, the entire port was tied up, and about 180 watersiders and other port-workers were idle, as Stewart put it, “in the darkest years of the war in Australia ...” He continued: “We had fun ashore ... the war was not so bad after all.” (p. 62) Stewart, incidentally, apparently regarded himself as either a Communist or very close to it, though it is unclear whether he was a Party member. He certainly greatly admired Elliot V. Elliott. Stewart gives clues to the psychology behind all this:

Being a member of the Seamen's Union gave me pride and I think a purpose. Being a member gave you a family. (p. 59)

After the war Stewart became a Capitalist in Western Australia, forming a business called Sea Salvage and Divers, and claims that he bought sunken vessels for almost nothing, raised them and on-sold them for very large sums. He seemed to see nothing

incongruous about this. A clever, brave and hard-working man, he invented a number of salvage and engineering techniques and was a celebrated figure in the West Australian media for feats including raising the sunken ferry *Zephyr*. He also ran a boxing tent and other entertainments including the Ferris Wheel at the West Australian Royal Show for many years, apparently made a lot of money, and joined that pillar of bourgeois respectability, the Freemasons. However his book closes on a note of profound psychic anguish and despair.

The large number of strikes by Left-wing unions after the German invasion of Russia in mid-1941 confound the widespread belief that the Left changed sides after the invasion began and after that supported the war-effort wholeheartedly. As both official statistics and the accounts I have gathered here illustrate, these strikes, go-slows, obstruction and pilfering, all of which directly damaged the war-effort, were for certain unions not exceptional but common in every situation where there was an opportunity for them.

That strikes ceased after mid-1941 is a belief which anti-Communists as well as Leftists have subscribed to, partly because for anti-Communists it seems to illustrate Communist hypocrisy and Totalitarianism's capacity to make 180-degree changes of policy overnight without regard for the objective morality or otherwise of any cause or alliance. George Orwell illustrated in *1984* how the Totalitarian States changed from allies to enemies in a propaganda speaker's mid-sentence, a change accompanied by the instant re-writing of history.

However, this presumption also makes it easier for historians and other writers friendly to Labor to suggest, almost subliminally and generally without actually putting the suggestion into words, *that the responsibility for wartime strikes in general rested with the Communist Party rather than the ALP and the ACTU - in other words, to make the Communist Party the scapegoat for them.*

The Left have other rationales, for example that the invasion of Russia changed World War II from a Capitalist War expressing the final contradictions of Capitalism, in which the wise Stalin bided his time and strengthened the Socialist Homeland, into a People's War in which the Fascist Beasts were hurled back and destroyed by the heroic efforts of the Workers etc. etc. (It is unnecessary to go into these in detail). Since in fact strategic strikes which damaged the war-effort in Australia (and Britain) did *not* end in mid-1941, there must be reasons for this which have not been considered.

Further, the waterside strikes took place on wharves

all around Australia and cannot be regarded as the actions of one atypical group. On the contrary, every major port seems to have been affected in a similar way. They were the rule, not the exception. The striking unions had various factions of Communist, Trotskyite and Left-ALP leadership but similar policies at the bottom line. Furthermore, the policy of maximum possible strikes and obstruction, as well as not being limited in place, was not limited in time and went on from the beginning of the war to the end, and beyond. The strikes were not the work of a handful of men, but appear frequently to have been nationally co-ordinated and involved many thousands. My informants and the other accounts I have seen make hardly any mention of dissenters in those unions with a culture of militancy, though doubtless dissent would have been difficult and dissenters would have been intimidated and victimised - fatal accidents would have been very easy to arrange in practically every one of the trades and occupations affected.

Solidarity and organisation would have been necessary among the dissidents and recognition of this was a factor in the eventual formation of the Industrial Groups which were the forerunners of the Democratic Labor Party.

To say that the watersiders, coal-miners, metal-workers and certain other Left-wing unions simply struck for more money does not explain why this particular group of individuals behaved in this way while others, many from a more-or-less similar socio-economic background, behaved with self-sacrificing heroism and offered their lives to defend their country, their families, democracy and what Churchill called Christian civilization. The high quality and courage of Australian servicemen - many from simple backgrounds - was recognised all over the world. 🇺🇸



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PETER MITCHELL ESSAY COMPETITION 2008

The Sea Power Centre - Australia (SPC-A) is conducting the 2008 Peter Mitchell Essay Competition, which is open to all members of British Commonwealth navies (full time and reserve) of commander rank and below who have served at least 20 days in the 12 months prior to 29 October 2008. Full details of the competition can be found at www.navy.gov.au/spc/mitchell.html; and enquiries should be directed to: seapower.centre@defence.gov.au.

One prize is awarded in each of the following three sections:

- Open section (one prize only - AUS\$750) all essays are eligible for this prize.
- Officers section (one prize only - AUS\$500).
- Sailors section (one prize only - AUS\$500).

The topics for the 2008 Competition are:

How might navies provide geographical stability ashore to members and their families to ensure they remain in the service?

Have medium navies concentrated too much on maritime power projection at the expense of sea control?

Many contemporary strategic commentators claim that the role of geography in strategic planning has been diminished by technology, globalisation and the threat posed by terrorism. Is this a correct assessment?

'Military-off-the-shelf' or 'Commercial-off-the-shelf'? Where is the balance in building future naval capabilities?

