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The Howard Government Experience, 1996–2007

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PAPER No. 4 Terrorism crisis: cosying up to the Americans?

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- curating exhibitions that introduce Australians to leadership and policy challenges in a balanced and non-partisan way through the experiences of the Howard Government (1996–2007); and
- contributing to the civic education of all Australians.

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The Howard Government faced several crises in its eleven years in office, from the beginning of the 'war on terror', through the (almost simultaneous) collapse of Australia's second airline, Ansett, to the scandal of the Australian Wheat Board's dealings with Iraq's leader, Saddam Hussein and the waterfront struggles of Australia's stevedoring companies against union control.

How did the Howard Government respond to the crises it encountered; how did it 'frame' these crises for public understanding and support; what role did the media play in explaining particular crises and critiquing Government's responses; how were the Government's responses evaluated – by it and its critics – after each crisis had passed; was there a pattern from which we can learn to better inform contemporary government responses to crises such as the COVID-19 pandemic, and those that lie in wait?

These questions were the focus of the presentations and discussion at the John Howard Prime Ministerial Library's 2022 annual conference.

Speakers included former Howard Government ministers, academics, media commentators and crisis management experts.



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TERRORISM CRISIS: COSYING UP TO THE AMERICANS?

David Kilcullen

Introduction

THIS PAPER EXPLORES HOW TERRORISM—specifically, the outbreak of the Global War on Terrorism on September 11th, 2001, and Australia's subsequent response to transnational jihadism-emerged as an unexpected crisis at the beginning of the 21st century, and how Prime Minister John Howard's response to that crisis shaped, and was shaped by, the broader experience of crisis management within the Howard government. It argues that, contrary to a narrative popular at the time, Australia was not instinctively 'cosying-up to the Americans' or acting as Washington's 'deputy sheriff'.1 Rather, the Howard government's crisis response to the 9/11 attacks produced a calibrated commitment to global counterterrorism under U.S. leadership, while simultaneously allowing Australia to exercise regional leadership independent of U.S. priorities, and creating space for a distinctively Australian domestic approach to terrorism.

The paper is organised into three sections. The first examines the circumstances surrounding the outbreak of the Global War on Terrorism (GWOT) and how they shaped the Howard government's strategic framing of the conflict. The second examines three levels of Australia's engagement with the terrorism threat after 9/11: global commitment (in Afghanistan and Iraq), regional cooperation (with Indonesia and other like-minded countries in Australia's neighbourhood) and domestic deterrence and response. The final section offers observations and conclusions about terrorism as it relates to the broader theme of crisis management in the Howard government.

Outbreak of the War on Terrorism

Prime Minister John Howard was, famously, in Washington DC on 9/11. He was visiting the United States to commemorate the 50th anniversary of the signing of the 1951 ANZUS treaty, to hold his first meeting with U.S. president George W. Bush who had taken office several months before, and to discuss negotiations for the Australia-US Free Trade Agreement (eventually signed in May 2004). Howard had held talks on 10th September, including a

four-hour meeting with President Bush, and participated in an ANZUS ceremony at the Washington Navy Yard in Washington D.C., before retiring to his hotel. He later described that day, in an interview with Richard Fidler of ABC Radio, as 'the last day of the old order.'2

The following morning, 11th September, as he was at the hotel preparing to speak with reporters about the collapse of Ansett airlines, first one jet airliner and then another struck the twin towers of the World Trade Center in New York City. The Prime Minister immediately held a press conference to express solidarity with the United States; he was partway through when a third aircraft struck the nearby Pentagon, close enough for Mr. Howard to see smoke rising from the building.3 A fourth airliner, downed by passengers courageously fighting back against the hijackers, crashed in a field near Shanksville, Pennsylvania. It was immediately obvious the United States was at war and would respond accordingly.

