

# WE NOW KNOW ABOUT GOING TO WAR IN IRAQ

By Garry Woodard, October 2007

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## Penetrating the Veil of Secrecy

How and why did Australia get involved in the war against Iraq?

How and why sound like and usually are different subjects, but not in the two cases in which Australia has gone to war alongside the United States (US) without broad international authority, Vietnam and Iraq.

The similarities in decision-making by the two prime ministers, John Howard's hero Robert Gordon Menzies and Howard himself, are marked, while the differences in the two situations are also illuminating. Can we learn from history's lessons? In what looked like a pre-emptive strike against historians of the wars and analysts of decision-making, Howard rejected such comparisons as politically inspired, historically inaccurate and designed not to help but to hinder.

Howard's pre-emptive strike did not succeed. The preface to the Australian Institute of International Affairs' (AIIA's) latest evaluation of Australia in World Affairs, now in its sixth decade, begins:

Since the era of the Vietnam war, foreign policy issues have seldom been as prominent on the political agenda as they were during the five-year period covered by this volume.<sup>i</sup>

Eminent war historian and adviser<sup>ii</sup> Professor Robert J. O'Neill delivered a powerful address, to which we shall return, at the Lowy Institute, the 2006 Lowy Lecture on Australia in the world, making comparisons between the Vietnam war, in which he had served, and Iraq. My 2004 book *Asian Alternatives: Australia's Vietnam decision and lessons of going to war* was directed to studying Australian decision-making on Vietnam and other South-east Asian conflicts, and provides the basis for comparisons which I make here with Iraq.<sup>iii</sup> University of NSW and the Australian Defence Force Academy (ADFA) Professor James Cotton judges that the common features of the two wars which the book notes show that 'very little had been learned about the management of the alliance with the US.'<sup>iv</sup>

Howard's pre-emptive strike was not by intercontinental missile. There has always been a flourishing literature in the US seeking to learn from the lessons of Vietnam, especially as Iraq degenerates into civil war. On two occasions in 2007, George Bush has also made the comparison, in decidedly politically divisive words. They would have been unwelcome to Howard, particularly as on the second occasion, in his recent address to the Veterans of Foreign Wars, Bush raised the spectre of boat people. All the indicators are that the

Howard government would not be in the Liberal tradition in granting asylum to refugees. Comparing Iraq with Vietnam is the one public path down which Howard is unlikely to follow Bush.

Going to war usually involves secrecy and deception. These features were apparent in the Menzies government's decisions to go to war in Vietnam in 1964-5. We are still making discoveries about this period. No government, however, has been more secretive than the Howard government, which is astonishing regression. Nevertheless it is possible to penetrate the veil of secrecy, even about Australia's bit role, by making use of what has emerged overseas, through publications, parliamentary enquiry, investigative journalism and leaks, about how the leaders of America and Britain, Bush and Tony Blair, decided to go to war against Iraq.

Revelations will proceed apace as the participants depart the scene and their intimates publish their memoirs. An early and admirable account from within the British Labour Party is *The Point of Departure*, by Robin Cook, Leader of the House of Commons and former Foreign Secretary, who resigned over the war. The British ambassador in Washington from 1998 -2003, Christopher Meyer, published his memoirs, *DC Confidential*, with official approval, but to a chorus of criticism<sup>v</sup>, because of his below stairs criticism of his Prime Minister. There is no reason to doubt their accuracy, but they are self-indulgent and Meyer is patently aggrieved at having been cut out of the action. In 2007 former CIA director George Tenet published *At the Center of the Storm: my years in the CIA*. Four years in the making, his memoirs have been dismissed as self-serving, and written to defend the President and settle scores. However, they do of course contain some useful information on the CIA. More is expected of the promised memoirs of former Secretary of State Colin Powell.

The three governments forming the coalition of the willing practised deception about when decisions were taken, and why Iraq's cruel dictator Saddam Hussein had to be removed. The age of spin and elite manipulation in democracies has refined the art of misrepresentation, though often with exaggerated and emotive overtones, to obfuscate, to engender fear, and to bludgeon doubt and dissent. Deception has long-term effects in lowering standards in public life and diminishing democracy.

### **We Now Know**

We nevertheless now know a lot. I adopt this expression in the sense that it is used as the title of his reflections on the Cold War, ascribing the blame to Stalin, by American historian John Lewis Gaddis, who explained that he was writing about the current state of knowledge in 1997, and not providing all the definitive answers that would emerge over time.

Al-Qaeda was responsible for 9/11. America was outraged and transformed. On the evening of that day a shaken President Bush declared that the perpetrators would be brought to justice and no distinction would be made between them and those who harbor them. In an Address to the Nation on 20 September, Bush wrapped himself in Old Glory and declared war on terror. He issued an ultimatum to the Taliban in Afghanistan to deliver up the terrorists. 'We will pursue nations that provide aid or safe haven to terrorists ... You

are with us, or you are with the terrorists... Freedom and fear, justice and cruelty, have always been at war and we know that God is not neutral between them’.

Within the Bush administration there was a strongly held view, which immediately found expression, that the US should go on from Afghanistan to eliminate Saddam Hussein's regime in Iraq. At its heart was Vice President Dick Cheney, whose past political positions and business interests had brought him into close contact with conservative Australian politicians, including Howard.

Investigative reporter Bob Woodward's inside account of the Bush administration's decision-making, *Plan of Attack*, describes how Iraq was Cheney's first priority, as unfinished business from the first Gulf War, in 1991, when he was Secretary of Defense. Cheney saw how existing US military operations to enforce ‘no fly’ zones in Iraq and the existence of a 1998 Congressional resolution urging the removal of Saddam Hussein and promotion of a democratic regime could be turned to advantage.

According to Woodward, and Tenet, Cheney was amongst the first to articulate the doctrine of pre-emption, to deal with the worst-case scenario of terrorists acquiring nuclear weapons. This was to become a staple of Howard’s presentations. But, as the strategists have been unanimous in pointing out, the pre-requisite for justifiable pre-emption is accurate intelligence. The intelligence about Iraqi weapons of mass destruction (WMD), which was to be removed by pre-emptive action, was ‘dead wrong’. Further, Iraq did not figure in the CIA's nuclear proliferation scenario, which was from Pakistan’s A Q. Khan, who was put under house arrest in 2004, to customers in Iran, Libya, North Korea and Southeast Asia.

These convictions of the strong silent man of the Bush administration provided essential ballast for a disparate but highly articulate group known as the neoconservatives (neocons), or the self-styled Vulcans<sup>vi</sup>, to shape policy. They were linked with influential conservative think tanks and occupied key positions at the second level in government departments, especially the Department of Defense (DoD), as well as the White House. The neocons were ideologically charged believers in American exceptionalism, America as ‘God's own country’ and ‘the light on the hill’, and in putting predominant power to use, in one way or another. In Washington in 1991, one of them asked me ‘America and China: who needs the other more?’

They also saw 9/11 as providing an opportunity to link Iraq's Saddam Hussein with Al-Qaeda. He had been their target from the first days of the administration, for which we have the testimony of two well-placed members of the administration who left it early, counterterrorism chief Richard Clarke and Treasury Secretary Paul O'Neill.<sup>vii</sup> Tenet describes how the link was made by Richard Perle, known as ‘the Prince of Darkness’, to him on 12 September 2001, and then by other neocons in succeeding days until Bush ordered a deferment.

Linking Saddam Hussein to terrorism and to Al-Qaeda would provide the justification for war. It became crucial to converting Iraq's alleged possession of, or intention to acquire,

WMD into a direct and imminent threat, which had to be removed by a pre-emptive strike. The link was spurious. In Australia the Labor opposition continually queried it. The intelligence agencies denied it, but were ignored.<sup>viii</sup> They could not really stop their political leaders from saying and conveying that there was a link. Bush seems to have simplified the proposition in his own mind to Saddam Hussein, a Sunni, terrorised the Shi'ites and the Kurds, therefore he was a terrorist.

There were a range of motives for wanting to attack Iraq, not all of which could be agreed or acknowledged. A leading neocon, Deputy Secretary of Defense Paul Wolfowitz, acknowledged with famous candour, in an interview for *Vanity Fair*, in May 2003, that WMD was an excuse of convenience. All could agree on it. It would have looked easy to sell because Saddam Hussein was a vicious dictator who had form. He had once come close to developing a nuclear capability, he had used chemical weapons against Iran and the Kurdish minority, and he had obstructed the efforts of United Nations (UN) weapons inspectors to find and destroy WMD as part of the sanctions regime after the first Gulf War. In those days, he was responsible for an assassination plot against President George H W Bush.

Many Republicans, most ardently neocons, had long seethed over Democrat President Bill Clinton's foreign policy as humiliatingly weak, and no more than 'global social work'<sup>ix</sup>. They wanted to demonstrate American military power, resolution, and willingness to act unilaterally. Eliminating Saddam Hussein, a former ally, not almost certainly have to be by force. In August 2001, the CIA's Iraq operations group concluded that they could not get rid of him by covert action, for which Tenet uses the term 'immaculate deception'. Neocons had thought the CIA wimpish, but their Iraqi front men, who wanted American boots on the ground, were pleased.

Amongst the neocons' strategic objectives, one was that Iraq seemed to offer an attractive prospect for establishing a more secure base structure in the Middle East than the one based in Saudi Arabia, which had continued after the Gulf War.

Bush spoke simply of the fight for freedom, but 'the vision thing', as his father called it, was more sweeping, and even more ideological, for many neocons. As it was described by the former senior CIA analyst on the Middle East, Paul Pillar, in *Foreign Affairs*, they aimed 'to shake up the sclerotic power structure of the Middle East and hasten the spread of more liberal politics and economics in the region'.

It was hoped that regional change would broaden acceptance of Israel and thus ensure its security and remove the prospect of another Arab-Israel war, which could be nuclear. Getting rid of Saddam Hussein took on a certain urgency because of a fear that the UN sanctions regime instituted in 1990 was crumbling, and that Russia and China stood in the wings waiting to exploit the end of the sanctions regime.

Gaining control of Iraq's great oil reserves also seemed attractive. Bush and Cheney have backgrounds in oil. That this was an objective was confirmed on a recent visit to Australia by another former key CIA officer in the war on terror, Michael Scheuer. Further

confirmation from a more prestigious source appears in US Federal Reserve chairman Alan Greenspan's new book *The Age of Indulgence: Adventures in a New and World*:

I am saddened that it is politically inexpedient to acknowledge what everyone knows: the Iraq war is largely about oil.

Hagan and Bickerton see the US military as having become ‘ and a global oil protection Force’.<sup>x</sup>

Most of these American motivations made an appearance in Australian, and British, intelligence assessments, according to Andrew Wilkie, an ONA analyst who resigned in protest at his government's public justification of the Iraq war<sup>xi</sup>. There was not however a national assessment by the Australian intelligence community (AIC) on the politically sensitive issue of the neocons’ aims and influence. Almost certainly the Joint Intelligence Committee in London (JIC(L)) did not write one either, for Blair and his circle, which included the JIC Chairman, were confident that they understood the power structure in Washington. In any case, members of the Anglo-Saxon intelligence community (UKUSA) do not acknowledge that they prepare assessments on each other and certainly do not exchange them.

The Australian government would have seen most of the neocons’ aspirations as legitimate, if they could be achieved at acceptable cost. However, in toto they were, and should have been seen as, over-ambitious and unrealistic, as showing scant regard for world opinion or even allies, and as smacking of hubris. They did not provide an acceptable justification for war against Iraq.