Essays can be any length up to a maximum of 3500 words, but if they exceed that length, they will incur a penalty of 10 per cent. Essays must be original works, in a suitable layout, in English on international A4 size paper. The author's name is not to appear on the essay; a pseudonym, which is to appear on the title page of the essay, is to be used. Essays should be in electronic copy in Microsoft word format and emailed to seapower.centre@defence.gov.au, accompanied by the declaration form located in the competition rules at www.navy.gov.au/spc/mitchell.html. Entries are to be received at the SPC-A by no later than 29 October 2008. Late entries will not be accepted without a compelling reason.

Ex-RAN VESSELS – LONG MAY THEY SERVE

BY COMMANDER STEVE COLE

Decommissioned warships used to be assets. Historically, most have been sold for their appreciable scrap value which was nevertheless an ignominious end. Today they are considered economic liabilities, as the cost of dismantling and appropriate disposal of the non-recyclable waste far exceeds their scrap value. The cases of the former aircraft carriers FNS Clemenceau and USS Coral Sea provide quite recent examples.

It doesn't have to be that way.

Liabilities

Old ships contain many materials that at the time of their design and build were routinely used, but are now considered hazardous, especially if disturbed. Examples include asbestos, liquid poly-chlorinated biphenyl (PCB), lead and other heavy metals. During refit, reuse or disposal the risk of exposing workers and the environment to these hazards obligates high standards of containment. This drives up costs.

Complex domestic environmental regulations led operators in developed countries to export vessels overseas for scrapping in third world countries with lower labour costs, to ensure that scrapping remained economic. Unfortunately, less rigorous standards of worker safety and environmental compliance have led to legacies of worker deaths, injuries and environmental degradation. India processes some 70% of the world's tonnage, and Alang Bay in particular has a reputation as an environmental and safety nightmare, with some journalists reporting one funeral every

Personnel Specialist 1st Class Kevin Arnold is reenlisted by Army Major Shean Phelps on the main deck of the newly sunk aircraft carrier ex-Oriskany



day for victims of accidents. Countless others are poisoned or maimed by exposure to toxic chemicals or accidents.

Reacting to international concern, the *Basel Convention on the Control of Transboundary Movement of Hazardous Wastes and their Disposal* was adopted in 1989. Australia is a signatory. This convention prevents export of vessels unless all hazardous material is removed or managed in accordance with agreed standards. To further manage these requirements, a new convention is in draft form aimed at obligating acceptable standards of shipyard performance with regard to worker safety and environmental compliance.

Exploring the Swan Dive Wreck



Disposal of material, including obsolete equipment, by dumping at sea is also a concern. Without safeguards, there are risks to productive offshore fisheries, marine ecosystems, tourism, and to human health from disposal of unregulated

hazardous material. To regulate this ad-hoc disposal and the potential for pollution, the 1996 *London Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter* was adopted. This Convention places onerous requirements on organisations seeking to dispose of obsolete equipment for disposal at sea, and Australia is a signatory.

However, warships can continue to serve as assets, sometimes in new and novel ways.

Disposal options

Interestingly, whilst the Royal Australian Navy (RAN) retains ownership of decommissioned ships, responsibility for the disposal process rests with the Defence Material Organisation (DMO). Defence policy seeks opportunities for disposal that provide the best financial outcomes for the Commonwealth, whilst meeting all statutory requirements. In partnership with the RAN, DMO critically evaluates the appropriateness of the disposal method, recognising the unique heritage values of warships and

their proud history of service. Final approval for the disposal method rests with the Minister for Defence, based on advice from DMO and the RAN.

Typically, some options might include:

➤ **sale for ongoing maritime use.**

Whilst the most desirable option as it realises the greatest return to Defence, few naval vessels are successfully on-sold. Warships are invariably old when finally decommissioned, typically 30-35 years for major fleet units (eg frigates). Hulls may be corroded and fatigued, machinery tired and obsolete; they are often in need of complex and expensive refits to make them suitable for further use. The specialist role of warships and limited space onboard makes them difficult to re-use, so this

disposal option is generally limited to support vessels. In the past some patrol vessels (e.g. *Attack* class) have been successfully on-sold or gifted where useful service life remains.

➤ **sale for conversion to new role.**

Some vessels can be adapted to new roles, but again this is generally limited to support vessels, as frigate/destroyer design is extremely specialised, and the platforms are frequently aged when placed for disposal. The former *HMAS Westralia* was recently sold to a commercial organisation seeking to transform her into an Offshore Floating Platform Storage Oil (FPSO) – basically acting as a floating fuel tank attached to the riser of an offshore oil field. Ex *HMAS Jervis Bay (1)* was successfully on-sold for re-use as a

ferry, but opportunities are limited and the success rate of re-use can be poor (eg former *HMAS Stalwart* was sold for adaptation as a cruise vessel, but the ship never successfully entered service).

