



Royal United Services Institute of Western Australia

# Newsletter

August 2013 Edition

## Promoting National Security and Defence

Patron: His Excellency Mr Malcolm McCusker AC, CVO, QC  
Governor of Western Australia

President: Colonel Mike Brennan

Secretary: Commander Otto Pelczar, RFD, RD, RANR (ret)

RUSI of WA, Leeuwin Barracks, Riverside Road, East Fremantle  
Postal Address: C/- Department of Defence, Locked Bag 5001,  
Fremantle, WA, 6160

### In this Newsletter

Page 2 – President’s Annual Report 2013

Page 5 – Biography – Dr Martin Drum, The University of Notre Dame Australia

Page 5 – Background – The Hague and Geneva Conventions

Page 9 – Red Cross, Red Crescent, Red Crystal

Page 9 – Background Reading – The Privatisation of War

Page 9 – AGM Papers and Details

### YOUR PATRONS, OFFICE BEARERS AND COMMITTEE

### 2013 PROGRAM

AUGUST	
22 August	7:00pm - Annual General meeting 8:00pm - Dr Martin Drum, Senior Lecturer in Politics and International Relations, The University of Notre Dame Australia <i>"National Security versus the Public's Right to Know: Mass Media Reporting on Security Issues"</i> .
SEPTEMBER	
26 September	7:00 for 7:30pm Major General Simone Wilkie, Commander Australian Defence College (Army Museum of Western Australia - topic to be confirmed)
OCTOBER	
23 October (Wed)	Professor Sarah Percy UWA - <i>"Mercenaries, Private Military Companies, and Private Security Companies"</i> - To be confirmed
NOVEMBER	
28 November	7:00 for 7:30pm Colonel Michael Page, Senior Military Liaison Officer, Directorate of Indigenous Affairs - <i>The Defence Indigenous Development Program</i>
January 2014	In lieu of a Christmas Sundowner, the RUSI will launch 2014 with a special function and lecture in late January. Details will be forthcoming.

The next Newsletter will be published on 1 September 2013  
**Copy Deadline 15 August 2013**

**PRESIDENT'S ANNUAL REPORT 2013**

On behalf of the Council and members of the Royal United Services Institute of Western Australia it is my pleasure to present the President's Report for the period 1 July 2012 to 30 June 2013.

**Relocation**

I am very pleased to report that RUSI WA will remain in its current location at Leeuwin Barracks. In November 2012 RUSI WA was required to give up its lecture room, some office space and a library room. The relocation was an initiative of the Department of Defence, to free up office space in Building 13, to allow the occupation of the ADF Investigative Services. Although RUSI WA has a reduced footprint at Leeuwin Barracks the facilities include a library room, a small lecture room and an office. The current facilities in Building 13 are considered to be adequate and RUSI WA will remain at Leeuwin Barracks for the foreseeable future.

**Membership**

Over the past decade RUSI WA has seen a significant decline in financial members. Over the past year the RUSI WA Council has sought to boost our membership level through a range of initiatives.

One of the initiatives was the establishment of a new category of membership - Student Member. Students from the five Perth-based universities have been encouraged to attend RUSI WA lectures and over the past six months a number of students, mainly from Notre Dame University and Curtin University, have been endorsed as members.

It has been particularly pleasing to see that during the past year we have seen a steady rise in new members and increased attendances at our monthly events.

**Governance**

There are many changes in the not-for-profit community and the Government has established the Australian Charities and NFP Commission which requires organisations to pay more attention to governance. Locally, the Western Australian Government is taking an increased interest in the management of not-for-profit organisations. Over the past year the Council has tackled a range of weaknesses in our governance of RUSI WA.

One of the issues looked at was the adequacy of our insurance coverage. RUSI WA has subsequently taken out insurance under the umbrella of a national RUSI Australia insurance coverage, effective 1 July 2013.

