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# **AUSTRALIAN DEFENCE POLICY 1951-1963**

**Major International Aspects**

**By SIR ALAN WATT**

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AUSTRALIAN DEFENCE POLICY 1951-63:

Major International aspects

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P R E F A C E

During the past two years there has been much discussion in Australia of the adequacy of Australian defence policy. Public concern may have been heightened by the interesting and curious fact that, whereas international tension between East and West in the Europe-Atlantic area had eased somewhat since the Cuba crisis, tension has increased in the South and South East Asian area.

In the 'Atlantic' area the late President Kennedy showed wisdom as well as courage at the time of the Cuba crisis of October 1962 when, in demanding the withdrawal of Russian missiles from Cuba, he refrained from seeking 'unconditional surrender'. By undertaking that the United States would not invade Cuba if the missiles were withdrawn, he left open to Mr Krushchev a line of retreat. Mr Kennedy gave this policy the status of a general principle when in his "Strategy of Peace" speech of 11 June 1963 he declared that:

We must conduct our affairs in such a way that it becomes in the Communists' interest to agree upon a genuine peace. And above all, while defending our own vital interest, nuclear Powers must avert those confrontations which bring an adversary to a choice either of a humiliating retreat or a nuclear war.

Since the Cuba crisis there has been an undoubted reduction in tension between Washington and Moscow, the most important evidence of which is the signing of the Partial Atomic Test Ban Treaty and the installation of the 'hot-line' between the two cities to facilitate speedy clarification of the intentions and actions of the respective national leaders. Nor is it probably that Mr Kennedy's death will lead to a change in the policy he announced. His successor, President Lyndon Johnson, has already stated his intention of pursuing the same broad policies as Mr Kennedy. In recent months the Chairman of the United States Senate Committee on Foreign Relations, Senator Fulbright, has defied the shade of the late Senator McCarthy by urging publicly<sup>a</sup> that power should be "exercised with responsibility and restraint", by asserting that "patience, circumspection and flexibility are qualities which are not at all incompatible with Communist ideology or with the Russian temperament", and by conceding that:

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<sup>a</sup> W. Fulbright: Prospects for the West, Cambridge, Mass: Harvard University Press 1963, pp. 30, 9, 33.

We (the United States) are neither omniscient nor omnipotent and, however much we might wish to do so, we cannot aspire to make the world over in our image.

In South Asia, Communist China, the stern critic of the Krushchevian view that war - especially atomic war - is no longer inevitable in order to compass the final defeat of Capitalism, has waged substantial war against India over the still-unsolved issue of the borders between the two countries. More recently, and closer to home for Australians, Indonesia has increased tension in South East Asia by her policy of 'confrontation' of Malaysia, thus frustrating the hopes of Western optimists who too readily assumed that, having acquired West Irian, she would turn all her energies towards solution of the grave economic problems which beset her. Instead, President Soekarno has now publicly enunciated an ideology of 'continuous confrontation' of 'old established forces' by 'new emerging forces'.<sup>b</sup> With the political aid of the Philippines - a SEATO partner of Great Britain and Australia! - he is maintaining his declared intention to 'crush' Malaysia and showing every sign of a desire to dominate somewhat indefinite areas outside the territorial confines of Indonesia.

Lastly, the Liberal-Country Party Government of Australia under the leadership of Sir Robert Menzies, decided recently to hold a federal election before the normal expiration of time, seeking a mandate on its defence and foreign policy. As it has been returned to office with a substantially increased majority, it must be assumed that such a mandate has been given. It is all the more important, therefore, for Australian citizens at large to understand the nature of the Government's defence and foreign policy and to appreciate how and why it has developed during the post-war years since the Government came to power in 1949.

In these circumstances it is hoped that the public material contained in this 'working paper', extracted from wider material on the evolution of Australian foreign policy since 1938, may serve some useful purpose in facilitating clearer judgment on the nature, correctness and adequacy of governmental policy in these fields. The paper deals solely with major international aspects of defence policy, and leaves to more competent hands description and evaluation of particular decisions taken by the Australian Government to translate the principles of its international policy into precise military practice.

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<sup>b</sup> See e.g. President Soekarno's, Independence Day Address of 17 August 1963; full text in ed. G. Modelski, The New Emerging Forces: Documents on the Ideology of Indonesian Foreign Policy, Documents and Data Paper No 2, Department of International Relations, Australian National University, 1963, Part VII.

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## I THE ANZUS TREATY

The ANZUS Treaty<sup>1</sup> - so called because the three partners to the military alliance which it constituted were Australia, New Zealand and the United States - was initialled in Washington on 12 July 1951. Its text was tabled in the Australian House of Representatives on the following day. The actual debate on the bill to ratify the treaty was not opened until 21 February 1952. After approval of the bill by the Australian Parliament, the treaty came into force on 29 April 1952 when instruments of ratification were deposited in Canberra.

### 1 Historical Background

The ANZUS Treaty was negotiated and ratified by a Liberal-Country Party Government under the Prime Ministership of Mr Menzies,<sup>2</sup> but Australian interest in some form of security alliance in the Pacific area did not, of course, begin with ANZUS; nor has advocacy of such a Pacific pact been limited to any one political party.

#### Australian Governments and a Pacific pact

Following ministerial references, in 1936, in both Houses of Parliament to the possibility of a pact of non-aggression in the Pacific, the Prime Minister, Mr Lyons, raised the matter in broad terms in his opening speech to the Imperial Conference held in London in 1937. He also took the unusual course, for an Australian Prime Minister, of discussing his suggestion with a range of foreign ambassadors in London, including the Ambassador of the Soviet Union. The Imperial Conference approved his objective and stated publicly that further consultations on the matter would take place. Later in the year the Attorney-General, Mr Menzies, informed the House of Representatives that conversations had been suspended "for the time being" because of the "Sino-Japanese dispute".<sup>3</sup>

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1

For text see Appendix B, pp. 73-75.

2

Titles conferred subsequently to date of quotation or reference have been omitted.

3

Paul Hasluck: The Government and the People 1939-1941, Canberra, Australian War Memorial 1952, p. 70.



After the outbreak of war with Japan in December 1941, the Labour Party Government of Prime Minister Curtin, which had come to power some two months earlier, was concerned primarily with the defence of Australia against Japanese military attack. Fear of actual invasion receded, however, after the battles of the Coral Sea on 8 May 1942, and of Midway on 4 June 1942, the "turning point of the war in the Pacific".<sup>4</sup> Henceforth Dr Evatt, as Minister for External Affairs, gave increasing attention to post-war problems.

On 14 October 1943, Dr Evatt reviewed in Parliament "Australia's War Aims". After particular reference to the Solomon Islands, New Hebrides, New Caledonia, Timor, Papua, and New Guinea, he said:

I visualise New Guinea, both Australian and Dutch, as an integral part of the Pacific zone with which Australia will be vitally interested in collaboration with Britain and New Zealand on the one hand, and with the Dutch, French and Portuguese on the other. The Commonwealth Government is convinced that, in order to prevent future aggression, measures should be concerted for the permanent defence of this area as one of the zones of security\* within the international system that must be created.<sup>5</sup>

Article 13 of the Australia - New Zealand Agreement, signed at Canberra on 21 January 1944 by representatives of the two Dominion Governments declared that:

The two Governments agree that, within the framework of a general system of world security, a regional zone of defence comprising the South West and South Pacific areas shall be established and that this zone should be based on Australia and New Zealand, stretching through the arc of islands north and northeast of Australia, to Western Samoa and Cook Islands.<sup>6</sup>

On 13 March 1946 Dr Evatt reported at length in Parliament on recent missions to London and Washington. Under a main heading "The Pacific", and a sub-heading "Bases", the Minister elaborated his views in some detail.

\* Emphasis added

4

Winston S. Churchill: The Hinge of Fate, London: Cassell 1951, p. 224.

5

Australia, Parl. Deb., H. of R., Vol. 176, p. 574.

6

Quoted in C. Hartley Grattan: The United States and the Southwest Pacific, Melbourne: Oxford University Press 1961, pp. 192-3.

He spoke of the great complexity of the task of making a lasting peace settlement for the whole Pacific area, and the need to avoid precipitate action and a piecemeal approach. Though the Australian Government was fully conscious of the importance of making security arrangements in the Pacific it would not be party to any hasty arrangements for the re-allocation of territory or the disposition of military bases in the Pacific; nor would it enter into any commitments which would lessen the control of the Australian people over their own territories.

Any consideration of plans for the joint use of any bases in Australia's dependent territories, (said Dr Evatt) should be preceded by an overall defence arrangement for the region of the Western Pacific, including the islands formerly mandated to Japan. As an incident to any such arrangement, Australia should be entitled to reciprocal use of foreign bases in the region... The detailed means of implementing a security policy for the Pacific have yet to be decided, but... Australian security is very largely dependent on our closest co-operation with the British Commonwealth and the United States of America...<sup>7</sup>

When Dr Evatt enumerated to Parliament on 8 April 1948, the principles of Labour Party foreign policy followed during his term of office, he listed as one of them "To strengthen Pacific security by appropriate regional arrangements in co-operation with the United States of America and other Pacific nations..."<sup>8</sup>

The Liberal-Country Party came to power at federal elections held in December 1949, and Mr Percy Spender made his first full statement as Minister of External Affairs in Parliament on 14 March 1950. While Mr Spender, like his predecessor in office, Dr Evatt, did not fail to call attention to the problem of poverty in Asia and the need for a non-military approach to the solution of these problems, he laid main stress on the problems of Australian security which in his view required the closest co-operation with Great Britain and the United States.<sup>9</sup> Mr Spender

<sup>7</sup> Aust., Parl. Deb., H. of R., Vol. 186, pp. 200-1. See pp.13-4 below for references to the Manus Island controversy.

<sup>8</sup> Quoted in N. Harper and D. Sissons: Australia and the United Nations, New York: Manhattan Publishing 1959, p. 276.

<sup>9</sup> I have argued elsewhere (e.g. article on "Australian Relations with South East Asia", Review of the Institute of Public Affairs, Vol. 17, No. 3, July-September 1963, p. 91) that all Australian political parties have pursued both a military and a non-military approach towards Asia, while differing in respect to methods.

urged that:

...all Governments...directly interested in the preservation of peace throughout South and Southeast Asia and in the advancement of human welfare under the democratic system should consider immediately whether some form of regional pact for common defence is a practical possibility. Australia, the United Kingdom and... other Commonwealth countries, might form the nucleus,...<sup>10</sup> but membership by the United States was essential because this<sup>7</sup> ... would give such a pact a substance that it would otherwise lack. Indeed, it would be rather meaningless without the United States...

Whereas the Labour Party Government in general, and Dr Evatt in particular, had been "committed" to the United Nations in the sense of advocating use of United Nations procedures to the fullest possible extent in an effort to maintain peace and security, the new Government expressed reservations about the capacity of the United Nations in the security field.

There is a danger, (said the Minister in his speech of 14 March) of exaggerating not the importance of the aims or purposes or principles of the United Nations, but the extent to which in present circumstances it can exert real influence for the maintenance of peace in the world.<sup>11</sup>

Australia would continue to apply the principles of the Charter in its own foreign policy, and give continuing support to the operations of the United Nations "so long as the United Nations itself operates in accordance with those principles". But, said Mr Spender:

Let us recognise how fatal it would be for Australia's future if our foreign policy rested solely on an affirmation of faith in the United Nations... where the United Nations is manifestly unable to protect Australian interests it is the duty of the Government to follow simultaneously a policy of making supplementary arrangements among those whom we know to be our friends.<sup>12</sup>

<sup>10</sup>

Aust. Parl. Deb., H. of R., Vol. 206, p. 632.

<sup>11</sup>

<sup>12</sup>

Ibid., p. 636      Ibid., pp. 636, 637-8.

The most significant aspect of the new Government's foreign policy as announced in this first review of international affairs was its declared belief that "...it is absolutely essential that we should maintain the closest and best possible relations..." with the United States, and that Australia should "initiate and carry out our Pacific policies as far as possible in co-operation with her."<sup>13</sup>

Indeed, (said Mr Spender) as far as possible it is our objective to build up with the United States somewhat the same relationship as exists within the British Commonwealth... we desire a full exchange of information and experience on all important matters and consultation on questions of mutual interest. Where we conceive our interests to diverge from those of the United States on any fundamental issue, we shall, of course, firmly maintain our own point of view. But where our general objectives coincide, we shall seek to have done with petty disagreements and follow broad avenues of co-operation.<sup>14</sup>

It is clear therefore, that at one time or another during the past twenty-five years all Australian political parties have advocated signing some form of Pacific security pact as an essential element in Australian foreign policy. Before 1951, however, the nature of the pact had not been closely defined, nor the prospective members precisely determined. The Menzies Government pressed the issue more keenly than the Curtin and Chifley Governments for a number of reasons. Firstly, it had less confidence than the preceding governments in the capacity of the United Nations to maintain international peace and security, primarily because of the ruthless use of the veto in the Security Council by the Soviet Union. Secondly, it had less ambition than Dr Evatt to try to "bargain" with the United States for reciprocal rights to use American bases as an "incident" to "an overall defence arrangement for the region of the Western Pacific"<sup>15</sup>. Thirdly, the Menzies Government came to office at a time when it had become clear (witness the Berlin blockade in Europe during 1948 and communist insurrections in various parts of South East Asia during the same year) that the "cold war" had ended the war-time honeymoon with the Soviet Union. In June 1950 actual war broke out in Korea.

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<sup>13</sup>

Ibid., p. 623.

<sup>14</sup>

Ibid., pp. 635-6. Compare Mr. Curtin's war-time appeal direct to the United States in his newspaper article of 27 December 1941, quoted in Grattan; op. cit., p. 180.

<sup>15</sup>

See p. 3 above.

Why ANZUS became negotiable

Australian wishes would not in themselves have been sufficient to attract American support for a Pacific pact which included Australia, had it not been for the appearance of an unusual constellation of circumstances which the Menzies Government read aright, and had not the Government taken firm and prompt action to seize the initiative. Richard Rosecrance describes the situation as follows:

Up to the middle of 1950 the United States had tended to assume that the Communists believed Europe to be the decisive sphere and the most inviting area for Communist expansion. Accordingly, the United States had supported the creation of NATO to deter Communist advance....The Korean War, however, abruptly changed American assessments of the priority of Communist goals. The Far East, after Korea, seemed an independent objective, not merely a way-station on the road to Bonn, Paris, or London. The logical result of such a realisation was a more favourable view of defence arrangements that might prevent further Communist victories. A Pacific pact, of whatever composition, would fill that requirement. The Congress was not unamenable to this line of reasoning, and on 11 July the House Foreign Affairs Committee "endorsed unanimously proposals for a mutual defence pact throughout the Pacific area patterned after the North Atlantic Treaty."<sup>16</sup>

Moreover, the Korean War underlined, from the American point of view, the dangers to Japan from Communist pressure and the need to ensure that Japan did not become a "military vacuum".<sup>17</sup> In short, a Pacific pact in the particular form of the ANZUS Treaty became for the first time negotiable against the background of, firstly, American pressure for an early and generous peace treaty with Japan, and, secondly, military aid readily and swiftly given by Australia during the Korean War. Had the opportunity provided by these exceptional circumstances not been seized by the Australian Government, a second opportunity might well not have occurred.

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16

R. N. Rosecrance: Australian Diplomacy and Japan 1945-1951, Melbourne, Melbourne University Press, 1962, p. 183.

17

Phrase used by Mr Spender in a speech in Parliament on 26 November 1950, quoted in Rosecrance, ibid., p. 191.

(a) The peace treaty with Japan

The Australian attitude towards a peace treaty with Japan was well-known to the United States and to the world at large. After the harsh experiences of the war in the Pacific, all Australian political parties distrusted Japan. During Dr Evatt's regime as Minister for External Affairs Australian representatives on the Far Eastern Commission in Washington and on the Allied Council for Japan worked unceasingly in an endeavour to ensure that Japan should be made incapable of revived military aggression. To this end they argued in favour of a peace treaty which would keep Japan disarmed and subject to post-treaty controls. Speaking as Leader of the Opposition in Parliament on 19 March 1947, Mr. Menzies said "There is, I think, common ground between us that - I use the Minister's words - 'Japan must never again be permitted to develop the means of waging war'."<sup>18</sup>

But when the Menzies Government came to power it soon discovered - especially against the background of the Korean War - that Australian views could not decide the kind of peace which Japan would in fact be accorded.

On 6 April 1950 President Truman appointed John Foster Dulles Foreign Policy Adviser to the Secretary of State, and Dulles "indicated a preference for work on the peace settlement with Japan". In September of the same year the President directed the State Department to "begin a new effort to reach agreement on a Japanese peace treaty" and the "seven principles" produced by a drafting committee under John Allison as Chairman made it clear that, in the American view, there should be no restrictions on Japanese re-armament: indeed, the emphasis was shifted instead to security of Japan from attack.<sup>19</sup>

Subsequently, in January 1951 the question of a peace settlement with Japan was one of the matters considered in London at a Commonwealth Prime Ministers' Conference. As Mr Spender told the House of Representatives on 14 March 1951:

The London talks revealed... that the change in the world situation had... had a marked effect on the approach of the United Kingdom Government and other British Commonwealth governments to the Japanese settlement. It was clear that the understanding on the basis of which a general measure of agreement had been achieved in 1947, when the Japanese peace settlement was discussed at the

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18

Quoted Ibid., pp. 157-8.

19

Ibid., pp. 172-3, 188, 190.

British Commonwealth Conference in Canberra, were no longer completely or even largely accepted... it was now argued that Japan should be allowed the means to defend itself against aggression.<sup>20</sup>

In these circumstances, notwithstanding Opposition claims to the contrary when ratification of the actual Peace Treaty was under discussion in Parliament, no action by Australia could have resulted in general acceptance of a more restrictive treaty. Mr Menzies described the position succinctly in an article published in Foreign Affairs as follows:

It (the Australian Government) very soon discovered that its own advocacy of a prohibition of Japanese rearmament ... had no hope of success. The United States and the United Kingdom, the two principal free nations, made it clear that they were not prepared to prohibit a substantial measure of Japanese rearmament. And if these two Great Powers were not willing to prohibit, and to enforce that prohibition by supervision and occupation if necessary, how could Australia by herself make a prohibition effective?... No Australian party or leader has been prepared to say that Japan should be kept unarmed and that Australia should be the policeman for the purpose.<sup>21</sup>

The peace treaty favoured by the United States would have come into existence whether or not Australia opposed it. It remained for the Australian Government to seek security by other means. By accepting a treaty which in some important respects it did not approve, Australia was able the more effectively to press the United States to agree to become a party to a security treaty designed, inter alia, to guarantee the territorial integrity of metropolitan Australia, and its island territories, against armed attack.

(b) Australian participation in the Korean War

The second factor which made negotiation of the ANZUS Pact practicable has received too little notice in Australia, although it has not escaped the attention of an American commentator:

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20

Aust., Parl. Deb., H. of R., 14 March 1951, p. 483.

21

R.G.Menzies "The Pacific Settlement Seen from Australia", Foreign Affairs, vol. 30, 1951-2, pp. 189, 194.

When the Korean attack occurred (writes Richard Rosecrance) an Australian air contingent was ordered into the fighting in support of the United Nations forces and on 26 July it was announced that Australia would commit....units from all three services to the Korean struggle. The military co-operation of the two nations heralded the re-establishment of the comradeship in arms which had existed in 1945. America was hard pressed in Korea and the offer of Australian ground forces at such a critical time must have been warmly welcomed in all sections of the American Government. It would probably be correct to say that Australian-American relations attained a degree of cordiality in the summer of 1950 which they had not known since the days of the Pacific War.