Insouciance about the use of force and the diversity of motives for doing so aroused fears of a return to a Hobbesian world. The licence which would be given by an Iraq war to autocracies with an imperialist past appalled many. John Killick, former British ambassador to the Soviet Union and NATO and standard-bearer for Atlantic unity, was amongst those who wrote extensively about this. Acclaimed Australian strategist Coral Bell did too, quoting Shakespeare<sup>xii</sup>:

O it is excellent  
to have a giant's strength  
but it is tyrannous  
to use it as a giant.

University of Melbourne Professor John Langmore’s valuable book *Dealing with America*, describes the damage done to the post-war system created by the United Nations Charter, in the drafting of which Australia played a distinguished role. His book contains many excellent points and quotes, including one we shall the note later by another distinguished British diplomat, Brian Barder.

## Blair and Humanitarian Intervention – A New Norm?

By the time of 9/11 Blair had had considerable experience of managing the trans-Atlantic special relationship, and had developed an activist approach of seeking to influence the US, including on the Arab Israeli dispute. Blair and Clinton together had taken air action against Iraq in ‘Operation Desert Fox’ in December 1998. Anthony Seldon, in *Blair*, says the operation gave Blair international prominence and did wonders for his self-confidence in using military force for moral purposes. Seldon adds:

World opinion was not yet ready, however, for them to attempt to take a more full-blooded path, such as assassinate the Iraqi leader. ‘Only after 9/11 did Bush have public support for action against Saddam’, Clinton’s national security adviser Sandy Berger said, adding ‘even though Saddam was not connected with that tragedy’.

When Bush replaced Clinton, the latter advised Blair to hug Bush close.

Blair put a special slant on removing Saddam Hussein. He had early fixed on Saddam Hussein as a desirable target of his doctrine of humanitarian intervention. He first made his mark in the United States with a speech on the concept in Chicago in 1999. Blair seemingly believed that Britain had a Christian mission to civilise the savages, taking up the white man's burden to dislodge oppressive regimes and support replacement governments until they could take their place in a globalising world economy.

The Chicago speech was not written by Blair's advisers, amongst his powerful ministerial staff or in the bureaucracy. The author was an eminent academic, then Professor of War Studies at King's College Lawrence Freedman. It came as a surprise to his advisers and officials.

Blair then had a formative experience, in which once again he did not rely on officials, in pulling off a successful intervention by NATO in Kosovo, despite Clinton's reluctance to put American boots on the ground. The experiences bolstered his self-confidence. Seldon describes the effect of Kosovo:

It took him to the very brink of his self-belief and his ability to endure stress. He had never before felt so much weight on his shoulders. The stakes were very high, and if it had gone wrong the consequences for him, and for the refugees, were almost beyond contemplation. But he trusted his instincts and he came through. Very few had shared his sense of certainty.... It was to this tight-knit group that he would turn again in future foreign crises. No previous single episode had so challenged him and no other test provided the same powerful boost to his self-belief.<sup>xiii</sup>

These words, and other analyses that I include about Blair by his biographers, ministers and officials, are quoted because there are parallels with Howard which make them instructive. There are differences which are equally instructive. According to Seldon, for instance, the Kosovo experience sowed in Blair's mind a seed of mistrust of American decision-making and the conviction that he had to inject himself into it.

Blair's concept of humanitarian intervention brought together idealists on the left and neoconservatives on the right, in an evangelical cause. Realists were sceptical, and thought that in most instances intervention would prove counter-productive. A notable spokesman for the realist school is Australian Owen Harries, who edited the influential Washington magazine *The National Interest*. The great majority of nations, whether they know it or not, are Westphalians, supporting the sanctity of the nation state, and rules for the legitimate use of force laid down in the UN Charter. International opinion has moved to conceding that under proper international authority humanitarian intervention might be necessary to avert imminent disaster.

Humanitarian intervention, with the emphasis on the adjective, must be clearly distinguished from the intervention in Iraq. UN Secretary General Kofi Annan reacted to international concern that NATO's intervention in Kosovo had not had Security Council authorisation. His and international concern led to an experts' report, *The Responsibility to Protect* (R2P), which Canada commissioned. That resulted in the adoption at the World Summit in mid-September 2005 of acceptance of international responsibility through the Security Council to protect populations from genocide, war crimes, ethnic cleansing, and wars against humanity. However R2P had nothing to do with the war against Iraq, which Canada did not support.

Blair must have believed that Saddam Hussein was such an attractive target for humanitarian intervention that the operation would attract a broad coalition. This hope proved illusory. Both he and Bush believed that Saddam's forceful displacement and the emergence of a viable successor regime would prove a lay-down misere. From go to whoa, however, Iraq has been a political failure and a setback for the cause of humanitarian intervention.

Blair's Chicago doctrine, about which he is unrepentant, nevertheless still resonates. The mistake, *New York Times* columnist David Brooks, putting a conservative case, suggests, may have lain in trying it in the Middle East.<sup>xiv</sup> He argues ingeniously that the alternative to successful humanitarian intervention is Samuel Huntington's clash of civilisations and cultures. Iraq may yet prove that, with the extra dimension that in parts of the Middle East, as in parts of the Balkans, blood feuds are tenacious and memories of imperialist occupations are long. This is not an attractive prospect for Australia, whose leaders have roundly rejected Huntington's thesis, and his description of Australia as a 'torn country'.

### **Howard and the East Timor Intervention**

In an amazing coincidence, in 1999 Australia's intervention in East Timor provided Howard with a very similar experience to Blair's in Kosovo. The similarities and differences tell us much about the two men.

The successful Australian-led intervention in East Timor, which, unlike Kosovo, was authorised by the UN Security Council, affected Howard in very much the same way as Blair in Seldon's description was affected by Kosovo. It was a turning point in his self-confidence, and in his confidence in the use of force and relations with the military. In launching *My Story*, the autobiography of Gen. Peter Cosgrove, who commanded the

international force in East Timor, and went on to become Chief of the Defence Force (CDF), on 20 October 2006, Howard spoke in moving terms of the weight on his shoulders during a pre-invasion one-hour briefing by Cosgrove and the Director of the Defence Intelligence Organisation (DIO), Frank Lewincamp.

Experience in the lead up to the intervention had forced Howard to face up to the reliability of the US. Howard, like Blair, had wanted American boots on the ground, and had been unsettled by Clinton's seeming lack of interest and unwillingness to stand up to the Pentagon. However, when by happy chance Clinton did have to give the matter his personal attention because he and Howard were to meet in Auckland at an APEC conference in September 1999, Howard got all he wanted, except boots on the ground, and everyone now recognizes that would have been unwise<sup>xv</sup>.

Howard was happy to bask in the praise of liberals for bringing freedom to East Timor, which had aroused intense emotion in Australia, but he did not share Blair's ardour for humanitarian intervention. Although the liberation of their country was a triumph for the long-suffering East Timorese, Howard did not start from a humanitarian impulse or desire to see the East Timorese independent. Just at the time of Kosovo on the other side of the world, his government was opposing international and domestic pressures to insert a peacekeeping force between the marauding Indonesian Army (TNI) and its militias and the hapless Timorese, Downer deriding the advocates of it as 'bunyip Napoleons'. Howard began by seeking a more defensible status for East Timor within the Indonesian Republic, which would remove it as a bilateral problem. He was taken by surprise by new Indonesian President J. B. Habibie's irrational reaction, feeling under pressure from all sides, which set in train a course of events in which independence became an option. Under increasing domestic pressure, he then proceeded pragmatically when it became apparent, in the words of one of his senior officials, that 'we might swing it'<sup>xvi</sup>.

Following a successful outcome, Howard in effect affirmed Labor's defence policy of giving priority to the close defence of Australia and stability of its region, the 'arc of instability', from East Timor through the South Pacific. Blair might see his country as Greece to America's Rome, as many of his predecessors had done. Howard's vision was more modest. In an interview with the *Bulletin* Howard portrayed Australia as having shown that it is uniquely placed to take the lead in peacekeeping operations in Asia because of the combination of its geographical situation and its values as 'a Western European civilisation with strong links to North America'. Whatever distinction between a Western European heritage and American values these words implied was negated by Howard allowing himself to be portrayed as America's 'deputy sheriff', which was contrary to Australia's regional interests.

Although the Australian government's motive for intervention in East Timor was not humanitarian intervention, over the next few years it became apparent that Australia was saddled with the responsibilities which accrue from it. Although there was an international presence, the essential responsibilities for maintaining law and order, nurturing the political process, and rehabilitation, all part of nation-building, fell on Australia. It was a daunting prospect, even though Australia had volunteers and experts with local knowledge and

commitment. Timor has demonstrated the need to be sensitive to a new government's need to have control of its resources, notably oil. These might have provided lessons for Iraq, demonstrating three challenges of nation-building and the need to think about them on from the start.

### **April Foolishness**

Blair had rushed to Washington after 9/11 and had heard Bush describe Britain as America's greatest ally in telling Congress on 20 September of his intention to declare war of terrorism.

Bush, as a realist, who had opposed nation-building in the election campaign, seems to have been lukewarm about the neocons' advice to change the Iraqi regime before 9/11. After the unexpectedly quick military campaign in Afghanistan and the toppling of the Taliban, who had refused to surrender Osama bin Laden, the myriad vistas opened up by regime change in Iraq and the certainty and forcefulness of the neocons were irresistible. He enquired about the state of contingency planning for invading Iraq on 21 November 2001.

Between then and Blair's visit in April, important political developments included Bush targeting the 'axis of evil', Iran, Iraq and North Korea, in his State of the Union speech on 29 January 2002, Cheney's Middle East tour in March seeking support for an invasion of Iraq, and military planning developments, which included a presentation to Bush on 3 March by General Tommy Franks, Central Command (CENTCOM) Commander in Tampa, Florida. He then went on to brief his generals at Ramstein, Germany.

When Bush and Blair met at Bush's ranch in Crawford in April 2002, there was no impediment to them agreeing on the need to remove Saddam Hussein. Sharing a Christian ethic, they nevertheless were not squeamish about methods. Indeed, as Blair was en route, an adviser, Robert Cooper, expounded a brutal creed in the *Observer*:

We need to revert to the rougher methods of an earlier era – force, pre-emptive attack, deception, whatever is necessary to deal with those who live in the nineteenth century world of every state for itself. Among ourselves, we keep the law but when we are operating in the jungle we must also use the laws of the jungle<sup>xvii</sup>.

These words bluntly convey that in the decisions to attack Iraq there was arrogance of power, , in the parlance of Vietnam critic Sen William Fulbright, and tenacious cultural, and, many accused, racial superiority.

A week earlier, on 1 April 2002, in the *New Yorker*, Nicholas Lemann had laid out the administration's scenario for regime change in Iraq with astonishing accuracy, and had noted that one of the strategic aims was to demonstrate that it would take pre-emptive action. As retired diplomat and intelligence chief Gordon Jockel noted, in a submission to a

parliamentary enquiry by the Jull committee, this article would have been brought to Canberra's attention with the Embassy's comments.

In anticipation of agreement on regime change in Iraq, Blair was briefed to tell Bush of Britain's conditions for participation. Blair asked that efforts be made to construct a coalition, that the Israel-Palestine crisis be 'quiescent', and that 'options for action to eliminate Iraq's WMD through UN weapons inspectors' should be exhausted. Although later British documents described Blair as stating these as conditions, Meyer speculates (some of the leaders' conversations were one on one) that Blair stated them as aspirations only. Meyer paints a devastating portrait of his Prime Minister, alleging that Blair did not have Margaret Thatcher's backbone or mastery of detail, was too eager to please, and was too easily seduced by the aura of the White House. Blair's colleague Cook makes a similar assessment:

He is programmed to respect power not to rebel against it. Psychologically, Blair is ill-equipped to repeat Harold Wilson's refusal of US demands for British troops in Vietnam...the real reason he went to war was that he found it easier to resist the public opinion of Britain than the request of the US President.