➤ **gifting as a museum vessel.**

Use of a vessel as a museum is very desirable. The vessel acts as a drawcard, providing ongoing tourism revenue opportunities. It continues to promote the RAN in a static display role, and as a tribute to her military service and the many men and women who served in her. By providing members of the public with an opportunity to experience navy life at sea, museum ships can be effective recruiting tools. Unfortunately, only the more “interesting” vessels such as destroyers, frigates, corvettes, patrol



HMAS Hobart 11 May 2004 courtesy Southern Diving Centre, South Australia

EX-RAN VESSELS – LONG MAY THEY SERVE



boats and submarines get such an opportunity, and possibly only one of a class of vessel will survive in this role. Maintaining museum ships is costly and few organisations are willing to take on the ongoing liability, so future opportunities will remain limited. Examples in Australia include the very successful ex-HMA museum ships *Vampire*, *Whyalla*, *Diamantina*, *Castlemaine*, *Advance*, the submarines *Onslow* and *Ovens*, and more recently *Townsville* and *Gladstone*. Anyone

The US aircraft carrier Oriskany is sent to her new role as a dive site in a tightly controlled descent. (Photos courtesy US Navy)

remediation costs. Also, a proportion of the vessel may not be recyclable and so ends up in landfill, placing further pressure on the environment. Nevertheless, provided environmental management is appropriate, scrapping will remain the ultimate fate of a proportion of retired ships, providing a valuable source of recycled material where no further useful life remains in the vessel.

overseas should not miss touring the *Great Britain*, *Missouri*, or the venerable *Victory*, and a personal favourite, former cruise liner and troopship *Queen Mary*.

➤ disposal at cost for environmentally compliant scrapping.

Today, disposing of a vessel by sale for scrapping overseas is highly unlikely to be approved owing to uncertainties in ensuring that appropriate environmental and worker safety standards are addressed. The DMO and RAN have supported an environmentally compliant scrapping capability in Australia, with a number of Fremantle Class patrol boats and the submarine *Orion* successfully scrapped locally in recent times. Costs are significant, as the scrap value of the vessels is insufficient to offset hazardous materials

➤ Disposal by dumping at sea.

Interest in using old vessels as dive sites and as fish attracting devices has globally increased exponentially in recent years. Occasional concerns voiced over “dumping” of vessels in this manner are misguided. In reality re-use of a vessel in this way is recycling in its broadest sense, with the ship assuming a new role in attracting regional tourism and acting as an ecological haven, yet remaining as a dignified memorial to her service.

Dive sites and artificial reefs

Preparing a vessel for scuttling as a dive site is an expensive business. Recent decisions to provide former warships for sinking as dive sites have required the allocation of some millions of dollars in supplementary funding to remove hazardous materials and to clear the vessel of debris and entanglement hazards, including overhead wiring. In most cases some of the more hazardous areas must be welded closed (e.g. engine rooms). Diver access to swim through areas is enhanced by enlarging hatches and companionways, and creating new entry and exit points. Modifications to the vessel ensure a safe and challenging dive for experienced wreck divers, and novices can learn techniques in relative safety whilst exploring the upper decks.

Many of the most popular wreck dive sites, dating from the Second World War, are no longer safe for internal exploration by divers, due to ongoing deterioration. Replacing them with more intact wrecks can satisfy the demand for adventure diving. Estimates of the benefits of a high profile local dive site to regional economies range up to many millions per year. This is a significant boost for areas that lack major tourist attractions.

Ships become islands of biodiversity when scuttled in areas with seafloors

of uniform sand or mud. Recreational fishing pressure on adjacent natural features can be relieved and so the ship can serve to improve management of human impacts on the natural environment.

Whilst sinking a vessel as a dive wreck is a realistic option once significant and expensive cleanup of the vessel is completed, obtaining a sea dumping permit is by no means assured. Sites must be carefully assessed to avoid impacting other maritime users, or marine life. Another aspect that must be considered is the depth of water in which the ship is sunk, to ensure that small vessels retain unimpeded navigation. This can make scuttling of large vessels as dive wrecks difficult as the keel may be in water as deep as 50 metres to give adequate clearance for surface vessels. In Australia regulators have some reservations over creating dive sites for civilian divers at these potentially dangerous depths.

In Australia, assessments are the responsibility of the Commonwealth Department of the Environment and Water Resources which administers the *Sea Dumping Act 1981*. Australia has seen significant success with dive sites created from the guided missile destroyers ex- *HMAS Perth*, *Hobart* and *Brisbane*, as well as the Destroyer Escort *Swan*. Two guided missile frigates, *Canberra* and *Adelaide* will likely follow.

In Australia disposal of naval vessels is relatively small scale. The US Navy and Military Sealift Command have some 350 large vessels in reserve that await disposal. It is anticipated that the majority will be prepared for sea dumping as dive and fishing wrecks. In New Zealand, two *Leander* Class frigates (*Wellington*, *Waikato*) have been sunk as dive wrecks – the former *HMNZS Canterbury* is expected to follow. This overseas experience

suggests that there is potential in Australia to re-cycle all Australian frigates, destroyers and some support vessels in this way, particularly as some areas are seeking to provide “dive parks” with opportunities to dive more than one vessel in a single day. This view is supported by the fact that several expressions of interest are lodged for each retired vessel offered for scuttling as a dive site.

A new life

Sinking ships to provide for recreational activities, following appropriate environmental remediation, means that obsolete warships can serve the community for many decades whilst avoiding the ignominy of the breakers yard. The ship remains as a memorial to its proud service to the nation and the many thousands who served in her. At the same time, the vessel can generate additional local income in regional areas seeking to exploit their tourism potential, while many sea creatures find a welcome new home.

Still a disbeliever? Ask anyone who has dived on the former HMA Ships *Swan*, *Hobart*, *Perth*, or *Brisbane*. Without exception divers are left with a feeling of having visited a venerable old

lady, resplendent in her retirement.

