

Medical Association for Prevention of War (Australia)



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SUBMISSION

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

MAPW supports the Defence Amendment (Parliamentary Approval of Overseas Service) Bill 2008 [No. 2] to ensure that, as far as is constitutionally and practically possible, Australian Defence Force personnel do not serve overseas in warlike actions without the approval of both Houses of the Parliament.

Our reasons are as follows:

No decision for a nation carries with it greater responsibility than the decision to go to war. For governments, there can be no greater burden than the dispatching of the nation's troops, some of whom will almost certainly die, and many more of whom will be maimed physically or psychologically or both, often for life.

In modern warfare, the numbers of civilians killed – children, women and men – generally far outweigh the number of military deaths. Even larger numbers of civilians are maimed, often in circumstances where adequate medical and other assistance is unavailable.

It is possible that such a stipulation - the approval of both Houses of the Parliament - in the past would have avoided several conflicts, the deaths of many hundreds of Australian soldiers, and innumerable non-Australian civilians (and combatants), in conflicts which have since been acknowledged by many of their initial proponents to have been wrong. This would almost certainly have been the case with the Vietnam War, probably for the 2nd Iraq War and possibly the Afghanistan War.

Economically, the decision to go to war has profound implications, with economic resources being diverted from essential civilian programs.

Environmentally, warfare adds to global levels of pollution, and fossil fuel and other resource depletion.

Politically, war's outcomes are generally unpredictable. Neither of the current wars in Iraq and Afghanistan is progressing according to original expectations, and they show no sign of concluding with their goals being achieved. (Even the nature of those goals is unclear.) The result is that the impact of warfare on our security can never be guaranteed. There are uncertainties and risks.

In summary, war carries certain death and suffering for our own troops, and for many innocent people – often in the tens of thousands and not infrequently hundreds of thousands or more – and its ability to achieve the desired outcomes can never be guaranteed.

A decision to go to war also must fulfil Australia's international legal obligations, and in particular our obligation to uphold the Charter of the United Nations. The primary purpose of the UN, as set out in the Charter in 1945, is "*to save succeeding generations from the scourge of war*". The gravity of this responsibility demands the serious deliberation, and approval, of both Houses of our Parliament. There have been few military actions in recent years that were more damaging to the rule of law, and therefore to our own security, than the violation of the UN Charter by the 2003 invasion of Iraq by the US and its allies, including Australia.

It is an extraordinary anomaly of our democracy that a decision with such far-reaching consequences and risks as the decision to wage war can be made without the approval of both Houses of Parliament. Matters of far less consequence for Australians and our global standing are regularly debated and require the approval of both Houses before becoming law.

Even if a decision to go to war is approved in the House of Representatives, that vote is likely to be controlled by the government, with the possibility of fundamentally important questions remaining unanswered. A declaration of war stands out as one matter where approval from both Houses, and bipartisan support, should be imperative.

Where bipartisan support is lacking, it is very likely that the support of a significant section of the population will be lacking also. This is an iniquitous situation in which to place Australian troops. It is also likely in that situation that there are serious concerns about the war in question. An overwhelming and sound case for war would not be threatened by the need for approval by both Houses; on the contrary, it would be self-evident.

While a decision to go to war could conceivably be required to be made quickly, it should be remembered that the consequences of such a decision – the human suffering, the environmental devastation, the economic drain of rebuilding war-ravaged countries – will last for decades and longer. A decision that commits a nation to war is the very last type of decision that should be made in haste.

In addition, governments come and go, and a war may be “inherited” by a government that had opposed it while in opposition.

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