

ANZUS and the Next War: A Commentary

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Dr Malcolm Hugh Patterson *

1. Introduction: war on the horizon?

A risk of Sino-US war during the next decade appears increasingly plausible. If a major conflict does occur, initial hostilities seem likely to begin on or proximate to Taiwan¹. Until perhaps two years ago, an apparently inconsistent policy conveyed by President Biden puzzled some observers.² Even so, his conduct was coherent when viewed as a legacy of opaque US intentions embodied in the substance of the U.S. *Taiwan Relations Act*³ and a lengthy strategy of strategic ambiguity.⁴ This has changed. Hard power calculations now fill apprehensive debates on Taiwan and the relative decline of American military superiority over the Peoples' Republic of China (PRC).

One prominent Australian Sinologist holds a firm view of Chinese Communist Party (CCP) / State intentions. Dr Kevin Rudd, now Australian Ambassador to the U.S., believes President

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¹ Hugh White, "Taiwan: Biden Risks Talking Himself into a War he Cannot Win," *The Interpreter*, Lowy Institute, Sept 26, 2022, <https://www.lowyinstitute.org/the-interpreter/taiwan-biden-risks-talking-himself-war-he-cannot-win>

² White, "Taiwan: Biden."

³ *Taiwan Relations Act*, Public L No 96-8, 22 U.S.C. § 3301 et seq.

⁴ Tim Wilasey-Wilson, "US Policy on Taiwan and the Perils of 'Strategic Ambiguity,'" *RUSI Commentary* Sept 26, 2022, <https://rusi.org/explore-our-research/publications/commentary/us-policy-taiwan-and-perils-strategic-ambiguity>

Xi is likely to move on Taiwan between the late 2020s and early 2030s.⁵ CCP dogma and President Xi's uncompromising conduct to date suggest Dr Rudd holds the accurate view.⁶ If there is war, it appears very likely the US will expect the Australian Defence Force (ADF) and much of its US-sourced equipment to accompany American and probably other states' forces into a major regional conflict. In Professor White's view 'Washington would expect Australia to contribute the full range of our air and naval forces to the maximum extent of our capability.'⁷

This unequivocal conclusion regarding Canberra's obligations as perceived in Washington is not an isolated opinion. In July of 2022 the Chair of the US 'Joint Chiefs of Staff' made a similar point as clearly as his position permitted.⁸ Some months earlier, then Australian Defence Minister Peter Dutton put an emphatically similar view, apparently without the perception of a costly electoral or party backlash.⁹ His successor Richard Marles reportedly holds a different

⁵ Kevin Rudd, "The Return of Ideological Man: China under Xi Jinping," *J.G. Crawford Oration*, Australian National University, Nov 21, 2022, <https://kevinrudd.com/media/xi-jinping-and-the-return-of-ideological-man-jg-crawford-oration-2022>, video 55:01-55:21.

⁶ Dr Rudd emphasises Xi's repeated claim that re-unification with Taiwan is a critical part of 'national rejuvenation.' See Kevin Rudd, "The Return of Red China," *Foreign Affairs*, Nov 9, 2022, <https://www.foreignaffairs.com/china/return-red-china>. For an analysis of Party dogma regarding Taiwan policy, see Jude Blanchette, Briana Boland and Lily McElwee, "What is Beijing's Timeline for 'Reunification with China?'" *Interpret: China*, CSIS, May 26, 2023, <https://interpret.csis.org/what-is-beijings-timeline-for-reunification-with-taiwan/>. A succinct location of Xi's ambition in broader geo-strategic context is found in Graham Allison, "What Xi Jinping Wants," *The Atlantic*, May 31, 2017, <https://www.theatlantic.com/international/archive/2017/05/what-china-wants/528561/>

⁷ John Lyons, "What Would War with China Look Like?" (Part 1), *ABC News*, Feb 20, 2023, <https://www.abc.net.au/news/2023-02-20/what-would-war-with-china-look-like-for-australia-part-1/101328632>

⁸ ABC TV "7:30," July 27, 2022, <https://www.facebook.com/watch?v=568016768152864> video 7:20-7:51.

⁹ Reuters, "Inconceivable Australia Would not Join US to Defend Taiwan - Australian Defence Minister," Nov 13, 2021, <https://www.reuters.com/world/asia-pacific/inconceivable-australia-would-not-join-us-defend->

opinion. In the context of AUKUS responsibilities he strongly denied any such *quid pro quo* in return for the prospective transfer of several 'Virginia' class submarines to Australia.¹⁰

His was a curious claim, as it was difficult to see how the Marles / Labor government position could have been acceptable in Washington. The US Navy and its allies in Congress and the Senate will resist parting with any of their submarines as surface ships become increasingly vulnerable. And due to practical limits in industrial capacity, the US remains notoriously short of submarines needed for putative operations against Communist China.¹¹ Hence Washington's quiescence in response to Mr Marles's statement appeared confusing. One of two hypotheses is likely to explain the matter.

Ministers within governments of most US allies will occasionally assert their state's sovereign prerogatives where the target audience is a domestic one. These statements may be a response to declining popular confidence in security; or where a sufficiently influential or sizeable cohort is ambivalent or vocally hostile towards the Great Power ally. In Mr Marles's example, his remarks probably carried a performative or theatrical purpose amid echoes of dissent. In other words, it is plausible to suggest that the Labor government had implicitly accepted its citizens' future presence on a north-east Asian battlefield. The public task of a Minister for Defence is sometimes to save face in an expedient manner, rather than utter words that are literally true.

¹⁰ Daniel Hurst, "Australia has 'Absolutely Not' Committed to Join US in Event of War over Taiwan, Marles Says," *Guardian Australia*, March 19, 2023, <https://www.theguardian.com/world/2023/mar/19/australia-has-absolutely-not-committed-to-join-us-in-event-of-war-over-taiwan-marles-says>

¹¹ These are two legs of a more recent article by Professor White. See Hugh White, "Dead in the Water," *Australian Foreign Affairs* 20 (February 2024): 6-50.