RUSI WA is very grateful for the significant efforts of Lou Halvorson and his work on our financial accounts. Lou has moved our financial accounts from a paper-based system to a software-based management over the past financial year. The audited Financial Report for the year to 30 June 2013 will be published to our web site once it is completed.

We have made good progress in improving our governance but we still have a way to go.

**Program**

The lecture program was a great success. RUSI WA was privileged to hear a number of eminent Canberra-based and local speakers covering a diverse range of defence and security issues.

As always, the annual Blamey Oration was the pinnacle speaking event for the year. In May the Blamey Oration was presented by the Chief of Army, Lieutenant General David Morrison AO. Lieutenant General Morrison provided insights into the Army's role in a maritime strategy. The following events were held during the past year:

<b>Date</b>	<b>Event</b>	<b>Topic</b>
28 June 2012	Evening Discussion – Colonel Robert Mitchell	<i>Afghanistan: Is (was) it worth it?</i>

23 August 2012	AGM followed by: Mr Rizwan Zeb, doctoral candidate. Centre for Muslim States and Societies, UWA	<i>Pakistan-Afghan Relations: Regional Implications for the US Withdrawal</i>
20-21 September 2012	RUSI National Council Conference held in Western Australia	
25 October 2012	Captain Mark Potter CSC, RAN – Commander Submarines Force	<i>Australia's Submarine Capability Force: Past, Present and Future</i>
29 November 2012	Mr Peter Strachan	<i>A stable, sustainable, open and tolerant Australia</i>
3 December 2012	Christmas Sundowner held at the Leeuwin Barracks Officers' and Sergeants' Mess	
12 February 2013	Luncheon Lecture - Colonel Mike Brennan	<i>ADF Operations in East Timor 1999-2012: Mission Accomplished?</i>
28 February 2013	Associate Professor Caroline Hughes, Director of the Asia Research Centre and Associate Professor of Governance Studies, Murdoch University	<i>Beyond Intervention in East Timor: Partnership, Opportunism or Pragmatism?</i>
21 March 2013	Lecture - Dr Daniel Baldino, Head of the Politics and International Relations Program, University of Notre Dame	<i>Cyber-Terrorism: The phantom menace?</i>
9 April 2013	Luncheon Lecture - Captain Wayne Gardiner	<i>The History of the RUSI WA Medal Collection</i>
9 May 2013	Blamey Oration – Chief of Army, Lieutenant General David Morrison, AO	<i>The Army's Role in a National Maritime Strategy</i>
27 Jun 2013	Captain Angela Bond, RAN – Commanding Officer HMAS Stirling	<i>Refining an Officer for Command - Linking postings and skills for the ongoing development of an officer</i>



COL Mike Brennan, President of the Royal United Services Institute of WA introducing Chief of Army - Lieutenant General David Morrison, AO at the Blamey Oration at Artillery Barracks, Fremantle on 9 May 2013 .

### Newsletter

Of particular note was the tireless work of Colonel Robert Mitchell, our Newsletter Editor. Robert ensured that a high quality Newsletter was produced on a monthly basis. The Monthly Newsletter is also posted to the RUSI web site < [www.rusi.org.au](http://www.rusi.org.au) >.

One of many positives of being part of the RUSI national body is the increased reach provided by the national RUSI web site. The web site includes a list of contents of our library, past newsletters and details of upcoming events.

### Library

Congratulations to Bill Lamble and Ernest McEntee on the efficient management of the RUSI WA Library over the past year. The contents of the library reflect the emphasis made by the Institute on issues relating to national security and defence – military, political and social. Library use has reduced over the past year. The following tables record our holdings compared to last year.

