

The Role of Government and Parliament in the Decision to Go to War*

Brendan Nelson

Private Jake Kovco—age 33
Captain Mark Bingley—age 35
SAS Trooper Josh Porter—age 28
Trooper David ‘Poppy’ Pearce—age 41
SAS Sergeant Matthew Locke—age 33
Private Luke Worsley—age 26
SAS Signaller Sean McCarthy—age 25
Lance Corporal Jason Marks—age 27

These eight men died as a direct result of decisions I made, supported or administered during my tenure as Australia’s Minister for Defence.

For me, those at a ministerial level with whom I served, those ministers who came before me and for those that have followed, the issues we are about to explore are anything but academic hypotheticals.

They are real. They are very real.

Those decisions, carried most heavily by prime ministers, are also ones from which enemy combatants will be killed. They, like Australia’s own defence personnel, have families who love them and give meaning to their lives, whatever the misguided, distorted and perverse nature of their cause.

When Her Majesty, Queen Elizabeth II visited Australia in October 2011, I was watching the news broadcast of her visit to Canberra in my Brussels office on BBC World News.

The British journalist concluded his ‘package’ on the front steps of Parliament House. Looking down ANZAC Parade he said, ‘There is something the Australians have right. Looking from the seat of government here, in the direct line of sight is the Australian War Memorial. It reminds Australia’s politicians that some of their decisions come at a very high price’.

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The Australian War Memorial was the vision of Charles Bean, Australia's official First World War historian. Bean landed with the Australian Imperial Force (AIF) at Gallipoli on 25 April and stayed with them—at the front, right through until the war's end.

In Pozières, France, in 1916 Australia sustained 23,000 casualties in six weeks. It was here, in late July, that Bean recorded the following in his diary:

Many a man lying out there at Pozieres and in the low scrub of Gallipoli, with his poor tired senses barely working through the fever of his brain, has thought in his last moments...well...well, it's over. But in Australia—they will be proud of this.

A mortally wounded Australian later asked of Bean, 'Will they remember me in Australia?'

And so it was, in discussion with others, Bean resolved that at the war's end, he would build the finest memorial and museum to the men of the AIF and nurses. He returned to Australia to convince the government to pass an Act to give effect to his idea. The men fighting and dying in France, Belgium and Sinai–Palestine would know that at war's end, they would be remembered.

The political capital of our nation resides within this, our national parliament. But the War Memorial is custodian of its soul.

The visiting Chief of the Turkish Air force last year pointed to one of the names in bronze where Australian have fought and died over one hundred years. He asked, 'Why were Australians there?'

I replied, 'General—that is a very important question. In answering it, your journey of discovery will lead you to an understanding of who we are and what makes us tick as Australians'.

Our destiny as a people is determined not by the economic indices with which we are so understandably obsessed, but our values and our beliefs, the way we relate to one another and see our place in the world. We are defined most by our heroes and villains, triumphs and failures, the way in which as a people we have faced the adversities before us.

Federation in 1901 was the culmination of more than a generation of debate amongst our forebears in the colonies as to whether we wanted to be governed as one.

But beyond the nation's rich Indigenous history, pioneering efforts of those who came on the First Fleet and immigrants who joined them in the nineteenth century, we were yet to have our 'story'.

The cataclysm that unfolded from late 1914 changed us.

Formation of the Australian Imperial Forces, overseas deployment of Australians in an Australian uniform with an Australian flag and all that would follow militarily in parallel with the deep divisions that emerged domestically, gave birth to our greater sense of who we are.

Every nation has its own story. This is ours.

Much of it is embedded in the service and sacrifice of 2 million men and women who have worn—and who now wear—the uniform of the Royal Australian Navy, Army and Royal Australian Air Force. So too, the decisions our governments have made to deploy those uniformed Australians are integral to that story.

A history of Australian Government decisions for war

Perhaps the two most significant powers vested in government are to deny freedom of its citizens and to deploy its defence forces for war.

Since federation, neither the Australian Constitution nor defence legislation has required the government to gain parliamentary approval to deploy forces overseas. Nor in the rare cases that it has occurred, has the government *had* to consult parliament in its decision to declare war.

It would be reasonable to expect this to be explicitly stated in Australia's Constitution. Section 51 of the Australian Constitution empowers the Australian Parliament to pass laws in relation to 'naval and military defence'. Section 68 entrusts the Governor-General, as representative of the monarch, with commander-in-chief of Australian forces, although in practice this is purely titular.

There is no explicit statement in the Constitution setting out specifically who should commit Australia to war.

Paradoxically perhaps, the answer does lie in the Constitution.

Finding it requires the context of understanding that our Constitution is a document framed in the nineteenth century according to British conventions and practices.

For centuries in Britain, the power to declare war was one of the royal prerogatives, entirely a matter for the Crown. Under the Australian Constitution, former royal prerogatives—including the power to make war, deploy troops and declare peace—are part of the executive power of the Commonwealth.