An alternative hypothesis which explains unruffled American confidence may be cloaked in diplomatic subterfuge. The Biden Administration may have no intention of transferring any submarines to Australia for the rational reasons stated above. Instead, US diplomats may have contrived Canberra's commitment to a major war, knowing our government's position will not alter when a few nuclear-powered submarines do not change hands. By that point the US military outlay on expanded air, sea, land, cyber and/or space facilities within Australia is likely to have elevated the importance of Washington's strategic reliance on its junior ally. At that moment Canberra politicians will hold few genuine choices. They will then taste the bitter fruits of a failure in maritime defence before settling for a familiar obligation: expanded reliance on US prerogatives at American direction.¹²

AUKUS has altered political and military relations between the allies. Should one consider the immense sums involved, the agreement has also influenced the economic relationship between Australia and the US.¹³ In an incisive if unflattering assessment Sam Roggeveen pointed out that advocates are keen to refer to AUKUS as a technology sharing agreement rather than a security agreement.¹⁴ This is of course literally true, but the supporters' claim is somewhat disingenuous. Transfer of sensitive military technology is a highly political matter. One consequence is the heightened difficulty for Canberra in resisting involvement in a Sino-US war in which its Virginia class or (if they are built) SSN AUKUS submarines are despatched

¹² This plank of argument is also partly drawn from White, "Dead in."

¹³ Matthew Newman, "How Will Australia Pay for the AUKUS Submarines?" *The Strategist*, March 22, 2023, <https://www.aspistrategist.org.au/how-will-australia-pay-for-the-aukus-submarines/>

¹⁴ Sam Roggeveen, *The Echidna Strategy. Australia's Search for Power and Peace*, (Melbourne: La Trobe University Press / Black Inc. 2023) 152-153.

to operations near China. As Roggeveen put it, ‘...it is a perverse aspect of defence policy that once a capability exists, it will to some degree *determine* policy.’¹⁵

Another of Roggeveen’s key concerns is that the US is not seriously contesting the Chinese intention to assert hegemony in Asia.¹⁶ Relations will nonetheless become closer between the RAN and the US Pacific Fleet, and the US and Australian defence bureaucracies. Unsurprisingly, the PRC capacity to inflict harm on Australia is vastly greater.¹⁷ Roggeveen’s overall conclusion is that AUKUS supplies risks and costs to Australia; while economic, military and political benefits flow to Washington.

Putting to one side the durable political support for ANZUS in Canberra, the extent and nature of presumptive involvement in a major war in Asia is much less clear. Should international tensions rise, various divisions on Canberra’s Capital Hill may stoke simmering incoherence across the benches. The resulting confusion during a crisis could easily distract executive government in a moment of stressful choices. In that sombre light, it seems timely to give fresh thought to security pacts and the ANZUS treaty in particular.¹⁸

2. States, international law and security pacts

The modern state is widely understood to have emerged in the middle of the seventeenth

¹⁵ Roggeveen, *The Echidna*, 154.

¹⁶ Roggeveen, *The Echidna*, Ch. 2.

¹⁷ Roggeveen, *The Echidna*, 150.

¹⁸ *Agreement Between Australia, New Zealand and the United States*, signed 1 Sept 1951, [1952] ATS 2 (entered into force 29 April 1952).

century.¹⁹ This development was soon accompanied by the security treaty, early examples of which would be recognisable today. Otherwise known as pacts or alliances, these agreements promptly became a feature of interstate diplomacy, peace, and organised violence amongst competent governments. However, no security treaty lasts indefinitely and there is no more succinct embodiment of this truth than Lord Palmerston's pithy maxim: 'We have no eternal allies, and we have no perpetual enemies. Our interests are eternal and perpetual and those interests it is our duty to follow.'²⁰ One cannot quite let pass the fallacious logic in 'eternal and perpetual interests.' No state - including Britain - will last indefinitely. Even so, Palmerston concisely expressed a claim which today smacks of contemporary realist theory.

The relationship between international law and organised violence has been an historically and intellectually thorny one.²¹ However, Palmerston's stark lucidity did not infer that security pacts are likely to become tools of premeditated deception; nor supply consequences which are unreliable more often than they are dependable. As Henry Albinski put it in a modern context, because the most powerful of the three parties [to ANZUS] will decide in its own interests if, when and how it may choose to assist an embattled junior [or both of them] does not necessarily mean ANZUS is somehow unreliable.²² Lawyers regularly advise their political masters on international obligations, one of which includes alliance

¹⁹ Jan Klabbers, *International Law*, 2nd ed., (Cambridge University Press, 2009): 4-5.

²⁰ Speech, House of Commons, March 1, 1848 in *Oxford Essential Quotations*, 4th ed., (Oxford University Press, 2016), <https://www.oxfordreference.com/display/10.1093/acref/9780191826719.001.0001/q-oro-ed4-00008130;jsessionid=A43991A7FB6DD9EABD33C4A596B176A0>

²¹ Klabbers, *International*, Ch. 10.

²² Henry Albinski, "Australia and the US: an Appraisal of the Relationship," *Australian Journal of Politics and History*, 29, no. 2 (August 1983): 294.

creation through negotiations in good faith.²³ Compliance with this requirement is sharpened in the context of security by the imperative of state preservation, or at the very least, regime survival.

For example, international law permits innocent parties to a treaty to invoke fraud or corruption of a representative as grounds to invalidate consent to be bound; while coercion of a representative or a state by the threat or use of force renders a treaty void or without legal effect. Should an alliance become morbidly otiose, several means lie at hand to extinguish it in an orderly manner as prescribed or otherwise if agreed by the parties. And if need be, an alliance may be resuscitated via expansion or contraction in the number of parties, widening or narrowing of obligations, benefits, and the nature of circumstances in which amended prerogatives and responsibilities may be exercised.

The importance of the subject-matter also obliges non-participant states, other multi-state alliances and sub-state entities to scrutinise negotiations with some care. Depending on their interests, watchful governments, insurgents, and trans-national crime syndicates occupy notional locations on a continuum which extends between poles of approval at one end to hostility at the other. Once a security treaty is in force, diplomatic and other responses to pact formation will shift and alter over time as governments seek to prolong their own states' survival and weaken competitors.

