

## **Submission to Enquiry into Defence Amendment (Parliamentary Approval of Overseas Service) Bill 2008 [No. 2]**

**From: Bill Fisher and Miriam Tonkin**

**(Committee members of Australia East Timor Friendship Assoc. (SA) Inc.)**

**Our submission strongly supports Senator Ludlam's Bill**

**We do not wish our submission to remain confidential or to be considered on a confidential basis.**

**We would welcome the opportunity to appear at a public hearing**

### **The Amendment (Senator Ludlam's 2<sup>nd</sup> reading speech)**

We note that there have been several previous attempts since 1985 to introduce this particular amendment to the Defence Act 1903. We endorse Sen. Ludlam's description (in 2<sup>nd</sup> reading speech) of Parliament as a forum where leaders must publicly provide reasoning & accounting for their decisions. As Sen. Ludlam says, sending the country into war is the gravest decision, often having implications far into the future. The decision to send Australian men & women overseas to kill or be killed must never be taken lightly. As Sen. Ludlam says, such decisions made in undue haste do not have the mandate of the people & are thus not legitimate or acceptable. Most substantial democracies require parliamentary approval or debate before going to war – the United Kingdom this year transferred the power to declare war from the executive to the parliament. We congratulate Sen. Ludlam for putting up this amendment again.

### **Previous parliaments failed us**

We go further than the Senator in saying that previous Australian Parliaments, which rejected this Amendment, failed the Australian people.

If this amendment had been made to the Defence Act 1903 before 2003, the Prime Minister would not have been able to deploy troops to an illegal war in Iraq. The Howard Government commemorated the centenary of the Defence Act by being the first government in Australia's history to go to war without the support of both houses of Parliament. On the day the bombs began to fall on Baghdad the Senate voted against the decision to commit Australian troops to war in Iraq.

### **Why did we invade Iraq?**

Days before SAS troops entered Iraq, PM Howard told the Press Club (March 14<sup>th</sup> 2003) that regime change, human rights abuses or spreading democracy were all insufficient grounds for war. Only the presence of Weapons of Mass Destruction (WMDs) was sufficient for war. He also saw disarming Iraq as being part of the wider war against terrorism. On Feb. 4<sup>th</sup> 2003, he told Parliament that the Government “knows that Iraq still has chemical & biological weapons (CBW).”

The Government actually knew its key intelligence agencies DIO & ONA doubted Iraq had produced any CBW since 1991. DIO & ONA said that chemical agents would have degraded since then, that Iraq’s delivery capability was very limited & thus Iraq could use any remaining weapons only defensively, not offensively – ie, any remaining WMDs (in fact, none remained) were no threat beyond Iraq’s borders. The Jull Committee found a yawning gap between Australian intelligence reports & government statements about a “grave & immediate” threat. The Government had ignored its own agencies & relied instead on US agencies – then busily fixing the “intelligence” around the policy, which was to invade Iraq.

“Bush wanted to remove Saddam, through military action, justified by the conjunction of terrorism & WMD. But the intelligence & facts were being fixed around the policy.” (Sir Richard Dearlove, head of British intelligence at MI6, in a memo reporting a meeting with the British Cabinet, July 2002).

### **Part of a wider war against terrorism?**

In June 2004, the (US) September 11 Enquiry concluded there was no credible evidence that Iraq was involved with al-Qaeda’s September 11 2001 attacks on the US. All Middle-East experts & observers had been telling us long before the March 2003 invasion of Iraq. An opinion columnist for “The Australian” takes up the story:

“Not only was Howard aware before the war that there was no link between Iraq & al-Qaeda’s September 11 attacks, he also told Australians that a war against Iraq would not increase the terrorist threat for the rest of the world – it would actually decrease it.

But here’s what Howard was told by the British Joint Intelligence Committee in February 2003 just before taking Australia off to war: The JIC assessed that al-Qaeda & associated groups continued to represent by far the greatest terrorist threat to Western interests & that threat would be heightened by military action against Iraq.

And guess what? The British JIC was right.”

(Kevin Rudd, “PM stirs terrorist hornets”, “The Australian”, 21/6/04)

Fundamentalist al-Qaeda had no foothold in Saddam’s secular Iraq. After the invasion, Iraq became a bloody recruiting ground for al-Qaeda.

### **“Get out by tomorrow, or we’ll attack you today”**

President Bush’ ultimatum, at 8 pm, March 17<sup>th</sup>, Washington, read:

“Saddam Hussein & his sons must leave Iraq within 48 hours. Their refusal to do so will result in military conflict.”

16 hours later, SAS troops attacked Iraqi positions in western Iraq. This covert operation shows Australia was an integral part of US war planning - & it pushes the rules of war to the limit. Decorations to SAS members for acts of valour in this secret war were awarded anonymously.

### **Wars fought against imaginary threats have real consequences**

General Petraeus testified to Congress in September 2007 to military estimates of 37,500 civilians killed since the invasion. That was a considerable underestimate. More reliably, British medical journal “The Lancet” published a study by Johns Hopkins School of Public Health showing 601,000 civilians killed in war by August 2006 – they obtained death certificates for 92% of the deaths they reported. That’s 601,000 civilians not “saved from Saddam”; & 16.1% of Iraq’s 4 Million family households who lost at least one family member. These survivors probably were less than grateful.

### **The US Alliance**

In justifying our participation in the invasion, PM Howard invoked the ANZUS Treaty. In fact, the invasion was a clear violation of article 1 of the Treaty: it was an illegal act of aggression which was opposed by the UN. It unleashed horrific carnage in Iraq. It didn’t achieve any of the US’ strategic goals: Iraq isn’t a pro-Western, market-oriented, secular democracy. Islam is now enshrined in the new constitution; under Saddam, Iraq had a secular constitution. The war dramatically strengthened the influence of radical Iranian Shiites. Under Saddam, fundamentalist al-Qaeda was locked out of Iraq; the war made Iraq a huge recruiting ground for al-Qaeda. Other close US allies (Germany, Canada) tried to stop the US launching an illegal, destructive & self-destructive invasion; they were good allies – they still are. The Howard Government seemed only to urge Bush on. Were we partners in crime, or servile followers? History will decide.

### **“Truth in government”**

In August 2004, 43 former defence chiefs, department heads & diplomats wrote a “truth in government” declaration during the federal election campaign.

Some relevant excerpts follow:

“Australians must be able to believe they are being told the truth by our leaders, especially in situations as grave as committing our forces to war...”

Australia has not become safer by invading & occupying Iraq & now has a higher profile as a terrorist target...

...to suggest that an ally is not free to choose if or when it will go to war is to misread the ANZUS Treaty ... Australian governments should seek to ensure that it is a genuine partnership & not just a rubber stamp for policies decided in Washington...

If we cannot trust the word of our Government, Australia cannot expect it to be trusted by others. Without that trust, the democratic structure of our society will be undermined & with it our standing & influence in the world.”

### **Don't fail us the way previous Parliaments did**

Our invasion of Iraq has been a catastrophe for everyone involved (with the possible exception of arms dealers & mercenaries who reaped fortunes from the misery of others). We wouldn't have been involved, & may have been able to dissuade the other invaders, if any previous parliament had passed this amendment to the Defence Act 1903 – the Senate vote could have prevented it. Instead, we entered a war for the first time in our history against the wishes of one House of Parliament & against the wishes of most Australians (according to opinion polls at the time).

Please don't let such a catastrophe happen again.

Please don't fail the Australian people again.

**Miriam Tonkin**

**Bill Fisher**