Executive power is recognised in section 61 of the Constitution. It vests executive power in the Queen and permits its exercise by the Governor-General on the Queen's behalf.

The Governor-General acts on advice of ministers in accordance with the principle of responsible government. That principle is at the very heart of British and Australian constitutional arrangements. It is one which requires the 'Crown' to act on the advice of ministers who are in turn members of, and responsible to, the parliament.

Contemporary practice is that decisions to go to war are ultimately matters for the prime minister and cabinet, involving directly neither the Governor-General nor Federal Executive Council.

Although the government is not legally required to consult parliament when declaring war or deploying forces overseas, on most occasions the prime minister or defence minister has informed parliament of cabinet's decision through a ministerial statement or tabled papers. This invariably is followed by debate and vote on a motion.

The newly elected Howard Government established the National Security Committee (NSC) of cabinet in 1996. This body has since assumed pre-eminence in the decision-making process.

It is the NSC that considers, debates and resolves to commit Australian defence personnel to domestic or overseas deployments. The full cabinet then considers the advice and recommendation of the NSC. Once a position is adopted, the Opposition leader, members of the full government executive and its back bench are briefed.

Since 1985 the Australian Democrats, firstly, and more recently the Australian Greens, have attempted to remove the exclusive power of the government to commit Australia to war.

Attempts have been made to repeal section 50C of the *Defence Act 1903*, which allows the deployment of Australian troops overseas, replacing it with a requirement for both houses of parliament to approve a declaration of war and commitment of troops.

While the power to make war, deploy troops and declare peace are essential elements of the executive power of the Commonwealth, it is open to any government to put such matters to the parliament for debate. The Hawke Government did just this in January 1991.

Both Canada and New Zealand have similar constitutional arrangements in place to Australia.

The Clark Labour Government offered to supply New Zealand SAS troops to the United States within days of the attacks on 11 September 2001.

The decision was not referred to parliament until 3 October 2001. Prime Minister Clark emphasised that although the government did not need the approval of parliament, she brought the matter to a vote because she ‘wanted the troops to know ... they had the full support of MPs’.

Although the legal position in the United Kingdom remains unchanged from that of royal prerogative exercisable by ministers, it is standard practice for governments to keep parliament well informed of decisions to use force and the progress of campaigns.

Since 2003, and Britain joining the coalition that would forcibly topple Saddam Hussein, there have been calls for the royal prerogative, including the monarch’s war powers, to be codified and subject to parliamentary scrutiny.

A precedent for military action being subject to parliamentary approval was set in 2013. The Cameron Government sought in-principle support from the House of Commons for United Kingdom military action against the Syrian government of Bashar al-Assad. The government motion was defeated.

Prime Minister Cameron, speaking in the House, subsequently ruled out any involvement by the United Kingdom in military action against Syria. When Opposition leader Edward Miliband asked by point of order for the prime minister to rule out use of the royal prerogative for the UK to enjoin any military action before another vote in the House of Commons, the prime minister responded:

I can give that assurance. Let me say that the House has not voted for either motion tonight. I strongly believe in the need for a tough response to the use of chemical weapons, but I also believe in respecting the will of this House of Commons. It is very clear tonight that, while the House has not passed a motion, the British Parliament, reflecting the views of the

British people, does not want to see British military action. I get that, and the Government will act accordingly.¹

The Constitution of the United States grants to Congress the power to declare war, to raise and support armies, and to provide and maintain a navy (Article 1, section 8, clause 11). The president is made the Commander in Chief of the armed forces (Article 2, section 2, clause 1).

The *War Powers Resolution 1973* (also known as the War Powers Act) provides for the president to consult, report and terminate deployment of armed forces with the approval of Congress.

Presidents have not always followed this Act. Courts have failed to uphold its legality, the US Supreme Court especially has been reluctant to take on cases which deal with it, regarding it as a political rather than judicial issue.

In 2003 the district court's Judge Tauro rejected the contention that the president *must* have congressional authority to order American forces into combat. He concluded, 'Case law makes clear that the Congress does not have the exclusive right to determine whether or not the United States engages in war'. This decision was upheld in an appeal later that year to the First US Circuit Court of Appeals.

The North Atlantic Treaty Organisation (NATO) arising from the Washington Declaration of 1949 has two essential articles which govern its founding principle of mutual defence.

On 12 September 2001, NATO invoked Article 5 for the first and only time in its history in response to the attacks on the United States the day before. Article 5 provides for individual and mutual self-defence and is consistent with Article 51 of the Charter of the United Nations.