²³ Customary international law concerning treaties was codified in the *Vienna Convention on the Law of Treaties*, opened for signature 23 May 1969, [1974] ATS 2 (entered into force 27 January 1970). 'Good faith' is a customary norm enumerated at article 26. It applies *inter alia* to performance of binding obligations. See PARTS III, IV and V for descriptions of conduct described in this essay. A helpful general guide is Anthony Aust, *Modern Treaty Law and Practice*, 2nd ed., (Cambridge: Cambridge University Press, 2007).

3. The ANZUS pact

The ANZUS alliance entered into force in April of 1952. It was one of four affiliated treaties in US Special Adviser John Foster Dulles' plan to construct what Joe Starke called '...a new fabric of peace in the Western Pacific.'²⁴ The US priority lay firmly in containment of Communism, although Australians and New Zealanders at that moment feared a resurgent Japan as much as the spread of militant Marxism. Australian External Affairs Minister Percy Spender had been keen on a pact with the Americans for some time, but success was not feasible until Dulles had been instructed by President Truman to conclude a treaty.²⁵ To this end Spender convinced Prime Minister Menzies of the political advantage in maintaining American regard for Australian diplomatic and military reliability.

The Liberal-Country Party government grasped an opportunity to demonstrate both of these virtues through a swift military contribution to the US-led UN command in South Korea in June of 1950.²⁶ This decision was intended to draw the US and Australia nearer to what historian Ben Evans termed '...a closer alliance which was desired with the US as a means to achieve direct security.'²⁷ Lingering fears of Japan to one side, the Australian government in the early 1950s perceived a risk to its continent from an eventual military contest with several Communist entities, some in likely collaboration. One was Communist China after 1949 and

²⁴ Joseph Gabriel Starke, *The ANZUS Treaty Alliance*, (Melbourne: Melbourne University Press, 1965), 52.

²⁵ 1988 discussion between the author and Sir Alan Watt. Cited in MH Patterson, 'Some Aspects of the Origins and Function of the ANZUS Alliance,' BA Research Hons thesis, School of History, University of NSW, 1988 n 33: 46.

²⁶ Thomas Richardson, Ch. 5 "The Korean War," in Peter Dean and Tristan Moss, *Fighting Australia's Cold War* (Australian National University Press, Canberra, 2021).

²⁷ Ben Evans, *Out in the Cold. Australia's Involvement in the Korean War 1950-53* (Department of Veterans' Affairs Publishing, 2013): 3.

its active beneficiaries in south-east Asia during the decades which followed. Seventy-two years have passed since ANZUS entered into force and several salient changes have occurred in relations with the US.

4. ANZUS and US-Australia relations

Canberra politicians are alert to the popularity of the ANZUS pact among increasingly apprehensive members of the Australian public.²⁸ When our politicians speak publicly on the treaty, they tend to refer to three attributes ostensibly shared with Americans: mateship, values, and adherence to an international rules-based order. This trinity evidently requires regular affirmation. One perhaps counter-intuitive reason is that the international order largely created by the US at the end of World War II is gradually disintegrating. Its replacement is not yet clear, but the major antagonist is unambiguously the Chinese Communist Party / State which governs the PRC.²⁹

Decades earlier, the currents of history had delivered favourable foundations on which US-Australian co-operation prospered: historically compatible liberal-democratic structures; comforting familiarity in culture and language; and at times, similar approaches when meeting strategic threats which preceded the early 1950s. Each of these circumstances

²⁸ Natasha Kassam, "Understanding Australian Attitudes to the World," *Lowy Institute Poll, 2022*: 5 <https://poll.lowyinstitute.org/files/lowyinsitutepoll-2022.pdf> . The citizenry also seem to grasp the risk of engagement in a conflict which may not be in their interests.

²⁹ For an example of the Chinese Communist Party's sustained attacks on the international bureaucracy and certain organs of the post-WWII order, see Malcolm Hugh Patterson, "How China Abuses Pacts with International Agencies," *Quadrant*, (June 2022): 17-19.

strengthened support for other benefits. One example has been the individual experience and institutional memory gained from secondments and postings between members of US and Australian armed forces and other agencies. Knowledge of one another's strengths and weaknesses tends to confer durable benefits in most lengthy bilateral relationships.

A sharp-tongued critic would probably rebuff some of these claims as exaggerations from a deferential subordinate. Perhaps one should acknowledge that possibility. After all, a 'common interests' discourse is an unremarkable form of diplomacy. Yet talk of satisfactory bilateralism in qualitative terms is not disingenuous. Nor is it trite. Cross-border affairs of states involve human beings whose relationships extend from large collectives to very small groups. Some comprise as little as two people and those associations occasionally garner substantial consequences.

In a decidedly pertinent example, acts of terror carried out in the US by al-Qaeda in 2001 did not cause the Americans to invoke the ANZUS treaty. Relations between Prime Minister John Howard and President George W. Bush were known to be friendly during and after the crisis. Somewhat surprisingly, it was an enthusiastic Mr Howard who took rapid steps to enliven ANZUS obligations.³⁰ In this sole example of the treaty's invocation to date, neither Australian territory nor Australian nationals were targeted by al-Qaeda. Nor had a state targeted the US. The aggressor was a sub-state actor which enjoyed co-religionist protection from a theocratic dictatorship.

³⁰ Michelle Grattan, "ANZUS at 70: the Howard Government and the Alliance," *The Strategist*, Sept 3, 2021, <https://www.aspistrategist.org.au/anzus-at-70-the-howard-government-and-the-alliance/>

Whatever one's view of the limited intelligibility of the Bush-Howard-Blair *et al* 'war on terror,' a speedy Australian offer of military support in Afghanistan reflected to some extent agreeable relations between the two men. This kind of outcome has not been unusual in the context of earlier armed conflicts or diplomacy more broadly. In a recent public lecture Professor Margaret Macmillan recalled half-a-dozen relationships in which two statesmen of differing backgrounds co-operated at crucial moments in history.³¹ Those figures from more distant times collaborated in search of common objectives by either influencing the course of armed conflicts or preventing them. One might reasonably suggest that the Bush-Howard cooperation may have lent a further increment of goodwill to the tenor of future co-operation.

