

Attention: Foreign Affairs, Defence and Trade Committee Department of the Senate

Re: Defence Amendment (Parliamentary Approval of Overseas Service) Bill 2020

Thank-you for the opportunity to comment.

I am responding as an unqualified citizen. My interest in this bill comes from a firm ambition to avoid war, and a deep sense of failure regarding our nation's participation in wars this century, which been not only non-strategic but entirely counter-productive. I see this century's military misadventures as grave mistakes which we must avoid repeating. I recognise this Bill as a valuable reform that would bring our country's processes up to a modern standard; help us avoid unnecessary deadly conflict; and give the public and our services greater confidence when a regrettable decision to engage is made.

A million Australians marched against war in Iraq. We knew then that stories of WMDs were ill-founded. This narrative was centred in the mainstream media and widely accepted: UN weapons inspectors were bravely defying false claims that Iraq posed a threat. Claims that Iraq had pursued acquisition of bomb fuel were quickly exposed to the world as poorly crafted forgeries. Here in Australia, a senior intelligence agent spectacularly resigned to expose what he described as a drift towards non-strategic war that defied the intelligence.

The case for restraint seemed strong and uncommonly popular, yet one man, the then-prime minister, effortlessly dismissed over a million demonstrating Australians as "the mob" and made what appeared to be a personal decision to pursue war. The impression remains that not even Cabinet played a formal part in the decision making.

I think that Australia might have pursued a different path had this important decision enjoyed the benefit of debate and formal decision by both houses of parliament.

The recent evacuation of Afghanistan has prompted popular reassessment of our longest war, and the post-factual redefinition of our mission has not stood up to the barest of scrutiny. The decision to invade Afghanistan (ahead of UN sanction) was made by a small handful of individuals, and the weight of that decision both bore down upon and set the tone for subsequent decisions to prolong or re-engage Australian forces there, and nearby.

With the benefit of hindsight, many are now recognising Afghanistan as a failure. What was initially promised to be 'weeks not months' eventually took 20 years - only to return the Taliban to power, at great cost to returning Australian forces, the citizens of Afghanistan and the international reputation of Australia.

While personally I rate Afghanistan as an avoidable error, I do know that some friends understood Afghanistan and Iraq as the good and bad wars, respectively. So I am not so certain that debate in parliament would have changed this particular decision. But it might have impacted the context, and certainly would have granted a useful alternative scrutiny to subsequent decisions.

These reflections on recent errors underscore my support for the Bill. Public support for greater parliamentary scrutiny of war powers, already popular, has risen on the back of these experiences.

I've heard arguments about urgency to justify streamlined decision-making. Which doesn't seem relevant to any decisions made this century. Nonetheless this concern might justify an exception, rather than a disqualification, for the standard of requiring parliamentary debate ahead of any decision to pursue military conflict abroad. The intent being that parliament should make the decision, and that proceeding otherwise should be a rare exception, subject to later scrutiny.

The current standard of an Australian decision to war is outdated, and poorly defined. This Bill offers an opportunity to better formalise our processes and meet the standards of comparable allies and western developed nations. Australia has not yet pursued an inquiry into the deeply flawed decision to go to war in Iraq, as other allies have. This could be a useful tool, but I do hope that the value of this Bill can be recognised independently.

The decision to war is one of the most significant any government can take. Those who make this decision deserve better than for their judgement to be subject to cynical reframing as political gamesmanship; the parliament deserves the respect of giving it their full consideration; the public deserve the confidence that our representatives have played a rightful role in determining the national interest; and the forces deserve the certainty that this level of careful scrutiny provides.

This Bill has been a long time coming. I welcome it as one useful step towards a safer future.

Thankyou,

Justin Tutty