Meyer notes the significance of a speech by Blair when he was at Crawford, advocating regime change and the right of pre-emption, specifically against Saddam Hussein. Pre-emption then was the theme of Bush's speech at West Point in June. In September it reappeared in the administration's *The National Security Strategy of the United States of America*, described by Harries as the most important foreign policy statement since the enunciation of the Truman doctrine of containment in 1947.<sup>xviii</sup> It takes the same view as Howard about the likely longevity of American world dominance and rejects the view of realists, like Harries, who argue that counter balances will inevitably emerge and cannot be nipped in the bud.

Meyer considers that the totality of Blair's April speech did not attract the attention it deserved. Perhaps this was because it was delivered in Texas, Meyer singles out the following words in it as most significant and presumably as laying down his guidelines: 'when America is fighting for (democratic) values, then, however tough, we fight with her - no grandstanding, no offering implausible & impractical advice from the sidelines'. This sentiment of positive loyalty was incompatible with stating 'conditions'. They stood little chance anyway because both concept and content were anathema to the neocons.

Cheney's chief aide, Lewis ('Scooter') Libby, later to achieve a measure of notoriety in the Iraq context, would say to Meyer that Britain 'was the only ally that mattered': Britain provided critical base facilities in Cyprus and Diego Garcia. But, as Seldon notes, Libby was one of 'many influential voices around Bush (who) sneered at Blair's idealism (and) would jibe "Oh dear, we'd better not do that or we might upset the Prime Minister"'. There is no hint that the Americans said anything similar about Howard. On the contrary, in 2002 Australian Ambassador to the US Michael Thawley said, as Langmore quotes, that 'Australia had better access to the Bush administration than any other country' (including the UK), and alluded to a 'similarity of political positions-ideology'.

## Australia Tacks on and Invokes ANZUS

Howard had had a consistent view since he came to power that Australia should be alongside the world's only megapower and that this would serve Australia's security and economic interests, as well as conservative political fortunes which are always close to his heart. He had been unsettled by his inability to establish a close relationship with Clinton, and the advent of Bush offered a promise of congenial certainties.

Howard was a paid-up member of the war club from the start. He was in Washington at the time of 9/11, scheduled on the following day to address Congress to celebrate the 50th anniversary of the ANZUS treaty. In three hours on 10 September with Bush, who had attended a barbecue at the Australian Residence, he had been captivated by Bush's personality and beautiful mind. This was apparent to his colleagues and staff on his return to Australia. The warmth of his reception was very different from his perfunctory treatment by Clinton, who much preferred his Labor predecessor Paul Keating. (However, despite their mutual affection, recorded by Keating's chronicler Don Watson, Clinton can find no room to mention Keating in his 762 page autobiography).

On 9/11 Howard was much affected by being on the spot, as an honored guest. We have here an example of a phenomenon frequently noted by historians<sup>xix</sup>, how important atmospherics can be in the decision to go to war. On 17 December 1964, a Saturday morning just before the Christmas break, Menzies in the presence of a handful of ministers took the decision in principle to put a battalion into Vietnam. He was basking in the warm glow of having been tendered the previous evening a dinner to celebrate his 70th birthday, 15 years as prime minister, and an election victory. In 1969, in an oral history for the Lyndon Baines Johnson Library, he recalled, seemingly accurately on the papers available, that the decision was taken in 5 minutes.

After Bush's speech on the evening of 9/11, Howard immediately responded with revealing public statements, committing Australia to play a part in hunting down terrorists and hinting at knowledge of multiple targets. He said Bush's statement was 'absolutely understandable and reasonable...you are all aware of where some of the suggestions lie' (which seems to anticipate more than just Afghanistan). On 12 September he equated the new war against terrorism with the Cold War, but soon changed to the more advantageous tack that 9/11 had introduced a new era for which history was irrelevant. Yet if the world was new, his responses were tried and true. He said on 14 September that Australia 'stands ready to cooperate within the limits of its capability concerning any response that the United States may regard as necessary in consultation with her allies'.

Since October 2002 Richard Woolcott, a leading critic of the war and former Secretary of the Department of Foreign Affairs and Trade (DFAT), has repeatedly expressed his view of the significance of Howard's choice on 14 September of the word 'any'. Alleging 'sustained deception', he says it demonstrates that from the outset Howard had decided in principle 'to join the invasion in Iraq if the Bush Administration went down this route'. Woolcott's many articles and addresses asserting this did not elicit a specific denial from the government. However, Jim Hacker's 'first rule of politics is Never Believe Anything

Until It's Been Officially Denied'<sup>xx</sup>. While journalists have written that the use of the formula 'within the limits of our/its capability' indicates there was no commitment, this looks like falling for Prime Ministerial spin. Similar reservations are stock statements in the context of decisions already made to go to war, as the Vietnam record shows.

While Afghanistan, to which Australia contributed 200 troops, was to be the first target, Howard would surely have been briefed in Washington on the possibility of war against Iraq. His Ambassador and former senior adviser (international), Thawley, who now is a consultant in Washington, is often paid the compliment of having been as close as any ambassador to the neocons. His description of the special relationship points to Howard having no problem with the neocons' agenda. As the ides of March 2003 approached, Thawley delivered his own personal ultimatum to Saddam Hussein on Fox.

Thawley's consistent influence can be contrasted with the way his British colleague felt that he was edged to the periphery by Blair's inner circle in Downing Street, who took over dealing with the White House, and always seemed to be on a trans-Atlantic flight or the telephone hot-line. However, Meyer can capture the allure of getting on the inside of a highly secretive operation:

I had a handful of especially important contacts in the higher echelons of the US administration – people at the head of planning for the Iraq campaign. I was talking to the highly sensitive. Absolute trust was the indispensable ingredient in our relationship. After each conversation, one of them would always say 'don't get me burned'.

Both Blair and Howard sought to get close to Bush and stay there, but the former had a vision of broadening Bush's agenda, while the latter sought to convey 'a simple essence'. Howard had the realistic aspirations of a minor player. Insofar as he had a specific objective, it was for the US to fast track a free trade agreement, about which Thawley had always been optimistic. This accorded with the mercantilist cast of his foreign policy, and emphasis on bilateral ties. It had been an article of faith for both countries that the security alliance should be kept separate from economic issues, which are often a cause of friction. The FTA and issues which arose relating to Australia's wheat trade with Iraq marked the abandonment of this tradition.

The Crawford meeting and the large issues which Blair raised there would have been covered in Howard's brief for his visit to London soon after for the Queen Mother's funeral. Blair may well have asked Howard to support his three 'conditions', but if he did it seems certain that he was disappointed. Howard was determined not to get out in front of Bush, particularly on Israel and the Middle East peace plan.

## **A(NZ)US**

On his way home from Washington on 12 September, from Air Force Two 'high above the Pacific Ocean' (the atmospherics were still potent), Howard telephoned Foreign Minister Alexander Downer about extending the geographical ambit of the ANZUS treaty worldwide in the war against terrorism. It was a heartwarming gesture when a wave of

sympathy went out towards Americans. Asked whether he or the American Ambassador, Tom Schieffer, had thought of it first, Howard offered the curious explanation that they had sort of thought of it together, which leaves open the possibility that the suggestion came from the Ambassador. In a thorough and perceptive study of this period<sup>xxi</sup>, Australian journalist Robert Garran attributed the decision to Howard, noting that it was smack in the middle of the Liberal tradition of using the alliance for party political gain. However, this doesn't exclude an American initiative as there are precedents for Americans showing the way to do this.

The significant decision clearly involved little deliberation, although Downer tried to suggest otherwise. The extension of the treaty to support Americans worldwide signed up Australia to the targets then on America's agenda, the numbers to be written on the cheque later. It anticipated the US administration's demand to be 'with us'.

Such a commitment to what is now an essentially bilateral arrangement obviously can carry military and a great many political costs, ranging from perceptions of Australia as having ceded some of its independence to making Australia vulnerable to American pressure to be part of its future misadventures. The disturbing possibilities include an American attack on Iran, with which Australia had a much better relationship than the US in the years following the fall of the Shah, and being caught up in American policies based on regarding China as its strategic competitor. Vulnerable areas for Australia are the Taiwan Straits, where Australian governments for 45 years took the view that ANZUS did not require Australia to become involved militarily, and theatre missile defence, where Australia is already tied in to a degree by the presence of the joint facilities and a research contribution. It provides the US with a tool to put economic pressure on China through a form of arms race, akin to Star Wars' destabilising effect on the Soviet Union, and also psychological pressure through encirclement, especially if, or when, India is included.

### **Military Planning Generates its Own Momentum**

In December 2001, Secretary of Defense Donald Rumsfeld and then Bush received Franks's preliminary commander's estimate, followed by the first workable', in Tenet's words, Iraq war plan put to Bush on 1 February 2002 and successive plans through to the following September.<sup>xxii</sup> One of the variables from the outset was the degree of international support and involvement. The assumptions about levels of allied support ranged from 'robust' through 'reduced' to nil. If the American military had their way, they would operate unilaterally, but pressures come from the politicians to make room for allies.

From quite early in 2002 the administration asked how soon the military could move. In June after a meeting with Bush Franks told his commanders that Bush was becoming impatient. On 1 August he instructed them to be prepared to attack immediately if so ordered. However, in the following month the starting date was set at 10 March 2003. It slipped a couple of weeks just before the operation was finally mounted.

Australian personnel were involved in planning in CENTCOM, to which a Colonel had been posted earlier, for the invasion of Afghanistan from October 2001.<sup>xxiii</sup> With that war quickly over, planning for the next war in Iraq was pretty much a seamless web. It is

acknowledged publicly that Australia participated in the war planning from July 2002. Thawley in claiming an active Australian diplomacy said in the Sir Robert Menzies Lecture on 4 November 2005 that ‘on Iraq, we set out clearly what forces we would provide, what we would be prepared to do and what we would not...options were and analysed and discussed for months’<sup>xxiv</sup>. Military planning is always ad referendum, so it is possible to argue that while it goes on there can be no final decision to go to war. Planning was completed by August.

Being embedded in military planning nevertheless generates a moral commitment, and this was wholly consistent with the politicians’ similar sense. It provides a charge like that of getting on the inside of policy-making, as described by Meyer. An instant communications network provides enormous amounts of information for despatch to headquarters in capitals. Planning incorporated political tools, information and propaganda.

However the trees can crowd out the wood. In the Iraq planning Rumsfeld and the military preferred not to look beyond the trees. As a result, notes National Security Archive executive director Thomas Blanton:

Completely unrealistic assumptions about a post-Saddam Iraq permeate the war plans. First they assumed that a provisional government would be in place by D-Day, then that the Iraqis would stay in their garrisons and be reliable partners, and finally that the post-hostilities phase would be a matter of mere months. All these were delusions.

Being part of the US military planning process may have induced Australian personnel to accept the US view of the post-war phase and share their complacency. Of course, subsequent American policies, particularly the contentious reliance on the neocons’ choice of leader, Ahmed Chalabi, and the wholesale purge of the Sunnis, proved as damaging as the foreseeable problems of planning gaps and insufficient occupation personnel.

The military planning, and ostentatious buildup of forces, did persuade Saddam Hussein to accept the return of UN weapons inspectors. But it was too late to save him, and to avert the war which was the purpose of the planning.

