BaseWatch welcomes the opportunity to respond to the Defence White Paper.

*BaseWatch is a Darwin-based community group formed in response to the announcement in November 2011 that a USA Marine Corps base will be established in Darwin. We formed around a nucleus of long term local peace activists, social service stakeholders (particularly sexual assault service providers) and church members, to address concerns ranging from the immediate social impacts of the presence of marines, to the anticipated impact the broader increased USA military presence in Australia will have upon regional relationships and the imperative for disarmament.*

*BaseWatch is a member organisation of IPAN, the Independent Peaceful Australia Network. We shares IPAN's vision of a defence strategy and foreign policy that is independent of undue foreign influence and is oriented towards peaceful resolution of conflict. We also share IPAN's concern that the tightening integration of the two countries' defence forces puts Australia's independence at risk.*

BaseWatch recommend that Australia's defence and foreign policy settings should be recalibrated to respect and defend Australia's independence, and to avoid and mitigate the burden posed by the presence of foreign bases in Australia. Our defence capability should be focused on our needs at home and in our region, not the ambitions or priorities of any foreign ally. To this end, BaseWatch support a well funded and strong ADF that is focused on the defence needs of Australia, and an appropriate role in our region.

BaseWatch are not opposed to an alliance with the USA – it is right and proper that our strong cultural ties, business, family and friendship links with America be reflected in all sectors. However we do believe that the balance has shifted too far from self reliance; that the alliance should not be allowed to dominate strategy and dictate policy; that good relationships with the USA should not come at the price of good policy, and effective relationships in our region. We see the growing foreign military presence in Australia as an indicator that those policy settings are off target.

**Status of Forces Agreement and the Visiting Forces Act**

While representing a broad range of community interests and concerns relating to the growing USA military presence, BaseWatch prioritise local social impacts, and in particular the risk of increased incidence of assault, including sexual assault. We recognise past incidences of sexual assault by US servicemen in our town (during Talisman Sabre, and unrelated R&R visits), including one incident where it has been suggested that deficiencies of the SOFA contributed to a total failure of perpetrators of gang rape facing any legal consequence.

We welcome the fact that the Federal Attorney General denied a request by the USA Staff Justice Advocate for carriage over charges of rape, assault and deprivation of liberty against a visiting USA sailor currently before court. However we are outraged to be informed that such a request will always be made as a matter of course. BaseWatch insist that there should be no such provision for the USA to request that Australian law should not take precedence in every appropriate circumstance.

With these concerns, we've repeatedly called for a full public review of the SOFA in the context of the new emerging USMC presence. In all of our attempts to seek information, and share concerns, regarding the base, we've been very deliberate about detailing our demand for a full public review of the almost 50 year old document which we believe has failed us in the past. Our inexpert analysis has identified concerns related to:

- the unjustifiable individual anonymity provided by collective movement orders;
- the risk, as evident in Okinawa, of creative interpretation of 'course of duty';
- the requirement for 'sympathetic consideration' by the Australian Attorney General of any request to give American processes priority even in those cases where the agreement recognises the primacy of Australian law; and
- potential custodial obstacles to local police developing charges against suspects subject to the agreement

We feel quite certain that these concerns are significant enough to warrant a full public review that, at the least, can give all parties greater confidence that this outdated instrument might be expected to perform better than it perhaps has in the past, at ensuring visiting personnel will be subject to Australian law in every case where it is appropriate.

**Other concerns**
Our tightening integration with the USA military would appear to make it even less likely for Australia not to tag along to whatever war the USA might decide upon next. BaseWatch are further concerned that the presence of USA bases may commit Australia to provide logistical support to USA forces based in Australia, in the case where that base is being used for deployment to a conflict zone, regardless of Australian policy towards that conflict. Nonetheless, the recent legally-binding 25 year Force Posture Agreement offers no assurance that ADF will not be required to provide support for any future USA war that Australia chose not to participate in.

Similarly, there has been no effort to codify shared expectations regarding illegal weapons, including nuclear WMDs, depleted uranium and cluster munitions. BaseWatch are looking for certainty, in the context of the emerging Darwin presence of USA Marines, that Australia will not provide logistical support to nuclear capable war machines, will not tolerate the presence of illegal nuclear WMDs, and will not allow the presence or stockpiling of illegal indiscriminate weapons such as so-called ‘depleted’ uranium and cluster munitions. It is particularly offensive that Australian law enacted to ratify the international convention against cluster munitions includes explicit exceptions for illegal weapons held by USA forces in Australia. It is unacceptable that Australian law should bend and stretch to make way for the interests of foreign military based in our country. Instead, we’d like to see specific limits and controls set on the presence of USA-held illegal weapons here in Australia. We’re unsatisfied with assurances that refer to past agreements or standing policy; BaseWatch seek to have these shared expectations codified in any specific agreements that may have bearing on the new increased American military presence that is taking place around us.

BaseWatch is further concerned that the presence of foreign war bases casts a shadow over our regional relationships. Australia should maximise capability to develop effective relationships with our neighbours, free of undue influence of any other nation.

We welcome any opportunity to contribute to improved decision making and policy development that might ease the burden of foreign war bases on the Northern Territory.

Thanks again, and best wishes for your important work,

Justin Tutty
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