Category	1 July 2012	Additions	30 Jun 2013
Non Fiction (Regular)	6,554	53 - 25	6,582
Non Fiction (Oversize)	803	2	805
Reference	84	-	84
Atlases	28	2	30
Maps	80	-	80
Special collections	552	1 - 32	521
Periodical volumes	993	24	1017
Non-Fiction total	8,999	28	9,027
Fiction	273	-	273
Grand Total	9,367	28	9,395

### Number of titles held:

Category	1 July 2012	Additions	30 June 2013
Non-Fiction	7,192	30	7,222
Periodicals	231	2	233 <sup>1</sup>
Fiction	267	-	267
Total	7,222	32	7,252

<sup>1</sup>Of these 18 titles are received currently. A number of other titles are received by donations, institutional and personal, of block runs of back numbers.

### Patronage

The RUSI WA Patron is His Excellency, Mr Malcolm McCusker AC CVO QC, the Governor of Western Australia. The Governor and Mrs McCusker were guests at the RUSI National Conference Dinner held in Fremantle, in September 2012. The current Vice Patrons are:

- Commissioner Karl O'Callaghan, APM;
- Brigadier Steve Coggin, CSC
- Captain Angela Bond, RAN; and
- Wing Commander David Turner, ADC

### Local Engagement

Over the past year RUSI WA has continued to engage with many local WA organisations. This has included WA Government, WA Defence Industry, local Universities, local Defence units, the Army Museum of Western Australia and Future Directions International. This engagement leads to improving public, and our own, awareness of defence and security matters.

Finally, I would like to thank you all for your active participation in discussions and debates on Defence and security matters.

**Colonel Michael Brennan (Retd)**

**President**

23 July 2013

[Return to Page One](#)

## BIOGRAPHY – DR MARTIN DRUM



Dr Martin Drum is Senior Lecturer in Politics and International Relations at The University of Notre Dame Australia in Fremantle. He has worked in the public sector in the past and is particularly interested in how governments can operate more effectively, and better deliver strong services and facilities. He thinks our political systems works better when people take an interest in what our elected representatives and public officers do and how they make their decisions.

In conjunction with local community groups, Dr Drum regularly organises a range of events which are open to the public, including pre-election debates, policy discussions, and forums on matters of public importance. Dr Drum has also worked on a number of collaborative projects with state and local governments.

### ***"National Security versus the Public's Right to Know: Mass Media Reporting on Security Issues"***

The lecture will focus on the way the media reports on security matters, and to what extent it feels bound by concerns around national security. He will discuss a case study concerning The Australian newspaper where the media was accused of compromising an AFP investigation, after revealing an alleged terror plot. Is there a place for organisations like Wikileaks?

[Return to Page One](#)

## BACKGROUND - THE HAGUE AND GENEVA CONVENTIONS

This history of the Hague and Geneva Conventions was intended to provide background for some of the ethical and operational issues on Mercenaries and Private Military Security Companies which has had to be rescheduled.

### **The Hague Conventions**

The Hague Conventions of 1899 and 1907 are a series of international treaties and declarations negotiated at two international peace conferences at The Hague in the Netherlands. The First Hague Conference was held in 1899 and the Second Hague Conference in 1907. Along with the Geneva Conventions, the Hague Conventions were among the first formal statements of the laws of war and war crimes in the body of secular international law.

The Hague Conventions of 1899 and 1907 were the first multilateral treaties that addressed the conducts of warfare and were largely based on the Lieber Code, which was signed and issued by U.S. President Abraham Lincoln to the Union Forces of the United States in April 24, 1863, during the American Civil War.

The Lieber Code was the first official comprehensive codified law that set out regulations for behaviour in times of martial law; protection of civilians and civilian property and punishment of transgression; deserters, prisoners of war, hostages, and pillaging; partisans; spies; truces and prisoner exchange; parole of former rebel troops; the conditions of any armistice, and respect for human life; assassination and murder of soldiers or citizens in hostile territory; and the status of individuals engaged in a state of civil war against the government.

As such, the codes were widely regarded as the best summary of the first customary laws and customs of war in the 19th century and were welcomed and adopted by military establishments of other nations. Much of the regulations in the Hague Conventions were borrowed heavily from the Lieber Code.