First World War

A combination of diplomatic miscalculations, brinkmanship and bluff by statesmen and military leaders gradually escalated a minor conflict in the Balkans into a large scale European war. Any opportunity for mediation was lost when on 28 July 1914, Austria–Hungary declared war on Serbia. Russia mobilised against Germany and Austria–Hungary the following day. Germany mobilised its armies on 31 July. On 3 August Germany commenced its invasion of Belgium so that it could attack Russia's ally, France.

¹ House of Commons debates, 29 August 2013, column 1555.

At 11pm on 4 August 1914 (English time), the British cabinet of Prime Minister Herbert Asquith declared war on Germany as a consequence of its invasion of neutral Belgium and France, and of Germany's failure to respond to the ultimatum by Britain for it to withdraw its forces.

Although Britain was the only major power to debate in parliament its entry into the war, the British Government did not consult Australia or any other dominions and colonies about the decision to declare war. Legally, as part of the British Empire, Australia was at war immediately upon the British Government's declaration of war.

Modern day assertions that Australia was 'fighting other peoples' wars', reflects a failure to understand the nature of the British Empire at the time and how Australians regarded their own nation. They saw themselves as 'Australian Britons' and cherished their ties to the Empire through almost every thread of society.

In July 1914 Australia was in the midst of a double dissolution election campaign. The Liberal Party led by Prime Minister Joseph Cook was seeking to remove the Labor Party Senate majority frustrating the government's agenda.

Andrew Fisher, leader of the Labor Opposition, announced to an election meeting in Colac, Victoria on 31 July, that Australia should stand beside Britain and 'defend her to our last man and our last shilling'.² Prime Minister Cook told a campaign gathering in Horsham that, 'all our resources in Australia are in the Empire and for the Empire, and for the preservation and security of the Empire'.³

The Governor-General, Sir Ronald Munro Ferguson, had adopted an interventionist posture in relation to his role. That same day he sent a telegram to Cook asking, 'Would it not be well, in view of the latest news from Europe, that ministers should meet in order that the Imperial government may know what support to expect from Australia?'⁴

Four days later on 3 August, Cook convened his cabinet in Melbourne. He subsequently advised the British Government that if Britain went to war Australia would place the Royal Australian Navy vessels under British Admiralty control and send a land force of 20,000 men 'of any suggested composition to any destination desired by the Home Government'.

² *Argus* (Melbourne), 1 August 1914.

³ *ibid.*

⁴ *Canberra Times*, 5 August 2014.

The parliament did not sit until 8 October. There was no ministerial statement to parliament. The Governor-General in his opening address said:

You have been called together at the earliest moment after the return of the writs to deal with matters of great national importance, many of them arising out of the calamitous war in which the Empire has been compelled to engage ... It has been necessary to anticipate Parliamentary approval of expenditure urgently required for war purposes. A Bill covering all such unauthorized expenditure will be submitted for your consideration at the earliest possible moment.⁵

The motion was moved 'That the Address be agreed to by the House'. It was resolved in the affirmative without division.

Second World War

In September 1939, the Australian Government did not consider it had a choice over whether or not to go to war against Germany. Prime Minister Robert Menzies simply declared that since Britain was at war, so too was Australia. And so from 3 September a state of war existed between the Commonwealth of Australia and Germany. The only formal act was a notice in the *Gazette* requesting that the British Government inform the German Government that Australia would be associated with Britain in the war.

Parliament met on 6 September 1939. Prime Minister Menzies tabled a White Paper and delivered a ministerial statement on the war in Europe. The paper contained the text of documents exchanged between Britain and Germany. The motion 'That the paper be printed' was debated in both houses.

In his statement, Menzies said 'However long this conflict may last, I do not seek a muzzled Opposition. Our institutions of parliament, and of liberal thought, free speech, and free criticism, must go on'.⁶

In his response, Opposition leader John Curtin expressed disappointment that Menzies had not outlined 'the intentions of the Government in respect of the defence of this Commonwealth, and of the general principles upon which it proposed to be influenced in framing its programme'.⁷

⁵ Senate debates, 8 October 1914, p. 7.

⁶ House of Representatives debates, 6 September 1939, p. 36.

⁷ *ibid.*

Curtin added a statement endorsed by his Labor caucus demanding that to provide maximum protection of the democratic rights of Australians, 'it is essential that the Parliament of the Commonwealth should remain in session'.⁸

Debate in the House was adjourned. The motion was passed in the Senate on the voices without division.

In December 1941 Prime Minister John Curtin's Labor government pursued a constitutional innovation whereby Australia made a declaration of war independent of Britain. With the declaration of war on Bulgaria in January 1942, the Australian Government implied that a British dominion could remain neutral even if a state of war existed between Britain and another nation.

Korean War

United Nations Security Council resolutions were approved on 25 and 27 June 1950. They had recommended that 'Members of the United Nations furnish such assistance to the Republic of Korea as may be necessary to repel the armed attack and to restore international peace and security in the area'.⁹

Having already placed 'an Australian naval force ... at the disposal of the United States authorities on behalf of the Security Council' and similarly 'the Royal Australian Air Force fighter squadron stationed in Japan', Prime Minister Robert Menzies delivered a statement to parliament on 6 July 1950.¹⁰ Ben Chifley, Leader of the Opposition, supported the motion, there being no division in either house.