A flashback to Vietnam shows a similar inexorable logic. In new major contributions in this decade to the flourishing historiography on the war in the US, David Keiser in *American Tragedy* described how Presidential decisions in December 1964 put the US on the path to ‘a major ground war in the South’<sup>xxv</sup>, and Fredrik Lagevall in *Choosing War* argued that the US missed the North Vietnamese reaction, which was to signal flexibility about negotiations, without compromising their ultimate aim of reunification. A US State Department paper in July 1965 said ‘has Hanoi shown any interest in negotiations? Yes, repeatedly’. But by then the die was cast. No country was more relieved about that than Australia. In 2005, Gareth Porter in *Perils of Dominance: Imbalance of Power and the Road to War in Vietnam* made similar points, within a thesis that American confidence in its own strategic invincibility had led it into war.

Parallels between Vietnam and Iraq remain a contested area, capable still of arousing strong emotions. Those relating to Australia's military contribution are pretty straightforward. Australia initially fitted into an American military plan, and its role and functions, protecting an American base and participating in 'search and destroy' operations, were assigned to it. From 1966, when Australia increased its forces under American pressure and established the Australian Task Force, it operated independently of the Americans, on its own patch of turf, in a relatively safe area with an assured exit by sea. Australian military historian and biographer David Horner regards this as Gen. John Wilton's greatest decision. Because these are features of the deployment of the second Australian tranche of 450 in Iraq, and because his approach overall has been designed to contain casualties, we can say that the lessons of Vietnam were clearly understood by Cosgrove, a Vietnam veteran.

Naturally there are differences in war fighting in jungle swamps and in desert sands. However the resemblances between Vietnam and Iraq outweigh the differences, and are more instructive. In a sectarian, religious and civil conflict, the essential objectives are winning hearts and minds, establishing a viable government conducive to stability, neutralizing the opponents' hard-core political cadres, and providing population security and basic services. The approaches of consolidating secure areas (inkspots) and progressively passing responsibility to local forces are similar. Retreat to enclaves is an alternative strategy and disengagement is messy. Then of course there are the concerning features of civil war; atrocities against the captured, civilian casualties, collateral damage, and corruption. There are likely too to be effects on America's budget and morale which will impact on Australia, in the political and economic fields.

For Australia a basic continuity between Vietnam and Iraq is the professionalism, discipline and adherence to the rules of its armed forces. The fact that Australia is remembered by Vietnamese leaders as unique amongst the belligerents for its treatment of their fallen comrades gave Howard the latitude last year to defend the war and Australia's involvement on Vietnamese soil.

### **Mid-Summer Madness**

In June, Howard visited Washington at a crucial time. Iraq was very much in the air.

Howard was there to address Congress, He competed with Blair's April declaration of loyalty in his address on 12 June: 'no matter what will happen – and there will be many paths of difficulty requiring courage and grit and sacrifice – we travel through the century in the constant company of a true and great friend'.

In similar language, and about the same time before going to war in Vietnam, Menzies had declared at the White House that 'whichever way it goes, my little country and your great country will be together through thick and thin'. This was followed by his successor Harold Holt's memorable 'All the way with LBJ', on which the latter later commented 'when ah heard Harold say that, ah winced'. So did many Australians, of all political persuasions. However, while Menzies, like Blair, had specific and even devious game plans, Howard, like Holt, was swearing allegiance.

Howard had decided that he would follow Bush's public line but not get out in front of it. He took his cue from the Bush Administration's lines that war would be a 'last resort'<sup>xxvi</sup> and that there were no war plans on the table. Late in June, however, a reporter, William Arkin, published details of the war plan, setting off an investigation in which more than 1000 personnel were interrogated. Downer's public line became bolder. In July in the US he said that anybody who advocated appeasement of Saddam Hussein was a fool.

Howard was accompanied to Washington by his chief intelligence adviser, Kim Jones, head of the Office of National Assessments (ONA), being apparently content otherwise to rely on Thawley. Howard and Jones lunched with Tenet, but we do not now know what transpired. The latter's memoirs do not mention this occasion and no Australian appears in the book's prefatory cast of many characters.

We do know, however, that vital decisions were being taken in Washington around this time. The President of the prestigious Council on Foreign Relations, at that time director of policy planning in the State Department, Richard Haas, has recalled that national security adviser Condoleeza Rice told him in early July that essentially the decision on war had already been made. Tenet quotes this. And Tenet had also had an important conversation with one of his British counterparts, which he dates to May.

We know further, from the British documents leaked to *The Times*, known as the 'Downing Street memos' (though their status is higher than mere memoranda), that in July 2002 British MI6 chief Richard Dearlove, reporting on talks with Tenet, advised a meeting of ministers that the US was set on war. 'Bush wanted to remove Saddam Hussein through military action, justified by the conjunction of terrorism and WMD. But the intelligence and facts were being fixed around the policy'.

Tenet writes in glowing terms of Dearlove, describing him as 'a spy's spy', who had easy access to political leaders. He also mentions a subsequent falling out over a PBS television interview given by Dearlove. Dearlove is of course not the first British spy supremo to overwhelm the American cousins. As Tenet maintains that he does not know when Bush decided to go to war, either the two men have different recollections of their conversation or Dearlove was not relying solely on it. Tenet hints at the latter, though perhaps in self defence or as part of his general defence of the President.

There has been much comment on the possible range of meanings of the word 'fixed'. Tenet claims that Dearlove says he was misreported. In retrospect, the intelligence about WMD, largely of US origin, does appear to have been fixed around the policy. As we shall see, this is patently true of so-called intelligence from those working to Rumsfeld, and through him to Cheney, about a link between Saddam Hussein and Al-Qaeda. Tenet recounts that Libby urged this line on Dearlove.

In July the British Cabinet took significant decisions. It approved preparations for war, its military chiefs emphasising the long lead time they required. It decided, in Blair's words, to provide 'the political context (in which) people would support resume change'.

Equally importantly two of the three 'conditions' which had been inserted in Blair's brief for the Crawford talks, but which he had almost certainly downplayed, seem to have disappeared, to take account of the realistic possibilities of influencing the US and of more pressing needs. Ministers accepted advice to 'engage the US on the need to set military plans in a realistic political strategy, which includes identifying the succession to Saddam Hussein and creating the conditions necessary to justify government military action, which might include an ultimatum for the return of the UN weapons inspectors'. The first strategy addressing Iraqi politics never succeeded in making any impact on the Americans, who went their own way. The UK could not shake the neocons' faith in Chalabi. The second strategy appears to be phrased to provide a justification for war. It can be interpreted as a tactic only, as ultimately it became, rather than intending to give the inspectors a real chance. Saddam Hussein was not swallow the bait. However, he circled around it too clumsily to give himself a chance of survival.

The British documents state that it was expected in July that Australia would participate on the same basis as the UK. However, one should not expect confirmatory evidence of an unequivocal Cabinet decision to that effect, even when the archival records become available in 2032 and 2052. The documents will be carefully phrased; 'if President Bush decides', 'if Australia has the capability', 'any military action' etc.

Comparison with Vietnam is again illuminating. We know now for the first time that the decision in principle was taken on 17 December 1964, but we only know this because of the discovery of previously overlooked brief notes of what Menzies said. Contrary to the rules, the record was apparently prepared by the acting Cabinet Secretary for his superior, who was on Christmas leave, and found its way on to a file in the Prime Minister's Department. The accuracy of the note has been confirmed by the recollections of External Affairs officials, notably Secretary Arthur Tange. While Menzies made the offer of the battalion to Johnson immediately, references to it thereafter until the decision was announced in April are usually in conditional phrases, taking account of ministers' wishes for confirmation of Australia's military capability and intended military staff talks. The US did not convene them for over three months. They did not turn out to involve any serious discussion of the strategic context, as officials had hoped. The Chairman of the Chiefs of Staff, Air Marshal Frederick Scherger, apparently had private authority from Menzies to cut through all that, and to confine himself to discussing the actual deployment arrangements. The Americans, having dragged their feet, pressed for quick deployment.

When Australia's decision was announced in April 1965, Menzies was advised to blur the actual date on which it had been made, acknowledging that a Presidential request had been received and considered in December. As we shall see in examining issues of trust, the standards of circumspection about not misleading Parliament and the people have slipped.

### **The Failure to Build Regional Support**

Building an international coalition, one of the conditions stated in Blair's April brief, slipped down the order of priorities from July. This was presumably in recognition of the strength of unilateralist thinking in the US administration. Meyer has an amusing anecdote

about Rupert Murdoch, Blair's patron, mumbling about 'appeasement' when British relations with Europe were discussed round his dinner table.

Australia made no effort to build a *regional* coalition, even to take account of the opposition foreign affairs spokesman's view that regional consultation should be 'axiomatic'. As at the time of Vietnam, the most important thing was the relationship with the US. So Howard advocated pre-emption, which caused serious offence in the region. It was insensitive, unnecessary and ill timed, and advisers despaired. In contrast, Menzies on his officials' advice successfully opposed a British plan for a pre-emptive strike against Indonesia in September 1964. He did so primarily on the ground that it would have disastrous long-term political effects in Indonesia and on Australian-Indonesian relations, though a subsidiary factor was that it had not been cleared with Washington.

Menzies, had he not wanted to seize the opportunity when it arose to get into Vietnam alongside the US, could have chosen an option which the US had marked out from the beginning of Indonesia's confrontation of Malaysia in January 1963. This was a division of labor under which the US would handle Vietnam and Australia, and the Commonwealth, would handle Sukarno's Indonesia. In October 1964, just two months before Australia made its commitment to Vietnam, the Commander-in-Chief Pacific confirmed the arrangement and said that its Indonesia commitment might prevent Australia sending troops to Vietnam. He was surprised to find that Hasluck was not receptive. Hasluck's eyes were fixed on the eagle and the dragon.

The acknowledged importance of Australia's regional relationships, particularly with Indonesia, could have provided Australia with grounds for advising Washington that it was inadvisable for it to get involved in a distant war against Moslems, which might play into the hands of Al-Qaeda and local terrorists, who targeted Australians in the Bali bombings on 12 October 2002. Involvement in the Iraq war, which was opposed by Indonesia, and also China, could do nothing for Australia's regional standing. The incoming Bush administration had from the start recognized the importance to it of the Indonesia-Australia relationship. No doubt with the East Timor success in mind, Powell singled out a role for Australia in dealing with Indonesia. Powell meant well, but Indonesia's wounds were still raw, and re-establishing Australia's standing there was a multifaceted challenge.

It was reported that immediately after the war Howard was prepared if necessary to plead that Australia had its hands full in the 'arc of instability', especially the Solomon Islands. At this time, he could have played the card that Australia had done all that it promised, and its troops had performed superbly.

When Australia offered the battalion to the US it volunteered to go out and drum up regional support for the Vietnam war, but then did nothing, when it discovered how unpopular the South Vietnamese government, as a Christian regime repressing Buddhists, and the long-running war in which authentic nationalism lay with the North were. Majority Asian opinion felt similarly about the government the victors installed in Baghdad, perceived a Western bias towards Israel, and opposed the war. A Pew poll showed favorable opinion of the US in Indonesia slipping when war began from 61% to 15%.

America's unpopularity has to rub off on Australia, but is doubtless retrievable in one area, state-to-state relations. There is one school of thought which supports Howard's claim that foreign policy has been his greatest success. As evidence its members point to Australia's admission to the East Asian Summit and its success in navigating between the US and China, though this now seems to be becoming trickier.

Leading exponents of this view of Howard's success include *The Australian's* Paul Kelly<sup>xxvii</sup> and Greg Sheridan<sup>xxviii</sup> and Griffith University Professor Michael Wesley, a former intelligence analyst, who, in *The Howard Paradox*, draws on background interviews with a score of informants within the Australian government. Wesley's book's cover is a photograph of Howard firmly grasping the right forearm of Indonesian President Susilo Bambang Yubiyono; it calls to mind Meyer's account of a similar embrace from Clinton, which he interpreted as showing the success of his mission, only to be deflated by a White House aide saying Clinton was merely wiping his hand.