Both conferences included negotiations concerning disarmament, the laws of war and war crimes. A major effort in both conferences was the creation of a binding international court for compulsory arbitration to settle international disputes, which was considered necessary to replace the institution of war. This effort, however, failed at both conferences; instead a voluntary forum for arbitration, the Permanent Court of Arbitration, was established. Most of the countries present, including the United States, Britain, Russia, France, China, and Persia, favoured a process for binding international arbitration, but the provision was vetoed by a few countries, led by Germany.

The peace conference was proposed on 29 August 1898 by Russian Tsar Nicholas II. Nicholas and Count Mikhail Nikolayevich Muravyov, his foreign minister, were instrumental in initiating the conference. The conference opened on 18 May 1899, the Tsar's birthday. The treaties, declarations, and final act of the conference were signed on 29 July of that year, and they entered into force on 4 September 1900.

What is referred to as the Hague Convention of 1899 consisted of three main treaties and three additional declarations:

- **(I): Convention for the Pacific Settlement of International Disputes**

This convention included the creation of the Permanent Court of Arbitration, which exists to this day. The section was ratified by all major powers, including United States, Great Britain, Austria-Hungary, Germany, France, Italy, Spain, Russia, Japan, and China.

- **(II): Convention with respect to the Laws and Customs of War on Land**

This voluminous convention contains the laws to be used in all wars on land between signatories. It specifies the treatment of prisoners of war, includes the provisions of the Geneva Convention of 1864 for the treatment of the wounded, and forbids the use of poisons, the killing of people who have surrendered and the attack of undefended towns or habitations. Inhabitants of occupied territories may not be forced into military service against their own country and collective punishment is forbidden. The section was ratified by all major powers mentioned above.

- **(III): Convention for the Adaptation to Maritime Warfare of the Principles of the Geneva Convention of 22 August 1864**

This convention provides for the protection of marked hospital ships and requires them to treat the wounded and shipwrecked sailors of all belligerent parties. It too was ratified by all major powers.

- **(IV,1): Declaration concerning the Prohibition of the Discharge of Projectiles and Explosives from Balloons or by Other New Analogous Methods**

This declaration provides that, for a period of five years, in any war between signatory powers, no projectiles or explosives would be launched from balloons, "or by other new methods of a similar nature." The declaration was ratified by all the major powers mentioned above.

- **(IV,2): Declaration concerning the Prohibition of the Use of Projectiles with the Sole Object to Spread Asphyxiating Poisonous Gases**

This declaration states that, in any war between signatory powers, the parties will abstain from using projectiles "the sole object of which is the diffusion of asphyxiating or deleterious gases." Ratified by all major powers, except the United States.

- **(IV,3): Declaration concerning the Prohibition of the Use of Bullets which can Easily Expand or Change their Form inside the Human Body such as Bullets with a Hard Covering which does not Completely Cover the Core, or containing Indentations**

This declaration states that, in any war between signatory powers, the parties will abstain from using "bullets which expand or flatten easily in the human body." Ratified by all major powers, except the United States.

The second conference, in 1907, was generally a failure, with few major advancements from the 1899 Convention. However, the meeting of major powers did prefigure later 20th-century attempts at international cooperation. The second conference was called at the suggestion of U.S. President Theodore Roosevelt in 1904, but it was postponed because of the war between Russia and Japan. The Second Peace Conference was held from 15 June to 18 October 1907. The intent of the conference was to expand upon the 1899 Hague Convention by modifying some parts and adding new topics; in particular, the 1907 conference had an increased focus on naval warfare.

The British attempted to secure limitation of armaments, but these efforts were defeated by the other powers, led by Germany, which feared a British attempt to stop the growth of the German fleet. Germany also rejected proposals for compulsory arbitration. However, the conference did enlarge the machinery for voluntary arbitration and established conventions regulating the collection of debts, rules of war, and the rights and obligations of neutrals.