Vietnam

The commitment of Australian forces to the conflict in Vietnam was a gradual process of escalation in the context of Cold War concern over regional security and 'communist expansion'.

As Cold War tensions escalated during the 1960s, the Vietnam conflict assumed disproportionate strategic influence. Vietnam became the focal point for a supreme struggle between the communist bloc, the United States and allied nations.

Australia's gradual military involvement in South Vietnam was based less on ideology than on two pragmatic principles.

⁸ *ibid.*, p. 37.

⁹ UN Security Council, *Resolution 83 (1950) of 27 June 1950, S/RES/83(1950)*.

¹⁰ House of Representatives debates, 6 July 1950, p. 4837.

First, the government sent forces to support the emergent independent state in South Vietnam to frustrate communist expansion through aggression and subversion in South-East Asia. The ‘domino theory’ was evoked.

Second, by supporting the United States in Vietnam, Australia was held to be ‘paying the premium’ on an insurance policy. The Australian Government sought both to maintain a strong American presence in South-East Asia and to ensure American support of Australia’s own security.

On 24 May 1962, the Minister for Defence, Athol Townley, issued a press release announcing that Australia was sending a group of military instructors to South Vietnam in response to a request from its government.

There was no statement to parliament.

Three years later, on 29 April 1965, Prime Minister Robert Menzies noted that in a ministerial statement on foreign affairs on 23 March 1965, the Minister for External Affairs had ‘devoted a large part of his statement to Vietnam’.¹¹ Menzies advised the House that a request had been received from the government of South Vietnam for further military assistance. In response, the government had decided ‘in principle some time ago’ that it would be willing to do so if such a request had come.¹² A positive response was regarded as necessary for collaboration with the United States.

In response, Leader of the Opposition Arthur Calwell said, ‘we oppose the Government’s decision to send 800 men to fight in Vietnam. We oppose it firmly and completely’.¹³ The House divided along party lines.

The ensuing five years would see early overwhelming public support for the war and Australia’s involvement in it transform into that of a deeply divided nation. Opposition to the war and conscription of young Australians sadly extended to political attacks on Australia’s military personnel. The latter is not a mistake the nation will make again.

Gulf War

When the president of Ba’athist Iraq, Saddam Hussein, sanctioned an invasion of Kuwait on 2 August 1990, global condemnation ensued. The United Nations Security Council moved quickly to approve a trade embargo against Iraq. A large, US-led

¹¹ House of Representatives debates, 29 April 1965, p. 1060.

¹² *ibid.*

¹³ House of Representatives debates, 4 May 1965, p. 1102.

multinational taskforce was assembled to block Iraq's access to the Persian Gulf and the Gulf of Oman to enforce the embargo.

The UN Security Council set a deadline for Iraqi forces to withdraw from Kuwait by 15 January 1991. When this was not met, the 40,000 troops from 30 countries assembled in Saudi Arabia launched air attacks on Iraqi targets.

Prime Minister Bob Hawke announced on 10 August 1990 cabinet's decision that day to commit Australia. Australia would deploy naval ships in support of the blockade and later a small number of intelligence and medical personnel.

Prime Minister Hawke was keen to inform parliament and for it to 'sign on' to the government's decision.

On 21 August 1990, in a ministerial statement to the House, he said:

I want to take this first opportunity available to me to inform the House of the view the Government has taken of the situation which has arisen in the Middle East over the past three weeks and of the measures we have adopted to meet that situation.¹⁴

The statement was supported by the John Hewson led Opposition.

The motion was agreed without division.

On 4 December, Prime Minister Bob Hawke delivered a ministerial statement on the Gulf crisis. In it he expressed strong support for the United Nations Security Council Resolution 678, drawing attention to its request for all nations to provide appropriate support for actions taken under it.

Parliament was recalled on 21–22 January 1991 to specifically debate the Gulf War. Whilst refusing to allow questions of him or of ministers in the House, Prime Minister Hawke said this:

The decision to commit Australian armed forces to combat is of course one that constitutionally is the prerogative of the Executive. It is fitting, however, that I place on parliamentary record the train of events behind this decision.¹⁵

¹⁴ House of Representatives debates, 21 August 1990, p. 1118.

¹⁵ House of Representatives debates, 21 January 1991, p. 3.

The motion moved by the prime minister was strongly supported by the Opposition. It sought support for the United Nations and Resolution 678. But it also expressed ‘its full confidence in, and support for, Australian forces serving with the UN-sanctioned multi-national forces in the Gulf’.¹⁶

At least one lesson had been learned from Vietnam.

