



Australia Targets Daesh-ISIS « With Lethal Force » at Home and Abroad

Stretching the Kill Chain: Malcolm Turnbull, the ADF and Islamic State

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They [the Australian Defence Forces] will be able to target Daesh at its core – joining with our coalition partners to target and kill a broader range of Daesh combatants – which is consistent with international law. Malcolm Turnbull, Sep 1, 2016

The oldest political trick of a leader in domestic strife is to emphasise the unholy nature of a threat from without. When the polls are low, nothing provides quite the necessary panacea than a military action, or promise of action, on a scale deemed exceptional.

The statement on national security delivered by Australia's Prime Minister, Malcolm Turnbull, to Parliament on Thursday was a recycling effort in large part. It also had its familiar distortions about a security environment that has been fluffed, sexed and altered to a point suggesting we are bracing for Dante's Inferno.

For a leader who had miscalculated so comprehensively about an election he hoped would secure him a comfortable majority, he is battling a Parliament opposed to him in both chambers on key points on domestic policy. The opposition Labor party is menacing on the other side of the chamber, merely a few seats away from forming government. Important, then, to draw upon the security and terrorist card.

What is odd about the statement is that it stresses a string of successes against Islamic State by Coalition forces, of which the 400-member Australian Defence Force Air Task Group forms a part, while insisting that they pose a greater threat than ever. "Thanks to the efforts of the Iraqi armed forces and their Coalition partners, including the ADF, Daesh has lost close to half of the territory it held in Iraq and up to 20 per cent of its territory in Syria."

Failed paternalism also makes its cameo appearance. Foreign forces are present to "assist Iraq take responsibility for its own security and provide security for Iraq's citizens as they return to their cities." (Where has Turnbull been during his short stint as PM?) The continual nonsense here is that neither training, beefing up, nor modernising moves have had much purchase in an environment fluid to meddling and influence by a range of agents. The very existence of Islamic State attests to that fact.

Yet, the struggle continues. "We must target Daesh at its base. And with lethal force. No exceptions." Such an absolutist line proved to be a precursor to cutting corners and suspending inconvenient limitations on the rules of engagement. What, in other words, had been hampering the Australian forces? The answer: Australia's domestic law, which had

created a “legal anomaly”.

Prior to the speech, roughly prepared notes from the defence forces were also made available to the press about what effectively amounted to a freeing up for Australian deployment on the battlefield against a broader range of targets of its own choosing. For Chief of Defence Force Air Chief Marshal Mark Binskin, the issue of defeating the Islamic State was a crudely military affair, a logistical effort that has been stifled by the dictates of law.

Accordingly, “over the last few months, as we’ve developed our targeting as Daesh has evolved, it’s become obvious to us that there is a difference between international law and domestic law in what we can and can’t do.” That onerous limitation being that “under domestic law, we can only target those Daesh forces that are taking a direct and active part in hostilities.” (Such inconvenience!) Supporting networks and associates were outside that purview.

This reading suggests that Binskin finds laws of a certain sort rather problematic, a string to be cut to enable his forces to get the job done. At best, he is seeking the law that provides greatest utility and scope to target individuals deemed, in the absence of legal or judicial assessment, associates or enemies who can be terminated. This would also entail killing Australian citizens, a point that brings Canberra more into line with Washington’s lethal strategy.

Turnbull was keen to supply Binskin with dispensation from such legal anomalies. The government had “reviewed its policy on targeting enemy combatants”. Curative amendments were being made to the Commonwealth Criminal Code harmonising domestic laws with international norms.

Domestically, Turnbull promised to run with his plan to bring in the maligned system of indefinite incarceration of high risk terrorist offenders, modelled on a suite of other pernicious laws in Australia that target sex offenders and mental patients. The reason for this needless bit of bruising of citizen’s rights has been occasioned by the fiction that Australia has been witness to “three terrorist attacks” in recent years. The flimsy ground cited by the prime minister is that “in each case the attacker claimed allegiance to or was inspired by Daesh.”

Even in school debating, this would rank as a failing point. Merely uttering religious oaths, and asserting some inspiration to a distant organisation hardly counts in making a hardened foot soldier of the cause. The Sydney “siege”, more accurately termed a hostage crisis, involved Man Haron Monis, an ill man swimming in doubt, angst and a good deal of mental distress. His flirtation with Islamic State barely counted – he had been flirting with virtually every other sect and doctrine imaginable.

What is dangerous in Turnbull’s suggestion is that fantasies of Islamic State haunting the land are suitable for legislative action, the result of which is to enlarge the powers of the executive while keeping the judiciary out in the cold. The priorities of “administrative” justice, emphasising security and welfare of society, prevail over those of individual liberties.

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