Long may they serve the people of Australia. 🇦🇺



CMDR Steve Cole RANR has 20 years experience as Officer of the Watch on LCHs, as a RAN diving officer, and Port Services Manager, Darwin Naval Base. He currently serves as Navy Environment Manager at Navy Headquarters, Canberra, responsible for developing policy on environmental matters, and is the holder of a PhD in Marine Biology and eco-physiology.





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COLONEL COUNT CLAUS VON STAUFFENBERG AND THE 1944 PLOT TO KILL HITLER: AN EXEMPLAR OF MORAL COURAGE

BY SUB LIEUTENANT KELLY ALLAN

On Leadership...



It is now time that something was done. But he who has the courage to do something must do so in the knowledge that he will go down to German history as a traitor. If he does not do it, however, then he will be a traitor to his own conscience.

COLONEL COUNT VON STAUFFENBERG

The 20 July 1944 plot to kill Adolf Hitler, led by German Army Colonel, Count von Stauffenberg, appears an abject failure. Yet Stauffenberg's actions set an enduring standard for moral courage against tyranny. Like many Germans, he initially saw the advantages offered by National Socialism (Nazism). However, his experiences of active service, the growing death toll on both fronts and awareness of the Nazi regime's crimes compelled him, despite the immense risks to career, family and life, to tyrannicide. This essay examines Stauffenberg's leadership of the plot, focusing on his achievements and failures, intellectual qualities,

relationship with seniors and subordinates, evaluation of his success as a leader and historical legacy.

ACHIEVEMENTS AND FAILURES

The plot's immediate outcome was its failure to kill Hitler, with the resultant coup a chaotic collapse. Stauffenberg was sentenced to death at a summary court martial and executed on 20 July 1944. It has been argued that while the plot was well-intentioned, it did not save lives and failed to influence the war's course. Stauffenberg acknowledged that the plot's chances of success were small, but took the view, along with fellow conspirators, that the plot must be attempted for the sake of 'history and justice.'

Stauffenberg's actions as part of the German resistance, fully cognisant that he was 'engaged in high treason with all the means available,' demonstrate that Nazism had not subverted all Germans. His conscience demanded that the honourable and moral action was to remove Hitler at any cost. Stauffenberg's achievement is that the plot was organised and attempted under his leadership, despite tremendous personal risks, without support from Allied governments and while so many Germans passively observed the Nazi tyranny.

INTELLECTUAL QUALITIES

Stauffenberg's family, education and career influenced the intellectual qualities he employed in his leadership of the conspiracy against Hitler. Stauffenberg was raised in an aristocratic, Catholic family, and instilled with values of service to State and Fatherland. His family cultivated an awareness of his responsibility as the nobility, which later predisposed him to serving the German people, rather than

a totalitarian regime. As a young man, he was inspired by Stefan George's poetry, with its notions of service, fidelity and heroic values.

Stauffenberg was highly intelligent, with natural abilities to manage people, plan, direct and quickly grasp situations. A career army officer, he adhered to traditional Prussian military ethos, that the Army was the embodiment of the nation. His increasing awareness of crimes committed by the Nazi regime in the name of the German Army; his view that as a General Staff officer, he was co-responsible for the atrocities, and his desire to redeem the Army led him to join the resistance. While Stauffenberg joined the resistance relatively late, he committed fully with his 'characteristic drive to action,' in the belief he had a God-given mission. This provided the certainty that convinced and inspired fellow conspirators.

RELATIONSHIP WITH SENIORS AND SUBORDINATES

Stauffenberg was highly regarded as the ideal officer: professional, intelligent and holding the respect and admiration of seniors and subordinates. Subordinates perceived him as an officer possessed of natural authority. Stauffenberg listened and counselled, had direct responsibility for briefing generals, inspired the Army and General Staff and appeared destined for higher command. Fellow conspirators regarded him as an inspirational man of action, energy and decision, representative of 'the younger generals.'

The Nazi regime recognised these personal traits. Albert Speer described Stauffenberg as one of the 'most dynamic and competent officers in the



Hitler and the Italian dictator Mussolini in 1934 at Venice (Courtesy Library of Congress)

German Army...curiously poetic and at the same time precise...' A Nazi report written after Stauffenberg's execution recorded him as 'a spirit of fire, fascinating and inspiring all who came in touch with him,' encapsulating the key qualities motivating his leadership of the plot.

Stauffenberg's relationship with his seniors was conflicted. He was required to swear an oath of allegiance to Hitler as an Army officer. However, by mid-1942 his personal honour became directly incompatible with his awareness of the regime's crimes and belief that Hitler was evil. Stauffenberg wished to be 'led by men whose attitude commanded his respect.' However, he was openly contemptuous of the generals, being men with the opportunity to act, but who declined Stauffenberg's approaches to resist against the regime. Stauffenberg's reaction was: 'Since the generals have so far done nothing, the Colonels must now go into action against Hitler.' Unlike the generals, Stauffenberg had the conviction, courage and, with his appointment to Chief of Staff of the Home Army, the opportunity, to act against Hitler.

LEADERSHIP STYLE

Stauffenberg was widely considered a natural commander and inspirational

leader, capable of making decisions and having his views accepted. As a colonel and 'younger general' prepared to resist, these leadership qualities spurred him to become the plot's driving force. However, the failure of the assassination attempt and coup does not condemn

Stauffenberg as an unsuccessful leader.