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However, the reader would be well-advised to consider a competing view: this bilateral amity in past US-Australian relations may swiftly disappear in a puff of ephemera. Success in war or its deterrence through security pacts readily attracts seemingly incongruous bedfellows as well as familiar partners. The US-Soviet Alliance of 1941-45 was a prominent example of the former.³² In other words, dissimilarity of regimes is not inimical to co-operation reasonably expected to supply advantages which justify the risks involved. This is why a viable selection

³¹ ABC Radio National, "Who Your Friends are Makes you Succeed in War and Peace," May 16, 2023, <https://www.abc.net.au/listen/programs/bigideas/who-your-friends-are-makes-you-succeed-in-war-and-peace/102266742>

³² US State Dept, Office of the Historian, n.d. *US-Soviet Alliance 1941-45* <https://history.state.gov/milestones/1937-1945/us-soviet#:~:text=the%20full%20notice.-,U.S.%2DSoviet%20Alliance%2C%201941%E2%80%931945,the%20defeat%20of%20Nazi%20Germany.>

of states' parties to a pact may include candidates from the ranks of the liberal and the illiberal; the democratic and the authoritarian; and the religious and the irreligious.

The point in advancing this unsettling truth is that the Americans will probably maintain support for their Australian ally for as long as doing so is likely to supply sufficient utility in peace and war when balanced against various competing risks. The artlessly hopeful expect Washington will continue to perceive greater benefits than risks in keeping the relationship *status quo* or enhancing it. Wiser observers understand that the Americans will adjust their view based on an evolving calculus in both the contemporary world and a more speculative future.

Canberra's support for Washington has thus far been largely reliable in promptitude and scale. On a 2019 visit to Australia the American political theorist John Mearsheimer seemed genuinely surprised at what he considered unnecessary Australian compliance with a US request for military support in the Persian Gulf.³³ Should the Australians have declined, Professor Mearsheimer considered this decision would have been unlikely to damage US confidence, should a genuine threat to US hegemony thereafter require serious military support.³⁴ He was correct. There was no struggle with a peer competitor in the Gulf five years ago. Today Communist China is precisely the peer competitor which will motivate the US to exercise resolute expectations of Australia.

³³ Centre of Independent Studies, "Australia's Choice: US - China Conflict," August 19, 2019, <https://www.cis.org.au/commentary/video/australias-choice-in-a-uschina-conflict/> video 43:35 - 47:23.

³⁴ Centre of, "Australia's Choice."

The elephant left in the room now bulges with tangible menace. Imagine that Canberra provides maximum support in a Sino-US war as Professor White expects. What might follow the defeat of America and its allies in and around the battlefields of Taiwan? With one eye on re-shaping spheres of influence, might Washington doggedly re-locate some of its remaining effective forces in and around our continent? Will US protection of Australia through extended nuclear deterrence remain plausible? Or will the trinity of mateship, values and adherence to a rules-based order turn to dust? With a victor's upper hand, President Xi might issue a demand for the Americans to vacate their Australian ally. His call may be accompanied by a nuclear threat to obliterate say, an intact Australian / US facility somewhere in the north of Western Australia. And if US compliance is to be a key condition for a subsequent peace treaty, surely a US withdrawal would be at least credible?

5. ANZUS and a muddle over risk

The risk of Australian military engagement with PRC forces escalates each year. Measured provocations by China's military and paramilitary forces have been public knowledge for some time. There has been at least one episode of dangerous manoeuvring and damage inflicted on a Royal Australian Air Force (RAAF) P-8 surveillance aircraft by a PRC fighter pilot who released flares and chaff;³⁵ an earlier incident in which lasers were aimed at pilots of Royal Australian Navy (RAN) helicopters in flight by China's maritime militia force;³⁶ another

³⁵ Daniel Hurst, "'A Dangerous Act:' How a Chinese Fighter Jet Intercepted a RAAF Aircraft and What Happens Next," *Guardian Australia* June 7 2022, <https://www.theguardian.com/australia-news/2022/jun/07/a-dangerous-act-how-a-chinese-fighter-jet-intercepted-an-raaf-aircraft-and-what-happens-next>

³⁶ Lisa Martin, "Australian Navy Pilots Hit with Lasers during South China Sea Military Exercise," *Guardian Australia*, May 29, 2019, <https://www.theguardian.com/australia-news/2019/may/29/australian-navy-pilots-hit-with-lasers-during-south-china-sea-military-exercise>

in which the Communists threatened crews on RAN ships which participated in 'Freedom of Navigation' exercises in the South China Sea;³⁷ and most recently, a Peoples' Liberation Army-Navy (PLA-N) crew intentionally injured RAN divers by inflicting sonar pulses at dangerously close proximity.³⁸ (The Australians were in the water conducting maintenance). There have almost certainly been other, unpublicised examples. It is only a matter of time before persistent PRC harassment results in fatalities on either or both sides. Then what?

In the context of a conflict over Taiwan there is a temptation to reduce Australian sovereign choices to a fairly stark duality: embrace the danger of belligerence in a major war by participation in collective defence as the US anticipates; or under massive American pressure and certainty of US retribution, exercise a fundamental prerogative to avoid that war - a step which would also bury ANZUS. This notion is misleading. Here is the problem: if Professor White is correct, well before armed conflict over Taiwan becomes imminent, Washington will make it clear to Canberra that the US expects maximum co-operation. The prospect of vigorous US reprisals in the face of any Australian hesitation will almost certainly nudge Canberra into the rational embrace of a two-part gamble.