Woolcott has led the opposite school, arguing that Howard has endangered 50 years of building up relations with Asia. His line of argument is well covered by Garran. Partly because of Asian reticence, there is insufficient evidence to judge how much Howard's foreign policy, including identification with Bush, the 'deputy sheriff' embarrassment, pre-emption, and complicity in the harm inflicted on Iraqis will leave any lasting damage. What Howard has lost on the swings he gains on the roundabouts of having influence in Washington which he can use on behalf of Indonesia in particular. Nevertheless, there is clearly disapproval in informed regional circles.

Significant for Australia in this context were comments in April 2007 by Malaysian opposition leader Anwar Ibrahim, in an ABC interview with Phillip Adams. Despite his close ties with Australia and the fact that he is the only dissident leader in Asia for whom John Howard has spoken up, Anwar not only criticised Australia's participation in the war, but said there was a racist motivation. This, takes us back to square one in our post-war foreign policy in Asia, when we first began to grapple with resentment over the White Australia Policy, and into the dark world of the mind of the scourge of both Australia and Anwar, Dr Mahathir Mohamad.

Australians may consider the region would fall short of its own national standards in regard to respect for the rule of law and the impartiality of justice, but these are values which it is in Australia's interest to maintain and encourage.<sup>xxix</sup> Singapore academic Kishore Mahbubani is paid to put a lawyer's case for his government, as he readily conceded when defending Asian values, 'the West against the Rest', but his comments have force, including for Australia:

The Iraq war shocked most of humanity, because America, the traditional custodian of the Truman world order, was seen to explicitly violate one of the most fundamental sets of rules of that order, governing the legitimate use of force.<sup>xxx</sup>

## The (dis)United Nations

The UK might have anticipated that because of common traditions and the importance to Australia as a middle power of respecting international law it would receive strong support for its efforts to get UN authorisation for war. In practice Australia always seemed to be at least a step behind. This was made easier by the fact that Australia was not a member of the Security Council, and has not been since 1986.

After Powell, with an assist from Blair, and enjoying an unusual victory over the neocons, had successfully insisted in August that it was essential to make a serious effort in the UN, Howard gave lukewarm support. He had Thawley inform the second level of the US administration that going to the UN would give 'any action that might have to be taken that much greater authority'. This was a Blair formulation, and certainly does not suggest that UN authority was a prerequisite for action against Saddam Hussein. Bush then rang Howard when Blair was in Washington on 7 September, and was presumably able to use his support against the neocons' opposition. Cheney sat in throughout the talks with Blair at Camp David, and was not convinced. Howard, despite the evidence to the contrary, publicly minimised the differences between the neocons led by Cheney (who Woodward writes 'detested' the UN) and Powell.

After agreement had been reached on seeking a UN resolution, the tone of the government's rhetoric changed dramatically, albeit briefly, to sweet reasonableness. The most likely explanation is domestic politics. The government was faced with increasing domestic disquiet, and Australians prefer UN authority for going to war, especially outside Australia's immediate strategic area. In an ABC interview on 15 September Howard was unusually accommodating on key issues from which he soon drew back. He did not boggle at a prediction by the head of the UN Monitoring, Investigation and Inspection Commission in Iraq, Hans Blix, that the inspection process could take 12 months. He was inclined to the view that if force were required there would need to be a second UN resolution, following up resolution 1441, which provided for the return of the weapons inspectors. The resolution papered over the deep differences about the need for another resolution. Russia, France and China explained that their support of the resolution was based on it excluding the use of force, that the US and UK representatives had confirmed this, and that there will be need for further Security Council consideration if events required consideration of use of force.

Howard gave up easily on his brief flirtation with giving the UN inspectors a chance. If they had been allowed to complete their task and to show before the end of 2003 how Iraq's weapons systems had been degraded, it is very possible that Saddam Hussein would have been forced out of office peacefully by the humiliation and the demonstration of Iraq's vulnerability to Iran. In 2002 Howard appeared to foresee just this scenario and to be relaxed about the UN timetable. However, within a fortnight, the coalition was to embark on a propaganda campaign about the threat from Iraqi WMD, issuing dodgy dossiers' based on material extracted from the intelligence communities.

On 31 January 2003, Blair made a last approach to Bush for support for a second UN resolution. He had only limited success. Howard was with Bush and Cheney and joined in the tactic, brilliantly sketched in David Hare's play *Stuff Happens*, of turning the attack on the UN. On 4 February, before going overseas, Howard made a statement to Parliament in which he argued that the UN was on trial over Saddam's WMD. His treatment of the intelligence on Iraq's WMD anticipated what Powell would tell the UN on the following day, was based on largely US source material, and did not take account of his DIO experts' reservations.

Langmore, in one of many telling quotes on Iraq in *Dealing with America*, cites former British High Commissioner to Australia Brian Barder (on the US): 'to tell the rest of the world that we have got to "recognize" the new American hegemony and the "failure" of the whole United Nations experiment is simply outrageous'.

Opposition leader Simon Crean asked Howard to take to Bush the message that 'the majority want to see Iraq disarmed, but they want it done under the mandate of the United Nations and with the authority of international law'. He added 'the Prime Minister must stop treating the Australian people like mugs'. This was probably Crean's finest hour in foreign policy, comparable with his predecessor Arthur Calwell's accurate prognosis in May 1965 of the likely fate of foreign intervention in Vietnam, and had as little effect.

When Howard called on Bush on 10 February the focus was on regime change. Woodward quotes Bush saying 'we're still in the mosh pit, but thanks to your strong resolve we're finally getting clarity. Either (Saddam Hussein) will leave or we'll get him'. Howard is depicted by Woodward as being most anxious thereafter that Bush should contact him before issuing an ultimatum to Saddam, saying that 'otherwise it would look to the Australian people like Bush just started the war without even telling his biggest allies'. The embarrassment would have been compounded because Australian troops had been assigned their traditional shock troops role, moving deep into Iraq and engaging in combat in advance of the main forces' invasion.

The memoirs of Britain's UN Ambassador, Jeremy Greenstock, well known to Australians because of his crucial role in getting UN authority for Australia's intervention in East Timor in 1999, when he held the Security Council chair, have not been approved for publication. He would not speak privately about his UN experience when he visited Australia. Presumably he is critical of his Prime Minister but so was Meyer, his colleague in Washington. Meyer reproaches himself for not having done more to pin Blair and Bush down publicly on a second UN resolution, which they had instructed their UN representatives to acknowledge was necessary when getting 1441 passed. Presumably he feels a sense of guilt about Greenstock, who suffered more immediately from the perfidy of politicians and allies.

In the speech on 4 February, Howard made the case for dependency in an uncertain world, saying that the crucial importance of the American alliance would grow 'in an increasingly globalised and borderless world'. He resented Harries' later contrary viewpoint, that his 'unhesitating, unqualified and-given the attitude of many other countries-contemptuous-

support' for the US has made Australia 'nothing more than a shortsighted bilateral affiliate of an American hegemon that is guilty of Imperial overstretch'. In moving the resolution for war, Howard devoted 26 paragraphs to WMD, and only 2 to the American alliance, but no one had any doubt which was the more important in his mind. It was a similar situation to that of Menzies announcing the decision to go to war in Vietnam, but public opinion about the US, which was favorable in 1965, was now swinging in the opposite direction, strengthening opposition to war.

From first-hand observation, Langmore deplores the damage done to Australia in the United Nations, not only by the Iraq war, but also by its policies on economic and social programs and human rights. Quantifying the damage has to be done through negative markers. It would be impossible today for Australia to pull off a coup like the agreement to protect the environment in Antarctica, where Hawke started out alone, gathered essential support from France, and then other western European countries, and so developed the momentum to sway the last hold out, the US. Langmore and Woolcott, regular visitors to New York, think that Australia's reelection to the Security Council, where it last sought a seat, unsuccessfully, in 1996, is not a foreseeable proposition.

### **An Illegal War**

British ministers were warned in July that the UK had to act legally. The Attorney General, Lord Goldsmith, advised that finding a justification for war would be difficult. Regime change and humanitarian intervention did not provide a legal basis. The Attorney General's views were powerfully supported by the legal advice of the Foreign and Commonwealth Office (FCO). An assessment prepared in March, before Blair went to his meeting with Bush at Crawford, and tabled again in Cabinet on 21 July, pointed out that for the exercise of the right of self-defence under the UN Charter there had to be an actual or imminent attack, that deployment of nuclear weapons was not a sufficient justification, and that the Security Council had to be brought in as soon as possible.

Any use of force in the exercise of the right of self-defence would raise problems of immediacy and proportionality. As to priority, Foreign Secretary Jack Straw made the point that Libya, North Korea and Iran had greater WMD capability.

Cabinet was asked to note that legal cover would be most simply achieved if Saddam Hussein rejected an ultimatum for the weapons inspectors' return, or through an authorizing Security Council resolution, which was seen to be highly improbable but not impossible. The inspectors did return and the resolution which was passed, 1441, did not authorise war.

These concerns continued to bedevil Blair's commitment to regime change, to the point that late in the day the armed forces sought an assurance of legality. It was acknowledged that legality was not of similar concern to the US, which took the view that there did not have to be Security Council authority, but that individual states could decide if there had been a breach of existing Security Council resolutions. However, at this time it was noted that no other state took this view.

Meyer recounts that the differences between Blair and his ministers over the legal difficulties and political imponderables were well known to and closely watched in Washington. No such cracks appeared in Canberra's governing edifice.

The FCO's advice would presumably have been shared with the Australian government. There is no evidence, however, that legality was seen as an important issue by Australian ministers. It can be inferred that their approach was that the lawyers could always be brought to come up with something. So it proved, although it seems to have been a case of the Australian lawyers, like their political leaders, taking their cue from the US and the UK. The Attorney-General's Department (A/Gs) was bruised by the Tampa affair, when the Prime Minister demanded a second legal opinion, according to a recent book, *John Winston Howard: The Biography*, by Wayne Errington and Peter van Oveden. According to an article in the *Age* on 23 July by David Marr, A/Gs was forced to dance to the tune of the Department of Prime Minister and Cabinet (PMC), whose head, Max Moore-Wilton called their position 'crap'. He modelled himself upon his first boss, non-career Trade Secretary Alan Westerman, and revelled in a reputation for ruthlessness, while denying that he was a bully.

In March 2003 Howard seemed to show an uncharacteristic loss of nerve in denying that he had ever advocated regime change, thus clearly distancing himself from his partners. If this was due to him suddenly becoming concerned about legality, he was thrown a lifeline by fortuitously timed British legal advice which Goldsmith had come up with for Blair (and FCO Assistant legal adviser resigned in protest). It relied on Iraq being in material breach of 17 UNSC resolutions going back to the original resolution (678) authorising force in the Gulf War. Howard quoted Goldsmith, while referring less specifically to Australian advice, which was not tabled, when moving in Parliament on 18 March 2003 that war would be lawful. He also cited Iraq's support for international terrorism and abuse of human rights.

The 'legal justification' was a good political device to muddy the waters after the failure to secure a second UNSC resolution, and exploited the long-standing antipathy to Saddam Hussein. It certainly seemed to satisfy the Canberra press gallery, which also did not really press for the evidence of Iraq support for international terrorism. The *Age* did on 19 March carry an article by ANU academics Hilary Charlesworth and Andrew Byrnes stating that the war was illegal. They described the Goldsmith interpretation as 'untenable'. In the 2024 Solferino lecture at the University of Melbourne, Garry Simpson from the London School of Economics dismissed it as 'arcane and unconvincing'. Also in 2004, 43 Australian academics in Law faculties developed the case for illegality, and without sparking the animus Downer has showed against the 43 former senior military commanders and diplomats who criticised the war and government deception<sup>xxxii</sup>..