Howard and his delegation were quickly 'bundled off to a bunker underneath the Australian embassy' a few blocks from the White House.⁴ In the bunker, Howard conferred with intelligence, military and diplomatic personnel on Australia's response.⁵ On arrival back in Australia three days later he invoked the Australia, New Zealand, United States Security Treaty (ANZUS) treaty for the first time in its history, framing 9/11 as an act of war, and one that, with '80 or 90 Australians unaccounted for', should be seen as an attack on Australia also.6 He argued that 'at no stage should any Australian regard this as something that is just confined to the United States. It is an attack upon the way of life we hold dear in common with the Americans' and announced that Australia was 'willing to participate [in military operations] to the limit of our capability. The Americans haven't at this stage made any requests for particular support but we will consider any request that is made'. A few weeks later, as the invasion of Afghanistan began, the government (with bipartisan support) initiated Operation Slipper, embedded Australian planners in U.S. headquarters, and deployed Special Operations Forces (SOF) and support elements to Afghanistan.8

The government's strategic framing comprised, in effect, five key elements: 9/11 was (1) an act of war, (2) an attack on both the United States and Australia, (3) a situation covered by the ANZUS treaty, in which Australia would (4) support the United States 'to the limit of our capability' and (5) 'consider any request' for military support. This five-part framing came to define Australia's war aims throughout the GWOT, both for the Howard government and for subsequent Australian governments of both main political parties. It framed Australia's participation in alliance terms-supporting the United States under ANZUS—rather than setting campaign-specific objectives for the wars in Afghanistan or, subsequently, Iraq.

Howard later said that 9/11 'was not an occasion for Australia to be a 70 or 80 per cent ally, it was an occasion to be a 100 per cent ally'.9 But the maximalism of Australia's declaratory policy (which did, indeed, give rise to a perception of 'cosying up to the Americans') was combined with subtle practical restraint. Far from stating an unlimited commitment, Howard set the tone for subsequent limited Australian participation by telegraphing that Canberra would cap its commitment at a level it considered to be within available capability and consider U.S. requests on a case-by-case basis rather than committing to openended support. In practice, Australia tended to prioritise crises closer to home (in the Solomon Islands after 2003 or East Timor in 2006) while tailoring its expeditionary commitments to specific, limited-purpose forces drawn from whatever spare capacity remained once higher-priority regional tasks had been resourced. Arguably, this combination of rhetorical maximalism with practical restraint enabled Australia to gain significant strategic advantage—consolidating its position as a U.S. ally—for relatively low cost.

Clausewitz famously wrote that

the first, the supreme, the most far-reaching act of judgment that the statesman and commander have to make is rightly to establish...the kind of war on which they are embarking; neither mistaking it for, nor trying to turn it into, something that is alien to its nature.10

Likewise, British and Australian military doctrine identifies 'selection and maintenance of the aim' as the first, most important principle of war. 11 Unsurprisingly, because of the circumstances just described Australian political and military decision-makers' conceptualisation of 9/11 (the 'kind of war on which they [were] embarking') was in alliance terms. Australia's war aim-selected in the immediate aftermath of 9/11 and maintained through successive changes of government—was to demonstrate Australia's reliability and competence as an ally, thereby cementing the ANZUS relationship, which both major parties (and the bulk of the Australian people) saw as the cornerstone of our national security. That framing had positive and negative consequences.

Australia's global participation

The alliance-support framing drove the upper, global layer of Australia's participation in the war on terror. An Australian Special Operations Task Group (SOTG) deployed in November 2001 for the invasion of Afghanistan, remaining until the end of 2002, but then disengaging from post-invasion occupation tasks. This aligned with decisions made immediately after the invasion, with Cabinet on 10 December 2001 expressing concern over the possible length of a protracted conflict in Afghanistan, and noting that 'the government was not inclined to commit significant [defence] assets or personnel to any medium-term or long-term stabilisation or peace keeping force'.12 Another SOTG (in August 2005) then a reconstruction task force (in August 2006) were recommitted under the International Security Assistance Force (ISAF), but deployed into an Australian Area of Responsibility (AOR) in Uruzgan province, with separate, specific tasks rather than a blanket commitment to U.S.-led combat operations. 13

The war in Iraq saw a similar pattern—an initial SOTG deployment for the invasion in March 2003, disengagement from occupation tasks once combat concluded, then recommitment, in early 2005, of a stabilisation task group within a distinct Australian AOR with separate tasks and rules of engagement.¹⁴ Participation in the invasion phase of each conflict (in both cases, as part of a very small group of allies willing to deploy directly into combat alongside U.S. forces) gained Australia significant alliance credibility; stepping back from post-invasion stabilisationand subsequently committing only to limited tasks-let Australia minimise the long-term costs of what became protracted, inconclusive conflicts.