When Prime Minister Menzies visited Washington in July, the warmth of his reception exceeded normal requirements of diplomatic etiquette. In August the Australian Prime Minister received an overwhelming ovation from the United States Congress, and succeeded in obtaining a loan of \$250 million.<sup>22</sup>

To sum up: A Pacific pact in the form of the ANZUS Treaty became for the first time a practicable proposition against the following international background. Firstly, the commencement of the Korean War strengthened the developing American conception of the role of Japan in the post-war world as an ally or at least an aid in the containment of Communist aggression. Such a conception called for a peace treaty with Japan which was "moderate" and which did not positively forbid some degree of eventual Japanese re-armament. In these circumstances it was highly desirable, though perhaps not strictly necessary, for the United States to obtain Australian assent to a peace settlement with Japan which, in Australian opinion, increased security problems for Australia. Secondly, current goodwill towards Australia flowing substantially from the speed of that country's military contribution in aid of American forces fighting in the Korean War made a guarantee of Australian security politically acceptable in America. The opportunity presented itself, not for the kind of wider treaty which both Dr Evatt and Mr Spender had originally envisaged, but for a military alliance with narrower membership which, in the words of Mr Casey "ensures that our own interests both political and military are kept before the United States" at the "highest political and military level".<sup>23</sup> Such an opportunity might never have recurred.

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22

Rosecrance, op. cit., p. 184.

23

R. G. Casey, Friends and Neighbours, East Lansing, Mich: Michigan State University Press, 1958, p. 14.



## 2 The Meaning and Significance of the ANZUS Treaty

### Is ANZUS "weaker" than NATO?

It is a curious fact that the ANZUS Treaty - the most successful initiative taken by the Australian Government in the field of foreign affairs in the post-war period - has until very recent times been consistently criticised and "written-down" both inside and outside Parliament. The reasons for this will be examined in due course. The most persistent line of attack has been to damn ANZUS with faint praise by comparing it unfavourably with what is alleged to be the "tighter" obligation undertaken by the parties to NATO. So far as known, only one commentator, the late Professor Leicester C. Webb, has contested this interpretation of ANZUS<sup>24</sup> which close study of the relevant texts does not support.

The key articles of the respective treaties are as follows:

ANZUS: Art IV (1) Each Party recognizes that an armed attack in the Pacific Area on any of the Parties would be dangerous to its own peace and safety and declares that it would act to meet the common danger in accordance with its constitutional processes.

Art V For the purpose of Article IV, an armed attack on any of the Parties is deemed to include an armed attack on the metropolitan territory of any of the Parties, or on the island territories under its jurisdiction in the Pacific or on its armed forces, public vessels or aircraft in the Pacific.

NATO: Art V (1) The Parties agree that an armed attack against one or more of them in Europe or North America shall be considered an attack against them all and consequently they agree that, if such an armed attack occurs, each of them, in exercise of the right of individual or collective self-defence recognised by Art 51 of the Charter of the United

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Leicester C. Webb: "Australia and SEATO" in SEATO: Six Studies, ed. G Modelski, Melbourne: Cheshire 1962, pp. 56-7.

Nations, will assist the party or parties so attacked by taking forthwith, individually and in concert with the other parties, such action as it deems necessary\* including the use of armed force, to restore and maintain the security of the North Atlantic area.

During the debate in Parliament on the bill to ratify ANZUS Mr Calwell, Deputy Leader of the Opposition Labour Party, drew attention to the difference in wording between ANZUS and NATO and commented:

There is an obligation on the United States of America and on all the other participants in the European treaty to go to each other's aid. The only guarantee that is given in the Pacific treaty is that the nations will consult in common...There is no real obligation in the (Pacific) treaty on anybody and on some grounds it would be better to have no Treaty at all.<sup>25</sup>

Outside Parliament, Professor MacMahon Ball commented:

The reference to "the use of armed force" does not appear in the Pacific Pact. It is a notable omission and suggests that the United States was not prepared to commit herself as far in the Pacific as in Europe.<sup>26</sup>

Mr David Sissons carried this line of argument further when he wrote:

...(ANZUS) Pact...has been referred to as a "watered-down version of the North Atlantic Treaty Organisation". The extent of the dilution can hardly fail to give comfort to those whom its purpose was to discourage...the wording of the two treaties is in many clauses identical. Accordingly any differences are significant. The corresponding obligation in the Pacific Pact is much weaker..Is this not an open proclamation to the world that America regards the Pacific as of secondary importance and that she is reluctant to commit herself to extreme measures there?<sup>27</sup>

Professor Norman Harper, who gives a balanced account of the ANZUS Treaty as a whole, nevertheless agrees that

\* Emphasis added

25

Aust., Parl Deb., H. of R., Vol. 216, p. 741.

26

"The Peace Treaty with Japan": Australian Outlook, Vol.5, 1951, p. 139.

27

"The Pacific Pact": Australian Outlook, Vol. 6, 1952, p. 23.

the ANZUS formula "was a much more diluted obligation than the provision in the North Atlantic Pact."<sup>28</sup>

Now it is true that the ANZUS Treaty does not contain the psychologically comforting and politically reassuring phrase of NATO that "an attack against one...shall be considered an attack upon all". But the important point, surely, is not what an attack is considered to be, but what each party is bound to do when an attack on one party comes. If one examines the text of the NATO formula, it is clear that, in the event of an attack upon one of the parties, each party is bound to take only "such action as it\* deems necessary". Further, the interpretation placed by Professor Julius Stone on the NATO phrase "including the use of armed force" is contrary to that of Professor MacMahon Ball. In Professor Stone's opinion, the use of armed force under the NATO formula is permissive not mandatory. He reads the phrase as meaning "including (though not necessarily) the use of armed forces" (sic).<sup>29</sup>

Surely the Minister for External Affairs, Mr Casey, was justified when he informed Parliament on 13 July 1951 that "As in the case of the North Atlantic Treaty\*...the precise action to be taken by each party is not specified". The reason why the NATO formula was abandoned by the United States for all subsequent treaties was not to indicate less American interest in other regions than in Europe, but to avoid unnecessary confusion and debate in the United States Senate. In an article on "Security in the Pacific", Mr Dulles explained the position as follows:

This language of the North Atlantic Treaty gave rise to an extended constitutional debate in the United States Senate, a debate in which I participated. Many Senators felt that if the United States by treaty determined that an attack upon Western Europe would be the same as an attack upon the United States, the President would then be under an affirmative duty to use our armed forces for an area defense of Western Europe just as for the defense of the United States itself. Some Senators felt that this unduly enlarged the responsibility and authority of the President as against that of the Congress. It seemed unnecessary and unwise to revive this domestic constitutional issue in connection with the Pacific security treaties. Australia, New Zealand

\* Emphasis added. (See Aust., Parl. Debs., Vol. 213, p. 1709)  
28

In G. Greenwood and N. Harper: Australia in World Affairs 1950-55, Melbourne: Cheshire 1957, p. 159.

<sup>29</sup> J. Stone, Legal Controls of International Conflict, Sydney: Maitland Publications 1954, p. 260.

and the Philippines, with good reason\*, were quite satisfied with the security which would result from a treaty declaration, in Monroe Doctrine language...<sup>30</sup>

NATO countries were perfectly well aware that the NATO formula, in itself, involved no automatic commitment to war by parties to the Treaty when there was an attack upon one party. Sir Anthony Eden, in his book Full Circle takes this for granted:

When I saw M. Schuman at the Quai d'Orsay, I repeated the view which I had put to Dr Stikker. It was well known, I said, that the reason why the North Atlantic Treaty had been drafted so as to exclude\* automatic commitments was that the United States were constitutionally unable to commit themselves automatically to go to war.<sup>31</sup>

So also Mr Casey, when he told Parliament that, in the event of an armed attack upon one of the parties to ANZUS:

There is no obligation on Australia to make any immediate formal declaration of war; the United States, for its part, could not constitutionally accept such a binding obligation. But the broad intention is that an attack on one shall be regarded as an attack on all.<sup>32</sup>

Finally, Mr Dulles told the Senate Foreign Relations Committee in January 1952 that "there is really no doubt in any quarter that an armed attack upon Australia, New Zealand, or the Philippines would in fact involve the United States"<sup>33</sup>

Is ANZUS meaningless, unimportant or disadvantageous to Australia?

The debate on the bill to ratify the ANZUS Treaty which opened in Parliament on 21 February 1952 makes painful reading today. It was bedevilled throughout by the Manus Island controversy - an issue irrelevant to the subject under discussion. Although Dr Evatt, as Leader of the Opposition "welcomed" the ANZUS Treaty, while regretting "the price that has had to be paid for it"<sup>34</sup> (i.e. the Japanese Peace Treaty), practically the whole of his speech was devoted

\* Emphasis added

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Foreign Affairs, Vol.30, No. 2, 1952, pp. 774-197.

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Anthony Eden: Full Circle, London: Cassell 1960, p. 43.

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Aust., Parl. Deb., H. of R., Vol. 216, p. 218.

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Quoted in Rosecrance, op. cit., p. 205.

to a vigorous defence of the policy of the Chifley Government in rejecting tentative American advances in the immediate post-war period for retention of the vast military base they had constructed at Manus Island, unless the British Commonwealth, including Australia, were granted in return the right to use American bases in the Pacific. As Mr Haylen (ALP) said, "the ANZUS issue has been muddied at the source".<sup>35</sup> Members of the Opposition charged that confidential information from official files had been disclosed to the Press in an endeavour to prejudice the reputation of Dr Evatt and his party.

Whatever the reason, there was a deplorable lowering of the standard of debate on an issue vital to Australia, and a persistent writing-down of the significance of the treaty by the Opposition, despite formal acceptance of the pact in principle. Thus Mr Haylen declared that:

We know that it (ANZUS) is the pay-off to the Japanese Peace Treaty, and though we are grievously worried about the repercussions of that atrocious document, we accept this Pact. But when we ask ourselves what is in it, we must be honest and admit that it does not give us anything that we have not already got, although it does make existing understandings more valid by putting them in writing...This Pact has teeth, but they are irregular and are not a complete set...In my opinion, the agreement will impose more obligations on the Australian people than it will impose on the Americans...<sup>36</sup>

Mr Kim Beazley (ALP) conceded that "Every person who seriously studies this pact will welcome it. The Opposition believes it to be good." He continued as follows:

This Pact adds nothing to the world situation; it simply expresses in writing what has always been a fact, that is, the community of interest that exists between Australia and the United States...No country is in a position to attack Australia in the first instance without moving elsewhere on a scale that would inevitably cause a world war. Therefore the chances that the United States of America will be called upon to honour this Pact in the event of an attack being made upon Australia are at most only one-tenth of the chances that Australia will be called upon to honour this pact in the event of the United States becoming involved in a world

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34  
Aust., Parl. Deb., Vol. 216, p. 598.

35  
Ibid., p. 603.

36  
Ibid., p. 604.

war. I do not make that statement in criticism of the pact...Australia will not be attacked from Asia, or from anywhere in the Pacific, unless a war first occurs in Europe. That is as true today as it was in 1939.<sup>37</sup>

To Mr Ward (ALP) the proposed Treaty was a "meaningless document".

Actually it is an innocuous Pact (he said). It will not be very important, so far as this country is concerned, whether it is ratified or rejected...The Pacific pact does not commit the United States of America to send forces to defend Australian territory in the event of an attack being made upon us. In fact, the Americans came to the aid of Australia during World War II without the obligation of any pact...I believe that no pact is necessary now.<sup>38</sup>

If one looks beyond the Parliamentary debates to the political commentators the story is much the same. To Professor MacMahon Ball "...this Pact is a commendable, if not convincing, effort to comfort the fearful and the credulous"<sup>39</sup> To Mr Sissons, "...It seems certain, almost beyond reasonable doubt, that circumstances under which Australia may invoke American assistance under the pact will not arise. Australia is unlikely to be attacked by Asian Communist forces except incidentally in an overall Great Power struggle. In this she already would be allied with America...this unreal right to assistance in unlikely circumstances is an empty recompense for the real obligation which it is not impossible that we may be called upon to discharge."<sup>40</sup> To Dr John Burton, sometime Secretary of the Department of External Affairs (though not at the time when ANZUS was negotiated), the ANZUS Treaty -

...extends the areas of possible conflict, antagonises all Asian neighbours who have been excluded from it, and draws Australia into any and every conflict in which America might become involved in the Pacific... Australia has left itself no more freedom of action than if it were a state of the American Union...By the ANZUS Pact Australia has joined the United States in the fight against "communism", though, like Britain, it has no vital interests being threatened by Communism. In so

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Ibid., pp. 609-10.

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Ibid., pp. 616, 614-5.

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"The Peace Treaty with Japan", op. cit., p. 138.

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"The Pacific Pact", op. cit., pp. 21-2.

doing it has antagonised its neighbours, and made its future relations with Asia more difficult, and therefore has prejudiced its security more than before...<sup>41</sup>

These strong criticisms of a central feature of Australian foreign policy cannot be ignored; yet there seems to have been no attempt to consider them collectively and to answer them in detail. They are considered seriatim below.

(a) Was acceptance of the Japanese Peace Treaty too high a price to pay?

Both Government and Opposition disliked certain important features of the Japanese Peace Treaty - especially the absence of restrictions on armaments. For Dr Evatt, acceptance of the Peace Treaty was "too great a price to pay" for ANZUS.<sup>42</sup> The Government, on the other hand, believed that such a price would have to be paid in any event, irrespective of ANZUS, as Australia could not prevent such a Peace Treaty coming into effect. In these circumstances, the Government regarded ANZUS, not as a price to be paid, but rather as a collateral benefit, - a welcome measure of guarantee against, inter alia, the possible resurgence of a militarist Japan.

Further, the Government was conscious of a certain weight of argument against a "hard and bitter" peace with Japan. "What we have to do", said the Minister for External Affairs, Mr Casey, "is to steer a path between the alternative perils of an aggressive and fully-armed Japan which can again threaten us single-handed...and a defenceless and economically prostrate Japan that will present an easy prey to Communism and which might become an important part of the general Communist threat to world peace".<sup>43</sup>

(b) Was ANZUS unnecessary?

Mr Ward's statement that "the Americans came to the aid of Australia during World War II without the obligation of any pact...I believe that no pact is necessary now" omits, of course, all reference to the fact that war was forced upon a reluctant American Congress and people by the Japanese attack upon Pearl Harbour. Isolationist

<sup>41</sup>

John Burton: The Alternative, Sydney: Morgans 1954, pp.94-6.

<sup>42</sup>

Aust. Parl. Deb., H. of R., Vol. 216, 21 February 1951, p. 575.

<sup>43</sup>

Ibid., 13 July 1951, p. 1710.

opinion in the United States was strong, and there must still be doubt whether, had the Japanese attacked only British territory in December 1941, President Roosevelt could have mustered a majority in Congress for a declaration of war against Japan. Lord Casey, in his book Personal Experience 1939-46 has thrown some light upon the warnings he received in high quarters on taking up his appointment as first Australian Minister to the United States early in 1940. Mr Adolf Berle, Assistant Secretary of State expressed the belief that "in the United States more than in any other country, public opinion made itself felt on Government policy, and...it was practically impossible for the President or his Administration to put over a policy of which a majority of the people disapproved." Mr Stanley Hornbeck, Far Eastern Adviser to the Secretary of State, when asked what the United States would do in the event of any extreme Japanese action, replied that it was impossible to tell. "It is dependent", he said, "on the state of public opinion more than on any settled policy of the Administration".<sup>44</sup>

Lord Casey records that, when he presented his credentials, he asked President Roosevelt to expound the attitude of the United States to Australia "in the circumstances which then existed". The President replied along the following lines:

Some little time before he had asked his Cabinet to consider what should be the attitude of the United States in three hypothetical situations -if Canada were to be attacked, if one or other of the Latin American republics were attacked, or if Australia or New Zealand were attacked. His Cabinet had agreed that the United States could not be indifferent to Canada, and had authorised him to make a public statement to that effect. In consequence, he had said in effect that the United States would spring to the aid of Canada if she were attacked. In respect of the Latin American republics, the element of distance began to enter in, but the certainty of American intervention might be said to increase in respect of Central and South American republics that were geographically closer to the United States. So

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Lord Casey: Personal Experience 1939-41, London: Constable 1962, pp. 13, 14.



far as Australia and New Zealand were concerned, the answer was that the element of distance denoted a declining interest on the part of the United States.

Lord Casey comments that "The President said it in a kindly and less direct way than this, but this was clearly what he meant. However, fortunately, this attitude was to alter dramatically."<sup>45</sup>

The most important elements in the dramatic alteration were the Japanese attack on Pearl Harbour, which forced convinced isolationists in Congress to support a declaration of war against Japan, followed by a series of military disasters in the Pacific north and south of the equator. Mr Hartley Grattan has reminded us of General Eisenhower's disclosure that, as a Colonel on General Marshall's staff, he proposed on 9 December 1941, that Australia be used as a base from which to supply the Philippines. This proposal was accepted by Marshall and adopted by Roosevelt. Grattan comments that:

It was disaster in war in the north that forced the use of Australia as a primary base. After the collapses in Malaya, Java, and Burma, the allied forces were split, some driven westward into India, others south-westward into Australia. When that great dispersal of survivors took place, Australia became by force of circumstances the anchor of the American line of defence in the Pacific. The Americans, therefore, did not (to employ the words an Australian military historian used in undermining an Australian myth) arrive in Australia "solely to help Australia and in response to Australian appeals".<sup>46</sup>

Secondly, it cannot seriously be disputed that the existence of a solemn obligation to "act to meet the common danger", approved by the United States Congress, would be a factor of great importance in influencing American decisions; otherwise all treaties are "meaningless", including NATO. Further, those who claim that ANZUS is unnecessary have failed to take sufficiently into account the fact that the mere existence of such a public treaty obligation would tend in itself to deter possible aggression.

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Ibid., pp. 10-11.

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Grattan, op. cit., p. 183.

(c) Is ANZUS more advantageous to the United States than to Australia?

There is, of course, no comparison between the military power of the United States and that of Australia. Prima facie, therefore, the balance of advantage in a military alliance binding both countries to "act to meet the common danger" in the event of armed attack would appear to favour Australia. A colourable argument can be made, however, that whereas circumstances are unlikely to arise calling for fulfilment of the American obligation to Australia, Australia could easily be involved in war through the operation of American policy in the North Pacific, in the determination of which Australia would allegedly have little or no influence.

Many critics of ANZUS have been consistently reluctant, at least until recently, to consider the possibility of an armed attack upon Australia or its territories by an Asian country other than Communist China or Japan. They have chosen to interpret the Treaty as directed against attack by one or other of these two countries only. But the basic fact, from the Australian point of view is that ANZUS comes into effect when an armed attack is made on any party by any country, Communist or non-Communist, ex-enemy or otherwise. There is, in ANZUS, no reservation, as in the Manila Pact, which limits American obligations to "act to meet the common danger" to instances of "aggression by means of armed attack" by Communist countries. This is of particular importance when considering the possibility of an attack upon the eastern portion of the island of New Guinea.

While the meaning of the Treaty was never uncertain, its interpretation by America and Australia has been made completely clear in public statements during 1963 by Mr Averell Harriman<sup>47</sup> and Sir Robert Menzies,<sup>48</sup> both of whom have specifically affirmed that the ANZUS Treaty covers any armed attack on this area. Is it inconceivable, in view of President Soekarno's advocacy, in his significant speech of 17 August 1963, of a policy of "continuous confrontation" of "old-established forces", that Indonesian policy in regard to New Guinea and Papua might, at some stage, require Australia to invoke the ANZUS Treaty?

On the other hand, it is true that under the ANZUS Treaty Australia accepted wide commitments "in the Pacific area" some of which, conceivably, she might have

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The Sydney Morning Herald, 4 June 1963.