Howard was on even more shaky ground than Menzies was in 1965 when he relied on the justification, which was subsequently revealed to be largely specious in much the same way as the disappearing WMD, of a request from the South Vietnamese government as a protocol party to the SEATO treaty, with both men giving less prominence to the real reason, their perceptions of relations with the US administration of the day.

## **The Hydra-Headed Monster of Trust**

As never before, the Iraq war has raised questions about whether governments lie and can be trusted by the people. They have been sufficient to bring down Blair. While the early criticism was of dodgy dossiers and pressures on the intelligence community, he has recently been questioned about illegality and his assurance that the US had planned for the post-war phase. These issues, and ill-treatment of detainees, have greatly damaged the Bush administration too, although the larger focus is on how to disengage from the costly and unwinnable war. In Australia the issue is still playing itself out.

In 2004, 43 retired senior military and diplomatic officers<sup>xxxii</sup> issued a statement opposing the war and appealed for more truth and openness in government.<sup>xxxiii</sup> Groups of critics of the Iraq war issued similar appeals in London and Washington. Briefly Howard was rattled, but then with twinkling spin he turned the issue into trust in running the economy (and holding down interest rates). Characteristically too, the government preferred to play the man instead of the ball, deriding the signatories as out of touch with the post-9/11 world. Evidence of Downer's resentment recurs regularly, even to this day. One of the diplomatic signatories, Rory Steele, predicted accurately on 9 August 2004 that without openness (which continues to contract up to today) 'we risk costly military engagement, greater insecurity in our own region and at home, and harm being done to our parliamentary democracy'<sup>xxxiv</sup>.

On 20 February 2006 the Fairfax press reported the findings of a Saulwick poll on Howard's decade in office, including the following comment:

The war with Iraq is the most commonly quoted 'worst thing' Mr Howard has done. This is followed by a related criticism that he is too close to US President George Bush. It is also clear from people's responses to this open-ended question that his statements about Iraq's supposed 'weapons of mass destruction' and the 'children overboard' affair have contributed to concerns about his credibility – 5 per cent of voters specifically identified what they saw as his propensity to tell lies or act deceitfully as the 'worst thing' he has done during his Prime Ministership.

There are issues of trust in the linked questions of whether the war was legal and whether Australia was party to a damaging manipulation of the UN system. Everything is now known about the permutations of British legal advice. Presumably, the ins and outs of the Australian legal advice, which received much less prominence, will not be made public until 2032-33.

Other important issues of trust relate to whether the Australian people have been told the truth about when and why it was decided to go to war,.

### **When was the Decision Made?**

Speculation about when the UK and Australia committed themselves to fight if the US decided to go to war against Iraq has run along parallel lines, involving the gamut of

possibilities from September 2001 on, but no conclusive evidence. Blair and Howard were able to treat the question as hypothetical, in the absence of hard evidence of a definitive US decision. The nine-month process of war planning, now revealed, concluded with presidential approval in September. War was inevitable then, though arguably from June, or earlier, unless Saddam Hussein could be removed by other means, or removed himself, a most unlikely contingency.

Because of his wish to get close to Bush, and his own strong convictions and his background of experience with Iraq, Blair committed himself fully to whatever action Bush should decide on, and indeed urged intervention. Myer has denied a statement in *Vanity Fair*, in an article for which he was a main source, that Blair suggested attacking Iraq when he met Bush on 20 September, 2001. But his account of Blair's conversations and public statements when visiting the Bush ranch in April strongly suggest an unconditional commitment to remove Saddam Hussein by whatever means necessary.

Meyer has written that, if there were a straight line in Blair's policy from September 2001 until war began, that would constitute the ultimate deception, yet most of his countrymen seem to have concluded that that was the way it was. While Meyer argues against this, his book would never have been approved for publication if he had said the opposite. Meyer also has to take his view to justify his two main gripes, that he toiled unavailingly to advise caution and give the UN weapons inspectors a fair chance, and that Blair failed to exert leverage. Also, he cannot bring himself to admit that he misread Washington's bureaucratic power game, being not the neocons' sort of chap.

The evidence also suggests that Howard never deviated from his public indications that Australia would stick with the US, and that no one tried to persuade him to reconsider. The commitment was there, though just what it would entail had to be worked out within the context of development of joint and American planning. The latter at least was over by September. Woolcott began to accuse Howard of 'sustained deception' in October.

Rumsfeld offered Blair the option of pulling the UK out late in the day, more out of impatience with his political difficulties than empathising with them. Blair would have had good reasons to accept, but instead elected to stay in. If he had decided differently, it would have put Howard in a dilemma, and in the unlikely event that he followed suit the course of events might have been different and war averted. The chances of Howard doing that seem infinitesimal. He might have seen it as even more advantageous to be America's only ally, attracting a similar encomium to that former President Dwight Eisenhower gave in 1965, when he told a wavering President Johnson that it was sufficient for America to have Australia and its own conscience.

### **Intelligence on Iraq – More than Stuff Happens**

The primary justification for going to war, 'the conjunction of terrorism and WMD', had to have a third link, to Iraq. That link was, then, not soundly based. It was widely believed that Saddam Hussein had weapons of mass destruction of one sort or another, but this was certainly not a unanimous view amongst the experts. The majority's assessment, taking its lead from Washington, turned out to be false. The baseless impression was created that

Iraqi WMD could be transferred to terrorists. Saddam Hussein was represented as a necessary target of the war on terror. Even as he retired, Blair made the link, saying that we had got rid of Saddam Hussein and his sons as we had the Taliban.

This brings us to the world of intelligence assessment. The fate of facts in a world of men and vice versa is often harsh<sup>xxxv</sup>.

The intelligence process combines collection from all possible sources, open and covert, on international issues for which policymakers have a requirement to know, and objective analysis of vast amounts of material so that policymakers understand. Intelligence communities need to be close to policymakers so that they can understand their requirements, but in their analysis they need to be distant from them, so that they do not provide what policymakers want to hear and ammunition for the cases they want to make to their parliaments and electorates.

The US intelligence community, most recently Tenet in interviews related to the unusual circumstance of publishing his memoirs, defends himself against having got it wrong in assessing that Saddam Hussein had WMD by saying that all intelligence agencies made the same assessment, and that the UN did too. A similar justification was advanced by Columbia University Professor Robert Jervis in a review of the CIA assessment performance published on H-Diplo<sup>xxxvi</sup>. This is a circular argument, that gives insufficient weight to the heavy reliance that was placed on American assessments and the widespread assumption that the US must have the intelligence to back them up. National intelligence assessments had to be made within the international context of expectations of following the leader in the UKUSA club and the domestic context of expectations that they would support policy.

Nevertheless, there were some intelligence assessors who were doubtful. Even in Australia, we know from the guarded language of the Jull committee and Flood reports, which will be examined shortly, that DIO was more sceptical than the senior assessing body, ONA, which for a variety of reasons did not provide rigorous and independent judgments.

According to a Canadian commentator on Jervis's post, his interviews on background with officials indicate that the Canadian government had concluded that UN weapons destruction teams had been effective, particularly in the early 1990s, and that it was unlikely that Iraq had an effective WMD capability. His view was that France and Germany had made similar assessments. These countries therefore supported more time being given to the UN inspection teams as requested by their leader, Hans Blix, who had reached a similar view.

Whether Iraq actually had WMD was easily obfuscated by the fact that this compendious term covered nuclear, chemical and biological weapons. The UN assessment had narrowed down the field to chemical weapons, and then it was a question of whether they had degraded to the point of uselessness or were still operational or could quickly be made so, as an Australian on Blix's team thought. On this point the leader of the British House of

Commons and former Foreign Secretary Robin Cook had no doubt, and told the House around the time the war began that they were useless. Cook had had intelligence briefings.

But no doubts were expressed by the political leaders of the US, the UK and Australia. They spoke of immediate and imminent threats, and made public 'intelligence assessments' in their support. Of the most infamous, which claimed that Iraq had a capability to deliver WMD within 45 minutes, Foreign Secretary Jack Straw told a Foreign Affairs Select Committee in June 2003 that it was 'the dodgy dossier...a complete horlicks'. All the three belligerents published dodgy dossiers, within weeks of each other..

The main focus of political rhetoric was on the nuclear threat. The threat was described unequivocally and luridly (the smoking gun turning into a mushroom cloud), with the implication that Saddam Hussein had the means of delivering WMD against the homelands of the three belligerents. It should have been seen to be patently absurd, but by tying him to 9/11 and to terrorism it found ready public acceptance.

The distorted perception of national interest induced by thinking of Israel, a nuclear power, as an ally and as the vulnerable outpost of democracy in the Middle East doubtless also played a part in public acceptance of a supposed nuclear threat from Iraq. Howard's perceptions on this point are notably simplistic. As a result Downer's Middle East foreign policy does not seek to be balanced. This is clear to all from Australia's votes in the UN.

It remains an important question as to whether the Australian intelligence community (AIC) comes out well. Its assessing agencies, ONA and DIO did not provide support to the Prime Minister on an issue which was central to his case. They insisted that there was no connection between Al-Qaeda, 9/11 and Saddam Hussein. They took into account that the deep hostility that a secularist leader held for fundamentalist extremists was a barrier to the latter acquiring WMD from Iraq, unless, as intelligence communities noted, they were able to exploit post-war chaos.

In the US, Tenet has stated that by going to the President he stopped a speech by Cheney making the connection in March 2003. Nevertheless, it was often made, including by Bush himself, and it was implied by Powell, with Tenet sitting behind him, in the UN. US polls show that a majority of the people believe there was such a connection. Tenet's chapter on this, 'no authority, direction or control' (by the Iraqi regime over Al-Qaeda operatives) is defensive and glosses over the extraction of false evidence by torture. However, he makes it clear that such contacts as there were amounted to no more than sniffing around to see whether they could use each other, on the enemy of my enemy principle. As Professor Rodney Tiffen of Sydney University has pointed out, political leaders did nothing to dispel this misapprehension. For them it was of overriding importance that the war against Iraq should be seen as part of the war on terror. Cheney and Rumsfeld led the pack on this issue, quoting intelligence vacuumed up by a Pentagon unit under assistant secretary Doug Feith, but London and Canberra backed them.

Howard put a national brand on Cheney's favorite scenario when he told the National Press Club on 14 March 2003 that 'if terrorists ever get their hands on weapons of mass

destruction that will, in my very passionate belief and argument, constitute a direct, undeniable and lethal threat to Australia and its people, and that would be the ultimate nightmare'. Challenged by the well-informed journalist Laurie Oakes to provide evidence of a link between Iraq and terrorism, Howard replied with characteristic tergiversation when put under stress: 'what I endeavoured to do today was to do two things -- to establish clear evidence that terrorist groups wanted weapons of mass destruction and I think I did that and I think I did that quite convincingly.' He derided the notion (his) that the evidence should be strong enough to stand up in a court of law. Oakes had noted in his question that Howard had often promised to provide evidence of the link, but Howard was not further pressed, and characteristically kept what commentator David Marr calls his wriggle room. *Age* political editor Michelle Grattan characterised Howard's picture of nuclear weapons proliferation as a reverse domino theory.