Stauffenberg's leadership characteristics included energy, resourcefulness, determination, charisma, charm, eloquence, an appealing sense of humour and courage to speak his mind. His entry into the resistance provided the disparate civilian and military conspirators the motivating force for the organisation and planning of the assassination and subsequent coup. His qualities as an officer and leader were successfully utilised in organising the conspirators, such that within a year of committing to the resistance, Stauffenberg had achieved the position where the assassination could be attempted.

The plot's failure is partially attributable to Stauffenberg's decision to act as both assassinator and coup leader. The success of the plot depended entirely on him, requiring him to be in Rastenburg to kill Hitler and then in Berlin, three hours away, to direct the coup. From a military perspective, this dual role was flawed: war wounds had severely handicapped Stauffenberg. He had to survive the assassination attempt to lead the coup, but would be absent during the vital first hours. There was apparently no other person willing to undertake the assassination and only Stauffenberg had the authority and leadership

necessary to direct the coup. The coup's collapse, resulting primarily from failures to obtain control of all broadcasting and to execute key Nazi personnel, indicates that no plan was evidently in place if the assassination or coup failed. However, even to his execution, Stauffenberg refused to capitulate and conducted himself as though success was possible, not as a man deluded as to the outcome, but one committed unerringly to his mission.

The extent of success of Stauffenberg's leadership should not be defined merely by the obvious failures of the plot's objectives and his subsequent execution. Stauffenberg's leadership characteristics united the disparate conspirators, to the stage where a detailed plan for the assassination and coup could be enacted. Given his indispensability to the coup, it would have been preferable to appoint another as Hitler's assassinator, as this prevented his presence in Berlin in the early hours, where he could have clarified confusion surrounding Hitler's death, or overseen conspirators who later attempted to save themselves by distancing from the plot.

To the conspirators, the plot encompassed more than merely killing Hitler. It was intended to demonstrate that the German resistance was prepared to act to remove Hitler, to proceed despite the costs and high probability of failure. To the end of his life, Stauffenberg remained the leader of the plot, defiant and prepared to accept sole responsibility. As discussed below, Stauffenberg, through his moral courage in planning and undertaking the plot, achieved success as a leader that transcends the plot's immediate and practical failures.

LEGACY

It is arguable that Stauffenberg

COLONEL COUNT CLAUS VON STAUFFENBERG AND THE 1944 PLOT TO KILL HITLER: AN EXEMPLAR OF MORAL COURAGE

achieved nothing as the assassination and coup failed. It did not end or shorten the war and millions died over the final nine months. Many direct conspirators were executed, along with an estimated 5,000 people, some only remotely connected to the plot. Some dismiss the plot as a mere attempt to escape the consequences of Germany's impending military defeat.

After D-Day, Stauffenberg and other conspirators recognised that the plot must proceed at all costs, irrespective of whether it had any practical purpose and even if it did not succeed. It was imperative that the plot was undertaken to show 'the world that some attempt has been made by Germans to rid themselves of these criminals.' Yet the plot was more than a symbolic gesture. If this had been Stauffenberg's sole intention, he could have ensured Hitler's death through a suicidal attack. However, Stauffenberg planned and conducted the plot at all times to be an actual and symbolic success: to kill Hitler, overthrow the regime, redeem the German Army and validate the German resistance. Stauffenberg's intention was to save lives and his lasting legacy, which resonates today despite the plot's failures, is that he risked his career, family and ultimately gave his life, because his conscience demanded that he depose a brutal dictator.

CONCLUSION

Stauffenberg's intellectual qualities and relationships with subordinates and seniors combined to create a leader with the ability and means to resist Hitler. Stauffenberg was a natural leader, whose conscience and morals compelled him to organise, plan and enact the conspiracy. A fellow conspirator wrote shortly before being executed: 'What we did was inadequate, but in the end history will judge and acquit us.' Today,

Stauffenberg is rightly remembered, not as a traitor, but a heroic leader who sacrificed his life attempting to remove a despot for the sake of the German people. Stauffenberg is acquitted as an exemplar of moral courage, who acted decisively as part of the German resistance against totalitarianism. The enduring legacy is not that the plot failed, but that the plot was undertaken. 🚩



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Able Seaman Stores Naval Travis Ashe is winched to the deck of HMAS Kanimbla during embarkation qualifications for Shark 05 Sea King from 817 Squadron, Nowra

A look at leadership.

People can choose to become leaders. People can learn leadership skills. This is the Transformational Leadership Theory. It is the most widely accepted theory today.

The title of Leader is important- Leading Seaman Cook Bryan Webb and Able Seaman Cook Carissa Brown conduct a stocktake of items in the dry store on HMAS Perth (Courtesy RAN)

Kelly Scott is a Leading Seaman currently serving in HMAS Harman. She recently participated in a leadership forum...

As a leading seaman what could I put on the table that would be beneficial to the members of this forum?

After many false starts and a lot of reflection I soon realised that as a member of defence I have been in the sometimes fortunate and sometimes unfortunate position of experiencing many and varied forms of leadership throughout my career. I have found that all of these have influenced me in some form and assisted me in moulding the type of leader that I am and the type of leader that I aspire to be.

I have observed two major factors that I believe have influenced me as a **Leader** in my role as a Boatswain in the RAN.

In my opinion leaders fall into two very broad categories.

Personnel orientated leaders and **task** orientated leaders.

Both have the capacity to take traits from the other but for the personnel orientated leader the primary goal seems to be to best utilise and support personnel and see to their needs whilst



achieving the designated task. The concern for personal will occasionally be to the detriment of the task.