Conceptualising the commitment to each of these major conflicts in alliance terms meant that Australian forces were not trying to win either war; indeed, this approach ceded ultimate responsibility for victory to the coalition's lead nation, the United States. If Australian forces continued to

provide valuable contributions to the coalition, preserving our alliance credibility, they were achieving the national war aim-whether the war ended in victory or not. In effect, if a nation's war aim is to participate, and be seen to participate, as a credible ally, this aim is achieved from the outset of any deployment. Assuming an acceptable level of military competence (and Australians were generally seen as competent by our allies) the only thing that could undermine that aim would be to withdraw too early, giving the appearance of leaving allies in the lurch. 15

Given that Australia's level of effort was decoupled from the war's ultimate outcome, Canberra was free to calibrate Australia's commitment and casualties accordingly. This did not always go down well with the United States or other allies, particularly the United Kingdom (UK), who (especially in Iraq) sometimes saw Australia as reaping the benefits of coalition participation without putting in the same effort, or suffering the same costs. 16 Casualty figures tend to support this criticism: in Afghanistan, the US lost 2355 killed (including 9 CIA officers) and British forces 456; Australia lost 41 killed, of whom 34 were combat casualties. In Irag, US forces lost 4,459 killed and the UK lost 179 killed. Two Australian servicemen died in Iraq, neither of them in combat—one was killed by an accidental gunshot, and one died in an aircraft crash.¹⁷ While any death is a tragedy, to the extent that casualty rates reflect combat commitment, Australia's effort was calibrated at a different level than that of the United States or the United Kingdom.

The approach also placed a significant burden on Australia's Special Operations Command (SOCOMD), which was tapped to provide a succession of overseas SOTGs while simultaneously retaining its key military counterterrorism task within Australia, the responsibility for the two high-readiness Tactical Assault Groups (TAGs) in Perth and Sydney. The heavy reliance on SOCOMD also telegraphed a certain lack of government confidence in the rest of the Australian Defence Force, with negative effects both for the readiness of an over-tasked SOCOMD and the morale of the wider defence force.

These operational disadvantages were offset by the crucial strategic advantage of an approach that allowed Australia to retain strategic freedom of action, tailoring troop commitments to available capacity and sequencing them in response to specific US requests. This meant that Australia, despite deployments in Iraq and Afghanistan, retained sufficient assets to respond in a timely manner to regional developments including the Regional Assistance

Mission in the Solomon Islands from 2003, the humanitarian response to the Indian Ocean tsunami of December 2004, and the East Timor security crisis of 2006, as well as several smaller commitments, including advisory and peace support missions in Bougainville and Papua New Guinea, and ongoing United Nations peacekeeping efforts. The imposition of careful limits on Australia's global expeditionary commitments in the GWOT also allowed Australia to respond to the regional challenge of terrorism in the Asia-Pacific.

Australia's regional response to terrorism

In October 2002, Al Qaeda's Indonesian ally Jemaah Islamiyah bombed two nightclubs in Bali, injuring 209 people and killing 202, including 88 Australians. 18 The bombing brought the immediacy of the regional terrorism threat home to the Australian people and government alike: most of the victims were Australian citizens, and more Australians were killed and injured, as a proportion of population, in the Bali bombing than Americans on 9/11.

Australia's response was to launch a cooperative counterterrorism effort in partnership with the Indonesian government. The Howard government made clear that it saw the bombing as part of an ongoing threat to both Indonesia and Australia, and therefore one that required a collaborative effort in response. Again, the Prime Minister set the tone, in remarks delivered in Bali one week after the attack, suggesting that as Australians we

try and comprehend what has happened, let us gather ourselves together, let us wrap our arms not only around our fellow Australians but our arms around the people of Indonesia, of Bali. 19

