



FEDERAL COURT OF AUSTRALIA

**The Churchill Lecture
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**The Honourable Justice John Logan RFD
A Judge of the Federal Court of Australia**

In the preface to Volume 1 of his “A History of the English Speaking Peoples” Churchill wrote, “Every nation or group of nations has its own tale to tell. Knowledge of the trials and struggles is necessary to all who would comprehend the problems, perils, challenges, and opportunities which confront us today ...”

The tale I tell in this lecture is a personal and certainly not an official perspective of some of the trials and struggles of Churchill himself and of how they might relate to a particular problem and peril which confronts us today, the so-called “War on Terror”.¹

For all of us beyond infancy at the time, especially perhaps those of us fortunate to have visited that great metropolis, the horror of images seen that day of airliners serially being crashed into the towers of the World Trade Centre in New York on the morning of 11 September 2001 is an awful, enduring memory. By then The Right Honourable Sir

¹ A reference to that term as used by President G W Bush in his address to a joint session of the United States Congress on Thursday, 20 September 2001 to refer to a war which began with al Qaeda but extended to a war with other terrorist groups of global reach. A transcript of the address as reported by CNN appears at: <http://edition.cnn.com/2001/US/09/20/gen.bush.transcript/> (Accessed 9 June 2012)

Winston Leonard Spencer Churchill had been dead for over 36 years. How could he possibly have any connection with such an event?

The response of the United States of America and its allies, including Australia, to this outrage was formidable and swift. The Taliban regime in Afghanistan, which had sheltered and provided training camps for al Qaeda terrorists such as those who had hijacked the airliners piteously crashed into the World Trade Centre and elsewhere on September 11, was ejected from power by military force. American, Australian and other allied forces continue to battle Taliban led insurgents there.

A little over a year ago, al Qaeda's leader, Osama bin Laden, was killed by American SEAL commandos in a daring raid on his residential compound in Abbottabad in northern Pakistan. Waziristan and the Swat Valley, in the north-west of Pakistan, in the region bordering Afghanistan, continue to offer support bases for the Taliban insurgency, although not safe havens. Strikes on suspected insurgents in that region by missiles fired from drones regularly feature in the news.

This is how a British officer described the peoples of that region:

Every influence, every motive that provokes the spirit of murder among men, impels these mountaineers to deeds of treachery and violence. ... That religion, which above all others was founded and propagated by the sword – the tenets and principles of which are instinct with incentive to slaughter ... stimulates a wild and merciless fanaticism.²

The author of that description was not an officer posted to the headquarters of Task Force Helmand³ in southern Afghanistan. Rather, he was Lieutenant Winston Churchill, describing, in the very first book that he authored, "The Story of the Malakand Field Force", the foe encountered by him when attached to the Malakand Field Force of the British Indian Army in 1897 in what was then the North-West Frontier of Britain's Indian

² W S Churchill, *The Story of the Malakand Field Force*, originally published by Longmans Greens & Co in 1898, quote from reprint by Leo Cooper, in association with Octopus Publishing Group. London, 1989, pp 3-4.

³ Task Force Helmand is the name given to United Kingdom-led forces in Helmand province, southern Afghanistan. Afghanistan International Security Assistance Force website – subordinate commands – RC Southwest: <http://www.isaf.nato.int/subordinate-commands/rc-southwest/index.php#Contributing%20Nations> (Accessed 9 June 2012).

Empire. That field force was deployed to put down an uprising, a jihad of an earlier time, amongst the tribes of that region.

After graduating from the Royal Military College, Sandhurst,⁴ Winston Churchill was commissioned into the British Army as a Second Lieutenant on 20 February 1895.⁵ He was posted to the 4th (Queen's Own) Hussars.⁶ He went with that unit to India the following year.⁷ It was while posted to India that Churchill joined the Malakand Field Force.