The Jull committee, a joint parliamentary enquiry, in a quite damning report in 2004, found that 'the case made by the government...that Iraq possessed WMD in large quantities and posed a grave and unacceptable threat to the region and the world, particularly as there was a danger that Iraq's WMD might be passed to terrorist organizations...is not the picture that emerges from...all the assessments...by Australia's two analytical agencies'. Its report, which is treated extensively by Garran, describes the differences between DIO and ONA in the months after their joint reports in July 2002. On 31 December DIO assessed that Iraq did not have nuclear weapons and had no known chemical weapons production.

The committee criticised a sudden surge of certainty in ONA in September 2002, describing it as 'so sudden a change in judgment that it appears ONA, at least unconsciously, might have been responding to "policy running strong"'. This, gentle reproof of ONA for having lent itself to the use of intelligence to serve the policy makers' case might rather have been regarded as a hanging offence within to the AIC. The committee also noted that government spokesmen, in particular the Prime Minister on 4 February 2003, had cherry picked foreign intelligence based on questionable sources. It relied not only on access to (some) documents but on the evidence it heard from serving and retired officials.<sup>xxxvii</sup>

The Jull committee's report is a model of what parliamentary oversight could achieve. It owed much to the background knowledge of former Defence Minister Kim Beazley, as well as to the integrity of its chairman. The committee recommended, not surprisingly, a further inquiry, which was put in a safe, competent pair of hands.

*The Inquiry into Australian Intelligence Agencies* was conducted by Philip Flood, former special adviser to Howard as Minister for Special Trade Negotiations in 1977, head of ONA, and Howard's appointee as Secretary of the Department of Foreign Affairs and Trade (DFAT). He had the opportunity to take into account reports from American and British enquiries. With a full access, he was able to delve into the detail of assessment of Iraq's WMD, by then known to be nonexistent.

Flood found that 'despite a heavy reliance on foreign sourced intelligence collection, both agencies (ONA and DIO) had formulated assessments independent of those of the US and

the UK, in several notable cases choosing not to endorse allied judgments<sup>xxxviii</sup>. Flood agreed that DIO's caution was justified, but found that 'ONA's strengthened judgment...in late January and February 2003 which assessed that Iraq must have WMD' was not. Paradoxically Flood clipped the DIO's wings and soon afterwards the practice of having it headed by a civilian rather than or alternating with a military officer was discarded and its Director was transferred into obscurity.

Flood gives specific ticks to the AIC, notably in regard to an alleged evidence of a nuclear weapons program. DIO rejected the claim, which has had significant political fallout in the US, that Iraq was attempting to obtain uranium from Niger. In this respect it, was dissenting from the evidence, asserted to be based on 'solid intelligence', given by Powell to the UN and in Bush's State of the Union message in January 2003. Howard relied on the American statements and not DIO, and used them in justifying going to war. A few months later, when they could no longer be sustained, he said he had used them in good faith. This was but one example of the cherry picking of intelligence by political leaders. Cautionary qualifications were also ignored.

Flood does not deal in the public version of his report with another piece of the flaky nuclear mosaic, the instance of the aluminium tubes which Australian agents helped track in Hong Kong. Howard said that they pointed to Iraq seeking to develop WMD. Some Australian expats must have disagreed, being party to the dissenting view of the US Department of energy. Tenant notes that there was no unanimity, and his tone is defensive.

An important source of dissent particularly on Iraq supposed nuclear weapons holdings and program, was the Bureau of Intelligence and Research in the State department. INR was also an invaluable source of alternative views for the Australian Embassy during the Vietnam War..

In regard to supposed biological weapons, DIO rejected the claim relating to Iraq's possession of them and mobile production and delivery by unmanned vehicles. These were the brainchild of the soon to be discredited informant Curve-Ball. They appeared in Powell's UN speech, and this was good enough for Downer, who recklessly taunted the opposition when two vehicles were found after the invasion. In fact their function was to launch hydrogen balloons.

Political leaders threw to the winds the caution that should have been engendered by the scepticism that was being expressed about the American intelligence on the Iraqi WMD by their own Defence science experts. In Howard's case he received two further powerful warnings reinforcing the DIO's cautionary advice. One of the government's most experienced experts in the field, outside DIO, had developed such strong doubts about the American intelligence in early 2002 that he wrote a personal letter to the Prime Minister (it emerged in 2004). The Flood enquiry was of course aware of this. Scepticism and caution received the most powerful possible international reinforcement when Blix had the opportunity to express it personally on 11 February. H.e recorded that he tried to warn Howard about his teams' disillusionment with the intelligence provided by the US: 'far from saying to Mr Howard that there were weapons of mass destruction in Iraq I conveyed

to him that we were not impressed by the “evidence” presented to this effect’. Blix charitably wrote that Howard listened courteously as he made the case that has weapons inspectors to be given more time, but seemed convinced that Saddam Hussein was cheating.

Howard told the National Press Club on 14 March 2003 that he could not justify war if Iraq had no WMD. He has, characteristically, refused to recant. But he now blames the Americans for the intelligence failure on WMD, and used it to justify rejecting a pessimistic CIA assessment of Iraq in and from 2007. Nevertheless, within days he was lambasting the Pentagon for obstructing a Presidential order to release more intelligence to Australia.

Tenet has, unwittingly, put the final nail in the coffin of Howard's credibility. He blows his reliance on WMD out of the water, writing (in the one reference to Howard in his book):

Howard had been one of our closest allies. Not only had he deployed troops to Iraq, but he'd also had the enormous political courage to say that he'd gone to war in Iraq not because of what the intelligence said but because he believed it was the right thing to do.

The picture conveyed of the AIC is of a small intelligence community which it was conscientiously doing its job, in an unfavorable political climate, within the limits of its capabilities, but which was not well coordinated. Obviously ONA was too conscious of its limits and more inclined than DIO, with superior scientific expertise, to take US intelligence on WMD for granted. Its approach was congenial to the Prime Minister, to whom it works. ONA has become too close to its big intelligence brother, a trend growing over the last quarter century. Unfortunately, without ONA's leadership, and often speaking with two voices after June, the community did not ring loud enough warning bells - not that this would have changed their political leaders' course.

Paul Pillar's summing up of US intelligence is that assessments pointed to the need 'to avoid war – or, if war was going to be launched, to prepare for a messy aftermath'. The AIC cannot claim to have sent a clear signal to avoid war, which presumably it saw as a matter of policy, and almost certainly policy already decided. Did it send a warning to prepare for a 'messy aftermath'?

### **Where Laws End, Ending Tyranny Comes in Handy**

When it became clear (though the Australian government would not admit it) that Iraq had no operational WMD, the justification for going to war fixed on removing a tyrant. It was unpopular to enter a demurrer to the barrage of invective, but some like Australia's Harvard professor Peter Singer<sup>xxxix</sup> pointed out that Saddam's repression had peaked some years earlier (unlike in Burma and Zimbabwe).

The favorite historical analogy when going to war of the lessons of Munich retained its vitality. It had been common practice to compare Saddam Hussein with Hitler, although Howard said he thought that unnecessary, and to warn against appeasement of dictators. In

fact at the time Saddam Hussein posed no real threat to his neighbours, Straw told his colleagues in July. ‘Appeasement’ appeared in DFAT communications. The rhetoric rose after the significant decisions in June/July to the point where Downer was accused by Opposition spokesman Kevin Rudd of practising ‘Rambo’ politics. As I described in *Asian Alternatives*, the invoking of these well worn analogies is usually for support rather than illumination, like the drunk holding on to a lamp-post.

Although Howard claimed on 14 March 2003 that he had never advocated regime change, it is impossible to see him arguing against it. He certainly did not do so when Bush talked to him about getting out of the mosh pit. It was implicit and close to explicit in numerous government statements. Howard had again got into a tangle when asked to reconcile his statement that the situation would be entirely transformed if Iraq complied fully with UN resolutions and Bush’s and Blair’s talk of regime change. Howard replied

Well, I think the...it’s not a situation where I want to get into saying which is the more – different people are going to have different views about what is more important...Look I think everybody would like to see the regime change in Iraq...The threat posed by the agents of war, the chemical and biological and so forth, is the major concern but in a sense it’s a different side to the one problem.

Again, he said that regime change ‘would be very desirable’ and that it and removal of weapons of mass destruction were ‘intertwined’, with the latter likely to lead to the former. He also said that force was probably the only thing Saddam Hussein understood.

In 2007 extermination of Saddam Hussein has become Bush’s and Blair’s explicit public justification for war, as it was privately throughout. It was always so strongly an element in Blair’s evangelistic humanitarianism that in the end he would be prepared to override the legal concerns continually represented to him. There were no such concerns in Bush’s White House, which compounded the problems its unilateralism presented for its allies.

### **Tyrannicide’s Legacy in Iraq**

While the three belligerents continue to rely on the removal of Saddam Hussein in their defence, this is not only insufficient to justify illegal war, with all the consequences that it has for Western values and standing, not least in the eyes of Asia, but it has also now to be weighed against the awful consequences of the continuing civil war that has ensued. Statistics almost desensitise the ongoing tragedy. Even at the lower end of the estimates, the *Lancet* figure of 600,000 deaths being the highest, Iraqi deaths have averaged 3000 a month, there are 3-4 million displaced Iraqis, 75% outside the country, and essential services are in ruins. In addition there are the long-term effects of America using cluster bombs, depleted uranium and white phosphorus, which is banned under the CBT.

The belligerents are blamed for dismissing predictions of sectarian strife, within the general context of giving insufficient attention to nation-building ‘Official Washington was clueless as to how little the Kurds, the Shi’ites and the Sunni Arabs had in common.’ So wrote Peter Galbraith, long-time Iraq watcher and former US ambassador.<sup>x1</sup> Former Australian Ambassador to Iraq and politico-military adviser Rory Steele also warned in

2002 of the depth of religious and sectarian differences and the lack of a tradition of democracy.<sup>xli</sup> But leaders were not listening. Powell made a perfunctory attempt to alert Bush, warning him after dinner on 5 August 2002 that ‘you are going to be the proud owner of 25 million people’, with no experience of democracy. In the UK it was more of an issue.

Jeffrey Record, a Professor at USAF’s Air War College who has written a lot comparing Vietnam and Iraq, writes that ‘the great difference between (Vietnam and Iraq) is nationalism’s comparative weakness in the latter’. O’Neill in his Lowy lecture agrees:

Iraq is an even worse problem than Vietnam. It is not a united nation state like Vietnam, but an artificial creation of the British Empire in 1921 to kill two birds with one stone, holding down an Arab revolt while finding a place for Prince Feisal whom the French had ejected from Syria. Iraq has been held together by force in a sense, ready to fly apart once the grip of that force was broken.

Menzies and Hasluck had no knowledge of or empathy for Vietnamese nationalism, did not know why the Vietnamese, in Ho Chi Minh’s words, would sooner eat French shit for a hundred years than Chinese for a thousand’, and underestimated the strength of North Vietnamese will in pursuing unification. Their attention was elsewhere, and may treated the Vietnam war as alliance building, based in fear of China, Howard and Downer were similarly focused, and showed no understanding of the significance of Iraqis’ long history within the Ottoman Empire and three fragile nationalism of a country created as part of a carve-up by Britain and France..

The statements also show that they do not know the enemy. Cotton argues that Australia’s leaders and the DFAT White Paper *Transnational Terrorism: the Threat to Australia* show failure to understand the true nature of the threat from Al Qaeda, and concludes

the task of DIO and the other members of the AIC... was unenviable since the Iraq specialists were aware that the contingent (sent in 2005) was under instructions to deal with an insurgency, the principal cause of which was denied, against much of the evidence, by the government. Once again the comparisons with Australia’s Vietnam task were uncomfortable.<sup>xliii</sup>

In Vietnam it did not take Australian troops long to realise that they were not fighting for democracy, or to parry the thrust of China towards the shores of Australia, as their briefing handbook said.