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Ibid., 13 November 1963.

preferred to avoid. This, no doubt, was part of the price she had to pay for securing the promise of American support under the Treaty. In stressing this point, however, the critics have not taken into sufficient account certain important considerations. As previously pointed out, the terms of the Treaty are such as to give Australia at least some degree of security against complete involvement in circumstances Australia might disapprove. If in fact America should become involved in war in the Pacific through injudicious action in the determination of which Australia has played no part, the form and scope of action to be taken by Australia is still a matter to be determined by the Australian Government. In Mr Casey's words, "there is no obligation on Australia to make any immediate formal declaration of war..."<sup>49</sup> Secondly, while it would be idle to pretend or assume that all partners to an alliance have equal influence on one another - irrespective of their comparative military and economic resources - it is unwise to assume that Australia can have no influence upon the policy of the United States, particularly when the two countries can speak frankly to one another in the capacity of military allies. Thirdly, it may reasonably be asked whether, in the event of the United States becoming engaged in a major war in the North Pacific, an Australian Government might not decide that vital interests required Australia to join the United States whether or not she was legally obliged, under such a Treaty as ANZUS, to "act to meet the common danger".

(d) Has ANZUS permanently estranged Australia from Asian countries like India?

The most serious objection to ANZUS is the claim that Australia, by signing the Treaty, has prejudiced her relationships with non-aligned countries like India, whose goodwill is in the long term thought to be essential to her survival. Fundamentally, it would appear to be this belief which underlies some of the criticisms of ANZUS made outside Parliament. Should Australia, as a country of European descent and cultural tradition geographically placed on the southern rim of Asia, give priority to her friendly relationships with Asian countries whose policies in important respects may be different, particularly as regards avoidance of military alliances?

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Australia, Parl. Deb., Vol. 216, p. 218.

There are those who, like Dr Burton, would claim that close relationships between Australia and non-aligned countries like India would actually increase rather than diminish Australian security, even if the price of such friendly relations were the cancellation of a military alliance with the United States. Such a claim has not been strengthened by India's recent experience of Chinese military pressure, despite acceptance by both countries of Panch Shila (five principles). More commonly it is argued that Australia should not have entered into the ANZUS or SEATO Treaties unless and until countries like India were ready to join in a regional pact.

No one will deny the importance for Australia of good relationships with Asia, and leaders of all Australian political parties have supported such a policy in principle and tried, in their different ways, to pursue it in practice.<sup>50</sup> Strong support for the Colombo Plan, which has been responsible for thousands of students from Asian countries coming to Australia for technical training, together with the opening-up of a wide range of diplomatic posts in South and South East Asia are evidence of more than lip-service to the principle of good relationships. Faced with the alternative, however, of depending solely on Asian good-will or joining a military alliance, the only Australian government which has been in power since an alliance became a practical possibility has chosen the latter rather than the former, while at the same time maintaining its efforts, through the Colombo Plan, and in other ways, to create friendly links with Asian countries. The background to this choice has been well described by Hartley Grattan as follows"

The Australians were keenly concerned to develop and maintain the best possible relations with all the countries of South and South East Asia; they did not want to do anything offensive to them. They carefully studied the currents of opinion in these countries, especially the sensitivities about outside interference in Asian affairs founded in their reaction to colonialism. Yet while the Australians sought good relations with the Asian states, they did not feel that this meant

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See footnote 9, above.

that they must conform their own policies to Asian policies... They conceived themselves as a nation with a profound and highly sympathetic interest in and concern for the Asian states and their future, but not as a state destined from motives of self-preservation to be assimilated to the emerging Asian political system, either gradually or precipitately. Australia they thought of as a nation which was and would remain by force of geography a close neighbour of Asia, but nevertheless to be maintained as a state of European-American social and cultural character. Its policies should, by preference, be sympathetic to the Asian states in every respect in which this was possible, but if Australian interests dictated support of policies the Asians were little likely to regard with any enthusiasm as policies they themselves could adopt, the plunge had to be made...\*51

India, in fact, showed far less concern about the creation of ANZUS than about the establishment of SEATO. There were no Asian members of ANZUS-----Pakistan was not a party, nor Burma, Thailand, Laos, Cambodia, Vietnam, (North or South), the Philippines, or Indonesia. The south west Pacific areas of Australia and New Zealand, both metropolitan and non-self-governing, were not part of "Further India", where Indian cultural influence had been substantial. If the treaty area of ANZUS was technically the "Pacific" as a whole, so that Australia and New Zealand could conceivably become involved if, for instance, war developed following upon American support to the Republic of China in the Formosa area, such a war could scarcely be regarded as avoidable if only ANZUS had not existed.

It may be doubted whether Mr Nehru, while firmly rejecting for India a policy of "alignment", was really critical of Australia and New Zealand for aligning themselves with the United States as partners in a security treaty. In any event, in spite of ANZUS and in spite even of SEATO, India---hard-pressed by China in 1962 on her northern borders showed appreciation of sympathy and help, not merely from Great Britain and the United States, but also from Australia. Links between India and Australia during the past year have been strengthened by visits at various levels, and a closer and more friendly relationship is slowly developing. In short, the ANZUS Treaty does not appear to have constituted a bar to the development of cordial relations between the two countries.

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\* Emphasis added

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Grattan, op. cit., p. 222 .

(e) Is ANZUS anti-British?

There is a final line of criticism of ANZUS, not mentioned above, which requires consideration, although judgment on its validity must await publication of official records, viz., the so-called 'exclusion' of Great Britain from membership. This 'exclusion' was roundly condemned not merely by some sections of opinion in Great Britain, but also, in a degree, in Australia and New Zealand. There is no doubt that many British people or people of British descent were distressed by the fact that two of the 'Old Dominions' were prepared to enter into a military alliance with a foreign country although the centre of the Commonwealth and its strongest military power was not included as a member. Various questions arise. Did Great Britain, before the treaty was signed, seek to be included? If so, was she deliberately excluded, and by whom, for what reasons? Did Great Britain facilitate the creation of ANZUS, or did she endeavour to prevent its coming into existence? Complete and authoritative answers to these questions must wait until official records are made available to historians.

So far as the present public record stands, all that can be said is as follows. There is no doubt that the United Kingdom was fully consulted by Australia and New Zealand before signature of the treaty, and that she did not try to dissuade the two Dominions from becoming parties. The Minister for External Affairs informed Parliament on 21 June 1951 that 'The United Kingdom government was given the fullest possible information regarding the discussions in Canberra. During the many weeks which elapsed between Mr Dulles' departure from Canberra and the making of President Truman's statement various messages were exchanged between London and Canberra....' 52 On the other hand, the Foreign Secretary, Mr Herbert Morrison, speaking in the House of Commons on the ANZUS treaty said that '...it would not have been unwelcome to us if we had been included in the proposed Pact.' 53 Later, when Mr Churchill had returned to power, he told Parliament:

I did not like this ANZUS pact at all. We did not have an entirely clean sheet in the matter when we took over power. I did not like it at all, and I am greatly in hopes that perhaps larger, wider arrangements

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Aust. Parl. Deb., H. of R., Vol. 213, p. 281.

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U.K., Parl. Deb., H. of C., Vol. 486, 1951, cols. 2007-8.

may be made which will be more satisfactory than those which are at present in force. But, as I say, it is not a matter where one can give directions. One has to endeavour to use influence and allow time to work.<sup>54</sup>

In the event, however, time did not work in the sense of enabling the United Kingdom to join ANZUS; instead, SEATO was created in 1954 and the United Kingdom joined in this wider grouping of powers.

Those interested in the question of the "exclusion" of Great Britain from ANZUS should read an article by Dean E. McHenry and Richard N. Rosecrance which gives a wide coverage from available public sources of the various reasons which allegedly influenced the ANZUS partners in limiting membership to the three Treaty powers.<sup>55</sup> The writers point out that all the partners accepted responsibility for the decision, although they claim that Mr Menzies on one occasion, passing through America after the Coronation in London, "broke the diplomatic front with the United States" by giving to the New York Times the following explanation:

Australia sympathised with Britain's desire to be included in the pact, but if the United States was not willing to extend a membership to Britain there was nothing that Australia or New Zealand could do about it short of denouncing the Treaty and this Australia would not do, nor did Britain wish her to do so.

Of course, had Britain been admitted, the immediate question would have arisen whether some or all of her colonial territories in South East Asia and the Pacific were covered by the Treaty.

Commenting on the "exclusion" of Great Britain from membership of ANZUS, Hartley Grattan has said that:

the oddest aspect of the whole affair was that it was Australian Conservatives, led by an Imperialist Prime Minister, whose actions inspired the fuss and who were not shaken thereby in their determination to take independent action in the national Australian interest.<sup>56</sup>

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Ibid., Vol. 516, H. of C., 17 June 1953, Col. 973.

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"The Exclusion of the United Kingdom from the ANZUS Pact", International Organisation, Vol. 12, 1958, pp. 320-9.

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Grattan, op. cit., p. 323.

In truth, however, Australia and New Zealand became allies of the United States in ANZUS not because they had come to love America more and Great Britain less, but because the facts of power in the Pacific had changed during and subsequently to the Second World War. The old assumptions underlying policy had simply proved unjustified. Singapore had not been an 'impregnable bastion'; British undertakings to re-inforce, defend and hold Singapore in time of emergency had proved impossible to carry out in the unforeseen circumstances of a war at one and the same time in Europe, the Mediterranean and the Pacific, during which France had fallen at an early stage, German submarines were taking their deadly toll of shipping and Britain was fighting for survival. American military power became predominant in the Pacific. Australia and New Zealand therefore, had to face what Professor F. L. W. Wood has called 'The Anzac Dilemma'.<sup>57</sup> The justification for coining this phrase, he wrote:

...lies in the tension felt by Australia and New Zealand in the planning of their overseas policies; a tension produced by the pull between old habits of thought and emotion and the necessities imposed by geography and the present state of world affairs.

The only way to plan intelligently for the future, he argued, was to face the facts, however disagreeable. It was a disagreeable fact that during the past half-century there had been a diminution in British power and prestige.

The Pacific...is no longer under the wing of the Royal Navy...It is a striking fact that during the past war New Zealand and Australia quietly acknowledged that they were within the American field and the responsibility of the United States fleet. This involved the tacit repudiation of the most basic axiom of our thinking, or more accurately perhaps of our feeling, in matters of defence and physical security.<sup>58</sup>

To those in Great Britain who criticized the ANZUS Treaty on the ground that it might "commit the United Kingdom to go to war on account of actions taken by independent British Communities in the South Pacific", Professor Wood pointed out that Australia and

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International Affairs, Vol. 29, 1953, pp. 184-92.

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Ibid., p. 188.



New Zealand had "twice in recent years and without question followed Britain into European wars in which the Commonwealth commitment arose directly from British actions". In his view of the practical application of the North Atlantic Treaty, despite the fact that New Zealand was not a signatory,

New Zealand is still in the position of being automatically and immediately committed by policies decided by bodies on which she has no representation, and where her views are expressed, if at all, through Great Britain...Nowadays experience shows plainly that when Great Powers go to war, their satellites go to war too...In so far as the rest of the Commonwealth may be committed through the ANZUS Treaty this is an instance where a familiar process is working, though to a very mild extent, in a direction the reverse of customary.<sup>59</sup>

In Professor Wood's opinion the ANZUS Treaty, though "not a perfect document", has been somewhat unfairly criticised:

It is most certainly not anti-British, but is essentially an attempt by small Powers living in a danger area to reach, ahead of the crisis, a workable understanding with the Great Power predominant in that area. It is true that it might lead to the two Dominions being involved in war by American policy; but it is hard to envisage a major crisis involving the United States which would not bring them in - as happened in 1941 and 1950.<sup>60</sup>

### 3 Summing Up

It is a mistaken view to regard the ANZUS Treaty merely as the result of a well-timed and clever diplomatic move by Australia in securing a "pay-off" for its assent to the Japanese Peace Treaty. It represents rather the fruit of efforts over the years, during the war and after the war, by political leaders and servicemen to create a relationship of confidence and common purpose between the United States, Australia and New Zealand.

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<sup>59</sup>

Ibid., p. 185.

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Ibid., p. 191.

Its benefits to the individual parties may not be equal, but they are certainly of vital importance for the smaller powers, and of considerable importance for the United States. Once again, Mr Hartley Grattan puts the treaty in proper perspective when he writes:

...its administrative structure provided the means for Australian and New Zealand participation in discussion of defense strategy and tactics in the Pacific at the highest possible level. Moreover, since in its text it was made clear that it was not simply a guarantee against the possible consequences of a recurrence of Japanese aggression, but left the source of aggression vague, it was a treaty useful to Australia and New Zealand in any contingency directly involving them likely to arise out of the acknowledged unrest in South and East Asia. On the American side, the usefulness of the treaty was that it associated the United States with what World War II had proved to be, on the one hand, the principal sources of strength in the South West Pacific, and, on the other, had also proved to be bases of infinite value in dealing with aggression originating in the Western Pacific. As inheritors of total responsibility in the Western Pacific, the Americans could hardly do less than to gain all the support, and take out all the insurance, in the general area they could gain or take out. ANZUS was both insurance and support for the United States... the benefits were in the end mutual....<sup>61</sup>

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Grattan, op. cit., p. 220.

## II THE SOUTH EAST ASIA COLLECTIVE DEFENCE TREATY

On 8 September 1954, the South-East Asia Collective Defence Treaty, usually referred to as SEATO, was signed at Manila by the representatives of Australia, France, New Zealand, Pakistan, the Philippines, Thailand, the United Kingdom and the United States. The text is set out in Appendix C, pp 75-8. The Australian Minister for External Affairs, Mr Casey, introduced into the House of Representatives on 27 October 1954 a bill to authorise ratification of the treaty. This bill was approved by Parliament, and the Treaty came into force on 19 February 1955.

Much has now been written in Australia and elsewhere about SEATO.<sup>62</sup> Here it is proposed merely to try to clarify the circumstances in which SEATO came into existence; to set out the main provisions of the treaty with a view to distinguishing it from NATO and ANZUS; to cover certain points raised during the debate in Parliament; and to consider some current criticisms of the value of the Treaty.

### 1 Historical Background

SEATO was negotiated by the Menzies Government while Mr Casey was Minister for External Affairs. Ratification of the treaty was not opposed by the Labour Party which, however, has become increasingly critical of SEATO over the years, and now urges that it should be "replanned on a cultural, educational, medical and technical assistance basis and not on a military basis" and that it "should include all the peoples of South-East Asia".<sup>63</sup>

### Was ANZUS sufficient?

As Mr Casey pointed out during the parliamentary debate on the bill to ratify ANZUS, the Australian Government never regarded ANZUS as a "complete and final answer to the problem of security in the Pacific" but rather as a "great advance along the road" to Pacific security.<sup>64</sup> ANZUS itself contained a preamble in which was stated the desire of the parties "further to co-ordinate their efforts for collective defence for the preservation of peace and security pending

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E.g. Modelski ed, SEATO: Six Studies, op. cit; Greenwood & Harper eds., Australia in World Affairs 1950-55, op. cit.

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Arthur Calwell: Labor's Role in Modern Society, Melbourne : Lansdowne Press 1963, p. 181.

64

Current Notes on International Affairs (Canberra), Vol.22, 1951, p. 403 .

the development of a more comprehensive system of regional security in the Pacific area.\*....' The Soviet Union through its veto in the United Nations Security Council had prevented the establishment of the system of collective defence envisaged by the Charter. To meet this situation in particular regions NATO and ANZUS had been formed. "However", said the Minister for External Affairs, during the SEATO debate, "a gap remained in South East Asia, and it was to meet this gap that the South East Asia Collective Defence Treaty was drawn up at Manila."<sup>65</sup>

Mr Casey had been continually conscious of this gap from the time when, shortly after taking up the portfolio of External Affairs in 1951, he had made a 'good-will' visit to the countries of South East Asia and also to Hongkong, Japan and Korea. In his report to the House of Representatives on 27 September 1951 regarding this visit, the Minister's speech clearly reflected a deeper interest in the countries surrounding Malaya and Singapore and a greater realisation of their significance for Australia. He had become convinced that it was urgently necessary to strengthen and expand Australian diplomatic representation in South East Asia:

The third main conclusion which I reached, (Mr Casey told the House) is that of the great importance of Indo-China and Burma to the security of Malaya - and indeed to South East Asia as a whole. I believe that the realisation of this particular point was probably the most important single result of my trip. If Indo-China and Burma were lost to the Communists - indeed, if either of them were lost - Thailand would be immediately outflanked, and it would be difficult, if not impossible, for Thailand successfully to resist heavy communist pressure unless very substantial help were afforded her from without. ...Australia has always shown a special interest in Malaya - with good reason, as the last war showed. It seems to me only logical that Australia must pay greater attention to developments in areas to the north of Malaya on which the security of Malaya may well substantially depend...I propose in the near future to recommend to the Government for its consideration a review of Australian representation in South East Asia. It is essential that we should have our own posts reporting quickly and directly to Australia so that we can follow developments and be in a position to take diplomatic and any other action which appears appropriate and practicable.<sup>66</sup>

\* Emphasis added.

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Aust., Parl. Deb., H. of R., Vol. 5, p. 2382 .

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Current Notes, Vol. 22, 1951, p. 514.

Following upon this "review", Australian diplomatic representation in South East Asia was in fact substantially strengthened and expanded. Meanwhile Mr Casey himself made frequent visits to the area and built up very close contacts with Mr Malcolm MacDonald, British Commissioner-General for South East Asia, with other British civil and military authorities in Singapore and Malaya, with French and local authorities in Indo-China, and with the Governments of independent States. As a result, the information available to the Australian Government from first-hand sources increased greatly, strengthened its belief in the seriousness of the situation in Indo-China in particular, and made it all the more anxious to press on with the creation of a Mutual Defence Pact covering the area at the earliest possible moment.

### The Geneva Conference of 1954

#### (a) Australian attitude

Before attending the Geneva Conference 1954 on Indo-China and Korea - Australia was formally represented only at discussions in respect of Korea, but Mr Casey was in closest touch with other delegates dealing with Indo-China also - the Minister for External Affairs again made a personal visit to Saigon. No doubt his judgment of the current situation in Vietnam substantially affected the attitude of the Australian Government during the period of Anglo-American crisis in April 1954 when Mr Dulles was testing out the readiness of Great Britain to join with the United States in a policy of Allied intervention from the air at Dien Bien Phu.

While in Saigon Mr Casey had reached the conclusion, as he subsequently reported to Parliament on 10 August 1954, that:

Such intervention would be wrong...it would not have the backing of the United Nations; it would put us in wrong with world opinion, particularly in Asia; it would embroil us with Communist China; it would wreck the Geneva Conference. I felt, (he also said) we should look for a political settlement of the problem in Indo-China - a negotiated settlement - recognising the realities of the situation.<sup>67</sup>

The Australian Government, however, was in a serious dilemma. How could it avoid precipitate American action in

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Aust., Parl. Deb., H. of R., Vol. 4., pp. 128, 97.

Indo-China which it believed to be mistaken, without stifling the new American interest in the security of part of the mainland of South East Asia? In the event, Australian opposition to an air-strike at Dien Bien Phu became obscured by the crisis in British-American relations arising from Britain's blunt rejection of the American approach.

(b) British attitude

Before dealing with British policy at the time of the Geneva Conference, it is essential to consider British reactions to contemporary information regarding the devastating power of recent hydrogen bomb tests by the United States. Indeed, it is scarcely an exaggeration to suggest that subsequent British foreign policy can be understood only with difficulty, unless one keeps constantly in mind British pre-occupation with avoidance of action which, in the opinion of the British Government, might escalate into an atomic war during which Great Britain might be the first or the worst victim.

