

## **Submission to Commission on War Powers Act**

All governments must pursue their national interests; they owe this duty to their community. But they also have a responsibility to defend the values of the community and the two are often in conflict. When political leaders authorise violence against other nations without just cause they shame and betray their nation. They also violate the first and most important rule of international law.

The proposed Bill seeks to minimise the risk that violence is used against other nations without the approval of the Australian people. This is critical because, despite the views of Defence Minister Peter Dutton, one cannot justify war by arguments based on national interests, including security interests - there must be a genuine threat of attack, the threat must be imminent, and the response must be proportionate.

Secondly, recent history reminds us that governments with enough media and social media support can influence public opinion to support an aggressive foreign policy. They can do this for party political reasons or to shore up support for a premier or prime minister as party leader. In the worst-case scenario, party leaders may succumb to pressure from powerful allies we rely on for commercial and security reasons.

The need for Parliament to authorise war is not hard to demonstrate. When John Howard and Alexander Downer decided to join the international coalition to invade Iraq they relied on advice from US President George W Bush that Iraq shared responsibility for the 9:11 attack with Al Qaeda. They also relied on his claim that Iraq possessed weapons of mass destruction that posed a security threat to Australia and the US. They saw the request to join as within the scope of the ANZUS mutual defence treaty between the two nations.

Surprisingly, at no time did Howard seek or receive US raw intelligence. This made it impossible for Australian intelligence services to examine the factual basis of the claims, later found to have been fabricated after a seven-year investigation by the British Chilcot Commission. Its report was a scathing indictment of wilful misrepresentation by British, US and Australian leaders, all anxious to appease the US President, who had threatened nations they would pay a heavy price if they did not support the invasion.

This threat, together with misrepresentations by the White House, US Secretary of State Colin Powell (for which he later expressed regret) and the British Prime Minister, were instrumental in Australia joining the Iraq War. It killed between one hundred and fifty thousand and one million Iraqis, left countless numbers wounded and crippled, and destroyed the nation's infrastructure and economy. It was a catastrophe which escalated violence throughout the Middle East. It is now widely agreed to have lacked justification in law or morality. Despite the Chilcot findings and international opinion, both Howard and Downer remain unrepentant.

They were, it must be said, under pressure from President George Bush, who warned nations they were either for or against the US war policy - there was no middle ground - and that he had now "taken the gloves off". However, traditional allies Canada and New Zealand chose to ignore this threat as did the vast majority of nations, as pointed out by Jesse Lorenz in his book on the coalition of the willing.

What this history reveals more than anything is the sheer scale of tragedy that can result from ordinary human failings when political leaders are entrusted with the power to wage war in circumstances where the facts are unknown and likely to be falsified. The decision was surprisingly

gullible, not just because truth is the first casualty of war but because the motives of Bush, Rumsfeld and Cheney were suspect from the beginning.

To summarise, the decision to join the invasion to depose Saddam Hussein was due to wilful negligence, aggravated by Howard's decision to sideline and thus muzzle the Australian intelligence services. These faults, however, pale by comparison with the lack of concern shown for victims and their families. It is still hard to shake off the image of thousands of teenage conscripts buried alive in trenches by US bulldozers. This industrial approach to war, reportedly over 70 miles of trench lines, was confirmed by the Pentagon on 13 October 2005.

The Iraq war was not the first time Australia joined a US war against a third world country due to claims based on deception and self-deception. Vietnam is a compelling example, as proved by the Pentagon Papers. The same evidence of duplicity is now emerging from post-war studies of the Korean conflict, backed up by scholarly studies exemplified by Australian author Michael Pembroke's highly regarded and well documented "Korea- where the American Century begins".

There is now a bid, brought by Greens and independents in the Senate, to minimise this risk in future conflicts. It aims to restore democracy by requiring Parliament's approval to wage war against other nations and national groups. This is required by law in many countries, including America. Close to 80% of the public now support it.

This brief account of Australia's use of defence forces overseas compels me to support the detailed submission made earlier by Mr. Scott McInnes.

Max Atkinson