

SUBMISSION from Geoff Taylor

Secretary

I wish to make the following submission, and in doing so, first of all I want to mention the many people who died through government trickery and deceit perpetrated in order to put young men, predominantly, in harm's way, including my wife's cousin, who died in Vietnam.

Also included from Vietnam are 521 Australian troops who died, 58,300 US troops, 1.1m Vietcong and North Vietnamese troops, 200-250,000 South Vietnamese troops, 460,000 Iraqi civilians in one estimate; also, in Iraq 16623 Iraqi military and police over 7 years, 179 UK troops, 11 Spanish troops to 2009, and 139 deaths from 23 countries except US, and 4902 US persons. Australia I believe had 4. That is without the many with permanent injury, physical and mental, with 47,000 waiting for case resolution at present. So there is an enormous cost to the public, both financial and emotional, running for many years after a conflict. 20% of the 60,000 personnel in Vietnam have or have had PTSD.

Firstly, an aside. I am concerned by the public statements of the current Minister for Defence, seeking to preempt the outcome of this inquiry. It is preferable that the minister bring an unbiased mind to the topic.

To return, the trickery with Vietnam involved claiming that the government of South Vietnam had asked for help, when, we learnt later, we had asked them to ask us to help in a war brought about through failure to observe a UN resolution on elections in Vietnam.

In the case of Iraq, our PM had promised to put the issue to parliament, and then didn't. At the time the then PM said he was prepared to commit Army Reserve forces to serve in Iraq, including a relative of mine, if he so chose.

Even then the public was presented with a lot of misleading material about the existence of WMD in Iraq, about a letter from Niger on uranium, misleading aerial shots from Iraq, and an exaggerated intelligence report it turned out was taken from a PhD thesis. False information fed to the public, included such that Iraq had a role in the attack on the World Trade Center in 2001, that weather balloons were weapons, that cropspraying aircraft were for chemical weapons delivery, and that pharmaceutical factories were making chemical weapons. This was despite Australia having people on the inspection teams, and advice from our Office of National Assessments. On the US side, the female US ambassador to Niger must have known that the Niger minister for mines was a woman, so a male mines minister's signature on the letter was a fairly obvious fake. However by the time we went to war, we knew there were no WMD. In the first Iraq war, a Congressional witness on babies supposedly dragged from humicribs by Iraqi soldiers, Naira, turned out to be the Kuwaiti ambassador's daughter who wasn't even in Kuwait at the relevant time. In 1991 our navy was committed to support the war with Iraq, and it went ahead despite it being known that France's President Mitterand had found a peaceful solution to the wrongful attack by Iraq on Kuwait.

We have been associated with egregiously bad behaviour by our allies in both Vietnam and Iraq. In Vietnam, terror against innocent civilians in Operation Phoenix (in which we participated), the use of

cluster antipersonnel munitions in Hue, the use of teratogenic defoliant, and carpet bombing of a neutral country, Cambodia, and the use of napalm, affecting civilians such as the young girl Kim Phuc.

In Iraq, the Abu Ghraib mistreatment of POWs, the RAF strafing of a civilian market, the use of illegal 50mm rounds against civilians at a checkpoint in Hilla, the use of depleted uranium munitions, the murder of Iraqi journalists from a helicopter for which the only person in prison is an Australian journalist who reported it, Julian Assange, and the Basra road “turkey shoot” of fleeing soldiers to all intents and purposes, in the back.

On the legal side, UK Attorney General Lord Goldsmith’s legal opinion on launching an armed attack on Iraq in 2003 contradicted that of Campbell and Moraitis’ one for the government here in Australia. Advocating such an attack was at that time illegal under our Crimes Act, since quietly amended. However the AFP, after being asked, refused to question those in government advocating such an attack. If the UN Security Council had asked us to join such a force under a Special Agreement, our participation would have been legal, but it didn’t, and therefore it wasn’t.

In any planned military operation, the limits on the rules of engagement deserve public and parliamentary discussion before going to war (except in an emergency). This could avert straying beyond the accepted boundaries of warfare in the field. Within our own and allied forces, it is an issue, as the recent local inquiry into alleged war crimes in Afghanistan highlighted, and as some events from Vietnam and Iraq demonstrated.

Drone warfare has introduced some new ethical challenges, particularly in regard to target identification and death or injury to people other than the target/s, so called collateral damage.

Our Constitution grants powers for the defence of Australia, but defence does not include launching an aggressive war, a point former Arbitration Commissioner JF Staples made to the government in a submission before the 2003 Iraq war, noting the lack of reserve powers to do so after the Australia Act was passed in 1986.

I prepared a short bill on the issue this inquiry is concerned with and circulated it 19 years ago, including to the government of the day. A copy is shown here:

Bill to require parliamentary approval of committing forces to overseas conflict, except in an emergency.

Defence Amendment (Democratic Control of Armed Attack) Bill 2003

A bill to amend the Defence Act to provide, in circumstances other than an emergency, for democratic deployment of the armed forces.

Section 8 of the Defence Act is amended by adding the words:

Except in the case of an actual attack or imminent attack on Australia or another country which is an ally, the Minister shall not direct the Chief of the Defence Forces to deploy those forces in an attack on another country without the approval of both Houses of Parliament.

The AUKUS pact and potential war with China

This is an example of how easily Australia can be committed to a foreign relations stance which could actually destabilise our security, and lead to war. At the end of August 2021, the Defence Minister and the Foreign Affairs Minister both released a statement after meeting their French counterparts in Paris, saying that the joint submarine project was on track, and that a variety of plans for accompanying forms of cooperation with France including security cooperation in the Indo-Pacific were in full swing. Ten days later, after a negotiation with the US and UK which surely must have taken much more than ten days, this was repudiated, materially altering our relationship with China, and with France and possibly the wider EU. Surprisingly the then Labor Opposition when it passed through the parliamentary treaty process, waved it through.

In this context leaders talk of maintaining the rules-based order including ITLOS findings against China on islands in the South China Sea, but they don't talk about ITLOS findings on the return of Chagossians to their island home in the western Indo-Pacific region.

De facto repudiation of the 1972 Australian agreement recognising the PRC, which DFAT says on its website involved recognising Taiwan as a province of China, deserves a full public discussion, because of its potential for war.

We have now signed up in Perth to defend Japan, and for them to defend us.

Conclusion

Taking us to war is the most serious thing a government can do. It is not unknown for leaders to define themselves by being war leaders, willing to spill the young blood of our servicemen and service women as cannon fodder in order to buy political favours distinct from the immediate issue in hand, or to distract the public from domestic issues because once we are in an armed conflict "we must all pull together". Sometimes in a real emergency that is valid.

But other than in an emergency, such as an immediate attack on Australia or its allies, the decisions need active discussion and full consideration by the public, and the parliament, first.