The treaties, declarations, and final act of the Second Conference were signed on 18 October 1907; they entered into force on 26 January 1910. The 1907 Convention consists of thirteen treaties—of which twelve were ratified and entered into force—and one declaration. Many of the rules laid down at the Hague Conventions were violated in World War I. Poison gas was used against enemy soldiers by all major belligerents throughout the war, in violation of the Declaration (IV, 2) of 1899 and Convention (IV) of 1907, which explicitly forbade the use of "poison or poisoned weapons".

Though not negotiated in The Hague, the Geneva Protocol to the Hague Conventions is considered an addition to the Conventions. Signed on 17 June 1925 and entering into force on 8 February 1928, its single article permanently bans the use of all forms of chemical and biological warfare. The protocol grew out of the increasing public outcry against chemical warfare following the use of mustard gas and similar agents in World War I, and fears that chemical and biological warfare could lead to horrific consequences in any future war. The protocol has since been augmented by the Biological Weapons Convention (1972) and the Chemical Weapons Convention (1993).

After World War II, the judges of the military tribunal of the Trial of German Major War Criminals at Nuremberg Trials found that by 1939, the rules laid down in the 1907 Hague Convention were recognised by all civilised nations and were regarded as declaratory of the laws and customs of war. Under this post-war decision, a country did not have to have ratified the 1907 Hague conventions in order to be bound by them.

Although their contents have largely been superseded by other treaties, the Hague Conventions of 1899 and 1907 continue to stand as symbols of the need for restrictions on war and the desirability of avoiding it altogether. Since 2000, Convention (I) of 1907 on the Pacific Settlement of International Disputes has been ratified by 20 additional states.

## **The Geneva Conventions**

The Geneva Conventions comprise four treaties, and three additional protocols, that establish the standards of international law for the humanitarian treatment of war. The singular term *Geneva Convention* denotes the agreements of 1949, negotiated in the aftermath of the Second World War (1939–45), which updated the terms of the first three treaties (1864, 1906, 1929), and added a fourth treaty. The articles of the Fourth Geneva Convention (1949) extensively defined the basic, wartime rights of prisoners (civil and military); established protections for the wounded; and established protections for the civilians in and around a war zone.

The treaties of 1949 were ratified, in whole or with reservations, by 194 countries. Moreover, the Geneva Convention also defines the rights and protections afforded to non-combatants, yet, because the Geneva Conventions are about people in war, the articles do not address warfare proper — the use of weapons of war — which is the subject of the Hague Conventions (First Hague Conference, 1899; Second Hague Conference 1907), and the bio-chemical warfare Geneva Protocol (Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or other Gases, and of Bacteriological Methods of Warfare, 1929).

In 1862, Henry Dunant published his book, *Memoir of the Solferino*, on the horrors of war. His wartime experiences inspired Dunant to propose:

- A permanent relief agency for humanitarian aid in times of war
- A government treaty recognizing the neutrality of the agency and allowing it to provide aid in a war zone

The former proposal led to the establishment of the Red Cross in Geneva. The latter led to the First Geneva Convention. For both of these accomplishments, Henry Dunant became co-recipient of the first Nobel Peace Prize in 1901. The ten articles of this first treaty were initially adopted on August 22, 1864 by twelve nations.

The second treaty was first adopted in the *Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armies at Sea*, concluded on July 6, 1906 and specifically addressed members of the Armed Forces at sea. It was continued in the *Geneva Convention relative to the Treatment of Prisoners of War*, concluded on July 27, 1929 and entered into effect on June 19, 1931.

Inspired by the wave of humanitarian and pacifistic enthusiasm following World War II and the outrage towards the war crimes disclosed by the Nuremberg Trials, a series of conferences were held in 1949 reaffirming, expanding and updating the prior three Geneva Conventions and adding a new elaborate *Geneva Convention relative to the Protection of Civilian Persons in Time of War*.