British reactions are perhaps best revealed in the words of the British Prime Minister, Mr Churchill - a man whom no one will charge with want of courage - in a speech delivered in the House of Commons on 1 March 1955, almost a year later:

There is an immense gulf between the atomic and hydrogen bomb. The atomic bomb, with all its terrors, did not carry us outside the scope of human control or manageable events in thought and action, in peace or war. But when Mr Sterling Cole, the Chairman of the United States Congressional Committee gave out a year ago - 17 February 1954 - the first comprehensive review of the hydrogen bomb, the entire foundation of human affairs was revolutionised, and mankind placed in a situation both measureless and laden with doom...Apart from blast and heat effects over a wide area...there are now to be considered the consequences of "fall-out" as it is called, of windborne radioactive particles...the broad effect of the latest developments is to spread almost indefinitely and at least to a vast extent the area of mortal danger.<sup>68</sup>

The effect of Mr Sterling Cole's report of 17 February 1954 was heightened by the results of American thermo-nuclear tests in the Marshall Islands which began on 1 March of that year. On 11 March an official United States statement was issued that 28 Americans and 236 Marshall Islanders had been unexpectedly exposed to some radiation during the test. Five

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Current Notes, Vol. 26, 1955, pp. 224-30.

days later it was disclosed that the crew of the Fukuryu Maru had been exposed to radio-active fall-out although, it was claimed, the ship had been engaged in fishing some 20 miles outside the designated danger area. On March 20, prior to the second explosion, this danger-area was increased by the United States from 50,000 square miles to 315,000 square miles.

British opinion was seriously alarmed by these developments, and a debate was held in the House of Commons on 5 April 1954 on an Opposition motion, the introductory clauses of which were as follows:

That this House, recognising that the hydrogen bomb, with its immense range and power as disclosed by recent experiments, constitutes a grave threat to civilisation, and that any recourse to war may lead to its use...<sup>69</sup>

Speaking on this motion, Churchill said that:

the hydrogen bomb carries us into dimensions which have never confronted practical human thought...To us in this overcrowded island, and to the densely populated regions of Europe, the new terror brings a certain element of equality in annihilation...<sup>70</sup>

No more unsuitable time could have been conceived for an American Secretary of State to approach a British Foreign Secretary to secure agreement upon a course of action which the latter believed could result in atomic war.

I am fairly hardened to crises (Mr Anthony Eden wrote subsequently), but I went to bed that night (April 23, 1954), a troubled man. I did not believe that anything less than intervention on a Korean scale, if that, would have any effect in Indo-China. If there were such intervention, I could not tell where its consequences would stop. We might well find ourselves involved in the wrong war against the wrong man in the wrong place.<sup>71</sup>

He returned hastily to London to consult the British Prime Minister and his Cabinet colleagues. "Sir Winston" writes Eden "summed up the position by saying that what we were being asked to do was to assist in misleading Congress into approving a military operation, which would in itself be

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U.K., Parl. Deb., Vol. 526, Col. 36.

70

Ibid., Cols. 48-9.

71

Eden: op.cit., p. 102.

72

Ibid., p. 105.

ineffective, and might well bring the world to the verge of a major war. We agreed that we must therefore decline to give any undertaking of military assistance to the French in Indo-China<sup>72</sup>. On 27 April, Churchill formally announced in the House of Commons that "Her Majesty's Government are not prepared to give any undertakings about United Kingdom military action in Indo-China in advance of the results of Geneva."<sup>73</sup>

This British refusal led to substantial tension in British-American relations which was not eased until Churchill visited Washington during the last week of June 1954. As between Eden and Dulles, however, it may be doubted whether the mutual lack of confidence which increased during this period was ever subsequently overcome before the Suez Crisis of 1956 created such fundamental distrust between the two men that it became extremely difficult for either to work with the other. In the event, illness removed both statesmen from the political scene.

The results of the hydrogen bomb tests in early 1954 made a deep impression upon both British public opinion and political leaders. It is scarcely surprising, therefore, that British policy since that date, from Berlin to Laos, has been marked by extreme caution and has been designed primarily to avoid or prevent action which might lead to atomic war. Lord Hume expressed this attitude succinctly when he said on 28 December 1961, in a speech at Berwick on Tweed: "Peace, for ours is a most vulnerable island, is the first of British interests".<sup>74</sup>

The British attitude of mind just prior to the Geneva Conference, therefore, can be summed up as follows. Limited American and allied intervention in Indo-China was unlikely to be successful. If it seemed likely to succeed, China would probably intervene. In that case, another Korean-style war seemed improbable, with restraints being once again accepted, for instance, on American aircraft pursuing Chinese aircraft into their national "sanctuary". If the war spread to China proper, would not Russia come to China's assistance? If so, how could atomic war be avoided?

In the British view, a political settlement in Indo-China was necessary, and the hard military facts pointed to

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Quoted in SEATO: Six Studies, op. cit., p. 59.

74

The Times (London), 29 December 1961.



partition of Vietnam. Only if a settlement were actually reached at Geneva was the British Government prepared to commit itself to membership of a defence organisation in South East Asia which might help stabilise the post-Geneva position and avoid further deterioration.

The British Cabinet approved eight points prepared for its consideration by the Foreign Secretary, four of which are reproduced here -

4. We can give an assurance now that if\* a settlement is reached at Geneva, we shall join in guaranteeing that settlement and in setting up a collective defence in South East Asia...

6. If no such settlement is reached, we shall be prepared at that time\* to consider\* with our allies the action to be taken jointly in the situation then existing.

7. But we cannot give any assurance now about possible action on the part of the United Kingdom in the event of failure to reach agreement at Geneva...

8. We shall be ready to join with the United States Government now in studying\* measures to ensure the defence of Thailand and the rest of South East Asia, including Malaya, <sup>75</sup> in the event of all or part of Indo-China being lost.

A joint communique issued after Eden-Dulles talks in London at an earlier date, viz., 11-13 April, had stated that:

we are ready to take part, with the other countries principally concerned, in an examination of the possibility of establishing a collective defence...to assure the peace, security and freedom of South East Asia and the Western Pacific. <sup>76</sup>

Nevertheless, Eden forbade the British Ambassador in Washington to attend a meeting summoned by Dulles for 20 April to set up a working group to study this subject, and the meeting had to be converted into a general briefing

\* Emphasis added

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Eden: op. cit., pp. 105-6.

76

Ibid., p. 97-8.

conference on the coming negotiations at Geneva. Eden based his objection largely on the fact that Dulles had chosen to omit India and Burma from the list of countries to be invited to the meeting, arguing that this omission would be "insulting to both of them". But his basis objection was no doubt his fear that to hold the meeting might prejudice the Geneva settlement. Whereas to the Americans defence discussions of this kind might be a useful lever upon the Communist powers in securing a more favourable Geneva settlement, to the British such a weapon could not be employed because it might make more difficult the task of securing the assent of Russia, China and also of India to any acceptable settlement. It was not until the last week of June that Churchill's approval was obtained to British participation in the first discussions which eventually led to the creation of SEATO. A joint communique issued in Washington by Churchill and Eisenhower stated that the two governments had agreed to hasten the planning of Asian defence against Communism and to set up an Anglo-American working party to consider the problem of security in the area.<sup>77</sup>

The attitude of the British Government towards the creation of some defence organisation covering South East Asia has been elaborated at length because it throws light upon the history of SEATO since its establishment. Subject to certain important reservations mentioned below, formal action by SEATO has required the assent of all its members. If there has existed "a radical divergence between the strategic priorities as seen from Washington and London", as suggested by Professor Julius Stone<sup>78</sup> this would inevitably tend to restrict the scope of vigorous SEATO action in the area.

### (c) After the Geneva Conference

In view of the doubts and hesitations about commencing negotiations for a South East Asian Defence Treaty before the completion of the Geneva Conference, the speed with which SEATO was eventually established may at first sight seem surprising. A number of important factors contributed to this.

So far as Great Britain was concerned, some attempt had to be made to heal the serious rift with the United States, if only to ensure that the latter country refrained

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Quoted in SEATO: Six Studies, op. cit., pp. 64.

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Australian Journal of Politics and History, Vol. 1, 1955-6, p. 7.

from active opposition to the settlement reached at Geneva. The most likely way to achieve this was for Great Britain to assent at least to preparatory discussions regarding a possible South East Asia Security Pact. For Australia, the return to office on 29 May 1954 of the Menzies Government enabled Mr Casey to take new initiatives. Backed by Cabinet decisions on 4 June, Mr Casey sought to promote a regional defensive arrangement in support of an Indo-China settlement, but, "of course, with a more extensive purpose." The Government's own desire for such a pact was stimulated by Press attacks in Australia accusing it of "shilly-shallying" despite "evidence that the American interest in a South East Asian security pact... is cooling fast".<sup>79</sup>

But the main incentive to speedy action was the general lack of confidence that the agreement reached at Geneva would in fact prove to be a lasting settlement. Indeed, many delegates leaving Geneva after the Conference feared that the 17th parallel, now dividing North from South Vietnam, might be found to be a very temporary boundary; that, within a period of one or two years, pressure from the North might be successful in undermining the Government of the Republic of Vietnam; and that, with the whole of Vietnam lost, the position of the non-Communist governments of Laos and Cambodia might prove to be untenable.

It seemed essential, therefore, especially to Australia, to create a security organisation which would include those Asian members willing to join, rather than to delay its establishment in the hope that other Asian countries, particularly India, might at some much later stage agree to participate. One could always hope that non-members would in time come to see that it might be in their own interest to join the organisation; if they did not, and if they were critical of the organisation established without them, this could not be helped. The current situation in South East Asia was regarded as so serious that the Australian Prime Minister took the unprecedented step of announcing Australia's willingness, in time of peace, to accept military commitments in advance for the defence of South East Asia.

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See SEATO: Six Studies, op. cit., pp. 61,62,63.

....Before long (he said) we may be forced to regard the Communist frontier as lying on the southern shores of Indo-China..., (although he added that)... this... gloomy view...can be falsified if...we are able not only to give economic and spiritual encouragement to the non-Communist elements in Indo-China, but also to rally the weighty opinion and influence of the great new democracies of South and South East Asia...<sup>80</sup>

The Geneva Conference ended on 21 July 1954. On 8 September of the same year the South East Asia Collective Defence Treaty was signed in Manila by representatives of the Governments of Great Britain, the United States, France, Thailand, the Philippines, Pakistan, New Zealand and Australia.

### Summing Up

American initiatives toward the establishment of a defence organisation for South East Asia before and during the greater part of the Geneva Conference were frustrated primarily by the rigid opposition of Great Britain, which feared that even consultations might endanger a negotiated settlement at Geneva and antagonise non-aligned countries like India. Before deciding whether or not to become a party to such an organisation, the British Government wanted to be sure that a settlement (between Communist and non-Communist Governments) had been reached. American approaches regarding military intervention in Indo-China by the United States, the United Kingdom and others were also rejected by the United Kingdom, partly because the British Government believed that such intervention would not be successful, but mainly because they feared that such a war could escalate and increase the risk of the British Isles suffering atomic attacks. At the time, the British Government had only recently become aware of the devastating effects of the new hydrogen bomb.

Australia stood somewhere between Great Britain and the United States, sharing the former's view that military intervention in Indo-China would be ineffective and arouse strong resentment in Asia, but anxious to begin at the earliest possible moment the task of creating a defence organisation in South East Asia which might in some degree

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Aust. Parl. Deb., H. of R., Vol. 4, 5 August 1954.

"shore-up" the Geneva settlement or act as a barrier to further Communist encroachments in the area or both. The Australian Government feared that, if steps towards such a defence pact were not taken speedily, the American Government might lose its new interest in the mainland of South East Asia.

The speed with which SEATO was created after the Geneva Conference reflected primarily the strong fear, current at the time at least in American and Australian circles, that the 17th parallel would prove to be merely an imaginary and temporary line, and that the whole of Vietnam and perhaps also Laos and Cambodia would come under effective Communist control within a period of one or two years. While Great Britain in particular - but also Australia - had hoped that countries like India could be brought in as parties to a defence organisation in the area, the situation in South East Asia was held to be far too urgent and dangerous to delay action further in the hope of securing wider membership. In the event, India's reaction showed that further delay and encouragement would not in fact have induced her to join. While Mr Nehru was comparatively restrained in his criticism of the Manila Treaty, his friend and associate Mr Krishna Menon, attacked SEATO violently:

This is not a Regional organisation (he said)....  
It is a modern version of a Protectorate. It is an organisation of some imperial powers and some other powers who may have interest in it to join together in order to protect a territory which they say may be in danger. We are part of that territory, and we say we do not want to be protected by this organisation....<sup>81</sup>

## 2 Nature and Scope of SEATO Obligations<sup>82</sup>

In its essential paragraph SEATO incorporates the ANZUS formula and not that of NATO.<sup>83</sup> Article IV (1) of SEATO is in the following terms:

Each party recognises that aggression by means of armed attack in the Treaty Area against any of the Parties or against any State or Territory which the Parties by unanimous agreement may hereafter designate, would endanger its own peace and safety, and agrees that it will in that event act to meet the common danger in accordance with its constitutional processes....

Article IV (3) made it clear that no action could be taken on the territory of a "designated" State without the

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<sup>81</sup> Quoted in SEATO: Six Studies, op. cit., pp. 64-5.

<sup>82</sup> For text of the Manila Treaty, see Appendix C, p.75 below.

consent of the Government of that State. Further, the "Treaty Area" as defined by Art. VIII excluded from the operation of the Treaty "the Pacific area north of 21 degrees 30 minutes north latitude", i.e., it excluded, inter alia, Formosa and Hongkong.

As Dr Evatt, Leader of the Opposition, pointed out during the parliamentary debate on ratification of the Treaty, the word "aggression" does not occur in the corresponding Articles of ANZUS or NATO:

It has to be not merely armed attack, (he said) but aggression by means of armed attack....It does not follow that the nation which strikes the first blow is necessarily the aggressor.<sup>84</sup>

A further distinction between ANZUS and SEATO is the limitation under SEATO of the American obligation to cases of "Communist aggression".

For the rest, SEATO has a special Article (III) binding the parties to "co-operate with one another in the further development of economic measures, including technical assistance"; contains a special clause (in Article II) designed to "prevent and counter subversive activities directed from without against their (the Parties') territorial integrity and political stability"; formally "designates", in a Protocol, "the States of Cambodia and Laos and the free territory under the jurisdiction of the State of Vietnam"; and has attached to it a "Pacific Charter", introduced by the Government of the Philippines, binding the Parties primarily to "uphold the principle of equal rights and self-determination of peoples".

A United States reservation affirms, however, the readiness of that country to consult with the other Parties, in accordance with the provisions of Article IV (2), if any Party considers that its territory or political independence, or that of a designated State, "is threatened in any way other than by armed attack or is affected or threatened by any fact or situation which might endanger the peace of the area".

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On the meaning of the NATO and ANZUS formulae see pp. 8-11 above.

84

Aust. Parl. Deb., H. of R., Vol. 5., p. 2575.

Debate in Parliament

On 27 October 1954 Mr Casey introduced into the House of Representatives a bill to approve ratification of SEATO. In his speech he frankly admitted that "... the (Geneva) settlement greatly strengthened the position of the Communists in South East Asia and exposed the whole area to increased danger from Communist domination". He also admitted that there were a "number of countries that we would have liked to see there" who were not represented at Manila, but claimed that the countries who had signed the Treaty constituted a "strong... nucleus". While the Australian Government appreciated the "desire for peace" of "neutralist" countries, it considered "that peace can be assured only if it is made clear to a potential aggressor that an act of violence on his part will be met with effective resistance"<sup>85</sup>

Australian participation in SEATO he implied, was essential:

...the time has gone by when Australia could rest securely within its own borders. Instead of living in a tranquil corner of the globe, we are now on the verge of the most unsettled region of the world... It is no longer possible for any country to rely entirely for its security on its own strength and resources. There can be no safety in isolationism: it has to be sought through a sound system of collective defence;...After the war it was hoped that the United Nations could provide a basis for collective security, but the organisation is paralysed because the right of veto is held by the major source of danger to the world's peace---the Soviet Union. To meet this situation...other mutual defence organisations have been formed...However, a gap remained in South East Asia, and it was to meet this gap that the South East Asia Collective Defence Treaty was drawn up at Manila.<sup>86</sup>

Anticipating comment in Australia -- as in the case of the ANZUS Treaty - that the obligation of the parties under the terms of Article IV (1) was weaker than the corresponding obligation under NATO, Mr Casey flatly contested the validity of this argument.

This formula (he said) has been the subject of much discussion, and at Manila we were careful to make

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85

Ibid., pp. 2383, 2384.

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Ibid., p. 2382.

certain that the wording adopted was just as effective as that used in the North Atlantic Treaty...Mr Dulles made it clear to us that, as far as the American constitutional position was concerned, the formula adopted at Manila, deriving from the Monroe Doctrine, gives all the freedom of action and power to act that is contained in NATO...<sup>87</sup>

The Minister for External Affairs was on more difficult ground when he claimed that "the primary purpose of the treaty is to combat Communism". Mr Casey explained that the American Delegation originally wanted Article IV (1) itself to be limited in scope to instances of "Communist aggression" only -- in which case, of course, the American obligation under Article IV (1) would have been identical with the obligation of each of the other parties. The Minister took great pains to stress, however, the view of the Australian Government that:

resistance to communism is the immediate objective of the treaty, and it is for this principal purpose that the Australian Government is prepared to commit itself to this treaty. In fact, we cannot at present see any other circumstances in which we would be obliged to intervene... In particular (he added) I wish to state categorically that the Australian Government would never regard itself as being committed, contractually or morally, to military action against any other member of the Commonwealth... The Pakistan Foreign Minister was informed of our position on this point before the treaty was signed.<sup>88</sup>

Dr Evatt in reply made a strong and effective attack upon the Government's acceptance, at Manila, of obligations wider than those of the United States. The inclusion in the preamble of the bill of a reference to Communism, he said, made the preamble resemble a "manifesto against Communism", but this reference was irrelevant and of no binding effect. It was absurd, he said:

...in an agreement, so far as Australia is concerned, to make that emphasis, because Australia's obligation under this agreement is to act -- including military

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87

Ibid., p. 2386.

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Ibid., p. 2387.



action --- against Fascist or nationalist aggression as well as against Communist aggression. Therefore, why does the preamble to the bill refer only to one class of aggression?... If there were Japanese aggression in the treaty area...and parties to the agreement were affected, the United States, under this agreement would not be obliged to take action with regard to that aggression...If there were an attack on Dutch New Guinea, by, say, Indonesia, and the Netherlands Government requested intervention under this treaty -- and the area was designated unanimously under Article IV - would such aggression be termed "Communist aggression"?... That is a defect in the treaty, and it is our duty to recognise it...I cannot imagine why the difficulties were not confronted more boldly at Manila...It is quite wrong in principle...that Australia's obligation under this treaty should be unlimited, and that the United States should have only a limited obligation. Who is to judge whether the particular aggression alleged to have occurred is Communist aggression.<sup>89</sup>

In criticising this aspect of SEATO, the Leader of the Opposition discovered considerable virtue in the ANZUS Treaty which, when ANZUS was under discussion in Parliament, he had greeted without enthusiasm:

From the point of view of Australian security... I maintain emphatically that our obligations under the ANZUS pact are clearer. That agreement is enormously more important to our security than is this treaty. Under ANZUS there is an obligation on all three parties to the pact, including the United States, to intervene against aggression, wherever it may take place, if it be directed against any of the parties, and whether it be Communist aggression, fascist aggression, nationalist aggression, or any other kind of aggression... The ANZUS pact was drafted in strict accordance with the principles of the Charter, but the same position does not arise under the present agreement.<sup>90</sup>

88

Ibid., p. 2387.

89

Ibid., pp. 2575-9.

90

Ibid., p. 2579.

It was part of Dr Evatt's argument that a treaty directed solely against "Communist" aggression would be contrary to the United Nations Charter. Regional arrangements, he maintained, must be consistent with the purposes and principles of the Charter, and such arrangements under the Charter must be concerned only with "the maintenance of international peace and security" in relation to the region.

Speaking in reply, Mr Casey frankly admitted that the preamble to the bill had "no legal significance". He answered Dr Evatt's criticism by making three brief assertions, firstly, that the United States Congress would not have ratified the treaty if the American obligation under it had been wider than "Communist" aggression (since only in such circumstances would Congress have concluded that there was a danger to American security) secondly, that some Asian parties to the treaty might not have ratified it if the treaty itself had been restricted to cases of communist aggression; and, thirdly, that a treaty limited to communist aggression "would have attracted the animosity of some of the Asian countries which are not signatories".<sup>91</sup> Further explanation of the reasons for the remaining parties to SEATO signing a treaty containing obligations which, prima facie, are wider in scope than the obligation assumed by the United States must await publication of official documents.