Afghanistan

On 11 September 2001, four civilian airliners were hijacked and used as weapons against targets in New York and Washington DC—principally the World Trade Centre and the Pentagon. Almost 3,000 innocent civilians, including 10 Australians, were murdered that day.

These heinous events had been planned and executed by Al-Qa’ida, led by Osama bin Laden working from Afghanistan. It was the culmination of similar, smaller scale, terrorist attacks against mainly US interests over a decade.

Prime Minister John Howard was in Washington when the attacks occurred. He was witness to the terror, fear, chaos, immediate consequences and response. He announced his intention at a press conference in the afternoon of 12 September to support a US military response, even though no request had yet been made.

He later acknowledged that this commitment was made without consultation, but in the belief that he would have the support of cabinet, the Opposition leader, and the Australian people.¹⁷

The National Security Committee first met on 12 September in Canberra, chaired by John Anderson as Acting Prime Minister. John Howard spoke to Alexander Downer on 13 September by phone from Air Force Two en route to Hawaii to discuss Australia’s response. In outlining US thinking, Howard stated that retaliation was ‘virtually inevitable’.¹⁸

NATO invoked its Article 5 mutual defence clause that day in support of the US.

¹⁶ *ibid.*, p. 2.

¹⁷ Karen Middleton, *An unwinnable war: Australia in Afghanistan*, Melbourne University Press, Carlton, 2011, pp. 29–30.

¹⁸ *ibid.*, p. 31.

Invoking ANZUS as justification was raised by Downer with Howard during this phone call pursuant to an earlier discussion with Australia's ambassador to the US, Michael Thawley.¹⁹

Cabinet endorsed invoking ANZUS on 14 September with Howard back in Australia. Opposition leader Kim Beazley supported it. United Nations Security Council Resolution 1373, passed on 28 September, denounced the 9/11 attacks and affirmed the collective right of self-defence along with the use of 'all means' to combat threats by terrorists.²⁰

Prime Minister Howard announced cabinet's decision for a military commitment and deployment on 4 October.

The first parliamentary sitting day after the 9/11 attacks was 17 September. Routine business was suspended in both houses. The same motion was introduced into both houses. Beyond condolences, it also proposed that 9/11 constituted an attack against the United States within the meaning of Articles IV and V of the ANZUS Treaty. As such, Australia was committed to support US-led action against those responsible.

Although there was no dissent, some called for a 'tolerant, measured, discriminate and just response'. Some Democrats and Greens senators supported a change to the motion away from what they regarded as an open-ended military commitment to the US.

On 25 September 2001, the *Age* newspaper reported a poll in which 77 per cent of Australian supported the US-led war against terrorism.

Iraq 2003–09

The United States was in no mood for appeasement after the September 11 attacks. Indeed, protection of the United States homeland, its people, interests and values was foremost in the thinking of its political class and leadership.

In its simplest form, 'who and what represented the next possible, significant threat?'

The regime of Saddam Hussein had used chemical and biological weapons against Iranian and Kurdish civilians both during and after the Iran–Iraq war (1980–88). It had also pursued an extensive biological and nuclear weapons program throughout the 1980s. In 1988, faced with diminishing Iraqi cooperation, the United States had called

¹⁹ *ibid.*, p. 32.

²⁰ UN Security Council, *Resolution 1373 (2001) of 28 September 2001*, S/RES/1373 (2001).

for the withdrawal of all UN weapons inspectors. This was despite its belief that Iraq still possessed large hidden stockpiles of ‘weapons of mass destruction’ (WMD) and that Hussein was trying to procure more.

By 2003 in the post-9/11 world, the US was also of the belief that Hussein was harbouring and supporting Al-Qa’ida.

Passed in November 2002, UN Resolution 1441 outlined breaches by Saddam Hussein of a succession of UN resolutions—among them its refusal to grant unrestricted access to UN weapons inspectors. The resolution offered Iraq its last chance to comply with its disarmament obligations. It failed to do so.

On 8 March 2003 John Howard moved a motion condemning Iraq’s refusal to abide by UN Security Council resolutions and endorsing the government’s decision to commit Australian Defence Force elements to the international coalition of military forces.

Opposition leader Simon Crean said that ‘Labor opposes your commitment to war. We will argue against it and we will call for the troops to be returned’.²¹

On 13 March 2003, Prime Minister John Howard addressed the National Press Club and said in part:

if the world fails to deal once and for all with the problem of Iraq and its possession of weapons of mass destruction, it will have given a green light to the further proliferation of these weapons and ... undo 30 years of hard international work ... designed to enforce ... conventions on chemical weapons [and] the Nuclear Non-Proliferation Treaty.²²

Australia committed a small yet highly effective military force of all three service arms to the coalition invasion of Iraq.

Within three weeks of the invasion, coalition forces seized Baghdad and overthrew Hussein’s corrupt and brutal dictatorship. WMD were not found.

