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## The Concept of Deterrence.

The need for deterrence has long been part of the natural order of things. Evolution has seen features develop in both animals and plants supporting the need to deter predators from attacking them. Some plants have developed sharp thorns as a deterrent and many animals have horns. The horns of an animal have a dual purpose – their presence acts as a deterrent and as a weapon (a higher level of deterrence should the ‘presence’ be insufficient). In the development of deterrence for the society of today, people recognise the need for locks - on doors and windows in houses, buildings and vehicles.

Civilised societies rely on the acceptance and enforcement of laws to sustain their civilisation. The penalties imposed (fines, prison terms and in some countries, capital punishment) serve as a deterrent to breaking those laws. In general, the *presence* of those penalties (together with the means of detecting infringements eg speed cameras) serves to *deter* citizens from breaking the law. From an individual country’s perspective, the administration and application of the law can be termed ‘Social Justice’ and comprises two sub-sets – Procedural Justice (Due Process; Fair unbiased hearings) and Distributive Justice (balanced outcomes based on need, equity and equality). These subsets represent a *presence* which promotes adherence to, and *deters* the breaching of, the law.

International Justice relies on international law being accepted, administered, and applied internationally. Not all countries accept all international laws. In these cases, the *deterrence* created by the *presence* of the law does not exist. Hence, deterrence must be created by some other type of presence. A situation in which a country declines to observe the International Law of the Sea and poses a potential threat to another countries’ sea lines of communication and maritime trade, might demand the presence of a military platform with sufficient lethality to deter that potential threat.<sup>1</sup>

Australia is committed to maintain the international rules-based order with a suite of laws and regulations that aim to encourage co-operation as well as to ensure that no state acts in a way that unfairly disadvantages another. The United Nation and the International Criminal Court have big roles to play in this but, if a state ignores those laws and flouts international norms, there is little they can do about it. To make matters more complex, some states do not even recognise the jurisdiction of the ICC. So, once again, we need a way of deterring unwelcome behaviour – now from nation states.

There is a broad spectrum of techniques that a nation state can use to persuade or coerce another to their mutual advantage, For example, ongoing diplomatic relations between states, treaties, agreements and alliances; the use of trade and commercial arrangements. The use of tariffs to coerce or and cause economic disadvantage, can

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<sup>1</sup> The International rules-based order is not as black and white as it would appear from its name, It is a complex range of systems, laws, treaties, trade agreements, protocols, regional arrangements and norms that have developed and evolved over time. They are not directly analogous to laws and rules as we understand them at the national level as no single set of such arrangements and undertakings are agreed by all countries. Taken as a whole, they are considered by many countries and international organisations to underpin prosperity and security however the exact meaning and obligations of each country is elusive. As such countries like Australia that have consistently emphasised the importance of such arrangements need the where withal to shape, evolve, gain acceptance, deter actions contrary to them, and ultimately enforce those aspects critical to their prosperity and security in the global community with like-minded nations.

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indicate a deteriorating diplomatic situation. Should our maritime supply lines be threatened and/or attacked, we have armed force as a final resort. This is just another form of deterrence and -like all deterrent measures - our intent is to dissuade an aggressor from a course of action that is unhelpful (or even clearly threatening) to us. We do this by complicating the aggressor's decision making (eg the 'presence' of our submarine threat), increasing their uncertainty (and therefore risk) and by demonstrating a commitment to defend our rights (at all costs, if necessary).

A submarine is a highly effective, platform of deterrence. It has the added advantage of stealth. It may not be present at all, but the very declaration of a presence causes the potential adversary to apply a totally disproportionate response. The deterrence effect is profound, particularly when manifested. For example, in the Falklands conflict, the confirmation of the presence of the Royal Navy's SSNs – via the destruction of the GENERAL BELGRANO cruiser by HMS CONQUEROR resulted in the entire Argentinian navy leaving the operational area, never to return.

Since AUKUS was announced including Australia's acquisition of conventionally armed nuclear-powered submarines, there has been much discussion about deterrence and the submarine's role in it. There's nothing new about deterrence and we live with it every day. Any car driver will tell you that speed cameras and their associated fines are a deterrent that keeps most of us obeying the rules. In some jurisdictions, the cameras are hidden and this generates even more of a deterrent. The concept of 'a hidden presence' as a deterrent is particularly relevant to submarines. Their deployment is a projection of power: it represents a level of threat that requires the serious extension of diplomatic negotiations in times of escalation tension.

The deterring effect of submarines in a national arsenal, is profound.