The two amendments moved by the Leader of the Opposition in Parliament, viz., that Australia should not ratify unless the United Kingdom, New Zealand and the United States also ratified, and that no armed forces should be contributed by Australia under the treaty without the prior approval of Parliament, were defeated on a party vote.

#### Criticism Outside Parliament

Since SEATO was created it has been subjected to considerable criticism. Non-aligned countries, such as India, have opposed its basic conception, and their attitude has stimulated use, by some Australians, of the argument that Australian membership of the organisation makes it impossible to establish good relations with Asian countries which are not members. This view has been considered when dealing with the subject of ANZUS.

Secondly, some member countries, notably Pakistan, the Philippines and Thailand, consider that their more powerful or richer partners have failed to contribute sufficient economic aid as envisaged by Article III of

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Ibid., pp. 2695, 2696.

the Treaty. They object to being "taken for granted"<sup>92</sup> and feel entitled to some economic compensation, as Asian countries which have, so to speak, embarrassed themselves in their relations with other Asian countries through agreeing to join in a predominantly Western military organisation. But it was never the intention of the 'donor' countries that economic aid under SEATO should take the place of aid to under-developed countries outside of SEATO. Mr Casey has put the Australian point of view as follows:

Australia does not wish to duplicate or replace through SEATO the valuable work being done in this field through other agencies. In the Colombo Plan and in United Nations activities, Australia and other countries have made appreciable contributions toward raising living standards in Asian countries. But we think that there is a clear role for SEATO also in relation to its members. A country's defense and security cannot be placed in a separate compartment of its own. It is a vital interest of the community and must have a sound economic basis. We use SEATO machinery to review economic problems affecting the ability of member countries to pursue the Treaty objectives, especially in the field of defense, and we examine possibilities of mutual aid and co-operation to meet them.<sup>93</sup>

Nevertheless, Australia has made gifts, under Article III of the Treaty, amounting to several million pounds, designed "to provide assistance in the form of equipment and services (especially training) needed for the defence programmes" of Asian member-countries, though such aid "does not cover weapons or munitions".<sup>93</sup>

Thirdly, and most important, is the criticism that SEATO has been over-cautious, at times even to the point of timidity. This has been attributed to "the modesty of its resources, the supremacy of governmental interests in it, and...its sensitivity to criticism from member and non-member countries alike".<sup>94</sup> It has also been pointed out that the Far East has now become for Great Britain and France an area of only secondary, if not of tertiary interest.<sup>94</sup> None of the Great Power Members of SEATO is indigenous to the treaty area, and when they disagree, SEATO is powerless.<sup>94</sup>

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Quoted in SEATO: Six Studies, op. cit., p. 105.

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Casey: Friends and Neighbours, op. cit., pp. 117-8;

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Modelski, in SEATO: Six Studies, op. cit., pp.27-28, 4, 5.

Considerations such as these have led the well-known Australian Catholic Action publicist, Mr B. A. Santamaria, to declare:

Since each Power has a right of veto over the decisions of the collective entity, SEATO consecrates disagreement - and therefore impotence. Britain and France, both in the twilight of Empire, regard the Orient as a region in which they no longer have any real interest. The available wealth has long since been absorbed, the bases are gone, and what is spent there today in terms of military or economic power is good money chasing bad. Further, the Americans, who have two frontiers, one of which faces China, must be restrained from committing to the Orient troops or treasure which might better be devoted to the Western Hemisphere. Hence, every dispute in the SEATO area must be dampened down before a latter-day Dulles commits the crowning imprudence of dragging the United States into the 'wrong war in the wrong place'. Any war in the Pacific - whatever has to be sacrificed to avoid it - is the 'wrong war in the wrong place' for Powers whose interests are overwhelmingly European.<sup>95</sup>

This criticism is clearly exaggerated. For instance, it under-estimates the importance of British interests in Hongkong and Malaysia, the continuance of British bases and military forces there, and British readiness to use such forces in certain circumstances e.g., to suppress the recent uprising in Brunei. Moreover, it could also be argued that United Kingdom policy has also shown great caution in Europe, e.g., in the handling of various crises over Berlin, despite British steadfastness in maintaining the obligation to help defend Berlin if Communist pressure brought the issue to an actual boiling point. Nevertheless, there is an important element of truth in Mr Santamaria's view that South East Asia must, for European countries, be an area of at least secondary importance. It could be argued that the eventual readiness of Great Britain and France to join in creating SEATO reflected less a desire to make it a positive, effective body than a decision, while maintaining prestige as world powers, to prevent SEATO from taking any action which might lead to a war likely, in their opinion, to escalate in due course into an atomic war in Europe.

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The Bulletin, (Sydney) 16 February 1963, p. 30.

Much of the criticism of SEATO misses the main point, viz., that the Treaty binds the United States to 'act to meet the common danger', in the event of 'Communist aggression' by means of armed attack in the Treaty area against any of the parties or against any state or territory which the parties by unanimous agreement have designated. America was not always willing to undertake such an obligation on the mainland of Asia in an area of great strategic importance to Australia. In fact, since the creation of SEATO, no such armed attack has occurred on any of the parties, and this is in no doubt due in part to the mere existence of SEATO. On the other hand, critics understandably point to developments in recent years in Laos and Vietnam, where SEATO has not in fact prevented deterioration advantageous to Communist powers. They point to differences of opinion amongst SEATO members as to what action it is best to take in these States, and blame SEATO for inaction or timidity. They fail to take into sufficient account the inherent difficulties which lie in the way of helping these states, inexperienced in methods of democratic government, to help themselves; the nature of the terrain; the inevitable difference in outlook of members of any military alliance, not excluding NATO; and the fact that it was never intended to establish in South East Asia a tight military organisation of the NATO kind.

Moreover, an interpretation has now been placed upon the 'unanimity rule' in SEATO -- and apparently accepted by the members - which is of great importance. At a time when Thailand was very disturbed at developments in Laos and extremely concerned that SEATO seemed unready or unable to take more positive action, the Rusk-Thanat Joint Statement of 6 March 1962, issued in Washington, introduced an important gloss upon the text of the Treaty. In this statement the American Secretary of State affirmed that the obligation of the United States to assist Thailand in case of Communist armed attack against that country 'does not depend upon the prior agreement of all other parties to the Treaty, since this Treaty obligation is individual as well as collective.'<sup>96</sup> Equally important for Australia, this interpretation was specifically endorsed by the Minister for External Affairs, in answer to a parliamentary question on 8 March. After quoting the Rusk-Thanat Statement in full, Sir Garfield Barwick added:

Although the SEATO Treaty envisages collective resistance to aggression, each party agrees under Article IV (i) that, in the event of armed attack in the Treaty area against any of the Parties or against a State designated in the Protocol, it will act to meet the common danger in accordance with its constitutional

processes. It is therefore plain, as the Secretary of State said, that 'the treaty obligation is individual as well as collective'. The Treaty provides the basis for collective action by the signatories and much detailed planning has been done in an effort to make such action effective. However, it is a matter for each of the partners individually to determine, in advance or at the time, the precise manner in which it carries out the obligations which it has accepted. Of course, in making its decisions, the Australian Government will take into account the consultation and planning within the SEATO organisation and the action which other members are prepared to take, collectively or individually, but at the appropriate time will decide itself how it will perform its obligations under the Treaty.<sup>97</sup>

In fact, the United States, Great Britain and Australia sent air squadrons to Thailand, at the invitation of the Thai Government, at a time when that Government feared that unfavourable developments in Laos might spill over into Thailand. The United States also sent ground forces while New Zealand sent a small force of parachute troops. This significant precedent for action by certain members of SEATO would appear to have widened the scope of possible action under the Treaty and to have restricted the scope for obstruction by any one member of the Organisation. Even if no such action formally objected to by one member can properly be described as action under SEATO, the practical effect may be the same.

Another way to test whether or not SEATO is a 'paper tiger', weak and useless, is to consider the probable situation in South-East Asia if it were abolished. Few will deny the strategic importance of Thailand, both directly for Malaya and indirectly for Australia. During the Second World War Thailand, faced with overwhelming Japanese strength and the uncertainty of effective support from Western countries, came to an accommodation with Japan. If SEATO did not exist, might not Thailand, under extreme pressure from Peking, and with no certainty of independent American military aid, feel that an accommodation with Peking was unavoidable? And if this happened, what would be the effect upon Malaysia?

To question the justification for many of the criticisms of SEATO, however, is not to suggest that it is a perfect instrument for combatting 'Communist aggression'

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In Current Notes, Vol. 33, 1962, p. 36.

or 'subversive activities directed from without'. The main purpose of this review has been to clarify the historical background to SEATO in order to explain why it came into existence when it did and in the form it actually assumed.

SEATO, of course, is only one means of pursuing international objectives in South East Asia: others include the United Nations Organisation, the Colombo Plan, ECAFE, and the use of ordinary diplomatic missions. If one accepts the view that Australia, as a country geographically situated off the southern rim of Asia, should enter no military alliances but should concentrate solely upon cultivating the goodwill of Asian countries, then SEATO inevitably stands condemned. This is an arguable point of view, though not one, I believe, acceptable to the great majority of Australians.

### III THE AUSTRALIAN CONTRIBUTION TO THE DEFENCE

#### OF THE MALAYAN AREA

##### 1 Historical Background

The creation of SEATO did not relieve the Australian Government of its worries in regard to the security of the Malayan Peninsula, despite the fact that, technically, Malaya was covered by the SEATO umbrella as United Kingdom territory until the establishment as an independent state of the Federation of Malaya on 31 August 1957. While the long fight against the 'terrorists' in the Malayan jungle continued, SEATO took no part in military measures to deal with them - presumably because the 'emergency' in Malaya was not regarded as constituting, within the meaning of Article IV (1) of the Treaty, 'aggression (or communist aggression) by means of armed attack'. In addition, it may be doubted whether the United Kingdom would have welcomed SEATO intervention in its 'domestic' troubles under Article II (subversive activities directed from without or Article IV (II) (threats or situations endangering peace).

The first elections were held in Malaya on 27 July 1955 and a Chief Minister was appointed - Tunku Abdul Rahman - who became Prime Minister when the new State was formally inaugurated some two years later. As from that date the Federation of Malaya was no longer territory to which the Manila Treaty applied; nor did the new Government show any desire that the Federation should become a member. Like Singapore, Malaya has tended to view SEATO with hesitation if not suspicion, fearing that any direct relationship with it might 'attract' trouble.

In these circumstances Commonwealth countries concerned, viz., Great Britain, Australia and New Zealand, have continued to give special attention to security arrangements in respect of the Malayan Area. Early in 1955, the Australian Prime Minister, after a Prime Ministers' Conference in London, proceeded to Washington for talks with President Eisenhower, and Mr. Dulles. According to Professor Norman Harper:

Top-level staff discussions in Melbourne and Singapore had produced a decision to concentrate defences...at the Kra Isthmus at the southernmost extremity of Thailand. Before deciding to station Australian troops



in Malaya, Mr Menzies discussed the broad strategic problem in Washington. <sup>98</sup>

The United States clung to its 'policy of elastic defence with its refusal to dissipate strength by under-writing specific fronts in South East Asia', <sup>99</sup> but the Prime Minister was able to communicate to the House of Representative on 20 April 1955 the terms of a statement agreed upon during the Washington talks:

...in the general task of preventing further Communist aggression, the United States considered the defence of South East Asia, of which Malaya is an integral part, to be of very great importance. I raised the question whether in the event of Great Britain, Australia and New Zealand undertaking to station substantial forces in Malaya, we could be assured that the United States would be prepared to give us effective co-operation. I was informed that though the tactical employment of forces was a matter which would have to be worked out in detail on the Services level, the United States considered that such effective co-operation was implicit in the Manila Pact...<sup>100</sup>

On his return to Australia Mr Menzies, after consulting Cabinet, and before making the abovementioned statement in Parliament, announced publicly on 1 April that the Australian Government would propose to Parliament that Australian troops be stationed in Malaya.

Strategically, (says Professor Harper) it involved a revolutionary switch in Australian policy. In the last two world wars, Australian troops had fought as part of a British defence force in the Middle East. Malaya had now become the pivot of Australian defence, and the Middle East had been tacitly abandoned, with British consent, as an Australian responsibility. It meant the peace-time commitment of Australian ground troops outside Australia's territorial limits. While a bomber and transport wing of the Royal Australian Air Force had previously been temporarily stationed in Malaya, this was in fact a significant departure in Australian defence planning.<sup>1</sup>

In his statement of 1 April the Prime Minister went to considerable lengths to convince Australians of the stern necessity for this decision:

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In Australia in World Affairs 1950-55, op.cit., p. 189.

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Ibid., pp. 188-9.

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Aust. Parl. Deb., H. of R., Vol. 6, pp. 52-3.

There was a time when we permitted ourselves to think that we were remote from the dangers of the world, and that any great war would be thousands of miles away from us. But that day has gone... I call upon all Australians to realise the basic truth...that if there is to be war for our existence, it should be carried on by us as far from our own soil as possible. It would be a sorry day for the security of Australia if we were driven to defend ourselves on our own soil, for that would connote the most disastrous defeats abroad and the most incredible difficulties for our friends and allies desiring to help us...Two things are unbelievable. One is that any responsible Australian should think that we could be effectively defended either by our own efforts within our own borders or by any resolutions of the United Nations rendered impotent by the Communist veto. The simple English of this matter is that with our vast territory and our small population we cannot survive a surging Communist challenge from abroad except by the co-operation of powerful friends, including in particular the United Kingdom and the United States...we cannot accept the collaboration of our friends and allies in a comprehensive defence against aggressive Communism unless we as a nation are prepared to take our share of responsibility.<sup>2</sup>

He added that Parliament would be informed that Australia proposed to "participate in the establishment in Malaya, as a very important part of the Manila Treaty area, as a contribution to the defence of the treaty area, of a strategic reserve in which the United Kingdom and New Zealand will participate".

When the issue came before Parliament on 20 April 1955, the Labour Party strongly opposed the proposal of the Government and lively and at times bitter debate developed. In opening the debate the Prime Minister took unusual pains to spell out the overall objectives of Australian foreign policy and the principles adopted by the Government in pursuit of those objectives. Mr Menzies listed five objectives, yiz., (a) the pursuit of peace with justice; (b) cultivation of 'powerful and willing friends' to aid Australia if war should come; (c) readiness to defend not only Australian rights, but also the rights of others; (d) the raising of living standards

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In Australia in World Affairs 1950-55, op.cit., p. 189.

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Current Notes, Vol. 26, April 1955, pp. 278, 279.

both for Australians and for the people of other nations; (e) readiness to live and let live, i.e., non-interference with the internal affairs of other people so long as they pursue the same principle.

In pursuit of these objectives six main principles were to be applied viz., (1) support for the United Nations Charter; (2) support for a close co-operation with the British Commonwealth; (3) closest co-operation between the British Commonwealth and the United States; (4) pursuit of 'good neighbour' policies towards Asian countries in this section of the world; (5) encouragement of the world's peaceful trade, including Australian trade; (6) Justification of the co-operation of other nations by ourselves accepting obligations and doing what is necessary at home to make those obligations performable.<sup>3</sup>

In supporting the United Nations Charter, the Prime Minister stressed that it was no substitute for power. "Those who refer blithely to the United Nations", he said, "and think that such a reference disposes either of our defence problem or of the defence problem of the free world, are living in a state of pathetic and dangerous illusion...in the present state of the world, no great power is likely to be found voting to condemn its own actions, or to impose military sanctions upon itself". He criticised those who speak of 'the Charter' and of 'power politics' as opposed, and then draw the conclusion that the acquisition of national military power is against the spirit of the Charter. "The fact is that the Charter contemplates power and the use of force, and therefore depends upon the existence of national power."<sup>4</sup>

Mr Menzies argued that "The closest understanding and the highest possible community of action between the British Commonwealth and the United States" were "vital to the security of all of us".

There is no country in the world more completely British than Australia (he continued) nor... more devoted to the throne and person of Her Majesty the Queen. We are a proud member of the Crown Commonwealth, and will ever continue to be so. (Yet we would be blind if we could not see that the United States) has become, in the most literal sense,

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Aust., Parl. Deb., H. of R., 20 April 1955, p.44.

4

Ibid., pp. 45-6 .

vital to the existence of the free world...  
 When we turn from the world scene to consider  
 our own position in this corner of the world it  
 would be hard to find any Australian of this  
 generation who did not recognise that the  
 friendship and co-operation of the United States  
 are vital to our own safety....<sup>5</sup>

The Prime Minister then turned to the particular  
 problem of Malaya. He informed the House that 'last year',  
 before SEATO was signed, Australia, Great Britain and New  
 Zealand, 'through their military staffs', sat down to the  
 task of working out how the defence of Malaya and therefore  
 of the islands and of Australia and New Zealand themselves  
 could be effected. At the London talks it had been  
 recognised that if war came Great Britain, Australia and New  
 Zealand would need to find much greater forces than a  
 strategic reserve. In the event of a 'hot' war, Australia  
 itself must be ready to contribute forces 'probably....at  
 any rate, of the order of two divisions'. In the meantime,  
 she would contribute to the strategic reserve 'to be stationed  
 in Malaya' two destroyers or frigates, an aircraft carrier  
 on an annual visit, additional ships in an emergency, an  
 infantry battalion with supporting arms and reinforcements  
 in Australia, a fighter air wing of two squadrons, a bomber  
 wing of one squadron and an airfield construction unit.

I have been asked (said Mr Menzies) whether  
 this reserve is to be employed in anti-bandit  
 operations. Following my discussions in  
 London, the ANZAM Defence Committee, represent-  
 ing Great Britain, Australia and New Zealand,  
 was directed to produce a draft for the consideration  
 of the three Governments. This is now awaited....  
 There will be some integration of Australian staff  
 officers in the Malayan Area Command.<sup>6</sup>

## 2 ANZAM

ANZAM is an elusive word which has been mentioned  
 publicly by the British Prime Minister, by the Australian  
 Prime Minister and the Minister for Defence, and by British  
 Service officers of high level; yet the precise nature, standing,  
 scope and documentary basis, if any, of ANZAM has never been

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<sup>5</sup>

Ibid., pp. 47-8.

<sup>6</sup>

Ibid., p. 51.

made clear to the general Australian public. The most specific statement to date is probably that contained in the report by a study group of the Royal Institute of International Affairs, published in 1956 by the Oxford University Press under the title Collective Defence in South East Asia. As this group met under the chairmanship of Marshal of the RAF Sir John Slessor, and included amongst its members Lt.-General Sir Terence Airey and Admiral Sir Charles Daniel, its description of ANZAM, though brief, would seem to be authoritative as far as it goes. The report contains the following paragraph at page 20:

In 1949 the Governments of Australia, New Zealand, and the United Kingdom had agreed to co-ordinate defence planning in an area known as the ANZAM region, which includes the Australian and New Zealand homelands and the British territories in Malaya and Borneo, together with the adjacent sea areas. ANZAM planning was at first limited to the defence of sea and air communications in the region, while co-ordination was conducted at Service level and did not involve firm commitments by the Governments concerned. Subsequently, however, planning responsibility under ANZAM was extended to cover the defence of Malaya and in the spring of 1955 Australia and New Zealand agreed to station military units in Malaya. The acceptance of commitments of this character was an important development in Australian and New Zealand policy. It will be noted, however, that ANZAM covers only the southern part of the Manila Treaty area.

When the British Prime Minister, Mr MacMillan, visited Australia in 1958, he said publicly on 5 February that "British defence plans in this area are based on two things: our membership of SEATO and of ANZAM". No statement could have been more compressed or discreet. If the 'draft' of the ANZAM Defence Committee referred to by Mr Menzies in his speech of 20 April 1955 was ever completed and presented, its recommendations are not publicly known. Australian governmental statements regarding the purposes for which the Commonwealth Strategic Reserve in Malaya can be used will be considered below.