The real struggle was about to begin and for Australia, six years’ contribution to security, counter-insurgency and nation building.

²¹ House of Representatives debates, 18 March 2003, p. 12512.

²² *Sydney Morning Herald*, 13 March 2003.

Personal reflections and observations

I have reached the conclusion that peace is not a natural state of affairs.

It is something towards which we must constantly work, making sacrifices and compromises in the pursuit of a peaceful regional and world order.

A visitor to the Australian War Memorial asked me last year why we do not tell Australians what the nation does to avoid war. Good question.

A museum for both democracy and Australian diplomacy could serve such a purpose.

The R.G. Casey building houses the Department of Foreign Affairs and Trade (DFAT). Its corridors, theatres and meeting rooms are adorned with photographs of Australian prime ministers, foreign ministers and diplomats at key moments in our nation's history, prosecuting Australia's interests. These are often the stories of a nation working to avoid war and shaping peace. They need to be told.

Giving Australians an insight into and understanding of what the nation's leaders and diplomats have done to maintain peace and prevent conflict is no less worthy than that of telling our experience of war.

I am also reminded each day at the Australian War Memorial that in the end there are some truths by which we live that are worth fighting to defend.

Proponents of the parliament making the decision for the nation going to war assume and frequently assert that a parliamentary decision is more likely to reflect public opinion. It is assumed that the executive is removed from public opinion and as such, the momentous decision to go to war should be one made 'closer to the people' who elect their representatives. It also assumes that the popular view is correct and should prevail—informed or not.

One of the most difficult and important tasks before a member of parliament is to know the difference between what is popular and what is right. Some parliamentarians regard themselves not as representatives in the mould of Edmund Burke, but as delegates.

I well recall in debate of the bill to overturn the Northern Territory's euthanasia legislation, the then Member for Cowan told the House that he found the issue very hard, so he had surveyed his electorate. As the majority supported euthanasia, he would vote in accordance with their opinion.

The parliament, with some notable exceptions, is a reflection of the society from which its members come. Men and women come from all walks of life, bringing with them the experiences that have layered their lives, differing intellect, prejudices, interests and capacity to understand.

Some wars enjoy broad popular support—at least at first. Others do not.

These decisions are never taken lightly by those who make them. But they are informed with the best intelligence, military, strategic and diplomatic advice that can be offered.

Would the House of Representatives make the decision where the government has a majority? Would the Senate also vote, and what then of it having a different view from the House?

By definition a divided parliament means the Opposition opposing involvement in a particular war.

If the key instruments of authority were vested in the parliament and one deeply divided, the impact on deploying defence personnel, enemy propaganda and sustaining morale for the operation would be dramatic.

The truth of it is that when these decisions are made, very careful consideration is given to every aspect of the proposed operation by those in the executive of government. The prime minister, defence and foreign ministers are integral, carefully weighing up the many issues.

Where lies Australia's national interest? What are the likely consequences of involvement in this conflict? What are the geopolitical and geostrategic risks? What is the attitude to this proposed deployment of the international community and of Australia's key allies? What will be the human and economic costs? What is our objective and how likely is that to be achieved and at what cost? What are the precedents and experiences of history upon which we can draw? What will be the disposition of members of the outer ministry and back bench? Will the Opposition leader support this? Where will the Australian public line up on this and how much information can we safely make available to them?

The prime minister and key ministers know, along with their back bench, that they will have to explain and defend their decisions extensively once made. They know that parliamentary question time is likely to be dominated with probing into what will

become increasingly difficult questions. They know that the media will relentlessly scrutinise, probe and question.

And of course, they also know that at some point there will be parents, widows, widowers and children whose questions will be hardest to answer. If you are not clear in your own mind why lives were lost in a particular cause, it will never be clear in theirs.

In the end, from my own experience, after all the advice from the Australian Security Intelligence Organisation, DFAT, Defence Intelligence Organisation, Office of National Assessments, Australian Secret Intelligence Service, Defence Chiefs and other agencies, it comes down to this—‘what is the right thing to do?’

Afghanistan was the right thing to do.

Three thousand civilians had been murdered on 11 September 2001 in an attack on the US mainland. Australia activated the provisions of the ANZUS Alliance to do what would be needed. A little over a year later 88 Australians were among those murdered in Bali by three men who had trained with Al-Qa’ida under the protection of the Taliban.

Beyond that though, it is clear that our generation is facing a resurgent totalitarianism in the form of Islamic extremism, having hijacked the good name of Islam to build a violent political utopia.

But the other reason is that it is the ‘right thing to do’. It would be delusional and irresponsible to think we should leave this to a handful of other countries. To do so would violate all this nation has stood for in its short history.

In hindsight though, we were disadvantaged going into a NATO-led war without having a relationship with NATO. But NATO suffered also because it did not know how to effectively engage a non-NATO member turning up to fight with political will, military capability and financial commitment.