In the first part of the wager our non-nuclear state will make available to the US its small, if professional military. In concert with the Americans and others, Australia will then be poised to wage war against a conventional and nuclear armed superpower. In the second part of the

³⁷ Geopolitical Monitor, "Timeline: Freeze (and Thaw?) in Australia-China Relations," *Backgrounder*, Feb. 20, 2023 <https://www.geopoliticalmonitor.com/timeline-the-downward-spiral-of-china-australia-relations/>

³⁸ *Guardian Australia*, "Australian Naval Divers Injured after being Subjected to Chinese Warship's Sonar Pulses," (AAP) Nov. 18, 2023, <https://www.theguardian.com/australia-news/2023/nov/18/australian-naval-divers-injured-after-being-subjected-to-chinese-warships-sonar-pulses>

gamble there will or will not be war over Taiwan during the next decade. Today the possibility of ten years (or more) of peace seems a dubious assertion. This is because the CCP objective is utterly clear, regardless of uncertainty over the precise timing of Xi's military operations.³⁹

Analyst Ross Babbage recently wrote on PRC concepts and planning for major war. He also referred to preparations Xi expects to be readied by the second half of the 2020s 'at the latest.'⁴⁰ Babbage argues that a risk-embracing Xi sees a window of military opportunity gradually closing over Taiwan. The factors at play include PRC economic problems, income disparities, demographic dilemmas and strains on Party unity. Further afield, Xi anticipates upgraded military technologies which the Americans and their allies will deploy over the next few years.⁴¹ Equally disturbing to the present author is the nature of Xi's personality and beliefs. The sinicist John Garnaut delivered a notable speech in 2017 in which he ably conveyed the ideological bases of Xi's obdurate totalitarianism.⁴² In Xi's world the pursuit and destruction of enemies literally never ends. His Marxist / Leninist misanthropy is wholly compatible with waging war while remaining indifferent to the cost in human life.

One cannot know if President Xi (if he remains the incumbent) will launch an amphibious invasion or a naval and air blockade or something else. And it remains conceivable that the Communists may wait longer than the late 2020s for technological, tactical, diplomatic or other reasons. If so, PRC resources will be augmented with each passing year. If or more likely

³⁹ Rudd, "The Return."

⁴⁰ Ross Babbage, *The Next Major War*, (New York: Cambria Press, 2023), 50.

⁴¹ Babbage, *The Next*, 50-51.

⁴² John Garnaut, "Engineers of the Soul: What Australia Needs to Know about Ideology in Xi Jinping's China," *Asian Strategic and Economic Seminar Series*, (Canberra: 2017). <https://sinocism.com/p/engineers-of-the-soul-ideology-in>

when this part of the bet turns sour and war does break out, Australian politicians apparently hope to lead their country on the victorious side. This buoyant view in turn attracts two weighty qualifications.

The first is the likelihood of PRC missile strikes on a score of Australian targets early in the conflict. Cruise missiles today are steadily increasing in range and payload, while the PRC has overtaken the US as global leader in ballistic missiles.⁴³ Targets would probably include naval and air bases,⁴⁴ civilian infrastructure and Australia / US signals installations.⁴⁵ Effective missile operations would supply the PRC with certain military and political advantages which accrue to a powerful 'first mover' in armed conflict. Canberra has plans to acquire its own missiles to address this matter. Regrettably, experts advise that procurement is subject to troubling delays.⁴⁶ Most military procurement is infamously littered with delay, cost overruns and sub-standard performance. And if time is running out - as Dr Rudd implies - procrastination or re-scheduling extends and heightens risks in existing vulnerabilities. The ADF at present has no counter-missile defence against PRC cruise or ballistic missiles.⁴⁷

⁴³ David Kilcullen, "Wake-Up Call. Pacific Islands are Potential Missile Launching Pads," *Australian Foreign Affairs* (17): 27-41.

⁴⁴ Peter Hartcher and Matthew Knott, "Conflict over Taiwan Could Reach our Shores," *Sydney Morning Herald*, March 8, 2023.

⁴⁵ Daniel Hurst, "Australia's Pine Gap 'Hugely Important' to Western Monitoring of China, says Former British Spy Chief," *Guardian Australia* Feb. 10, 2022, <https://www.theguardian.com/australia-news/2022/feb/10/australias-pine-gap-hugely-important-to-western-monitoring-of-china-says-former-british-spy-chief>

⁴⁶ Carl Rhodes, "National Defence Strategy: Too Slow on Air-and-Missile Defence," *The Strategist* May 10, 2024, <https://www.aspistrategist.org.au/national-defence-strategy-too-slow-on-air-and-missile-defence/#:~:text=The%20Strategist&text=Australia's%20failure%20to%20prioritise%20acquisition,nuclear%20long%2Drange%20strike%20missiles>

⁴⁷ Latika Bourke, "We Can't Guarantee We Can Defend Our Bases, Admits RAAF Chief," *Sydney Morning Herald* July 21, 2023, <https://www.smh.com.au/politics/federal/we-can-t-guarantee-we-can-defend-our-bases-admits-raaf-chief-20230713-p5do5k.html>

The second qualification is the uncertain probability of nuclear weapon strikes by either or both sides. No precedent exists for peer-power nuclear-armed states having fought an armed conflict at high intensity with conventional weapons. How would it develop? How might it end? The October missiles crisis of 1962 is one of a few salutary lessons to hand on nuclear crisis management. In then US Secretary of Defense Robert McNamara's words, it was literally *luck* which ended that chillingly instructive chapter in the diplomacy of mass annihilation.⁴⁸ For that matter, post-detonation assessments and prognostications as to counter-strike effects would surely form fragile conjecture of the bleakest kind.

Nor is talk of a nuclear catastrophe through mistake, accident, confusion or intent some kind of alarmist bluster. Not long ago, a past Chief of the ADF publicly aired his thoughts on the consequences of nuclear escalation over Taiwan. Admiral Chris Barrie remarked that *most* Australians may die if the confrontation 'goes nuclear.'⁴⁹ Even without use of these weapons, it is difficult to find credible sources who confidently predict US and Allied success in repelling the Communists from Taiwan's rocky shores.

Putting a nuclear calamity to one side, will a qualified American interest in Australian survival endure the prodigious human and capital costs of a conventional war waged against China? Short of engagement in hostilities, there is no genuine means of plumbing the strength of a US intention to succeed. Consider the disturbing reality of US sacrifices should Washington

⁴⁸ Then US Secretary of Defence Robert MacNamara made startling admissions decades later. See <https://watchdocumentaries.com/the-fog-of-war/> video 14:56.