The most recent statements on ANZAM were made by General Sir Richard Hull, Chief of the Imperial General Staff, at a Press Conference given in Canberra on 27 February 1963, and during a television interview on 5 March over Channel seven. According to the report of the Conference in the Canberra Times of 28 February, Sir Richard came to Australia

to attend a meeting of the ANZAM Defence Committee.... He pointed out that some misunderstanding seemed to exist in recent discussion about ANZAM in Australia. ANZAM was not a treaty or written agreement but a term used to denote consultative arrangements for co-ordinating the defence interests of Australia, New Zealand and the United Kingdom. No formal document of any kind existed but the arrangements had been in force for nearly 15 years. It covered no precise area, but related naturally to common defence interests in this part of the world. The deployment of the Commonwealth Strategic Reserve Forces was determined under the ANZAM consultative arrangements.

During the television interview, General Hull again referred to ANZAM, repeating that it was not a treaty organisation, and nothing more than a consultative arrangement by which Australia, Great Britain and New Zealand consult together in regard to matters in this part of the world. ANZAM came into existence, he thought, as early as 1948. It dealt with matters in the Malayan area. ANZAM met in Canberra on an 'as required' basis. Australia was represented on it by the Australian Chiefs of Staff, and the United Kingdom was normally represented by the Head of the United Kingdom Defence Liaison Staff in Australia. New Zealand was represented by the New Zealand Military representative in Canberra, but as New Zealand was close, its representative was sometimes a New Zealand Chief of Staff. The United Kingdom tried to be represented once a year by one of the Chiefs of Staff. General Hull added that the Air, Naval and Land Forces of the Commonwealth Strategic Reserve in Malaya were under the command of the ANZAM Defence Committee.

It is impossible on the basis of the abovementioned statements and quotations to clarify either the exact nature and standing of ANZAM or its precise scope and functions.

### 3 Purposes of Commonwealth Strategic Reserve

Equally unclear is the range of purposes for which the Australian component of the Commonwealth Strategic Reserve was sent to Malaya. There is no doubt that Australian soldiers were intended to be used in the campaign against the 'terrorists' in the Malayan jungle: they have in fact been so used. But this is scarcely a function of the Strategic Reserve as such. Again, it is clear that they are not to be used 'in relation to any civil disturbances or in the internal affairs of the Federation or Singapore.'<sup>7</sup> For the rest,

Government statements have been ambiguous if not contradictory.

In the early stages, some emphasis was laid upon a relationship of the Strategic Reserve to SEATO. Thus, Mr Menzies, in his statement of 1 April 1955 said that Australia proposed to "participate in the establishment in Malaya, as a very important part of the Manila Treaty area, as a contribution to the defence of the treaty area\* of a strategic reserve in which the United Kingdom and New Zealand will participate."<sup>8</sup> Again, speaking on the same subject in Parliament on 20 April, the Prime Minister referred to "the particular example which represents the most advanced stage of planning against the background of the Manila Treaty\*. United Kingdom and New Zealand and Australian troops in Malaya will represent not only a true defence in depth for Australia itself, but also a source of strength to our Asian friends."<sup>8</sup> In the same speech, the Prime Minister obviously attached some importance to the message he had received from the Acting Chairman of the Manila Treaty Council Representatives Meeting at Bangkok, which he quoted in Parliament:

...at its informal meeting, April 7th, the Council representatives of the SEATO have taken note of the statement made by Your Excellency on 1st inst., and welcomes the decision of the Australian Government to seek parliamentary approval for participation by Australian forces in a strategic reserve to be established in Malaya as an important part of the Treaty area.<sup>8</sup>

This message seems to establish the fact that SEATO itself regarded the Commonwealth Strategic Reserve in Malaya as a possible source of strength for SEATO purposes.

Subsequently, however, the tendency of Government leaders to relate the Strategic Reserve in some degree to SEATO was damped down, whether because of the strong opposition shown in Parliament by the Labour Party to the decision to send Australian troops to Malaya in time of peace, or because of the sensitiveness of Malayan political leaders on the subject of SEATO or both it is not possible to say. Thus, when the Melbourne newspaper The Age reported on 5 July 1955 a statement by Major-General T.B.L. Churchill, i/C, Administration at G H Q, Far East Land Forces, Singapore (then on a visit to Australia) that "As I see it, the Australian contribution is to be a strategic reserve, which could be used anywhere in South East Asia\*", the Minister for Defence, Sir Philip McBride, issued an immediate denial.

\* Emphasis added

7

Statement by the Prime Minister 16 June 1955, in Current Notes, Vol. 26, 1955, p. 419.

8

Ibid., pp. 279, 287, 287.

After General Churchill's statement the Leader of the Opposition, Dr Evatt, had claimed that Churchill had 'let the cat out of the bag' and commented that 'General Churchill's statement was in direct conflict with the assurance given to Parliament by the Menzies Government that the troops would be in front-line duties against the Malayan terrorists'.<sup>9</sup> As reported in The Age the Minister for Defence 'emphatically denied' Churchill's statement, adding that the Prime Minister had made it clear to Parliament that the forces would be located in Penang as part of the strategic reserve for the defence of Malaya\*.<sup>9</sup> They would also be used for anti-terrorist operations in this area. The suggestion by the Federal Opposition Leader that there were wider commitments for Australian troops was entirely without foundation.

Further, in a brief statement on 19 December 1955 regarding Australian troops in Malaya, Mr Menzies declared that 'The Australian Forces, like other British Commonwealth Forces, are in Malaya to add to the strength of Malaya'. Yet on 19 September 1957, speaking in Parliament mainly on the subject of the proposed Defence Agreement between Great Britain and Malaya, the Prime Minister again re-introduced the SEATO theme.

SEATO, (he said) represents the overall predominant conception, and I should therefore like to emphasise that not only the forces which we can deploy ahead of war, as we now do in and around the Malaya Peninsula, but also the forces which could be quickly used in the event of war, and which would thereafter be powerfully reinforced from our partly trained reserves of strength, will be constantly related to SEATO defence.\* Indeed, in time of war it is quite certain that SEATO will establish overall commands and that our forces, by suitable arrangements, will be under them.<sup>10</sup>

After referring to the proposed defence agreement between Great Britain and Malaya, and to the intention of Australia and New Zealand of 'associating ourselves with its terms, in so far as these concern Australian forces', Mr Menzies drew attention to Article 3 of the Agreement, under which Malaya granted to Great Britain the right to maintain in the Federation a Commonwealth Strategic Reserve for the purpose of assisting Malaya in the external defence of its territory and for the fulfilment of Commonwealth and international obligations.\*

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\* Emphasis added

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The Age, 6 July 1955 .

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Aust., Parl. Deb., H. of R., Vol. 16, pp. 795-6.



It is the belief of the Australian Government (he added) that our forces, by their very presence in the region in a State of readiness, add strength and confidence to the countries of the region and are available to meet demands of an emergency.<sup>11</sup>

The latest official comment on the reasons for sending Australian troops to Malaya in time of peace is contained in Sir Robert Menzies' statement of 25 September 1963, on Malaysia Defence.<sup>12</sup> On that occasion the Prime Minister told Parliament:

The establishment of the Commonwealth Strategic Reserve, of SEATO - to the functions of which the Reserve was relevant\* - the negotiations of the ANZUS pact, are all in the same pattern... There has been some suggestion that our forces in Malaya went there primarily for purposes of internal security. That is not so. As I have indicated, they went there and are there as a part of a strategic reserve with the United Kingdom and New Zealand and as a contribution to the defence of the South East Asian area. True, we quickly agreed that our forces could be employed in operations against the Communist terrorists in Malaya.

This recent statement, however, does not permit any clearer conclusions to be drawn as to the precise range of purposes for which the Commonwealth Strategic Reserve in Malaysia can be used.

#### 4 Interpretation of the United Kingdom-Malayan Defence Agreement

To what extent does the British-Malayan Agreement on External Defence and Mutual Assistance 1957 throw light upon the questions raised above as to the purposes of the British Commonwealth Strategic Reserve in Malaya?<sup>13</sup>

Under Article 1, the United Kingdom undertakes to afford assistance to Malaya 'for external defence of its territory'. Malaya agrees, under Article III, to afford the United Kingdom the right to maintain in the Federation 'such naval, land and air forces including a Commonwealth Strategic Reserve as are agreed between the two Governments to be necessary for the purposes of Article I and for the fulfilment of Commonwealth and international obligations'.\* Article VI

\* Emphasis added

<sup>11</sup> Ibid.

<sup>12</sup> See Appendix H, pp. 88-90, below.

<sup>13</sup> For text of agreement see Appendix D, pp. 79-81, below.

provides for mutual consultation on measures to be taken jointly or separately in the event of a threat of armed attack against the territories or forces of Malaya or the territories or protectorates of the United Kingdom in the Far East (or British forces therein) or other threat to the preservation of peace in the Far East.\* If there is an actual armed attack upon any of the territories or forces listed in Article VI, the two Governments undertake to co-operate and to take such action as each considers necessary. If, however, there should be a threat to the peace or an actual outbreak of hostilities 'elsewhere than in the area covered by Articles VI and VII', then under Article VIII the United Kingdom must obtain Malaya's 'prior agreement...before committing United Kingdom forces to active operations involving the use of bases in the Federation of Malaya; but this shall not affect the right of...the United Kingdom to withdraw forces from...Malaya'.

From the strictly legal point of view, it would appear that Article VIII of this Agreement required the consent of the Government of Malaya, before British forces could be committed to active operations involving the use of bases in Malaya, only in circumstances which could scarcely arise, viz., in the event of an outbreak of hostilities other than in the Far East. British forces could operate from Malayan bases, not only in the event of armed attack against any of the territories or forces of Malaya, but also, without Malayan assent, (a) in the event of an attack upon 'any of the territories (e.g. Hongkong) or protectorates (e.g. Brunei) of the United Kingdom in the Far East' (Article VII) and (b) in the event of a 'threat to the preservation of peace in the Far East' (Article VI). Under this interpretation of the Treaty the United Kingdom would appear to have the legal right to operate, for instance, aircraft from Butterworth base in Malaya for SEATO or other purposes if peace in the Far East were threatened or disturbed.

This, however, was not the interpretation placed upon the Agreement by the Prime Minister of Malaya when it was decided to send Commonwealth air squadrons to Thailand during the crisis in Laos of 1962. At that time Tunku Abdul Rahman is reported to have said in Kuala Lumpur on 20 May 1962 that, under the mutual defence agreement with Great Britain, Commonwealth forces in Malaya could not be used, except for the defence of Malaya and British territories in South East Asia, without Malaya's agreement.

The Federation of Malaya will not agree to the Commonwealth Forces stationed in Malaya being sent to Thailand in fulfilment of the obligations of

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\* Emphasis added

the three Commonwealth countries (United Kingdom, Australia and New Zealand) to SEATO.<sup>14</sup>

And, in fact, an Australian Sabre jet squadron destined for Thailand was first withdrawn from Butterworth to Singapore.<sup>15</sup> While this action does not prove that British and Malayan interpretations of the agreement were identical, it raises the question whether legal rights can be enforced in the event of local political opposition.

### 5 Agreement relating to Malaysia

Further uncertainty as to correct interpretation is introduced by the terms of, and comments upon, Article VI of the Agreement of 9 July 1963 signed by representatives of Great Britain, the Federation of Malaysia, North Borneo, Sarawak and Singapore. The article is as follows:

The Agreement on External Defence and Mutual Assistance between the Government of the United Kingdom and the Government of the Federation of Malaya of 12 October 1957, and its annexes shall apply to all territories of Malaysia, and any reference in that Agreement to the Federation of Malaya shall be deemed to apply to Malaysia, subject to the proviso that the Government of Malaysia will afford to the Government of the United Kingdom the right to continue to maintain the bases\* and other facilities at present occupied by their Service authorities within the State of Singapore\* and will permit the Government of the United Kingdom to make use\* of these bases and facilities as that Government may consider necessary\* for the purpose of assisting in the defence of Malaysia, and for Commonwealth defence and for the preservation of peace in South-East Asia...\*\*

In view of the wide scope of the introductory clauses of this Article, applying to Malaysia as a whole what had previously applied to Malaya, it is not clear why the word 'proviso' has been used. Further, the interpretation of the latter part of the Article would not appear, prima facie, to be open to question. It is a matter for

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\* Emphasis added \*\* For full text of Malaysia Agreement see  
14 Appendix F, pp. 84-6.

The Times, 21 May 1962.

15

Ibid., 29 May 1962.

the United Kingdom Government, and for that Government alone, to decide whether it is necessary to use bases and facilities on the island of Singapore for Commonwealth defence and the preservation of peace in South-East Asia. Yet the Malayan Prime Minister is reported as having made the following comments on these arrangements:

...the Tunku made it clear that sovereignty over the Singapore base remained with the future Malaysian Government and...although Singapore could not be regarded as a SEATO base, it could be used for SEATO purposes if Britain considered this necessary for the maintenance of security in South-East Asia. In every case, however, the future Malaysian Government would be consulted about the use of the base.<sup>16</sup>

The last line of this statement leaves it quite ambiguous whether the consent of the Malaysian Government has to be obtained before the Singapore bases can be used by the United Kingdom Government for 'SEATO purposes'.

Whatever the correct legal interpretation of the two defence Agreements it is apparent that both relate to an area where political considerations must in practice be taken into account. Clearly the political reactions of the Government of Malaysia, and of the Governments of the constituent parts of the Federation, will be of great importance in deciding the practical application of the two Agreements. This underlines the need for the closest liaison between the Governments of Great Britain, Australia, New Zealand and Malaysia, and between their respective diplomatic and Service representatives, to try to ensure that action contemplated under the agreements is supported by all concerned.

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16

In Historical Introduction, Malaysia, Select Documents on International Affairs No. 1, Canberra: Department of External Affairs 1963, p. 6.

6 'Association' of Australia with Malayan  
Malaysian Agreements

The Government of Australia 'associated' itself with the United Kingdom Malaya Defence Agreement by a letter of 24 March 1959, the contents of which were acknowledged in a reply of 21 April 1959 by the Government of Malaya.<sup>17</sup> The central paragraph of the former letter is as follows:

As you know, the Commonwealth Strategic Reserve referred to in the (United Kingdom-Malayan) Agreement, includes Australian forces which are or may from time to time be serving in the Federation. Accordingly, the various provisions applicable to the Commonwealth Strategic Reserve, in particular the provisions dealing with the status of forces, apply in respect of these Australian forces.

The second letter, from the Malayan Government, confirms this understanding of the Australian Government.

Similarly, in a letter of 17 September 1963, one day after the creation of the Federation of Malaysia, the Australian Government sought confirmation of its view that its association with the Agreement of 1957 henceforth applied to Malaysia. This confirmation was given in a reply from the Government of Malaysia of 18 September 1963.<sup>18</sup> In tabling these and related documents in Parliament on 25 September 1963, the Prime Minister made a statement on the defence of Malaysia, the last paragraph of which is in the following terms:

I therefore, after close deliberation by the Cabinet, and on its behalf, inform the House that we are resolved, and have so informed the Government of Malaysia, and Governments of the United Kingdom and New Zealand and others concerned, that if, in the circumstances that now exist, which may go on for a long time, there occurs, in relation to Malaysia or any of its constituent States, armed invasion or subversive activity - supported or directed or inspired from outside Malaysia - we shall to the best of our powers and by such means as shall be agreed upon

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For text see Appendix E, pp.82-3 below.

18

For text see Appendix G, p.87 below.

with the Government of Malaysia, add our military assistance to the efforts of Malaysia and the United Kingdom in the defence of Malaysia's territorial integrity and political independence.<sup>19</sup>

### Indonesia's 'confrontation' of Malaysia

It is not proposed in this working paper to trace the detailed history of the current Indonesian policy of 'confrontation' of Malaysia. This would require some account of the decline of constitutional democracy in Indonesia; the introduction of 'guided democracy'; the rise to dominant power of the chief of the 'solidarity makers' President Soekarno -- as distinct from the 'administrators' like Hatta;<sup>20</sup> the development of the ideology of Soekarno, based upon the principles of (a) National Revolution, (b) Permanent Revolution, (c) Aid to 'New Emerging Forces' outside Indonesia, and (d) 'continuous confrontation'. I have analysed this ideology and expressed my views of its significance for Australia elsewhere.<sup>21</sup> It would also require an examination of recent Philippines policy, including the claim to areas of North Borneo, and the Macapagal Plan for the creation of Maphilindo -- a proposed loose confederation of Indonesia, Malaysia and the Philippines -- and the underlying reasons for this policy.

Here it is sufficient to record a brief sequence of events. Before Indonesia acquired West Irian, both British and Malayan representatives had consulted Indonesian leaders about the proposed creation of Malaysia and believed that Indonesia would not oppose its establishment. In November 1961 Foreign Minister Dr Subandrio said publicly in the United Nations that

when Malaya told us of her intentions to merge with... Sarawak, Brunei and North Borneo as one federation, we told them that we had no objections and that we wished them success with this merger, so that everyone may live in peace and freedom...we have no objection to such a merger based upon the will for freedom of the peoples concerned...<sup>22</sup>

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<sup>19</sup>

For full text see Appendix H, pp.88-90 below.

<sup>20</sup>

See H. Feith, The Decline of Constitutional Democracy in Indonesia, Ithaca, N.Y., Cornell U.P., 1962 passim

<sup>21</sup>

"The Ideas and Ambition of President Soekarno!" Sydney Morning Herald, 29 November 1963, p. 2.

Subsequently this attitude changed. When a revolt occurred in Brunei, Indonesia supported its leader and granted him refuge. Although Brunei decided not to join Malaysia at least for the time being, President Soekarno brought the strongest pressure to bear upon the Malayan Prime Minister, Tunku Abdul Rahman, to prevent Sabah and Sarawak being incorporated in Malaysia on the published date, 31 August 1963.

Various meetings between Foreign Ministers and Heads of States or Governments of Indonesia, Malaya and the Philippines took place and eventually a series of documents was signed in Manila between 31 July and 5 August 1963. The text of the most important of these, viz., the 'Joint Statement' of 5 August is attached hereto as Appendix I. In signing these documents the Prime Minister of Malaya agreed to the postponement beyond 31 August of the creation of Malaysia. He also agreed that the Secretary-General of the United Nations 'should ascertain prior to the establishment of the Federation of Malaysia the wishes of the people of Sabah (North Borneo) and Sarawak...by a fresh approach...', and that observers should be sent by the three signatory Governments to 'witness' the carrying out of the task of the Secretary-General's working teams.

While the working teams were operating, disputes arose as to the number and qualifications of observers to be allowed. These delayed the arrival of Indonesian and Philippines observers in Sabah and Sarawak, but not the operations of the working teams. Although the Secretary-General's report had not yet been received, a new date -- 16 September -- was announced for the establishment of Malaysia. Shortly before this date, however, the Secretary-General published his report stating that 'there is no doubt about the wishes of a sizeable majority of the peoples of these territories to join in the Federation of Malaysia'. Indonesia and the Philippines refused to accept this finding, and objected to the creation of Malaysia as from 16 September. They

claimed that the provisions of the Manila Agreement regarding the presence of observers had not been carried out, while the new date for the establishment of Malaysia had been announced prior to receipt of the Secretary-General's report. Subsequently President Soekarno announced his intention to 'crush' Malaysia.

In all these circumstances, the decision of the Australian Government, made public on 25 September 1963, to 'add our military assistance to the efforts of Malaysia and the United Kingdom in the defence of Malaysia's territorial integrity and political independence' is particularly significant. Its implementation calls for hard thinking, imagination and initiative. In carrying out such a policy it is still necessary constantly to remember that Indonesia and Australia are by the circumstance of geography permanent neighbours, and that friendly relations between them are in the long term interest of both countries.