As Australia’s first ambassador to NATO, my job was to ‘get us to the table’, to ensure that not only were we shaping decisions, but also making them. The low point had been NATO’s refusal to allow Kevin Rudd as prime minister to join the Afghanistan discussion at the NATO leaders’ summit at Bucharest in 2008.

At one NATO meeting prior to the Chicago 2012 leaders’ summit, I said to representatives of the 50 countries around the table and to NATO’s military

leadership that we were ‘bloody angry’. I said very forcefully, ‘Australia is the ninth largest overall military contributor. We have the third largest Special Forces contingent. We are one of the largest funders of the Afghan National Security Forces and of development assistance. We are fighting in the south and have sustained significant casualties. And yet you still don’t get it—you are making decisions without involving us.’

When asked later that day by the NATO Secretary General’s office of my instructions from Canberra, I was able to say that I had been advised to ‘Keep sticking it into the bastards’!

With the negotiation and signing of NATO’s first High Level Political Declaration with a non-NATO member by its Secretary General and Australia’s prime minister in 2012, this will never happen again. Australia now enjoys enhanced partner status with NATO. The benefits are already being seen in the context of events in Ukraine.

Although I was not a member of the National Security Committee in 2003, I was a cabinet minister when faced with the decision to join the ‘coalition of the willing’ in Iraq. I supported it.

I knew it was a momentous decision and I was also aware of my limited understanding of the complexities of the seventh century caliphate and how removing Saddam Hussein might play out both in Iraq and the region.

But for me, here was a man who had been responsible on average for over 70,000 deaths a year for 15 years—many by brutal torture including through two wars. This was after an attack on the US that had killed more people than had the Japanese attack on Pearl Harbour in 1941. The US was not prepared to wait for a second tragedy, possibly sponsored by a rogue nation state.

We knew Saddam Hussein had had WMD and had used them. But because of his refusal to cooperate with the UN weapons inspectors, we did not know if he still had them.

Australia had both a Republican US president and a British Labour prime minister committed to removing Hussein, effectively asking of us—‘which side are you on?’

Based on what we knew at that time, it was the right thing to do. Saddam Hussein in hindsight was not an immediate threat, but he was an inevitable one.

The events that followed were as much responsible for the ensuing decade in Iraq as the removal itself—dismantling the Iraqi army, de-Ba’athification of the public service and the use of US contractors to provide services were among early errors.

I have found over the years and in the many roles in which I have served, that in the end you have to make your own decisions. In doing so, you seek and listen to the advice of experts in the particular field in which you are working.

But I have also learned something about experts, from my leadership of the medical profession until now. They tend to see the world through a straw.

In the end, you have to apply intellectual rigor to the process of exercising judgement in the very best interests of those whom you lead and represent.

During election campaigns we often hear our political leaders seeking the office of prime minister, ask the question, ‘who do you trust?’ It will be specifically directed at a particular field of policy—interest rates, security, health or education.

But it is the most important question for every Australian to ask of him or herself before voting.

Although candidates and parties have policies, election commitments and manifestos, in the end we are choosing a person—a prime minister, to exercise judgement on our behalf and that of our nation over three years.

It is not for the known we choose a prime minister—but the unknown.

The decision to go to war is the most important any nation will make. It cannot be one that could be held hostage to populism in any form.

Looking back over our history, in my view all our governments have made the right decision. It was right at the time based on all the information available to them, having regard for Australia’s geopolitical circumstances and best interests.

It is equally clear that when regarded as being in the national interests, our governments have gone to considerable lengths to involve the parliament.

In hindsight, it is easy to contest a number of those decisions. Hindsight is a wonderful thing of course—my kids have it.

But I am also confident that if the parliament had been fully responsible for making these decisions over more than a century, we would be a different nation today with a different view of itself and its place in the world.

In the end, someone has to be held responsible for decisions. That should be the government and its prime minister of the day.

Whatever the view any one of us adopts for the decisions made to go to war, to Bean's 'man lying out there at Pozières and the low scrub of Gallipoli' who in his last moments has thought, 'well...well, it's over. But in Australia—they will be proud of this', I say—we all say—'Yes we are'.



Question — I was just wondering what you think are the best indicators for being able to trust a future prime minister? I remember someone once told me that they look at the relationship between a future prime minister and their wife, and I thought that was quite interesting. That is the most important relationship in their life and that should be some determining factor. I would be interested to see if you had any thoughts on what you think are the best indicators for trusting a future PM.

Brendan Nelson — Well, it's like everything in life—we all make judgements, and I think there are subtle but powerful factors that influence our judgements about others. In relation to a wife I presume you are referring to what could be a husband or a partner in the case of former Prime Minister Gillard.