Indonesia was undergoing a transition to democracy at the time, after almost four decades of military dictatorship; Howard's collaborative framing of the regional terrorism challenge allowed Canberra to accelerate the process of reconciliation with Jakarta after the contentious Australianled intervention in East Timor. This had occurred in 1999 under a different Indonesian government but remained a source of tension in the relationship: the Bali bombing, and the cooperative effort that followed, contributed to the East Timor intervention 'fading from public consciousness' in both Australia and Indonesia.²⁰

The framing of terrorism as a common threat to Australia and the region (rather than a threat to Australia from the region) enabled collaborative efforts including the

establishment of the Jakarta Centre for Law Enforcement Cooperation as a permanent platform for regional counterterrorism cooperation.²¹ It prompted deep and enduring collaboration between the Australian Federal Police (AFP) and Indonesia's national police service, along with cooperation between the Australian Intelligence Community and Indonesian intelligence services.²² And it gave impetus to an Australian-Indonesian joint regional effort, the Bali Counterterrorism Process, that drew together partners across the Asia-Pacific to collaborate on and fund counterterrorism efforts.23

Thus, unlike the global level of the war on terrorism where Australia's goal was to demonstrate loyalty and effectiveness as an alliance partner, irrespective of the outcome of each individual campaign—at the regional level Australia asserted substantive leadership alongside likeminded countries, with definite campaign goals in mind. The United States and other global allies were welcome to participate (and did so) but Australia took the lead in working with regional partners, rather than waiting for US leadership. This approach became the cornerstone for the Howard Government's counterterrorism white paper of 2004, Protecting Australia Against Terrorism, and for counterterrorism strategies issued by subsequent governments in 2010 and 2017.24

The approach paid dividends in October 2005, in response to a second bombing in which Jemaah Islamiyah again targeted sites frequented by Australian and international tourists in Bali. The death toll from the second Bali bombing-23 people, including the three suicide bombers-was an order of magnitude smaller than the first bombing, while Australian and Indonesian intelligence and law enforcement cooperation, established and deepened in the three years after the first bombing, enabled rapid response by both countries and a quick roll-up of the terrorist network responsible for the attack.²⁵ The regional partnership only came into its own, however, well after the end of the Howard government, when it enabled regional partners to ramp up their cooperation in response to Jemaah Islamiyah's resurgence and the emergence of Islamic State in Southeast Asia after 2016.²⁶ This, in effect, adds a layer of complexity to the public narrative on the Howard government's response to terrorism: rather than a blind commitment to the United States, that response saw carefully-calibrated global engagement paired with a regional response alongside like-minded partners.

The domestic level of Australia's response

Simultaneously with these global and regional approaches, the third layer of Australia's response involved domestic law enforcement, intelligence, border security and internal security. This commenced immediately after 9/11: by 2 October 2001, cabinet was already considering a submission on 'options for defence enhancement for domestic security.'27 A few weeks later, the government commissioned a review into Australia's counterterrorism capabilities by Robert Cornall, secretary of the Attorney-General's department. The Cornall Review (the first of several since 9/11) drove enhancements, operational and legislative, to Australia's counterterrorism efforts. The government subsequently introduced legislation creating new terrorism-related offences, enabling proscription of terrorist organisations, enhancing the powers of customs officers and airport security officials, and improving coordination and information-sharing for critical infrastructure resilience.²⁸ The Australian commonwealth, state and territory governments agreed an intergovernmental framework for nationwide coordination of counterterrorism arrangements.29

After the Bali bombing, the government's domestic response focused on better early warning and intelligence for terrorism threats, along with closer coordination among agencies responding to them. The government established a National Counter-Terrorism Committee to coordinate interagency efforts, created a National Threat Assessment Centre within the Australian Security Intelligence Organisation (ASIO) to manage terrorism threat warnings, and appointed a Counter-Terrorism Ambassador within the Department of Foreign Affairs and Trade to coordinate overseas collaboration. Joint Counter Terrorism Teams (JCTTs) were established including the AFP, state and territory police forces, ASIO and other agencies.30 ASIO and police forces were granted enhanced detention and questioning powers, along with powers to preventively detain individuals to prevent an imminent terrorist attack.31 The government also began the process—not fully completed until 2017—of unifying a series of disparate customs, immigration, border security, law enforcement and intelligence agencies into what subsequently became the Department of Home Affairs. Taken together, these measures gave Australia one of the most robust domestic counterterrorism regimes anywhere in the democratic world, provoking civil liberties concerns even as its effectiveness in disrupting terrorist attacks became apparent.32