#### IV . CONCLUSION

No aspect of foreign policy illuminates more clearly the changed assumptions of the Australian Government since Pearl Harbour than defence. "...the first duty of a government is to ensure the safety of the nation...", said Mr Menzies in his speech to Parliament of 20 April 1955.<sup>23</sup> The entry of Japan into the war brought a direct threat to the security of Australia for the first time in its history. In Europe France had fallen, and Great Britain, fighting alone with Commonwealth and marginal Allied assistance in Europe, the Atlantic and the Middle East, was unable to send to the Pacific area naval and air reinforcements of an order sufficient to prevent or repel the Japanese attack on Malaya and Singapore. The strongest ties of sentiment between Australia and Great Britain could not obscure the fact that the United States alone had the military power to set limits to the creeping Japanese tide.

It was a Labour Party Prime Minister, Mr Curtin, who on 27 December 1941 published in an Australian newspaper an unhappily-phrased statement which caused misgiving and perhaps resentment in Great Britain:

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23

Aust., Parl. Deb., H. or R., Vol. 6, p. 53.



The Australian Government...regards the Pacific struggle as primarily one in which the United States and Australia must have the fullest say in the direction of the democracies' fighting plan. Without any inhibitions of any kind, I make it quite clear that Australia looks to America, free of any pangs as to our traditional links or kinship with the United Kingdom....<sup>24</sup>

But it was a Liberal-Country Party Prime Minister, Mr Menzies, who pursued an Australian initiative which resulted in the creation of the ANZUS alliance, of which Great Britain was not a member, and whose Government pressed for the establishment of a South East Asia Treaty Organisation which the British Government indicated its readiness to join only after some delay and hesitation.

Again, although it was a Labour Party Government which, during the Second World War, insisted on the return of Australian troops from the Middle East (after Japan entered the war) and refused British and American requests to allow some of them to be diverted for the defence of Burma, it was a Liberal-Country Party Government which, after the War, decided that in future the primary sphere of Australian military operations must be assumed to be, not the Middle East, but South East Asia -- a view eventually accepted by Great Britain. Agreement on this basic principle has led to valuable collaboration between Great Britain, Australia and New Zealand in ANZAM, in the Commonwealth Strategic Reserve in Malaya, and in joint military operations in Malaya during the 'emergency'.

In short, the facts of international life, as they have developed during and since the Second World War, have compelled all Australian Governments to concentrate their military attention on the Pacific area as a whole and South East Asia in particular. These facts have also compelled all Australian Governments to recognise the diminution of British military power and the accretion of American military power in the area which Europeans, but not Australians, can think of as the 'Far East'.

The Menzies Government has been in power since December 1949. Since that date, ANZUS and SEATO have come into existence, to a large extent as a result of the initiative

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The Herald (Melbourne), 27 December 1941.

of the Australian Government; ANZAM arrangements have been developed; Australia has associated itself with the British-Malayan and the British-Malaysian defence agreements; Australian forces have operated with other Commonwealth forces in the jungles of Malaya during the 'emergency' and also form part of the Commonwealth Strategic Reserve now stationed in Malaysia. This is evidence of an energetic and consistent foreign policy in the defence field. The desirability of such a policy is, of course, open to challenge by those who believe that Australia, as a country permanently anchored in the South West Pacific below the southern rim of Asia, should abjure all military alliances, concentrate on trying to attract the good-will of her Asian neighbours and, perhaps, return all armed forces to Australian shores. Critics of the policy outlined in this Working Paper are also entitled to point to the limitations of SEATO, the obscurities of ANZAM, and the uncertainty as to the precise purposes for which the Commonwealth Strategic Reserve in Malaysia can be used. Even those who accept in their entirety the foreign policy objectives in the defence field of the Menzies Government since 1949 are still entitled to question and to criticise the domestic decisions of the government on defence matters designed to give effect to international obligations which have been assumed. Has the proportion of the total annual budget devoted to defence been adequate? Has the proportion of annual Defence Votes allocated to each of the three Services been justified? Has the particular expenditure within each of the Services on manpower, weapons and equipment been wise? Has Australia's overall contribution to her own security and the security of her allies and friends been adequate, prompt and far-sighted? Has Australia given sufficient attention to non-military aspects of security through such avenues as economic aid to under-developed countries and opportunities for technical training which together contribute to the political and economic stability of neighbouring countries? These are questions which this paper makes no attempt to answer.

In his speech of 20 April 1955 the Prime Minister, Mr Menzies laid down a general principle which few thinking Australians would dispute:

We have sometimes been tempted to think that high pay and abundant leisure and good living conditions and good fun are in some way our absolute right. The least we are to do is to recognise that if, as is true, peace is indivisible, so responsibility for maintaining the peace is indivisible. We must do our

share. We must not do less than others. We must be prepared to face up to our responsibility even though a price has to be paid in the carrying of burdens and the acceptance of novel responsibility.<sup>25</sup>

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Aust., Parl. Deb., H. of R., Vol. 6, p. 53.

## DOCUMENTS

### THE NORTH ATLANTIC TREATY (Appendix A)

Washington, 4 April, 1949

(as amended by Protocol signed at London, 17 October, 1951)

#### Preamble

The Parties to this Treaty reaffirm their faith in the purposes and principles of the Charter of the United Nations and their desire to live in peace with all peoples and all Governments.

They are determined to safeguard the freedom, common heritage and civilisation of their peoples, founded on the principles of democracy, individual liberty and the rule of law.

They seek to promote stability and well-being in the North Atlantic area.

They are resolved to unite their efforts for collective defence for the preservation of peace and security.

They therefore agree to this North Atlantic Treaty.

#### Article 1

The Parties undertake, as set forth in the Charter of the United Nations, to settle any international disputes in which they may be involved by peaceful means in such a manner that international peace and security and justice are not endangered, and to refrain in their international relations from the threat or use of force in any manner inconsistent with the purposes of the United Nations.

#### Article II

The Parties will contribute toward the further development of peaceful and friendly international relations by strengthening their free institutions, by bringing about a better understanding of the principles upon which these institutions are founded, and by promoting conditions of stability and well-being. They will seek to eliminate conflict

in their international economic policies and will encourage economic collaboration between any or all of them.

### Article III

In order more effectively to achieve the objectives of this Treaty, the Parties, separately and jointly, by means of continuous and effective self-help and mutual aid, will maintain and develop their individual and collective capacity to resist armed attack.

### Article IV

The Parties will consult together whenever, in the opinion of any of them, the territorial integrity, political independence or security of any of the Parties is threatened.

### Article V

The Parties agree that an armed attack against one or more of them in Europe or North America shall be considered an attack against them all and consequently they agree that, if such an armed attack occurs, each of them, in exercise of the right of individual or collective self-defence recognised by Article 51 of the Charter of the United Nations, will assist the Party or Parties so attacked by taking forthwith, individually and in concert with the other Parties, such action as it deems necessary, including the use of armed force, to restore and maintain the security of the North Atlantic area.

Any such armed attack and all measures taken as a result thereof shall immediately be reported to the Security Council. Such measures shall be terminated when the Security Council has taken the measures necessary to restore and maintain international peace and security.

### Article VI

For the purpose of Article V, an armed attack on one or more of the Parties is deemed to include an armed attack:

- (i) on the territory of any of the Parties in Europe or North America, on the Algerian Departments of France, on the territory of Turkey or on the islands under the jurisdiction of any of the Parties in the North Atlantic area north of the Tropic of Cancer;

- (ii) on the forces, vessels or aircraft of any of the Parties, when in or over these territories or any other area in Europe in which occupation forces of any of the Parties were stationed on the date when the Treaty entered into force or the Mediterranean Sea or the North Atlantic area north of the Tropic of Cancer.

#### Article VII

This Treaty does not affect and shall not be interpreted as affecting in any way, the rights and obligations under the Charter of the Parties which are members of the United Nations, or the primary responsibility of the Security Council for the maintenance of international peace and security.

#### Article VIII

Each Party declares that none of the international engagements now in force between it and any other of the Parties or any third State is in conflict with the provisions of this Treaty, and undertakes not to enter into any international engagement in conflict with this Treaty.

#### Article IX

The Parties hereby establish a Council, on which each of them shall be represented, to consider matters concerning the implementation of this Treaty. The Council shall be so organised as to be able to meet promptly at any time. The Council shall set up such subsidiary bodies as may be necessary; in particular it shall establish immediately a Defence Committee, which shall recommend measures for the implementation of Articles III and V.

#### Article X

The Parties may, by unanimous agreement, invite any other European State in a position to further the principles of this Treaty and to contribute to the security of the North Atlantic area to accede to this Treaty. Any State so invited may become a Party to the Treaty by depositing its instrument of accession with the Government of the United States of America.

The Government of the United States of America will inform each of the Parties of the deposit of each such

instrument of accession.

#### Article XI

This Treaty shall be ratified and its provisions carried out by the Parties in accordance with their respective constitutional processes. The instruments of ratification shall be deposited as soon as possible with the Government of the United States of America, which will notify all the other signatories of each deposit. The Treaty shall enter into force between the States which have ratified it as soon as the ratifications of the majority of the signatories, including the ratifications of Belgium, Canada, France, Luxembourg, the Netherlands, the United Kingdom and the United States, have been deposited and shall come into effect with respect to other States on the date of the deposit of their ratifications.

#### Article XII

After the Treaty has been in force for ten years, or at any time thereafter, the Parties shall, if any of them so requests, consult together for the purpose of reviewing the Treaty, having regard for the factors then affecting peace and security in the North Atlantic area, including the development of universal as well as regional arrangements under the Charter of the United Nations for the maintenance of international peace and security.

#### Article XIII

After the Treaty has been in force for twenty years, any Party may cease to be a Party one year after its notice of denunciation has been given to the Government of the United States of America, which will inform the Governments of the other Parties of the deposit of each notice of denunciation.

#### Article XIV

This Treaty, of which the English and French texts are equally authentic, shall be deposited in the archives of the Government of the United States of America. Duly certified copies thereof will be transmitted by that Government to the Governments of the other signatories.

THE ANZUS TREATY (Appendix B)

San Francisco, 1 September 1951

The Parties to this Treaty,

Reaffirming their faith in the purposes and principles of the Charter of the United Nations and their desire to live in peace with all peoples and all Governments, and desiring to strengthen the fabric of peace in the Pacific Area,

Noting that the United States already has arrangements pursuant to which its armed forces are stationed in the Philippines, and has armed forces and administrative responsibilities in the Ryukyus, and upon the coming into force of the Japanese Peace Treaty may also station armed forces in and about Japan to assist in the preservation of peace and security in the Japan Area,

Recognizing that Australia and New Zealand as members of the British Commonwealth of Nations have military obligations outside as well as within the Pacific Area,

Desiring to declare publicly and formally their sense of unity, so that no potential aggressor could be under the illusion that any of them stand alone in the Pacific Area, and

Desiring further to co-ordinate their efforts for collective defence for the preservation of peace and security pending the development of a more comprehensive system of regional security in the Pacific Area,

Therefore declare and agree as follows:

Article I

The Parties undertake, as set forth in the Charter of the United Nations, to settle any international disputes in which they may be involved by peaceful means in such a manner that international peace and security and justice are not endangered and to refrain in their international relations from the threat or use of force in any manner inconsistent with the purposes of the United Nations.

Article II

In order more effectively to achieve the objective of this Treaty the Parties separately and jointly by means of continuous and effective self-help and mutual aid will maintain and develop their individual and collective capacity to resist armed attack.

Article III

The Parties will consult together whenever in the opinion of any of them the territorial integrity, political independence or security of any of the Parties is threatened in the Pacific.



#### Article IV

Each Party recognizes that an armed attack in the Pacific Area on any of the Parties would be dangerous to its own peace and safety and declares that it would act to meet the common danger in accordance with its constitutional processes.

Any such armed attack and all measures taken as a result thereof shall be immediately reported to the Security Council of the United Nations. Such measures shall be terminated when the Security Council has taken the measures necessary to restore and maintain international peace and security.

#### Article V

For the purpose of Article IV, an armed attack on any of the Parties is deemed to include an armed attack on the metropolitan territory of any of the Parties, or on the island territories under its jurisdiction in the Pacific or on its armed forces, public vessels or aircraft in the Pacific.

#### Article VI

This Treaty does not affect and shall not be interpreted as affecting in any way the rights and obligations of the Parties under the Charter of the United Nations or the responsibility of the United Nations for the maintenance of international peace and security.

#### Article VII

The Parties hereby establish a Council consisting of their Foreign Ministers or their Deputies to consider matters concerning the implementation of this Treaty. The Council should be so organized as to be able to meet at any time.

#### Article VIII

Pending the development of a more comprehensive system of regional security in the Pacific Area and the development by the United Nations of more effective means to maintain international peace and security, the Council, established by Article VII, is authorized to maintain a consultative relationship with States, Regional Organizations, Associations of States, or other authorities in the Pacific Area in a position to further the purposes of this Treaty and to contribute to the security of that Area.

### Article IX

This Treaty shall be ratified by the Parties in accordance with their respective constitutional processes. The instruments of ratification shall be deposited as soon as possible with the Government of Australia, which will notify each of the other signatories of such deposit. The Treaty shall enter into force as soon as the ratifications of the signatories have been deposited.

### Article X

This Treaty shall remain in force indefinitely. Any Party may cease to be a member of the Council established by Article VII one year after notice has been given to the Government of Australia, which will inform the Governments of the other Parties of the deposit of such notice.

### Article XI

This Treaty in the English language shall be deposited in the archives of the Government of Australia. Duly certified copies thereof will be transmitted by that Government to the Governments of each of the other signatories.

## THE MANILA PACT (Appendix C)

Manila, 8 September 1954

The Parties to this Treaty,  
Recognizing the sovereign equality of all the Parties,

Reiterating their faith in the purposes and principles set forth in the Charter of the United Nations and their desire to live in peace with all peoples and all Governments,

Reaffirming that in accordance with the Charter of the United Nations they uphold the principle of equal rights and self-determination of peoples, and declaring that they will earnestly strive by every peaceful means to promote self-government and to secure the independence of all countries whose peoples desire it and are able to undertake its responsibilities,

Desiring to strengthen the fabric of peace and freedom and to uphold the principles of democracy, individual liberty and the rule of law, and to promote the economic well-being and development of all peoples in the Treaty Area,

Intending to declare publicly and formally their sense of unity, so that any potential aggressor will appreciate that the Parties stand together in the area, and

Desiring further to co-ordinate their efforts for collective defence for the preservation of peace and security,

Therefore agree as follows:

#### Article I

The Parties undertake, as set forth in the Charter of the United Nations, to settle any international dispute in which they may be involved by peaceful means in such a manner that international peace and security and justice are not endangered, and to refrain in their international relations from the threat or use of force in any manner inconsistent with the purposes of the United Nations.

#### Article II

In order more effectively to achieve the objectives of this Treaty, the Parties, separately and jointly, by means of continuous and effective self-help and mutual aid will maintain and develop their individual and collective capacity to resist armed attack and to prevent and counter subversive activities directed from without against their territorial integrity and political stability.

#### Article III

The Parties undertake to strengthen their free institutions and to co-operate with one another in the further development of economic measures, including technical assistance, designed both to promote economic progress and social well-being and to further the individual and collective efforts of governments toward these ends.

#### Article IV

1 Each Party recognizes that aggression by means of armed attack in the Treaty Area against any of the Parties or against any State or territory which the Parties by unanimous agreement may hereafter designate, would endanger its own peace and safety, and agrees that it will in that event act to meet the common danger in accordance with its constitutional processes. Measures taken under this paragraph shall be immediately reported to the Security Council of the United Nations.

2 If, in the opinion of any of the Parties, the inviolability or the integrity of the territory or the sovereignty or political independence of any Party in the Treaty Area or of any other State or territory to which the provisions of paragraph I of this Article from time to time apply is threatened in any way other than by armed attack or is affected or threatened by any fact or situation which might endanger the peace of the area, the Parties shall consult immediately in order to agree on the measures which should be taken for the common defence.

3 It is understood that no action on the territory of any State designated by unanimous agreement under paragraph I of this Article or on any territory so designated shall be taken except at the invitation or with the consent of the government concerned.

#### Article V

The Parties hereby establish a Council, on which each of them shall be represented, to consider matters concerning the implementation of this Treaty. The Council shall provide for consultation with regard to military and any other planning as the situation obtaining in the Treaty Area may from time to time require. The Council shall be so organized as to be able to meet at any time.

#### Article VI

This Treaty does not affect and shall not be interpreted as affecting in any way the rights and obligations of any of the Parties under the Charter of the United Nations or the responsibility of the United Nations for the maintenance of international peace and security. Each Party declares that none of the international engagements now in force between it and any other of the Parties or any third party is in conflict with the provisions of this Treaty, and undertakes not to enter into any international engagement in conflict with this Treaty.

#### Article VII

Any other State in a position to further the objectives of this Treaty and to contribute to the security of the area may, by unanimous agreement of the Parties, be invited to accede to this Treaty. Any State so invited may become a Party to the Treaty by depositing its instrument of accession with the Government of the Republic of the Philippines. The Government of the Republic of the Philippines shall inform each of the Parties of the deposit of each such instrument of accession.

### Article VIII

As used in this Treaty, the "Treaty Area" is the general area of South-East Asia, including also the entire territories of the Asian Parties, and the general area of the South-West Pacific not including the Pacific area north of 21 degrees 30 minutes north latitude. The Parties may, by unanimous agreement, amend this Article to include within the Treaty Area the territory of any State acceding to this Treaty in accordance with Article VII or otherwise to change the Treaty Area.

### Article IX

1 This Treaty shall be deposited in the archives of the Government of the Republic of the Philippines. Duly certified copies thereof shall be transmitted by that Government to the other signatories.

2 The Treaty shall be ratified and its provisions carried out by the Parties in accordance with their respective constitutional processes. The instruments of ratification shall be deposited as soon as possible with the Government of the Republic of the Philippines, which shall notify all of the other signatories of such deposit.

3 The Treaty shall enter into force between the States which have ratified it as soon as the instruments of ratification of a majority of the signatories shall have been deposited, and shall come into effect with respect to each other State on the date of the deposit of its instrument of ratification.

### Article X

This Treaty shall remain in force indefinitely, but any Party may cease to be a Party one year after its notice of denunciation has been given to the Government of the Republic of the Philippines, which shall inform the Governments of the other Parties of the deposit of each notice of denunciation.

### Article XI

The English text of this Treaty is binding on the Parties, but when the Parties have agreed to the French text thereof and have so notified the Government of the Republic of the Philippines, the French text shall be equally authentic and binding on the Parties.

THE ANGLO-MALAYAN DEFENCE AGREEMENT (Appendix D)

Kuala Lumpur, 12 October 1957

Whereas the Federation of Malaya is fully self-governing and independent within the Commonwealth;

And whereas the Government of the Federation of Malaya and the Government of the United Kingdom of Great Britain and Northern Ireland recognise that it is in their common interest to preserve peace and to provide for their mutual defence;

And whereas the Government of the Federation of Malaya has now assumed responsibility for the external defence of its territory;

Now therefore the Government of the Federation of Malaya and the Government of the United Kingdom of Great Britain and Northern Ireland have agreed as follows:

Article I

The Government of the United Kingdom undertake to afford to the Government of the Federation of Malaya such assistance as the Government of the Federation of Malaya may require for the external defence of its territory.

Article II

The Government of the United Kingdom will furnish the Government of the Federation of Malaya with assistance of the kind referred to in Annex I of this Agreement, as may from time to time be agreed between the two Governments for the training and development of the armed forces of the Federation.

Article III

The Government of the Federation of Malaya will afford to the Government of the United Kingdom the right to maintain in the Federation such naval, land and air forces including a Commonwealth Strategic Reserve as are agreed between the two Governments to be necessary for the purposes of Article I of this Agreement and for the fulfilment of Commonwealth and international obligations. It is agreed that the forces referred to in this Article may be accompanied by authorised service organisations, and civilian components (of such size as may be agreed between the two Governments to be necessary) and dependants.