For task orientated leaders the opposite applies. The task is the primary goal and will often be obtained regardless of the impact on personal.

In my view a good leader is one who can incorporate both sets of traits. The trick of course is to decide when the task is more important than personnel or when personnel come before the task. Ideally a balance between the two would be struck but in reality this is not always the case.

The second factor is the human factor. Regardless of your leadership style individuals will always respond differently because everyone is unique. Personality and the ability to vary your style as a leader according to the group you are selected to lead is often the key to a successful outcome. The ultimate goal is to have people follow you because they believe in your ability to lead and provide direction not because they are forced or required to.

In this area I also believe it is important to remain flexible in your individual leadership style. This is particularly relevant in an area like defence, where the fields and settings that you are placed in often vary significantly from posting to posting or task to task. The situation and personnel that you are working with on each project must be allowed to influence and guide your leadership style. To become stagnant or set in your ways may ultimately cause you to fail to achieve the set task.

Mr. Bernard Bass devised a theory of leadership which states that there are three basic ways to explain how people become leaders. The first two explain the leadership development for a **small number** of people. These theories are:

Some personality traits may lead people naturally into leadership roles. This is the Trait Theory.

On Leadership...

A crisis or important event may cause a person to rise to the occasion, which brings out extraordinary leadership qualities in an ordinary person. This is the Great Events Theory.

The third theory applies to a greater number of people and is reflected in Defence approach to leadership.

People can choose to become leaders. People can learn leadership skills. This is the Transformational Leadership Theory. It is the most widely accepted theory today and the premise on which this guide is based.

In this area Defence strives to achieve its goal of good leadership through a variety of courses and personal development options. I believe that the fundamental problem with many of these courses is that they are provided on a voluntary basis. In my experience it is often the personnel who nominate for these courses that are already quite self aware and open to developing as a leader. Unfortunately it is sometimes the case that the members who require the most direction and would possibly get the most out of the training are those who already see themselves as good leaders and are not as open to change or enhancement.

Good leaders are **MADE** not born. If you have the desire and willpower, you can become an effective leader. Good leaders develop through a never ending process of self-study, education, training, and experience.

I have researched some of the attributes or guidelines to becoming a good leader and found that the BE KNOW DO theory best reflects my personal views on leadership. It is:

BE - KNOW - DO

BE a professional. Examples: Be loyal to the organization, perform selfless service, and take personal responsibility.

BE a professional who possess good character traits. Examples: Honesty, competence, candor, commitment,

integrity, courage, straightforwardness, imagination.

The navy's values are a direct reflection of this point.

KNOW the four factors of leadership - follower, leader, communication, and situation.

KNOW yourself. Examples: strengths and weakness of your character, knowledge, and skills.

This is perhaps the most difficult of the 'be know do' attributes. It is often difficult to self analyze and often the way you see yourself is not reflected in another's view.

KNOW human nature. Examples: Human needs, emotions, and how people respond to stress.

KNOW your job. Examples: be proficient and be able to train others in their tasks.

KNOW your organization. Examples: where to go for help, its climate and culture, who the unofficial leaders are.

It is also important to note here that in an area as wide and diverse as Defence it is important to utilize the expertise you have at hand. Throughout my career I have seen a decline in the use of subject matter experts and a trend towards developing personnel that are able to achieve a multitude of tasks. Whilst this is successful in some areas it also places greater pressure on each individual often to the detriment of the unit as a whole.

DO provide direction. Examples: goal setting, problem solving, decision making, planning.

DO implement. Examples: communicating, coordinating, supervising, evaluating.

In my experience communication is probably one of the most important areas of good leadership. If subordinate understand exactly what their role is and how it affects the overall performs as a whole then no matter how small or insignificant the task they will strive to achieve the best possible result. Too often in Defence communication breaks down and as a leader it becomes

increasingly difficult to motivate and inspire subordinates. Without individual motivation any task becomes a burden.

DO motivate. Examples: develop moral and esprit in the organization, train, coach, counsel.

To inspire your workers into higher levels of teamwork, there are certain things you must **BE**, **KNOW**, and, **DO**. These do not come naturally, but are acquired through continual work and study. Good leaders are continually working and studying to improve their leadership skills; they are NOT resting on their laurels

When a person is deciding if they respect you as a leader, they do not think about your attributes, rather, they will observe what you *do* so that they can know who you really *are*.

They often use this observation to tell if you are an honorable and trusted leader or a self serving person who misuses authority to look good and get promoted.

Self-serving leaders are not as effective because their employees only obey them, not follow them. They succeed in many areas because they present a good image to their seniors at the expense of their workers.

The basis of good leadership is honorable character and selfless service to your organization. In your employees' eyes, your leadership is everything you do that effects the organization's objectives and their well being. Respected leaders concentrate on what they *are* (such as beliefs and character), what they *know* (such as job, tasks, and human nature), and what they *do* (such as implementing, motivating and providing direction).

What makes a person want to follow a leader? People want to be guided by those they respect and who have a clear sense of direction. To gain respect, they must be ethical. A sense of direction is achieved by conveying a strong vision of the future.

So how does this affect me and my position within the industry we call defence. Well I believe that as a leading seaman I am in a very unique position when it comes to leadership. The majority of the time I am set a very clear and precise task and it is my role to ensure that that task is completed accordingly.

From my superiors the role of a leading seaman is clear. Complete the task at hand.