⁴⁹ John Lyons, 'What Would War with China Look Like?' (Part 1) *ABC News*, Feb. 20, 2023, <https://www.abc.net.au/news/2023-02-20/what-would-war-with-china-look-like-for-australia-part-1/101328632>

assist Canberra in resisting Communist attacks on Australian cities. The price in American blood and treasure would greatly exceed the implications of those anodyne assurances which fill communiqués issued at the end of Australia-US Ministerial Consultations (AUSMIN).⁵⁰

One other problem attracts a brief comment. This is the spectre of Donald Trump, should he be elected to a second term in the White House and be permitted to serve in the Oval Office. Imagine the early hours of a Sino-US crisis in which Mr Trump is US Commander-in-Chief. He may attempt to mollify President Xi by ‘cutting a deal,’ to employ his lexicon. However dubious it may seem today, withdrawal of key US forces to Hawaii is probably a convincing leg of such a transaction in Mr Trump’s arguably frail mind. He is also likely to dismiss any ANZUS obligations held by the US. This act would satisfy his notorious hostility to alliances with loyal democracies while attempting to further placate Beijing. Categorically abandoning Australasia would also be consistent with his unpredictable, if curious warmth towards dictators. And America alone has always been one of Mr Trump’s few organising principles.

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Just over forty years ago several valuable criticisms of ANZUS were submitted to the then Australian Joint Committee on Foreign Affairs and Defence. The most apposite claim in the present context was ‘...distortion of our national defence posture as a result of adopting policies better suited to the global defence strategies of the United States, rather than our

⁵⁰ Aust. Dept. of Foreign Affairs and Trade, *Joint Statement on Australia-US Ministerial Consultations 2022* <https://www.dfat.gov.au/international-relations/joint-statement-australia-us-ministerial-consultations-ausmin-2022>

own defence needs.’⁵¹ Decades after this 1982 evaluation one might add a supporting leg drawn from more lengthy hindsight.

The human and financial costs of Australian participation in Vietnam, Afghanistan and the second Iraq War supply ample evidence of a continuing distortion of proper perceptions of those defence needs. This has in turn supported a complacency reinforced by decades of excessive reliance on the promise of ANZUS. Successive governments have used this deficient reasoning to justify a threadbare approach to security, continuing to substitute American goals and accepting the distasteful corollary: a nearly silent tolerance of repeated US blunders. In a fairly forceful judgement, Professor White recently offered a tidy summary of what he candidly termed American ‘incompetence:’

Competing with China for primacy in East Asia is by far the most serious strategic commitment America has undertaken since the Cold War. And yet Washington has launched into it with no clear idea of what would count as winning, how it could be won, how much it will cost and why winning really matters. This would seem almost unbelievably foolish and irresponsible if it did not sound so familiar. This is what happened when Washington launched America into Afghanistan and Iraq in the 2000s and indeed into Vietnam in the 1960s⁵²

⁵¹ Parliament of the Commonwealth of Australia, Joint Committee on Foreign Affairs and Defence, *The ANZUS Alliance*. Parliamentary Paper No. 318 / 1982, Nov 1982, 54.

⁵² Hugh White, “Sleepwalk to War,” *Quarterly Essay* (86), 28.

6. Contested Indo-Pacific priorities

Lingering wariness from another age is an ember not easily extinguished. In some eyes, ANZUS began as a white man's club during the volatile de-colonisation era. Today, ASEAN leaders observe a post-colonial United Kingdom assisting an old Australian friend through AUKUS. More significant are preparations by United States' diplomats and admirals in what Sussanah Patton termed a 'loudly announced Anglosphere security partnership.'⁵³ Regardless, one should not over-state AUKUS as a source of regional anxiety.⁵⁴ William Choong and Ian Storey pointed out that Singaporean, Vietnamese and Thai responses in particular were fairly measured; although Malaysian leaders were the most resistant.⁵⁵ Frankly, much of this was foreseeable. Prashanth Parameswaran offered one of the more perceptive remarks last year on a different topic: how AUKUS may find a tolerably embedded position among a patchwork of existing institutions which comprise Southeast Asian security architecture.⁵⁶

ASEAN governments generally seek to avoid antagonising both China and the US in an increasingly tense environment. Several members of this prominently heterogeneous association do not see their interests served by enthusiastic attachment to either Superpower locked in zero-sum competition. Minoru Nogimori summarised several pertinent ASEAN

⁵³ Susannah Patton, "Australia Must Take Southeast Asian Reactions to AUKUS Seriously," *The Strategist*, Sept. 22, 2021, <https://www.aspistrategist.org.au/australia-must-take-southeast-asian-reactions-to-aucus-seriously/>

⁵⁴ Mingjiang Li, "ASEAN'S responses to AUKUS: implications for strategic realignments in the Indo-Pacific", *China Int Strategy Rev*, 2022; 4(2): 268-287

⁵⁵ William Choong and Ian Storey, "Southeast Asian Responses to AUKUS: Arms Racing, Non-Proliferation and Regional Stability," *Asialink*, October 27, 2021, <https://asialink.unimelb.edu.au/insights/southeast-asian-responses-to-aucus-arms-racing,-non-proliferation-and-regional-stability>

⁵⁶ Prashanth Parameswaran, "AUKUS, Southeast Asia and the Indo-Pacific: Beyond Cyclical Perception Management?" *The Diplomat*, June 6, 2023, <https://thediplomat.com/2023/06/aucus-southeast-asia-and-the-indo-pacific-beyond-cyclical-perception-management/>

positions in 2023: these states are economically somewhat or quite dependent on China; Taiwan's security is not as sensitive an issue amongst ASEAN states as it is in the US; and governments and businesses in south-east Asia have not warmed to poorly structured US appeals to de-couple, 'de-risk' or 'friend-shore' from the PRC Belt-and-Road program.⁵⁷

One should also keep those concerns in proportion to ASEAN elites' anxiety over PRC conduct. Two aspects of the Chinese Communists' behaviour are noteworthy: spurious claims to vast areas of ocean around south-east Asia;⁵⁸ and the lure of entanglement in crippling PRC debt. Laos and Indonesia are prominent examples of the latter.⁵⁹ Diplomatic balancing of conflicting tensions between ANZUS parties, the PRC and ASEAN interests becomes more trying with each passing year.