That campaign having concluded, Churchill found there was little to recommend about barracks life in India. With the assistance of his politically well-connected mother, he procured an attachment to another British cavalry unit, the 21st Lancers, joining them in Cairo, Egypt in July 1898.⁸ Soon thereafter, the unit joined the Anglo-Egyptian Army led by Lord Kitchener which moved down to Nile from Egypt into the Sudan in the campaign against the Dervishes.⁹

The purpose of that campaign was to put down the Muslim fundamentalist Mahdist revolt which threatened British interests in Egypt, principally the Suez Canal, the vital link to India and British colonial interests in the Far East and Australasia. The leaders of that revolt were successors to the Mahdi under whom Khartoum had been captured and General Gordon killed in 1883.

The climax of the campaign came with the Battle of Omdurman, near Khartoum, in which the Dervishes were comprehensively defeated and which famously included a charge by the 21st Lancers in which Churchill took part. His second book, "The River

⁴ D S Russell, *Winston Churchill Soldier*, Brassey's, London 2005 (Russell), p 69.

⁵ Russell, p 82.

⁶ Russell, p 72.

⁷ Russell, pp 139-140.

⁸ Russell, pp 190-191.

⁹ Russell, pp 192-193.

War”,¹⁰ is an account of the campaign. In that book, he writes this of another foe, the Dervishes he encountered in the Sudan:

*Within their breasts the spirit of the Mahdi roused the fires of patriotism and religion. Life became filled with thrilling, exhilarating terrors. They existed in a new and wonderful world of imagination. While they lived there were great things to be done; and when they lived, whether it were slaying the Egyptians or charging the British squares, a Paradise which they could understand awaited them.*¹¹

Was the spirit which motivated those who crashed passenger planes into the World Trade Centre any different?

Almost a century after Omdurman, in 1991, it was to Khartoum in the Sudan that Osama bin Laden went when he left Saudi Arabia. There he was sheltered by a Muslim fundamentalist regime of a later age until 1996 when American pressure on that country led to his expulsion. It was then that he moved to Afghanistan to set up Al-Qaeda’s bases there.¹²

Young Lt Churchill would have well understood both the motivations of this new Mahdi and his followers, as well as their havens.

This Mahdi of a later age, bin Laden, both at the time of the 2001 attack and beforehand, made frequent references to the suffering of the past *eighty* years, not *fifty* years.¹³ *Fifty* years one might expect, coinciding as it would with the birth of Israel as a nation state, but why *eighty*? Churchill would have understood why.

Churchill’s accounts of the campaigns on the North West Frontier and in the Anglo-Egyptian Sudan made him a public figure in the United Kingdom. That fame and a determined campaign nonetheless proved insufficient to secure his election to Parliament on his first attempt, in 1899, to secure the seat of Oldham in a by-election.

¹⁰ W S Churchill, *The River War*, In 2 Volumes, Longmans Green & Co, London, 1899 (*River War*).

¹¹ *River War*, Vol 1, pp 55-56.

¹² Preeti Bhattacharji, *State Sponsors: Sudan*, Council on Foreign Relations, 2 April 2008: <http://www.cfr.org/sudan/state-sponsors-sudan/p9367#p3> (Accessed 9 June 2012).

¹³ C Catherwood, *Churchill’s Folly: How Winston Churchill Created Modern Iraq*, Carol and Gray Publishers, New York, 2004, p 60.

He travelled to South Africa as a war correspondent where his exploits brought him further public attention. At the 1900 General election he stood again for Oldham and, on this occasion, he was successful. By 1911 he was First Lord of the Admiralty, the political head of the Royal Navy. Greatly influenced by the dynamic naval reformer Admiral of the Fleet, Lord Fisher, by then recently retired, Churchill was convinced that the greater speed and range needed to maintain naval supremacy over the Imperial German Navy could only be achieved by the wholesale conversion of the Royal Navy from coal to oil propulsion. At the time, the United Kingdom had abundant domestic coal supplies but none of oil. This was long before the discovery of the North Sea reserves, much less the ability to exploit the same.