It is then up to me to ensure that my subordinates do the job which is achieved through TWO WAY communication, both verbal and non-verbal. In my role as a leading seaman most of the communication, with my subordinates, can be done by setting an example and leading by example, where as most of my communication to my superiors is done verbally. What and how you communicate either builds or harms the relationship between you and your employees which is why experience in the chosen profession is important.

I also view my role as that of guide and mentor. It is an honour when a subordinate views your leadership style as a basis for their own and absorbs these traits. To watch a member of your team strive and achieve, especially in an area that may not have come naturally, gives you a great sense of satisfaction.

Above all it is up to me to continue to develop and learn as a leader.

Kelly Scott began naval service in 1993 on HMAS Jervis Bay, and then as one of the commissioning crew of HMAS Kanimbla. She has served on HMAS Manoora and HMAS Darwin and in the Reserves to balance roles as wife, mother and sailor. She is currently serving at HMAS Harman.





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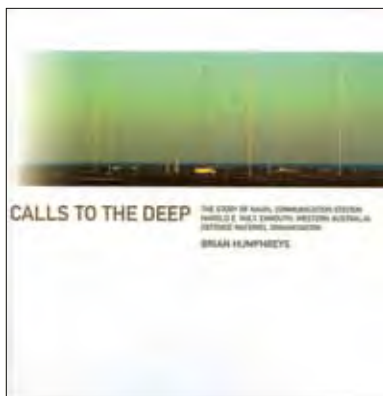


HMAS *Pioneer's* wartime career was one of the more interesting in the early RAN. Deployed from Australia at the Admiralty's request the small cruiser arrived at Mombassa on 3 February 1915. There she joined with British forces maintaining a close blockade of German East Africa. These patrols not only aimed to prevent supplies from reaching the German forces ashore, but also served to neutralise the enemy cruiser, *Konigsberg*, which had taken refuge up the Rufiji River beyond the range of effective fire from the sea. *Pioneer* intercepted and sank a few dhows,

but the stand-off with *Konigsberg* continued until July when the arrival of two shallow-draught but heavily-armed river monitors allowed the British to destroy the German vessel at extreme range. *Pioneer* remained on station enforcing the general blockade of the German colony, and in 1916 took part in several shore bombardments in support of the Allied advance ashore. Her last action was in July, by which time the Germans were being driven inland, and the unlikelihood of their receiving support from the sea allowed a reduction in the coastal patrol. *Pioneer* returned to Australia in

October 1916 having fired more main armament ammunition than any other RAN warship during the course of the war. As this photograph shows, *Pioneer* evidently employed some local labour during her time on patrol, but the specific nature of the tasks they were expected to perform remains unclear. The original caption reads 'Seechi boys. HMAS *Pioneer*' and from the smart fit of their uniforms one might surmise that these were personal issue items and not simply donned for the occasion. The black sash worn around the waist appears to be a feature unique to this group.

BOOK REVIEWS



Calls to the Deep: the story of Naval Communication Station Harold E. Holt Exmouth Western Australia

By Brian Humphreys

Defence Publishing Service, 2006, and available from Australian Aviation via their website (www.ausaviation.com.au) or PO Box 1777 Fyshwick ACT 2609 at a cost of \$39.95 plus postage and handling. 235 pp., hardcover, illustrated

The history of the Naval Communications Station (*Harold E. Holt*) in Western Australia has finally been written. The once shadowy world of Cold War communications has been further exposed, to the bright lights of history.

Brian Humphreys, a former Defence public servant and communications specialist, has written an excellent book on the history of the station ranging from the concept in the late 1950s and construction in the 1960s up to the present day. The history covers all aspects of the base and is also valuable in its description of the social activities of the day for the hundreds of men, women and children who called *Harold E. Holt* their home.

The book is lavishly illustrated

with both colour and black and white photographs and would, if it had been published in the 1970s earned at least a Confidential security caveat. I am not sure why it is available from this source but it is a good read. Highly recommended for anyone who has served at NAVCOMSTA *Harold E. Holt* or for those wanting to learn more about US-Australian naval relations.

Reviewed by CMDR Greg Swinden



The US Navy in the Korean War

Edited by Edward J. Marolda,

US Naval Institute Press, Annapolis, 2007, xvii, 427 pages, maps, illustrations, US\$40.50

Readers with an interest in the Korean War will recognise some of the chapters in this collection from the series of commemorative booklets produced by the US Naval Historical Center between 2001 and 2005. These dealt with fleet operations, the role of naval air power and naval leadership in the War's early phases, together with an especially important study of racial integration in the US Navy during this period. These have now been supplemented in this volume by further studies of sea power and the defence of the Pusan Pocket (usually referred to in Commonwealth historiography as the Naktong Perimeter) and of the amphibious operations at Inchon.

Extensively illustrated (although this reader would have welcomed a few more maps), this collection distils a remarkable range and depth of

scholarship on the US Naval services in that conflict. There is more to be said about Marine Corps operations during the static phase of the war between 1951 and 1953 than is made available here, but that topic is extensively treated elsewhere by other authors. This is institutional history, to be sure, but it is certainly not bland and the authors do not avoid controversial subject matter. Thus, in the chapter on air power Richard C. Knott discusses the differing concepts and expectations of close air support held by the ground forces and the recently independent US Air Force. He also discusses the relative merits of close air support missions and the attacks on enemy logistics that in part supplanted them.