Nor should one pass too lightly over the third ANZUS party. New Zealand's governments have held an enduring ambivalence towards the US since choosing a 'non-nuclear' path in the 1980s. Decisions embodied in 1987 legislation kept US warships out while propelling Wellington into a controlled diplomatic purgatory of its own creation.⁶⁰ The nation's security has also been in decline for some time. Years of favourable policies towards the PRC encouraged restraints on public discourse, espionage through the CCP's 'United Front Work

⁵⁷ Minoru Nogimori, "ASEAN Reluctant to Join the US Led De-Coupling / De-Risking Strategy for China," *JRI Research Journal* no. 6 (5): 1.

<https://www.jri.co.jp/en/MediaLibrary/file/english/periodical/jrirj/2023/04/nogimori.pdf>

⁵⁸ *South China Sea Arbitration (Philippines v PRC) Award*, Case No 2013-19, ICGJ 495 (PCA 2016)

⁵⁹ Le Thu Hong, "How to Survive a Great Power Competition," *Foreign Affairs*, May / June 2023, <https://www.foreignaffairs.com/china/beijing-survive-great-power-competition>

⁶⁰ New Zealand Nuclear Free Zone, Disarmament and Arms Control Act 1987 (NZ) at s 9 (Entry into Internal Waters of New Zealand) and s 11 (Visits by Nuclear Powered Ships).

Department' and manipulation of Chinese community groups and media.⁶¹ One wonders if and when New Zealanders may feel compelled to amend their 'anti-nuclear' law. If that change does occur, it is highly likely that Great Power influence will not be far away.

New Zealand nonetheless remains a party within the intelligence sharing fraternity of the 'Five Eyes' or FVEY,⁶² while signs of incremental change may be stirring elsewhere. A 'Bilateral Service Co-Operation Plan' is a recent Australia-New Zealand military agreement intended to develop interoperability and combined joint operations.⁶³ Politicians across the Tasman Sea have also uttered favourable views of certain 'Pillar Two' items within the AUKUS agreement and even a muted inclination to participate.⁶⁴ Those items include artificial intelligence with military applications, hypersonics and counter-hypersonics, quantum computing and electronic warfare. The 'National Party' coalition government elected some months ago may move in that direction.

⁶¹ Anne-Marie Brady, "New Zealand and the CCP's 'Magic Weapons,'" *Journal of Democracy*, 29, no. 2, (April 2018): 68-75 at 68, 71.

⁶² US-UK intelligence sharing in World War II continued in the UKUSA Agreement of 1946. Australia was then a British Dominion and therefore not a Party at that point. The Dominions nonetheless held a privileged status above other third parties. Canada, Australia and New Zealand became Commonwealth Parties in the revised treaty of 1955. See Paul Farrell, 'History of 5 Eyes-Explainer,' *Guardian Australia* Dec. 2, 2013, <https://www.theguardian.com/world/2013/dec/02/history-of-5-eyes-explainer>. Also US Director of National Intelligence (2017) "A Charter of the Five Eyes Intelligence, Oversight and Review Council," (FIORC) <https://www.dni.gov/index.php/ncsc-how-we-work/217-about/organization/icig-pages/2660-icig-fiorc>

⁶³ New Zealand Defence Force, "New Zealand and Australian Army Chiefs Sign Plan ANZAC," April 18, 2023, <https://www.nzdf.mil.nz/media-centre/news/new-zealand-and-australian-army-chiefs-sign-plan-anzac/>

⁶⁴ *The Australian*, "New Zealand Expresses Interest in Joining AUKUS Programs," April 6, 2023. The NZ govt. was attracted to cyber-security and intelligence aspects, <https://www.theaustralian.com.au/news/new-zealand-express-interest-in-joining-aukus-programs/video/40c20372463b6ab1852a8eeb4f2606d4>

7. A treaty of ambiguous scope and language

To unfamiliar eyes a tripartite security treaty may seem somewhat analogous to a business contract between three non-state parties such as humans or corporations. This perception would be erroneous. A well-drafted contract in the commercial realm provides reliable certainty of terms. This has not been the case with both the geographic scope and language within ANZUS. Problems first arose when the Communists bombed islands between Taiwan and the mainland, sparking the 1954-55 crisis.⁶⁵

In his 1979 study Alan Renouf referred to the Australians at that point ‘...maintaining an embarrassed silence...’ over their ANZUS obligations.⁶⁶ In contrast the Americans asserted that the Taiwan Strait was within the area defined as ‘the Pacific’ in Article V. This much was stated quite clearly in 1955 by US Secretary of State John Foster Dulles to Australian External Affairs Minister R.G. Casey.⁶⁷ Not long afterwards a second Taiwan Strait crisis in 1958 drew Australian PM Robert Menzies into the dispute. He memorably remarked that ANZUS did not extend to ‘...the Taiwan area...’⁶⁸

Could the Taiwan Strait be considered part of ‘the Pacific [Ocean?]

Or is there a naïve error in perceiving this question in terms of physical geography? An awkward truth about Menzies’ resistance blinks like a beacon: at least once a conservative Australian PM rejected involvement in a Sino-US dispute over islands in the Taiwan Strait. Either of the two 1950s

⁶⁵ Andrew Kelly, *ANZUS and the Early Cold War* (Cambridge: Open Book Publishing, 2018), Ch. 7.

⁶⁶ Alan Renouf, *The Frightened Country* (Melbourne: Macmillan, 1979), 104-5.

⁶⁷ Kelly, *ANZUS and*, Ch 7.

⁶⁸ Renouf, *The Frightened*, 104-5.

crises could have escalated into major war with or without Canberra's participation. Looking back from 2024 it seems a tad surprising that Australian treaty membership survived wholly intact after 1958. Imagine another serious Taiwan crisis in 2027. How might a re-elected President Biden respond if a re-elected Prime Minister Albanese repeated Menzies' rejection of the expansive US view of the treaty's geographic scope? This may seem a ludicrous scenario today. But if it did recur, one may be confident that Canberra would find Washington far less accommodating.