But I think one of the things that we have seen over our history is that our prime ministers are generally people who have spent fifteen to twenty years in public life. We have had an opportunity to get a picture of them. It is very hard to make judgements about people you have never met; in fact, one of the pieces of advice I give to young people is never pass an opinion on someone you have not met. But it is very hard to make judgements of people that we see in glimpses on the media whether television, radio or print and so on. But I think over a long period of time we see them reacting to circumstances, some of which they anticipate and some of which they do not. We also see how they interact with other people—not just heads of state or VIPs, but how they interact with the everyday person, the respect and reverence that they show for other people.

We need people who are clearly intelligent, and as Australians we want our prime ministers to be intelligent people, but we don't want them to make us feel stupid in the

process. We also like people who have a sense of humour, who take their job seriously but not themselves. We like to see them making others feel respect for themselves. We like to see them having the capacity to articulate a vision of who we are and where we want to go and what the outcomes will be for our nation, even if they are things on which we might not necessarily agree. We need to see people that are prepared to work very hard.

I can tell you two things from my own experience. I stood for preselection for the Liberal Party in the seat of Bradfield on Sydney's upper north shore in May 1995. It was character-building. And at the end of my speech to an audience of some 200, one of the questions I got from one of the Liberal Party members was, 'Dr Nelson, if you are chosen as our candidate for Bradfield and you are elected, will you put the interests of the Liberal Party first or will you put the interests of Australia first?' And I said, 'Well, that's easy. I will put Australia's interests first every time'. And it is a matter of record that I was successful.

The other experience I had, which I regard as a wonderful quality—the first name that I mentioned out of those eight men was Private Jake Kovco, and you would recall that he died in circumstances that were unusual at his base in Baghdad as a part of the security detachment. And then we went through the dreadful business where unfortunately the incorrect body had been sent back to Australia. As Defence Minister, when I looked at the family, who were Australian battlers in the traditional sense of it—they were at Sale—I thought 'I'll take the plane down and pick them all up, and take them into Melbourne' because their son's, their husband's, their father's body was coming into Melbourne just after midnight.

And of course, as you now know, just before I left Canberra I received this phone call to say that the wrong body had been put on the plane. I won't tell you what went through my mind. So I said to the Chief of Army, 'Well, there's only one thing for it, you and I are getting on that plane and we are going down there, and even though I've had nothing to do with this directly, I'm going to have to tell them this'.

It was a very, very difficult conversation, shall I say, with Mrs Kovco, Jake Kovco's now widow. And I called John Howard. He was sound asleep at the Lodge. You can only imagine the stresses on a prime minister. I woke him up and I told him that Mrs Kovco wanted to speak to him and he took the call. I have heard some pretty rough language in my time, but the one side of the conversation I got was very aggressive. When Mrs Kovco had finished, John Howard came back on the phone and he said, 'Brendan, can I speak to you whilst you're away from the family?' And I thought, 'Oh, here we go'. So I stepped out onto the tarmac at the RAAF base at Sale, and he said, 'Brendan, that was the right thing to do'. He said, 'If you need to call me

any time through the night, you do so'. He said, 'This is really hard, but you are doing the right thing, and I appreciate it, and you have my support'.

Now, whatever you think—and everybody will have their own views about John Howard as prime minister—from my point of view, whatever side we might have them from, I want that kind of person in the Lodge when a minister takes the call about those kinds of things.

Question — For how long will we be obliged to pay the premium on our insurance with America?

Brendan Nelson — I am now very privileged. I am the Director of the Australian War Memorial. There is not a day goes by in this country when we should not publicly or privately give thanks for American sacrifice in the Pacific from 1942. Britain let us down twice in the twentieth century. After the fall of Singapore we knew we could not rely on Britain anymore for our security, and we had to look across the Pacific. And when Britain joined the common market in the early seventies, that was another kick in the guts. And the Americans lost over 200,000 people in the Pacific: 103,000 dead, half the bodies never found. In my very strong view, the American presence in the Western Pacific since the end of the Second World War has been a critically important part of the security and stability of the region, and the bedrock for prosperity of the nations in the broader Asia-Pacific.

I know the average Australian could be forgiven for thinking, 'Well, Australia always does what America thinks it ought to do'. I can only say to you, I have been part of very robust conversations with my former counterparts. I have been party to conversations that have involved prime ministers and presidents. And whatever you may see publicly, I can assure you that there are very healthy discussions under the surface.

By the way, whilst it was certainly the case during the Cold War era, I do not regard, as it was regarded in the sixties, what Australia does as paying an insurance premium in terms of its relationship with the United States. If you think about the nations in the world that are deeply committed to political, religious and economic freedoms, the coexistence of faith and reason, a free academic inquiry and a free press. Whatever its faults, which are many, the United States is arguably the champion of that, along with many of those nations in Europe and I would also include our own. So, there is one thing I think we need to be more concerned about than American military adventurism, and that is US isolationism.