Coincidentally, oil reserves had been discovered in Persia earlier that century on concessions originally granted to William Knox Darcy, an Englishman who had made a substantial fortune from the Mount Morgan, Queensland gold mine. These had later passed to the Anglo-Persian Oil Company (AOPC), a corporate predecessor of the present BP plc. That company was by 1913 in need of capital. Adopting a recommendation made by Churchill, the British Government came that year to take up a controlling interest in the AOPC, which received long term contracts for the supply of oil to the Royal Navy.¹⁴ The acquisition also conferred on the British government an indirect interest in that company's oil exploration concessions, then of unproven worth, in the then Ottoman "vilayet" or administrative region of Basra (part of the territory once known as Mesopotamia and later yet part of present day Iraq).¹⁵

Shortly after the AOPC acquisition was concluded, Britain found itself at war with the Central Powers, the German and Austro-Hungarian Empires, but not, initially, with the Ottoman Empire. On 1 August 1914, at a time when war with the Central Powers was an imminent probability, two powerful warships of the dreadnaught type ordered by the Turkish government had just been completed and were in British dockyards awaiting

¹⁴ For a detailed account of the circumstances of the acquisition, see S Reguer, *Persian Oil and the First Lord*, Volume 46(3), , October 1982, *Military Affairs*, 134 (Reguer).

¹⁵ Reguer, at p 137.

commissioning into the Turkish navy. At the time, there was much internal division in the Turkish government as to whether or not to enter any war in support of Germany and Austria-Hungary. Though aware that the action would prejudice relations with Turkey, Churchill as First Lord of the Admiralty decided that Great Britain could not take the risk that such warships might be added to the naval force already deployed against the Allies in the Mediterranean. He authorised the seizure that day of these ships, which were then promptly commissioned into the Royal Navy. Coincidentally, Germany's Mediterranean squadron, consisting of the battle cruisers, SMS Goeben and SMS Breslau, under the command of Rear Admiral Souchon was then at sea. Days later when war was declared, these ships were pursued by units of the Royal Navy's much more powerful Mediterranean fleet. Seeking to elude destruction, the Germans sought permission from the Turkish government to pass through the Dardanelles Straits. Upon learning of the seizure by the British of the warships ordered by Turkey, Germany, in a diplomatic manoeuvre designed to increase pro-war support for the Central Powers, then offered SMS Goeben and SMS Breslau to Turkey. This offer was accepted. The Goeben was renamed Yavuz and the Breslau became the Midilli. Their German sailors promptly donned the fez and continued to crew each vessel; Admiral Souchon became commander of the Turkish navy on 9 September 1914. Still the Ottoman Empire did not declare war but German influence over its navy commenced. A month later and without the express permission of the Turkish government, Admiral Souchon took the Yavuz and the Midilli onto the Black sea where they bombarded the Russian ports of Odessa and Sevastopol. Talat Pasha, a member of the then Turkish government, was later to write in his memoirs: "None of us did know about this. I thought that Enver Pasha must have been informed about what happened. However he swore to God that he did not have any information whatsoever about the incident. So, we entered the war as the result of a fait accompli."¹⁶ Admiral Souchon's description, in a letter to his wife, of that same event was, "I have thrown the Turks into the powder keg and kindled war between Russia

¹⁶ Altay Atli, Turkey in the First World War - Story of the Turkish Navy. Turkeyswar.com (accessed 11 June 2012).

and Turkey."¹⁷ Churchill later described the Goeben/Breslau incident in this way, they arrived carrying "more slaughter, more misery and more ruin than [had] ever before been borne within the compass of a ship."¹⁸

At the time, the Ottoman Empire, though greatly truncated from its maximum extent when it reached up the Danube to the gates of Vienna, still extended far beyond modern day Turkey and included what is now Israel, Gaza, Jordan, The Lebanon, Syria, Iraq and parts of Saudi Arabia.

The Ottoman Empire's entry into that war proved disastrous for it, as it did for the empires of the Central Powers.

In the course of the war the British government, either unilaterally or in conjunction with France and Imperial Russia, made many statements and agreements, not all of which are readily reconcilable, concerning the fate, post-war, of the territory which then comprised the Ottoman Empire.