A second matter also concerns treaty wording. The pact accommodates American constitutional powers which do not permit a binding obligation in treaty to defend another state in an armed conflict.⁶⁹ When comparing the weaker Article IV in ANZUS to the stronger wording of Article V in NATO, even the more assertive language in the latter delivers no such reassurance. After the 1951 ANZUS talks in Canberra, Dulles explicitly discussed the absence of an unconditional or binding obligation with General MacArthur.⁷⁰ The reason for drawing on this history is that although ANZUS entails obligations and benefits to which the parties have agreed, acceptance of these ultimately remains a political decision. One imagines how in a moment of relaxed candour an American President or Australian Prime Minister might acknowledge this truth of *realpolitik*. Presumably, this would occur only when either politician chooses to address separate and like-minded audiences.

⁶⁹ Julius Stone, *Legal Controls of International Armed Conflict* (Sydney: Maitland Publishing, 1964), 260.

⁷⁰ *Foreign Relations of the United States. Asia and the Pacific 1951*, (Washington, DC: US Government Printer, 1977), Vol. VI Part 1, 177.

8. Violence and loss on an unfamiliar scale

Well before a battle over Taiwan may begin, Canberra's willingness to take risks and suffer costs requires some reflection on realistic scenarios. At present northern Australia is considered somewhat secure. Rotations of US B52 bombers fly from Darwin and the Japanese participate in what were previously US-Australia defence exercises.⁷¹ A US-Australian bilateral agreement has also led to some investment in northern Australia through what the military calls 'force posture' improvements.⁷² This refers to improved runways, fuel and ordnance storage, upgraded barracks and enhanced logistics. All seem prudent. However, waging war against China will require imagination and resources which match the consequences of organised violence exercised on an unfamiliar scale.

For example, Guam hosts a major US military base and in the event of war the island is likely to suffer heavy bombardment and loss of life.⁷³ The same applies to the strong US military presence on Okinawa. Nevertheless, some US military may escape the freshly pulverised territory of Guam and their ruined Okinawan bases. Well-credentialed defence writer Peter Jennings recently opined how in this scenario perhaps 150,000 or more retreating US forces could subsequently land on northern Australian soil.⁷⁴ Some would be injured. Others would be sick. All would be made welcome. This is a scenario which prompts an historical anecdote

⁷¹ Demetri Sevastopulo, "US to 'Deepen Ties' in Face of China Threat," *Financial Times*, Dec 7, 2022, <https://www.ft.com/content/4e9b58e6-11aa-4c85-b38c-e7be07f39a25>.

⁷² Aust. Dept. of Foreign Affairs and Trade, *Joint Statement*.

⁷³ Sebastien Roblin, "Chinese Missiles Could Decimate the US Military Base at Guam" *National Interest* Jan. 5, 2022, <https://nationalinterest.org/blog/reboot/chinese-missiles-could-decimate-us-military-base-guam-199042>

⁷⁴ Cited in Hartcher and Knott, "Conflict over Taiwan."

concerning an earlier US strategy into which Australia was conveniently included late in 1941.⁷⁵

Well before Mr Curtin's slightly maudlin speech titled 'The Task Ahead' of the 26th of December that year, US planners had already selected Australia as a south-west Pacific base for American forces for as long as this was feasible.⁷⁶ Having been bombed into action on the 7th of December 1941, US planning and Australian compliance explain why US forces began landing in Brisbane so rapidly on the 22nd of December.⁷⁷ Should Americans escape to Darwin, Broome or Port Hedland perhaps ninety years later, their fates will be fortunate compared to the horrors inflicted on others further north.

In Taiwan the number of dead, maimed, injured, and homeless among defenders and civilians will almost certainly be enormous. One contested Taiwanese estimate leaked to the press nearly twenty years ago produced a figure of 40,000 military and 200,000 civilian casualties in the first week.⁷⁸ An estimate of PRC losses was not included, but attackers who take part in an amphibious invasion on contested shores seem likely to suffer very heavy losses. Americans and their allies will almost certainly contribute to the combined toll.

⁷⁵ Trevor R Reese, *Australia, New Zealand and the United States* (Melbourne: Oxford University Press, 1969), 16.

⁷⁶ Starke, *The ANZUS Treaty*, 63.

⁷⁷ Lionel Wigmore, *The Japanese Threat* (Adelaide: Griffin Press, 1957), 177, 441.

⁷⁸ Keoni Everington, "Chiu Denies that Taiwan Would Suffer 240,000 Casualties in First Wave of Chinese Invasion," *Taiwan News*, Nov. 2, 2021, <https://www.taiwannews.com.tw/en/news/4332657>

9. Conclusion

In 2049 the CCP will celebrate its hundred-year anniversary of victory over the Nationalists. Sometime before that moment the Party cadres anticipate obedience from an obeisant Australia shorn of its democratic prerogatives. One reason for this is the expectation that Australia will shortly be located in China's widened Indo-Pacific sphere of influence. It may take a major war in north-east Asia to resolve the matter, but the Party seems unlikely to tolerate a democratic Australia for more than a couple of decades. If the CCP is to be thwarted, views on ANZUS will benefit from occasional re-evaluation.

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Victors in war understandably seek an enduring *status quo post bellum*. Yet no conquering general, prime minister or president can be certain what disruption will unfold on the day following agreement to be bound by a peace treaty. A few years after the conclusion of World War II the ANZUS parties held positions of relative strength in a freshly rebuilt international system. Today that system falters and its successor is far from certain. The longevity of several security treaties created in the 1950s remains indeterminate, although some will outlive interment of an aging order. The late but prescient diplomat Malcolm Booker earned the last word:

In summary, the ANZUS treaty means as much as, but not more than the governments of the day of the three parties intend it to mean; the intentions of the government of the United States, being, of course, of principal importance.⁷⁹

⁷⁹ Malcolm Booker, *The Last Domino* (Sydney: Collins, 1967), 132

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