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Senate Foreign Affairs, Defence and Trade Legislation Committee

Inquiry into Defence Amendment  
(Parliamentary Approval of Overseas Service) Bill 2008 [No.2]

Thank you for your invitation to make a submission to the inquiry.

The decision to commit Australian troops to any overseas conflict is a serious undertaking involving the whole nation and such a decision should not be left in the hands of one person or a select few. Such an action is contrary to a democratic society and it also violates international law.

- The decision to commit Australian military personnel to wars overseas must be put before both houses of Federal Parliament and only with the approval of both houses should such actions be undertaken.
- The United Nations' Charter, to which Australia is a signatory, spells out our obligations under international law. The preamble to the Charter says, in part, 'to unite our strength to maintain international peace and security, and to ensure, by the acceptance of principles and the institution of methods, that armed force shall not be used, save in the common interest...'
- The Charter, however, does provide for extreme circumstances. Article 51 Chapter 7 states, in part, that 'nothing in the present Charter shall impair the inherent right of individual or collective self-defence if an armed attack occurs against a member of the United Nations, until the Security Council has taken the measures necessary to maintain international peace and security...'

The proposed bill in no way reduces Australia's capacity to defend herself, but requiring the approval and scrutiny by elected representatives helps to ensure the observance of international law and Australia's interests.

Yours sincerely

Pauline Mitchell

Secretary

Campaign for International Co-operation and Disarmament