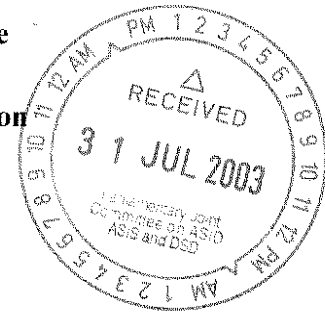


**Submission to the Australian Parliamentary Joint Committee
on ASIO, ASIS and DSD:
Inquiry into Intelligence on Iraq's Weapons of Mass Destruction
(31st July 2003)**

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The central point of this submission is that controversy over Iraqi weapons of mass destruction should be seen as part of a bigger issue. This issue is how coalition governments used, or gave the nod to, a range of related questionable propositions to build a climate for war.

Although the inquiry's relatively narrow terms of reference do not explicitly address this contextual issue, it is relevant because context gave meaning to the information collected, interpreted and relayed by the intelligence services, as well as to the government's presentation of this and related information to Parliament and the public.

In addition, unless it considers this context, the inquiry may be unable to settle worries over the integrity of the process leading to invasion since the coalition's arguments went beyond assertions about deployable Iraqi WMD. These broader arguments – in principle distinct from (but given added urgency by) claims Iraq had WMD – were used to make war seem legitimate and the only prudent avenue open to civilised countries concerned about international security. This called for an effort to steer (or perhaps manipulate) public opinion and shape political debate.¹

The framing of context included the presentation of legal advice. Canberra said legal authority for the invasion was inherent in a series of UN resolutions stretching back to 1990-91 demanding Iraq get rid of WMD.² There are six linked points to be made

¹ This paper is concerned with possible government misinformation used to frame the Iraqi crisis. However, it is sometimes difficult to separate this out from a broader pattern of misinformation, and selective partial information, that came from, or was passed through, some media coverage and some political commentary.

² When Iraqi WMD failed to materialise in the post-war months, legitimacy for the invasion was claimed by correctly noting the UN requirement was not for the coalition to prove the existence of these weapons, but for Iraq to establish that *it* had adequately accounted for them. The failure of the Iraqi government to satisfy UN inspectors on this point was said to justify war, irrespective of whether actual WMD existed; the criticisms which follow also apply to this putative justification.

about this. *First*, the decision to invade was made while UN inspections were continuing. *Second*, why, if the coalition had solid evidence of WMD, was this not passed to inspectors? The need to protect sources was invoked, but this could have been handled and, given the inability of invading forces to find the weapons, it now looks like a dubious excuse. *Third*, the UN Security Council was still 'seized' of the case when war was decided on; the matter was removed from the UNSC's reach by actions of the coalition, not by Baghdad. *Fourth*, Canberra's claim that old UNSC resolutions effectively delegated later war-making powers to self-appointed enforcers is at best tendentious; in my view, it is plain wrong. *Fifth*, legal argument was a cover for, not a source of, policy. *Sixth*, the government seemed willing to allow the public to confuse a dodgy legal case for war with the reason for Australia's involvement in it. Here the imagery of substantial amounts of WMD ready for use at short notice provided apparently tangible ballast to an otherwise abstract argument.

The primary reason for Australia's participation seems to have been the Prime Minister's sense of how best to manage the US alliance. And, because John Howard tied his stance to Washington, American policy must be considered when examining Australia's public rationalisations for war, including its use of intelligence information. However, US policy raises awkward issues in terms of Canberra's spin. The idea Washington was motivated by legal argument and a desire to enhance UN credibility is met by disbelief among many foreign policy analysts. What did Australian intelligence assess as the primary motive for the US invasion, and how, if at all, did it assess the manner in which legal and WMD issues fitted in with this? Canberra looks lame and devious when it employs a contrived legal justification for the war as a device for deflecting attention from key underlying forces which were at work.

This connects to another instance of the questionable framing of context: the linking of the invasion with the 'war on terror'. There was a deliberate US effort, not openly contradicted by Canberra, to conflate Iraq's association with terrorist activity aimed at Israel with an apocalyptic threat against the West in general. Here the picture of al Qaeda gaining access to Iraq's WMD, which seems to have been pure speculation, was repeatedly invoked. What did Australian intelligence have to say on this matter?

Claimed links between Baghdad and al Qaeda were used to beef-up America's argument that the invasion was a form of self-defence. Again, Canberra did not openly contest this point. But where is evidence Iraq was intending to attack – or assist others in attacking – the US, the UK, or Australia? Did Australian intelligence have a view on this? And, if solid evidence was/is not found, where does that leave the war in terms of international law, especially as it applies to self-defence and acts of aggression? Although this question would still stand if WMD are found, the apparent absence of these weapons obviously gives it much greater weight.

Then there is the matter of regime change. In the long build-up to war, which included bombing to 'soften-up' Iraq for the invasion, at what stages did the Prime Minister really know of (via intelligence reports or other sources), and then decide to participate in, Washington's objective of over-throwing the Iraqi government? Did he resolve to involve Australia irrespective of whatever intelligence had to say on WMD and Iraqi links with al Qaeda? (And was the move to war made without genuine regard to UN diplomacy and inspections, and regardless of where objective legal argument might lead?) If so, it looks like the government needs to re-write the common-sense meanings of self-defence and aggression.³

For the purpose of getting at the truth, it is unfortunate the inquiry into Iraqi WMD will not be paralleled by reviews of (i) the government's legal advice, (ii) the suggested connection between Baghdad and al Qaeda, and (iii) the Prime Minister's promotion of the US alliance from a defensive to an offensive instrument of policy. However, the Committee may decide these other issues are pertinent to a full understanding of the nature of intelligence information received, assessed, and then presented to Parliament and the public – thereby making them proper subjects for the inquiry under its terms of reference.

³ Two other reasons have been offered for the war which have not yet been mentioned. The first is humanitarian – but there was never an explicit mandate for this; moreover, the idea is unconnected to the subject of the inquiry. The second is the national interest. There is little to say about this here, since the national interest is an elastic concept which can, it seems, be made to mean whatever the elected government wants it to mean. In terms of this submission, the obvious point is that the 'national interest' label ought not be used to cover-up inadequacies or deceptions which undermine the proper functioning of representative democracy.