Against the heightened threat driven by 9/11, the Bali bombing and the wars in Afghanistan and Iraq, which saw multiple terrorism plots within Australia, these capabilities enabled a series of effective operations. Most notably, Operation Pendennis—a joint ASIO/AFP investigation in cooperation with the Victoria and New South Wales state police—became Australia's longest-running terrorism investigation, disrupting two terrorist cells and culminating in a series of arrests between November 2005 and March 2006 that resulted in terrorism charges against thirteen individuals in Melbourne and nine in Sydney.33 Several other operations disrupted individual or smaller-scale threats: in 2003, Zaky Mallah became the first individual charged under the new legislation while in 2006, Faheem Lodhi was convicted of terrorist offences relating to planning a terrorist attack.34

Militarily, the Howard government built on lessons already learned during the Interfet deployment in East Timor to improve or accelerate existing efforts to enhance defence capabilities against terrorism. These included the establishment of Tactical Assault Group (East) as a counterpart to the existing Perth-based TAG to cover counterterrorism response on Australia's east coast, and the raising of an Australian Regular Army commando capability in the form of the 2nd Commando Regiment, responsible for TAG (East) and for SOTG deployments. In addition, a domestic high-risk search and Chemical, Biological, Radiological and Nuclear Explosive (CBRNE) capability—originally created for the 2001 Sydney Olympic Games-was expanded into the Special Operations Engineer Regiment.

As noted above, the enhanced anti-terrorism powers established by the Howard government after 9/11, though receiving bipartisan support in Parliament and thorough legal review through amendments to the Crimes Act (1914) and the passage of the federal anti-terrorism bill of 2005, were contentious within the Australian community. There were legitimate concerns over civil liberties, coercive questioning and preventive detention. Notably, however, subsequent governments have not substantially altered the direction established by the Howard government after 9/11, and over time the approach seems to have attained a degree of bipartisan support and public acceptance. In effect, despite acrimonious political debate at times, the direction set by the Howard government on domestic anti-terrorism and homeland security has endured.

Observations

The terrorist attacks of September 11th, 2001 marked Australia's most important national security and foreign policy crisis in a generation. As noted in other papers, even before 9/11 the Howard government had an experienced national security team, with key decision-makers and government personnel already in office through multiple crises before 9/11. The deep personal commitment shown by John Howard, and the Prime Minister's visceral understanding of the terrorism threat, through the accident of being present in Washington D.C. as the attacks on 9/11 unfolded, set the tone for Australia's subsequent response, and also allowed for a rapid reaction to the crisis with key cabinet decisions occurring within days of the attacks.

Inevitably, for the same reason, Australia's strategic response to 9/11, and our participation in the subsequent GWOT, was framed as one of ANZUS commitment and of demonstrating that Australia was a reliable and competent ally. The alliance relationship was central to Australia's wartime strategic calculus-Australia's role in the GWOT was not as a regional deputy sheriff, but as a global partner. But, as we have seen, this was a carefully calibrated level of effort in which Canberra ensured it retained freedom of action for other issues and regional priorities, while limiting its costs from the wars in Afghanistan and Iraq, to the occasional envy of other coalition partners such as the United Kingdom.

The centrality of the alliance commitment gave Australia a clear war aim, selected early and maintained through multiple successive governments of both parties, creating consistency and enabling sustained efforts over two decades, with important benefits for regional counterterrorism efforts and domestic security policy. However, as we have seen, it ceded responsibility for the ultimate outcome of the wars to the United States, tying Australia to US strategy in Afghanistan, Iraq and subsequently in the campaign to counter the Islamic State.

The risk here—which we might call the risk of major-ally incompetence—is real. Since none of the junior allies controlled the overall strategy, when a series of administrations in the United States proved unable to stabilise Iraq or Afghanistan, or to successfully terminate either conflict in a politically sustainable timeframe, the allies were trapped. They could neither generate sufficient leverage to alter the course of events, nor exit the effort without being seen as disloyal or ineffective, thus undermining their alliance-centric war aims. But this was true of all coalition

partners and allies—Australia managed the issue better than most, largely because of the Howard government's framing of the issue in such a way as to retain Australia's regional and domestic freedom of action while limiting cost and keeping commitments at a manageable level.