Churchill was not directly privy to these agreements for he had resigned office after the failed execution of the strategically brilliant Dardanelles campaign. To describe these statements and agreements in detail would require a paper of inordinate length but they principally comprised:

- (a) the McMahon/Hussein correspondence between 14 July 1915 and 30 January 1916, in which, in return for an Arab uprising against the Ottoman Empire, the British Government, via its High Commissioner in Egypt, Sir Henry McMahon, undertook to the Sharif of Mecca, Hussein bin Ali, to recognise Arab independence;¹⁹

¹⁷ Article entitled, "Battlecruiser Yavuz Sultan Selim (1912) Previously the Imperial German Battlecruiser Goeben" http://www.cityofart.net/bship/turc_yavuz.html#Top (accessed 11 June 2012).

¹⁸ Ibid.

¹⁹ http://en.wikipedia.org/wiki/McMahon%E2%80%93Hussein_Correspondence (accessed 24 July 2012 - McMahon/Hussein article). I have checked the source references in this article for the correspondence and, as a result, regard the summary as accurate.

- (b) the then secret Asia Minor or “Sykes/Picot” Agreement of 18 May 1916 between Britain and France with the assent of Imperial Russia under which these countries defined what would be their areas of influence or control in respect of the territory of the Ottoman Empire in the event of its defeat;²⁰ and
- (c) the Balfour Declaration of 2 November 1917 under which the British Government, via its Foreign Secretary, Arthur Balfour formally stated to Lord Rothschild, a leader of the Zionist movement, that, “His Majesty's government view with favour the establishment in Palestine of a national home for the Jewish people, and will use their best endeavours to facilitate the achievement of this object, it being clearly understood that nothing shall be done which may prejudice the civil and religious rights of existing non-Jewish communities in Palestine, or the rights and political status enjoyed by Jews in any other country”.²¹

Of these, the Sykes/Picot Agreement is particularly interesting in its specification of spheres of British and French influence and control. Broadly speaking, these areas of influence and control came to pass as a sequel to the Treaty of Versailles and related post World War One treaties and League of Nations mandates. At Versailles, Hussein’s son, Prince Faisal, advised by T E Lawrence, sought, unsuccessfully, to promote an alternative plan which would have afforded not only Arab independence but also provided for large scale Jewish immigration to Palestine. That plan incorporated the

²⁰ http://en.wikipedia.org/wiki/Sykes%E2%80%93Picot_Agreement (accessed 24 July 2012 - Sykes/Picot article). I have checked the source references in this article in respect of this agreement and, as a result, regard the summary as accurate.

²¹ http://en.wikipedia.org/wiki/Balfour_Declaration,_1917 (accessed 24 July 2012). I have checked the source references in this article in respect of this declaration and, as a result, regard the summary as accurate.

results of an agreement, facilitated by Lawrence, between Chaim Weizmann and Prince Faisal of 3 January 1919.²²

Churchill had by then returned as a member of the government, successively holding the posts of Minister for Munitions, Minister for War and the Air and Minister for the Colonies. In that latter capacity he chaired a conference in Cairo in 1921 and undertook related meetings in Palestine concerning areas of British control or influence in the Middle East, sequels to which included the creation of a Kingdom of the Transjordan under Abdullah, another of Hussein's sons, and a Kingdom of Iraq under Faisal.

Bin Laden's reference to the wrongs of the past eighty years was a reference to such events. In 2002, the then British Foreign Secretary, Jack Straw, observed of those times and events, "A lot of the problems we are having to deal with now, I have to deal with now, are a consequence of our colonial past. ... The Balfour Declaration and the contradictory assurances which were being given to Palestinians in private at the same time as they were being given to the Israelis – again, an interesting history for us but not an entirely honourable one."²³ Having regard to the statements made with his authority in the British Government's White Paper of 1922 concerning its dealings in the Middle East,²⁴ Churchill, I am sure, would have disputed the accuracy of that observation about the colonial past but would have well understood the problems and perils with which his successors have to deal.

²² http://en.wikipedia.org/wiki/Faisal%E2%80%93Weizmann_Agreement (accessed 24 July 2012). I have checked the source references in this article in respect of this agreement and, as a result, regard the summary as accurate.

²³ Quoted in Sykes/Picot article.

²⁴ Quoted in McMahon/Hessein article.