Despite the length of these documents, they were found over time to be incomplete. In fact, the very nature of armed conflicts had changed with the beginning of the Cold War era, leading many to believe that the 1949 Geneva Conventions were addressing a largely extinct reality: on the one hand, most armed conflicts had become internal, or civil wars, while on the other, most wars had become increasingly asymmetric. Moreover, modern armed conflicts were inflicting an increasingly higher toll on civilians, which brought the need to provide civilian persons and objects with tangible protections in time of combat, thus bringing a much needed update to the Hague Conventions of 1899 and 1907.

In light of these developments, two Protocols were adopted in 1977 that extended the terms of the 1949 Conventions with additional protections. In 2005, a third brief Protocol was added establishing an additional protective sign for medical services, the Red Crystal, as an alternative to the ubiquitous Red Cross and Red Crescent emblems, for those countries that find them objectionable.



[Return to Page One](#)

**READING SUGGESTIONS – THE PRIVATISATION OF WAR  
"Mercenaries, Private Military Companies, and Private Security Companies"**

<http://www.globalresearch.ca/the-privatization-of-war-mercenaries-private-military-and-security-companies-pmsc/21826>

<http://www.army.gov.au/Our-future/DARA/Our-publications/~//media/Files/Our%20future/DARA%20Publications/WP/wp138.ashx>

<http://www.cgsc.edu/carl/download/csipubs/kidwell.pdf>

[http://www.privatemilitary.org/private\\_military\\_companies.html](http://www.privatemilitary.org/private_military_companies.html)

[Return to Page One](#)

**Subscriptions are due on 1 July annually**

**Town - \$40, Country - \$20, Associate - \$10, Student \$10**

Your subscription, and other charges can be electronically transferred to the RUSI.

**BSB 803-205, Account No 20531718, and include your surname please**

**ANNUAL GENERAL MEETING PAPERS**

**Copies of the Agenda, President's Report, Nomination Form and the Minutes of the 2012 Annual General Meeting are available on the RUSI WA page on the national Web site.**

<https://www.rusi.org.au/states/wa/index.php>

**YOUR PATRONS, OFFICE BEARERS AND COMMITTEE**

**Secretary:**

Commander Otto Pelczar

Phone: (08) 9311 2429

Fax: (08) 9311 2460

e-mail: [otto.pelczar@defence.gov.au](mailto:otto.pelczar@defence.gov.au)

**Office and Library Hours:**

9.30 am to 4.00 pm

Tuesday and Thursday

Mobile/sms: 0408 940 928

**Patron:** His Excellency Mr Malcolm McCusker AC, CVO, QC  
Governor of Western Australia

**Vice Patrons:** Captain Angela Bond, RAN  
Brigadier Stephen Coggin, CSC  
Wing Commander David Turner  
Commissioner Karl O'Callaghan, APM

**President:** Colonel Mike Brennan

**Immediate Past President:** Mr Don Kitchin

**Vice Presidents:** Mr Lance Scott; Captain Kevin Trent, OAM, RFD; Colonel Robert Mitchell CD

**Councilors:** Ms Louise Austen; Flight Lieutenant Gavin Briggs; Mr Justin Court; Ms Judith Dowson;  
Squadron Leader Lou Halvorson; Flight Lieutenant Bill Lamble; Mr Ernest McEntee; Mr Serge de  
Silva-Ranasinghe

**Honorary Treasurer:** Commander Otto Pelczar, RFD, RD, MBA(UWA), CD

**Assistant Treasurer:** Squadron Leader Lou Halvorson

**Honorary Librarian:** Flight Lieutenant Bill Lamble, RFD, BA, MCLIT, AALIA

**Assistant Librarian:** Mr Ernest McEntee

**Assistant Secretary:** Ms Louise Austen

**Newsletter Editor:** Colonel Robert Mitchell

**Life Members:** Air Commodore Desmond Browne, CBE, AFC\*  
Air Commodore Norman Ashworth  
Colonel Phillip Skelton, AM

**Stay informed. Visit the RUSI web site:** <https://www.rusi.org.au/index.php>

[Return to Page One](#)