The Howard government's approach to the global, regional and domestic layers of the terrorism problem, though established within days of the 9/11 attacks and thus arguably a product of crisis planning, set the direction for subsequent governments of both parties. As such-and, as we have seen, with both advantages and disadvantages-it created an enduring policy legacy for the Howard government. Returning to the title of this paper, while Australia may have appeared to be cosying up to the Americans, this was a superficial impression only. The reality was multi-layered and much more nuanced than that. At all levels including the global layer of expeditionary commitments to the war on terrorism, the hallmark of Australia's response was careful calibration of support, in such a way that we retained regional and local freedom of action. Arguably that fact, along with support from mainstream Australian public opinion, explains why the direction set by John Howard on the morning of 9/11 has endured until today.

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The Howard **Library Annual** Conference **Series**

The Liberal-National Party Coalition led by John Howard won office on 2 March 1996 and continued to hold power until 3 December 2007 (after losing the election held on 24 November 2007). UNSW Canberra is hosting a series of retrospective conferences to assess the performance of the Howard Government. Each event provides the basis for collections of essays contributed by principal participants, key public servants, leading commentators and notable scholars drawing on documents in the John Howard Collection held at the Australian Defence Force Academy Library and other papers managed by the Howard Library at Provisional (Old) Parliament House. This series has become the authoritative treatment of the Howard years.

Contributors are asked to focus critically on the Coalition's policies and performance to reveal the Government's shortcomings and failures. This commitment to a candid critique attracts the attention of the press and currentserving politicians, affording the volumes a substantial public profile at the time of their release. UNSW Press is the series publisher.

The first conference covered the 1996 election, the Coalition's readiness for office, the main policy decisions and practical challenges of the first year of the Howard Government, including gun control and ministerial responsibility.

The second conference dealt with the second and third years of the Coalition's first term in office (1997-98) and most of its second term (1998-2001). It canvasses the High Court's Wik decision and native title, the Patricks waterfront dispute, the constitutional convention, the Coalition's near defeat at the 1998 poll, the Government's response to postindependence violence in Timor-Leste and the introduction of the GST.

The third conference focused on the controversial events leading to the 2001 election including the MV Tampa crisis, the collapse of Ansett Airlines, the '9/11' terrorist attacks and the invasion of Afghanistan. It looked at the decision to invade Iraq in 2003, the outbreak of the 'history wars', managing the environment and health care, the challenges faced by the Labor Opposition and the rise of Mark Latham.

The fourth conference was concerned with the period October 2004 to November 2007 and examined the Coalition's control of the Senate, the advent of Work Choices, the progress of Indigenous Reconciliation and the Northern Territory intervention, and the election that saw the Coalition lose office and the Prime Minister his seat in parliament.



Our 2022 conference focused on crisis management and assessed the Howard Government's responses to the crises it encountered in its eleven years in office. From the beginning of the 'war on terror', through the (almost simultaneous) collapse of Australia's second airline, to the scandal of the Australian Wheat Board's dealings with Iraq's leader, Saddam Hussein and the waterfront struggles of Australia's stevedoring companies against union control. How did it 'frame' these crises for public understanding and support; what role did the media play in explaining particular crises and critiquing Government's responses; how were the Government's responses evaluated - by it and its critics after each crisis had passed; was there a pattern from which we can learn to better inform contemporary government responses to crises such as the COVID-19 pandemic, and those that lie in wait? The ensuing papers aim to critically reflect on those policy decisions of the Howard Government in order to provide context and perspective for contemporary policy debates and facilitate discussion among the policy community and the broader Australian

UNSW Press Howard Government Series Titles

- The Ascent to Power, 1996 (released 2017)
- Back from the Brink, 1997-2001 (released 2018)
- Trials and Transformations, 2001-2004 (released 2019) Ш
- ΙV The Desire for Change, 2004-2007 (released 2021)
- The Art of Coalition: The Howard Government Experience, 1996-2007 (released 2022)











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