#### Article IV

The Government of the Federation of Malaya agrees that the Government of the United Kingdom may for the purposes of this Agreement have, maintain and use bases and facilities in the Federation in accordance with the provisions of Annexes 2 and 4 of this Agreement and may establish, maintain and use such additional bases and facilities as may from time to time be agreed between the two Governments. The Government of the United Kingdom shall at the request of the Government of the Federation of Malaya vacate any base or part thereof: in such event the Government of the Federation of Malaya shall provide at its expense agreed alternative accommodation and facilities.

#### Article V

The conditions contained in Annex 3 of this Agreement shall apply to the forces, the authorised service organisations, the civilian components and the dependants referred to in Article III while in the territory of the Federation of Malaya in pursuance of this Agreement.

#### Article VI

In the event of a threat of armed attack against any of the territories or forces of the Federation of Malaya or any of the territories or protectorates of the United Kingdom in the Far East or any of the forces of the United Kingdom within those territories or protectorates or within the Federation of Malaya, or other threat to the preservation of peace in the Far East, the Governments of the Federation of Malaya and of the United Kingdom will consult together on the measures to be taken jointly or separately to ensure the fullest co-operation between them for the purpose of meeting the situation effectively.

#### Article VII

In the event of an armed attack against any of the territories or forces of the Federation of Malaya or any of the territories or protectorates of the United Kingdom in the Far East or any of the forces of the United Kingdom within any of those territories or protectorates or within the Federation of Malaya, the Governments of the Federation of Malaya and of the United Kingdom undertake to co-operate with each other and will take such action as each considers necessary for the purpose of meeting the situation effectively.

### Article VIII

In the event of a threat to the preservation of peace or the outbreak of hostilities elsewhere than in the area covered by Articles VI and VII the Government of the United Kingdom shall obtain the prior agreement of the Government of the Federation of Malaya before committing United Kingdom forces to active operations involving the use of bases in the Federation of Malaya; but this shall not affect the right of the Government of the United Kingdom to withdraw forces from the Federation of Malaya.

### Article IX

The Government of the United Kingdom will consult the Government of the Federation of Malaya when major changes in the character or deployment of the forces maintained in the Federation of Malaya as provided for in accordance with Article III are contemplated.

### Article X

The Government of the Federation of Malaya and the Government of the United Kingdom will afford each other an adequate opportunity for comment upon any major administrative or legislative proposals which may affect the operation of this Agreement.

### Article XI

For the purpose of this Agreement, unless the context otherwise requires:

"bases" means areas in the Federation made available by the Government of the Federation of Malaya to the Government of the United Kingdom for the purposes of this Agreement and includes the immovable property and installations situated thereon or constructed therein;

"force" means any body, contingent, or detachment of any naval land or air forces or of any such forces, including a Commonwealth Strategic Reserve when in the territory of the Federation pursuant to this Agreement but shall not include any forces of the Federation of Malaya;

"the Federation" means the Federation of Malaya;

"Service authorities" means the authorities of a force who are empowered by the law of the country to which the



force belongs to exercise command or jurisdiction over members of a force or civilian component or dependants;

"Federation authorities" means the authority or authorities from time to time authorised or designated by the Government of the Federation of Malaya for the purpose of exercising the powers in relation to which the expression is used;

"civilian component" means the civilian personnel accompanying a force, who are employed in the service of a force or by an authorised service organisation accompanying a force, and who are not stateless persons, nor nationals of, nor ordinarily resident in, the Federation;

"authorised service organisation" means a body organised for the benefit of, or to serve the welfare of, a force or civilian component or dependants;

"dependant" means a person not ordinarily resident in the Federation who is the spouse of a member of a force or civilian component or who is wholly or mainly maintained or employed by any such member, or who is in his custody, charge or care, or who forms part of his family;

"service vehicles" means vehicles including hired vehicles, which are exclusively in the service of a force or authorised service organisation;

the expression "of a force" used in relation to "vessels" or "aircraft" includes vessels and aircraft on charter for the service of a force.

#### Article XII

This Agreement shall come into force on the date of signature.

#### EXCHANGE OF LETTERS BETWEEN AUSTRALIA AND MALAYA (Appendix E)

Malaya, 21 April 1959

Text of letter dated 21 April 1959, received by the Australian High Commissioner in Malaya from the Prime Minister of Malaya and incorporating the text of the High Commissioner's letter of 24 March 1959, to the Prime Minister:

" I refer to your letter of 24th March, 1959, the terms of which are as follows:-

' I wish to refer to the Agreement on External Defence and Mutual Assistance concluded on 12th October, 1957, between the Government of the Federation of Malaya and the Government of the United Kingdom of Great Britain and Northern Ireland.

As you know, the Commonwealth Strategic Reserve referred to in the Agreement, its Annexes and the letters exchanged in connection with the Agreement, includes Australian forces which are or may from time to time be serving in the Federation. Accordingly, the various provisions applicable to the Commonwealth Strategic Reserve, in particular the provisions dealing with the status of forces, apply in respect of these Australian forces.

I should be grateful if you would confirm that the foregoing is the understanding between the Government of the Federation of Malaya and the Government of the United Kingdom of Great Britain and Northern Ireland in respect of Australian forces serving in the Federation. If so, I would suggest that this letter and your reply be regarded as placing that understanding on record.

On behalf of the Australian Government, I take this opportunity of conveying to you and to your Government the assurance of our continued interest in, and concern for, the well-being of the Federation and its people. '

In reply, I confirm that your letter correctly sets out the understanding between the Government of the Federation of Malaya and the Australian Government and, in accordance with the suggestion contained in your letter, agree that your letter and this reply be regarded as placing that understanding on record."

THE MALAYSIA AGREEMENT (Appendix F)

London, 9 July 1963

The United Kingdom of Great Britain and Northern Ireland, the Federation of Malaya, North Borneo, Sarawak and Singapore;

Desiring to conclude an agreement relating to Malaysia;

Agree as follows:

Article I

The Colonies of North Borneo and Sarawak and the State of Singapore shall be federated with the existing States of the Federation of Malaya as the States of Sabah, Sarawak and Singapore in accordance with the constitutional instruments annexed to this Agreement and the Federation shall thereafter be called "Malaysia".

Article II

The Government of the Federation of Malaya will take such steps as may be appropriate and available to them to secure the enactment by the Parliament of the Federation of Malaya of an Act in the form set out in Annex A to this Agreement and that it is brought into operation on 31 August 1963 (and the date on which the said Act is brought into operation is hereinafter referred to as "Malaysia Day").

Article III

The Government of the United Kingdom will submit to Her Britannic Majesty before Malaysia Day Orders in Council for the purpose of giving the force of law to the Constitutions of Sabah, Sarawak and Singapore as States of Malaysia which are set out in Annexes B, C and D to this Agreement.

Article IV

The Government of the United Kingdom will take such steps as may be appropriate and available to them to secure the enactment by the Parliament of the United Kingdom of an Act providing for the relinquishment, as from Malaysia Day, of Her Britannic Majesty's sovereignty and jurisdiction in respect of North Borneo, Sarawak and Singapore so that the said sovereignty and jurisdiction shall on such relinquishment vest in accordance with this Agreement and the constitutional

instruments annexed to this Agreement.

#### Article V

The Government of the Federation of Malaya will take such steps as may be appropriate and available to them to secure the enactment before Malaysia Day by the Parliament of the Federation of Malaya of an Act in the form set out in Annex E to this Agreement for the purpose of extending and adapting the Immigration Ordinance, 1959, of the Federation of Malaya to Malaysia and of making additional provision with respect to entry into the States of Sabah and Sarawak; and the other provisions of this Agreement shall be conditional upon the enactment of the said Act.

#### Article VI

The Agreement on External Defence and Mutual Assistance between the Government of the United Kingdom and the Government of the Federation of Malaya of 12 October 1957, and its annexes shall apply to all territories of Malaysia, and any reference in that Agreement to the Federation of Malaya shall be deemed to apply to Malaysia, subject to the proviso that the Government of Malaysia will afford to the Government of the United Kingdom the right to continue to maintain the bases and other facilities at present occupied by their Service authorities within the State of Singapore and will permit the Government of the United Kingdom to make such use of these bases and facilities as that Government may consider necessary for the purpose of assisting in the defence of Malaysia, and for Commonwealth defence and for the preservation of peace in South-East Asia. The application of the said Agreement shall be subject to the provisions of Annex F to this Agreement (relating primarily to Service lands in Singapore).

#### Article VII

(1) The Federation of Malaya agrees that Her Britannic Majesty may make before Malaysia Day Orders in Council in the form set out in Annex G to this Agreement for the purpose of making provision for the payment of compensation and retirement benefits to certain overseas officers serving, immediately before Malaysia Day, in the public service of the Colony of North Borneo or the Colony of Sarawak.

(2) On or as soon as practicable after Malaysia Day, Public Officers' Agreements in the forms set out in Annexes H and I of this Agreement shall be signed on behalf of the

Government of the United Kingdom and the Government of Malaysia; and the Government of Malaysia shall obtain the concurrence of the Government of the State of Sabah, Sarawak or Singapore, as the case may require, to the signature of the Agreement by the Government of Malaysia so far as its terms may affect the responsibilities or interests of the Government of the State.

#### Article VIII

The Governments of the Federation of Malaya, North Borneo and Sarawak will take such legislative, executive or other action as may be required to implement the assurances, undertakings and recommendations contained in Chapter 3 of, and Annexes A and B to, the Report of the Inter-Governmental Committee signed on 27 February 1963, in so far as they are not implemented by express provision of the Constitution of Malaysia.

#### Article IX

The provisions of Annex J to this Agreement relating to Common Market and financial arrangements shall constitute an Agreement between the Government of the Federation of Malaya and the Government of Singapore.

#### Article X

The Governments of the Federation of Malaya and of Singapore will take such legislative, executive or other action as may be required to implement the arrangements with respect to broadcasting and television set out in Annex K to this Agreement in so far as they are not implemented by express provision of the Constitution of Malaysia.

#### Article XI

This Agreement shall be signed in the English and Malay languages except that the Annexes shall be in the English language only. In case of doubt the English text of the Agreement shall prevail.

EXCHANGE OF LETTERS BETWEEN AUSTRALIA (Appendix G)  
AND MALAYSIA

Malaysia, 18 September 1963

Text of letter dated 18 September 1963, received by the Australian High Commissioner in Malaysia from the Prime Minister of Malaysia and incorporating the text of the High Commissioner's letter of 17 September, 1963, to the Prime Minister:

" I have the honour to refer to your letter of 17th September, 1963, concerning the presence of Australian forces in the Commonwealth Strategic Reserve under the Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Federation of Malaya on external defence and mutual assistance the terms of which are as follows -

I have the honour to refer to my letter to the Prime Minister of the Federation of Malaya dated 24th March, 1959, and his reply of 21st April, 1959, concerning the presence of Australian forces in the Commonwealth Strategic Reserve under the Agreement on external defence and mutual assistance between the Government of the United Kingdom and the Government of the Federation of Malaya on 12th October, 1957.

The Governments of the United Kingdom, Malaya, North Borneo, Sarawak and Singapore, have agreed by Article VI of an Agreement concluded on 9th July, 1963, on the extension to all the territories of Malaysia of the 1957 Agreement. The Government of Australia accordingly regards its association with the Agreement as henceforth applying to Malaysia. I should be grateful if you would confirm that this is your understanding of the position.

In reply I confirm that your letter correctly states the understanding between our two Governments of the position.

PRIME MINISTER MENZIES' STATEMENT ON DEFENCE OF  
MALAYSIA  
(Appendix H)

Canberra, 25 September 1963

Following is a statement that the Australian Prime Minister, Sir Robert Menzies, made today to the Australian Parliament:

I present to the House the Anglo-Malayan Defence Agreement of 1957, a copy of the notes exchanged between Australia and Malaya in March and April, 1959, and the relevant part of the United Kingdom-Malaysia Agreement of July, 1963.

I also table copies of the notes exchanged between Australia and the new Malaysia this month, the effect of which I summarised in answer to a question last week. In substance, I then said that our existing arrangements with Malaya would now apply to Malaysia.

It may be remembered that so far back as April, 1955, the Government emphasised the importance of Malaya to the security of the zone in which we live, and pointed out that in consequence, Malayan integrity and defence were matters from which we could not and should not stand aloof. Reasons of this kind, directly affecting us, were of course closely allied with the proper interests of others - who are our friends.

The establishment of the Commonwealth strategic reserve, of SEATO (to the functions of which the reserve was relevant), the negotiations of the ANZUS Pact, are all in the same pattern. This is a pattern, not of aggression, but of defence: not of isolation in defence but of common effort for the common security.

There has been some suggestion that our forces in Malaya went there primarily for purposes of internal security. This is not so. As I have indicated, they went there and are there as part of a strategic reserve with the United Kingdom and New Zealand and as a contribution to the defence of the South-East-Asian area.

True, we quickly agreed that our forces could be employed in operations against the Communist terrorists in Malaya. They were so employed, with success, and with great credit to themselves and Australia. The facts were, of course, that these terrorists were promoted and supplied by Communist authorities outside Malaya, and that their activities were as much acts of war against the territorial and political

integrity of Malaya as would have been overt military invasion.

We think that the people of Australia have agreed with these policies and decisions. In all these arrangements, and in any to be made, the usual rule will apply that the employment of Australian forces remains under the control of the Australian Government. We have acted and will continue to act consistently with the Charter of the United Nations.

But Malaysia, the new nation, is here. The processes of its creation have been democratic. The United Nations Secretary-General, having appointed suitable persons as examiners, reported that the people of North Borneo and Sarawak desired incorporation into Malaysia. The Prime Minister of Singapore, one of the great sponsors of Malaysia, has just received an overwhelming endorsement at the polls. We have publicly and unambiguously said that we support Malaysia, which is, never let it be forgotten, a Commonwealth country, just as our own is.

Should there be any attempts to destroy or weaken Malaysia by subversion or invasion, what should Australia do about it? We know that the United Kingdom accepts, in substance, the position of a military guarantor. Honourable members now know the terms of our own recent exchange of notes.

The Government of Malaysia has said clearly that this exchange is completely satisfactory to it. But it has not been the normal practice of Commonwealth countries to spell out in detail their sense of mutual obligation nor to confine themselves to legal formulae. For example, our vital engagements with the United Kingdom are not written or in any way formalised. Yet we know and she knows that in this part of the world we look to her, and she looks to us. We each apply in a spirit of mutual confidence a golden rule of mutual obligation.

But for the benefit of all concerned, honourable members would not wish me to create or permit any ambiguity about Australia's position in relation to Malaysia

I therefore, after close deliberation by the Cabinet, and on its behalf, inform the House that we are resolved, and have so informed the Government of Malaysia, and the Governments of the United Kingdom and New Zealand and others concerned, that if, in the circumstances that now exist, which may continue for a long time, there occurs, in relation to Malaysia or any of its constituent States, armed invasion or subversive activity - supported or directed or inspired from



outside Malaysia - we shall to the best of our powers and by such means as shall be agreed upon with the Government of Malaysia, add our military assistance to the efforts of Malaysia and the United Kingdom in the defence of Malaysia's territorial integrity and political independence.

JOINT STATEMENT OF THE HEADS OF GOVERNMENT OF  
INDONESIA, PHILIPPINES AND MALAYA  
(Appendix I)

Manila, 5 August 1963

The President of the Republic of Indonesia, the President of the Philippines, and the Prime Minister of the Federation of Malaya met at a Summit Conference in Manila from July 30 to August 5, 1963.

1 Moved by a sincere desire to solve their common problems in an atmosphere of fraternal understanding, they considered, approved and accepted the Report and Recommendations of the Foreign Ministers of the three countries adopted in Manila on June 11, 1963 (hereafter to be known as the Manila Accord).

2 In order to provide guiding principles for the implementation of the Manila Accord the Heads of Government have issued a declaration known as the Manila Declaration, embodying the common aspirations and objectives of the peoples and governments of the three countries.

3 As a result of the consultations amongst the three Heads of Government in accordance with the principles enunciated in the Manila Declaration, they have resolved various current problems of common concern.

4 Pursuant to paragraphs 10 and 11 of the Manila Accord the United Nations Secretary-General or his representative should ascertain prior to the establishment of the Federation of Malaysia the wishes of the people of Sabah (North Borneo) and Sarawak within the context of General Assembly Resolution 1541 (XV), Principle 9 of the Annex, by a fresh approach, which in the opinion of the Secretary-General is necessary to ensure complete compliance with the principle of self-determination within the requirements embodied in Principle 9, taking into consideration:

- (i) the recent elections in Sabah (North Borneo) and Sarawak but nevertheless further examining, verifying and satisfying himself as to whether
  - (a) Malaysia was a major issue, if not the main issue;
  - (b) electoral registers were properly compiled;
  - (c) elections were free and there was no coercion; and
- (ii) the wishes of those who, being qualified to vote, would have exercised their right of self-determination in the recent elections had it not been for their detention for political activities, imprisonment for political offences or absence from Sabah (North Borneo) or Sarawak.

5 The Secretary-General will be requested to send working teams to carry out the task set out in paragraph 4.

6 The Federation of Malaya, having undertaken to consult the British Government and the Governments of Sabah (North Borneo) and Sarawak under paragraph 11 of the Manila Accord on behalf of the three Heads of Government, further undertakes to request them to co-operate with the Secretary-General and to extend to him the necessary facilities so as to enable him to carry out his task as set out in paragraph 4.

7 In the interest of the countries concerned, the three Heads of Government deem it desirable to send observers to witness the carrying out of the task to be undertaken by the working teams, and the Federation of Malaya will use its best endeavours to obtain the co-operation of the British Government and the Governments of Sabah (North Borneo) and Sarawak in furtherance of this purpose.

8 In accordance with paragraph 12 of the Manila Accord, the three Heads of Government decided to request the British Government to agree to seek a just and expeditious solution to the dispute between the British Government and the Philippine Government concerning Sabah (North Borneo) by means of negotiation, conciliation and arbitration, judicial settlement, or other peaceful means of the parties' own choice in conformity with the Charter of the United Nations. The three Heads of Government take cognizance of the position regarding the Philippine claim to Sabah (North Borneo) after the establishment of the Federation of Malaysia as provided under paragraph 12 of the Manila Accord, that is, that the inclusion

of Sabah (North Borneo) in the Federation of Malaysia does not prejudice either the claim or any right thereunder.

9 Pursuant to paragraphs 6, 7, 8 and 9 of the Manila Accord and the Fifth Principle of the Manila Declaration, that is, that initial steps should be taken towards the establishment of Maphilindo by holding frequent and regular consultations at all levels to be known as Mushawarah Maphilindo, it is agreed that each country shall set up a National Secretariat for Maphilindo affairs and as a first step the respective National Secretariats will consult together with a view to co-ordinating and co-operating with each other in the study on the setting up of the necessary machinery for Maphilindo.

10 The three Heads of Government emphasized that the responsibility for the preservation of the national independence of the three countries and of the peace and security in their region lies primarily in the hands of the governments and the peoples of the countries concerned, and that the three governments undertake to have close consultations (mushawarah) among themselves on these matters.

11 The three Heads of Government further agreed that foreign bases--temporary in nature--should not be allowed to be used directly or indirectly to subvert the national independence of any of the three countries. In accordance with the principle enunciated in the Bandung Declaration, the three countries will abstain from the use of arrangements of collective defence to serve the particular interests of any of the big powers.

12 President Soekarno and Prime Minister Abdul Rahman express their deep appreciation for the initiative taken by President Macapagal in calling the Summit Conference which, in addition to resolving their differences concerning the proposed Federation of Malaysia, resulted in paving the way for the establishment of Maphilindo. The three Heads of Government conclude this Conference, which has greatly strengthened the fraternal ties which bind their three countries and extended the scope of their co-operation and understanding, with renewed confidence that their governments and peoples will together make a significant contribution to the attainment of just and enduring peace, stability and prosperity in the region.

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Statements of fact and opinion are made on the sole responsibility of the authors.

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