Some of the most interesting material of all is contained in extensive sidebars. Here the authors can digress on matters as varied as the first conflict between the United States and Korea (in 1871, involving an attack on the forts at Inchon), the role of covert surveillance and reconnaissance teams in the preparations for the Inchon landings in September 1950, the merits and shortcomings of the first generation of jet aircraft employed by Navy and Marine aviators, the experiences of African-Americans in the sea services before 1950, and a great deal more besides.

This is an excellent general introduction to the maritime dimensions of the Korean War, at least in terms of the American perspective. There is no mention of the smaller naval contributions made by Britain, Australia or Canada, for example, but given the enormous scale of the US undertaking at sea and in the skies above this is scarcely surprising (more than one and a half million US Naval personnel served in the Korean War). The volume concludes with an extensive list of recommendations for further reading, while those wanting more detail can always turn to the official histories of the sea services which, usefully, are now compiled together in CD-Rom format.



Reviewed by Professor Jeffrey Grey, UNSW@ADFA

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Use single quotation marks for quotations. Do not use hyphens for any rank except Sub-Lieutenant.

CITATIONS:

Endnotes rather than footnotes. Use footnotes to explain any points you want the reader to notice immediately. Book titles follow Author surname, first name, title if any. Title. Place of publication: publisher, year of that edition.

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Adler, Bill (Ed.) *Letters from Vietnam*. New York: EP Dutton and Co., 1967.

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HMAS Wollongong at anchor during a force protection exercise whilst involved in Exercise Croix Du Sud, Noumea

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ANI ON-LINE: A GUIDE TO THE NEW WEBSITE.

Our new website is now on-line! In addition to the features available on the previous site, the new site also features a library of past journals, a discussion forum, a news section and member list. This short guide is designed to help you take full advantage of the new features.

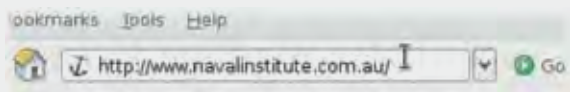


Figure 1

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In order to access the new features of the site you must have a user account for the website. If you have a current subscription to the ANI, navigate to the website www.navalinstitute.com.au using your web browser (figure 1), click the “Members Login” menu item (figure 2), then click the link to download an application form. Fill in the form, then fax or post it to the ANI Business Manager. Once your account has been created, you will receive an email that outlines your member ID and password.

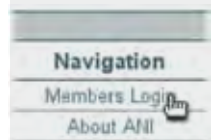


Figure 2

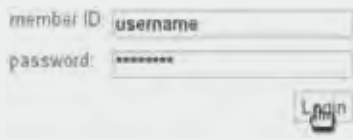


Figure 3

LOGGING IN TO YOUR ACCOUNT

Once you have your account details, you are ready to login and access the new features of the site. In order to login, navigate to the website (figure 1) and click the “Members Login” item (figure 2). Enter your member ID and password as they were provided to you, then click the “Login” button. The case of the member ID and password are important: i.e. “CaSe” and “case” are considered entirely different words by the authentication system. Each letter of the password will appear as a single “*” to prevent others from seeing your password as you type. If you have entered your details correctly, you will be presented with the news page. The grey status bar at the top notifies you of the account you are using (figure 4). You are now able to access all of the new features of the site.

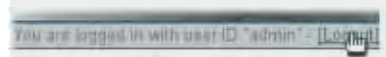


Figure 4

LOGGING OUT OF YOUR ACCOUNT

In order to protect your identity and to prevent malicious use of your account by others, you must log out of the site when you are finished browsing. This is especially important on public computers. In order to log out, click the “Logout” link in the grey status bar (figure 4).

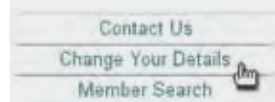


Figure 5

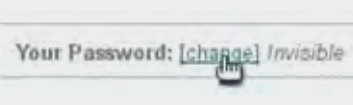


Figure 6

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When your account is created, only your member ID and password are stored in the system for privacy reasons. However, you may provide other details that are visible to other ANI members. In order to change your details, login and click the “Change Your Details” menu item (figure 5). Then select the “change” link (figure 6) next to either your personal details or password. Change the text appropriately and click the “save” button (figure 7).

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Figure 7

Figure 8

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In order to post topics and replies in the discussion forum, first login and click the “Forum” menu item (figure 8). Then select a forum that you would like to view by clicking its “View Topics” button (figure 9). Select a topic that you would like to read by clicking its “View this topic” link (figure 10). If you are not interested in any particular topic, you may add your own by clicking the “Add New Topic” button (figure 10). Similarly, once you are viewing a topic, you may post a reply by clicking “Add New Post”. Fill in the heading and body of your reply and click the “Submit” button to add your reply to the topic. If you change your mind while writing your reply, you may click the “Cancel” button and your reply will not be added to the topic.

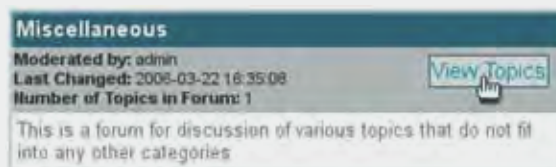


Figure 9

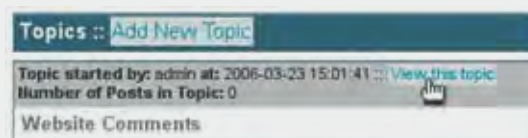


Figure 10

FURTHER QUESTIONS

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