JIC(L) and, late in the day, the CIA issued warnings that in the event of a prolonged occupation Iraq could become a magnet for Muslim extremists from all over the Middle East, and a new base for Al-Qaeda. They shared their product with Australia, but if it only ‘went into the mix’, in Howard’s phrase, and was not used for independent assessment, ONA failed in its duty. Australia had expertise on Iraq through long diplomatic representation and its important trading relationship. The Middle East, and American dependence on its oil, received attention from the Australian assessments community from the time of its reorganisation almost 40 years ago.

to leaked British documents, Blair merely assented on 31 January 2003 when Bush stated his assumption that there would be no serious religious or sectarian strife. If Bush had thought it worthwhile to put the same question 10 days later to Howard, he too would surely not have disagreed. The belligerents gambled against a worst-case scenario, and against Al-Qaeda being able to exploit it, and lost.

Australia was just as culpable as the other two belligerents in downgrading the worst-case scenarios of the political, security, strategic, economic and social mess that is post-war Iraq, and the possibly disastrous consequences, including knock-on effects in their own countries. In limiting Australia's commitment t, Howard may have looked as though he was prudently protecting Australia against getting bogged down in a quagmire. But did he ever seriously address the worst-case scenarios?

### **The Orphan of Nation-Building**

Australia's trust in the US to provide political stability was misplaced, as in Vietnam. According In his new book, *Soldier*, Gen. Mike Jackson, former British CGS, criticises Bush for allowing the post-war planning by the State Department to be wasted and launches a strong attack on Rumsfeld and the Pentagon. As reported by the *Washington Post* on 2 September, he describes Rumsfeld's approach as 'intellectually bankrupt' and his statement that US forces 'don't do nation-building' as 'nonsensical'. His description of Rumsfeld taking it as 'an ideological article of faith that the coalition soldiers would be accepted as a liberating army' parallels the advice to the Australian soldier in his Vietnam handbook that 'Vietnam and the Vietnamese are prepared to welcome you officially and unofficially. Meet them halfway and you'll be glad you did....you will strike a telling blow for democracy and add greatly to the strength of freedom throughout the world.' *The Washington Post* also quotes Gen. Tim Cross, the senior British officer in post-war planning, as saying that 'right from the very beginning we were all very concerned about the lack of detail that had gone into the post-war planning', and that he had expressed concerns about Iraq falling into chaos.

Thawley's account of Australia's role in the military planning process does not suggest that it backed either the British or the State Department's concerns. This would be part of the pattern of reliance on Bush and Cheney. Nevertheless, Australian leaders must have known, even if they did not want to hear, about the complexities of building a nation and creating democracy in Iraq.

O'Neill, who has excellent access to governments, writes:

in 2002 it was clear to me that the main problem in invading Iraq would be the insurgency and chaos phase that would follow the toppling of Saddam Hussein. When I put the point then to relevant friends in the US who supported the impending invasion of Iraq, it was dismissed: 'we will do the heavy lifting and get rid of Saddam. The allies can handle the occupation'.

Retired Ambassador to Iraq Rory Steele accurately predicted on 5 February 2003 the course of future disasters. He concluded:

The first question...is how to decapitate the leadership – how many to kill, how many to jail. New questions will arise daily, of legitimacy, of policing, in a situation of revenge killings, armed resistance and terrorism. With Iraq risking fracture, the coalition of the willing that entered may find it is in for a much longer and murkier haul than expected...The peacekeepers' role could be thankless, dangerous and open-ended<sup>xliii</sup>.

The coalition of the willing was forewarned, and leaders embarked on war recklessly. Blair has paid the price. The advice to him in July 2002 was that Washington might look to the UK to take a disproportionate share of a 'protracted and costly nation-building exercise.' Blair fobbed off enquiries from his colleagues, but they had every reason to be concerned. One reason was the lessons of history.

O'Neill had issued a prescient forecast in 1992 that 'the failure of both US military and civil personnel to grapple more effectively with the political aspects of the wars in Korea and Vietnam raises wider concerns for the future'<sup>xliv</sup>. Record and he again see things the same way. Record analyses American strengths and weaknesses thus:

Americans are uneasy with Clausewitz because they have traditionally viewed war as a substitute for, not a continuation of, politics. They prefer to drink their wars neat...This outlook is reflected in civilian decision-makers' failure to accord war termination adequate priority and in the professional military's disdain for so-called operations other than war, especially those entailing peace-making and state-building tasks.<sup>xlv</sup>

One lesson common to both wars is that rhetoric about democracy is unwise, because it will always give way to the demands of war for stability and dependability. The relationship between occupier and occupied impedes the growth of healthy nationalism and its institutions, and so sours. In Korea Australia was at the heart of the tempestuous war-time political process through the leading role played in the United Nations Commission for the Unification and Rehabilitation of Korea by James Plimsoll. However his wish to make South Korean dictator Syngman Rhee accountable, and constrain him from destroying Korea's nascent but vital democracy. was frustrated by US indecision, compound by the weakness of a lame-duck Truman administration.

In Vietnam also, although elections were held, stability had a higher priority than democracy. As O'Neill was able to observe at first hand, Australia had unrivalled access to the Americans in all fields (diplomatic, military, internal security, intelligence and civil affairs). Australians were involved in all aspects of nation-building as part of American efforts or alongside them. Australian military had training and civil affairs tasks, and experienced the difficulties of winning hearts and minds and countering pervasive subversion.

In his Lowy Institute address, O'Neill recalled how in Vietnam he had pointed out that the main task was not inflicting casualties but targeting political cadres, who returned to the cleared areas as the foreign troops withdrew, and reconstruction and building infrastructure. The performance of the all-professional Australian Army Training Team (AATTV), which was dedicated to these tasks, was outstanding. The performance of the Task Force was patchy, for a variety of reasons, including lack of skilled personnel, local sympathy for the National Liberation Front (NLF) and its success in penetrating the South Vietnamese government and military forces<sup>xlvi</sup>. However, Vietnam accelerated the development of relevant Australian doctrine begun with the British in Malaya.

One of the strongest criticisms of the war made by realists like Harries is that it is unrealistic to expect to impose democracy on a country like Iraq. Woodward provides a telling anecdote about the President's naivete, with Cheney retailing to his neocon intimates a lunchtime conversation with him: 'Democracy in the Middle East is just a big deal for him. It's what's driving him.'

Howard is enthusiastic about Bush, but it is hard to judge whether he shares his 'vision thing' or is just parroting his rhetoric. He has spoken of 'Iraq's bright democratic future'. When Australia sent its second tranche in February 2005, he explained with a flourish that was already out of date that 'Iraq is very much at a tilting point and it's very important that the opportunity of democracy, not only in Iraq, but also in other parts of the Middle East, be seized and consolidated'.

A contribution of 450 men, now built up to 570, for such a large cause carried the risk of attracting criticism, and this happened when Howard lightly stepped into the American presidential election campaign. However, it was consistent with the initial limitation of modest forces to the war phase, after which most were withdrawn. Consideration of the post-war phase therefore must have seemed like an academic exercise.

ONA and DIO are anxious to contest the prevailing wisdom, expounded by authorities like Kim Beazley and Edward Woodward, former Chancellor of the University of Melbourne, that Australia ignored the post-war phase. They say that studies were done and discussed with intelligence partners. They seem, however, to have had no effect on Australian policy. When Howard ruled out Australian involvement in the post-war phase, apparently no one drew his attention to the fact that involvement in the war would make Australia an occupying power, and under the Fourth Geneva Convention it incurred continuing obligations willy-nilly.

### **Whither the Alliance?**

Australia habitually claims two specific benefits from ANZUS. They are an assurance of access to state-of-the-art military technology and intelligence exchange, although UKUSA preceded ANZUS. There has been some expansion in the areas as a result of Australia's participation in the Iraq war. This sounds like a benefit, but it needs to be treated judiciously. Acquisition of sophisticated military equipment can dictate the mission. It can distort national interest priorities and strategic coherence. Too much raw intelligence can prove indigestible, and the assessed product can be toxic if it is not carefully evaluated in

Canberra. Tange, who was in a strong position to judge from his long service heading DFAT and DoD, arrived at the conclusion that Australia suffered from information overload of American origin, and he would not have stood for foreign assessments being accepted uncritically.

The smaller power in an alliance enjoys privileged access and so the opportunity to pursue national objectives through skilful use of the alliance. Menzies was for long too anxious to find ways of doing favors for his two 'great and powerful friends', but when they disappointed him he used his international reputation to pursue national interests. Vietnam provides a classic example of the junior partner entangling the senior, in its region of strategic priority.

The strategic objective was to manoeuvre the US into accepting what Menzies and, even more strongly, his Foreign Minister, Hasluck, saw as its responsibility in Asia and as leader of the free world. This was to build containment walls against the rising superpower, China, which would hold for a generation, until China lost its revolutionary fervor and became a power with an interest in stability. They did not foresee that the pace of developments inside and outside China would telescope this period to half a dozen years. Menzies and Hasluck mounted a campaign about the threat from China from mid-1964, to the bemusement of their officials. In New York in June, Menzies exaggerated the threat from China for an American audience, telling it that 'some smashing Chinese victory' in Asia would alter the history of the world. The US under Johnson and Secretary of State Dean Rusk fell for Australian rhetoric about the threat from China. It would not have worked with John F. Kennedy.

Within this overarching strategic framework, Australia wanted the US to take over the war in Vietnam and it wanted to have the wars in Vietnam and in Malaysia, where Indonesia was challenging the new Federation, brought together. Both these aspirations had a history. It is necessary to sketch the history to show this, and to illuminate how alliances are managed.

Menzies saw that the replacement of the sophisticated and cautious Kennedy, with a disconcerting inclination to support anti-colonial causes, by a macho Texan politician opened the way for Australia to achieve its long held ambitions to get American boots on the ground in Southeast Asia and to initiate four-power planning for the security of the whole area.

There was a mixture of real concern and party political gain. In mid-1963 ministers were disconcerted when in the context of Indonesia's confrontation of Malaysia it became apparent that there was a grey area where Australian troops could be involved in combat, but the ANZUS treaty would not apply. It was also hinted that what America might decide to do could depend on what Australia did in Vietnam, where it had a 30 man training team. Subsequent clarification, in the Kennedy-Barwick agreement, made it uncomfortably plain that Australia would have to be in real trouble and unable to handle the conflict on its own or with Commonwealth allies before America would get involved. American military assistance would be limited to sea and air, not necessarily very useful in a guerrilla war.

This foreshadowed by five years the Nixon doctrine, which finally pushed Australia to a measure of self-reliance, which was anathema to Menzies.

While the Kennedy-Barwick agreement fell short of Australian expectations, and was criticised by its military leaders, it did extend for the first time the geographical ambit of the ANZUS treaty, which had deliberately been left vague in 1951. ANZUS could apply to the South-east Asian mainland. It was acknowledged that the treaty could apply, within severe limits, to Indonesia and so to a noncommunist country, which had been in doubt from 1954 when the US made a reservation that its obligations under the SRATO Treaty were limited to Communist aggression.

The missing ingredient was to overcome the American inhibition, which had existed since the Korean War, on putting ground forces on the Asian mainland. So, when Johnson asked for more instructors in December 1964, Australia responded with a battalion, thus enhancing the prospects of the US becoming committed to a conventional war. To his Australian audiences Menzies justified sending troops to Vietnam as opposing a Chinese communist military thrust between the Indian and Pacific oceans, which if successful in Vietnam would be a direct military threat to the Australian mainland, although that had been ruled out by his Defence Committee. He cherry-picked from an official's draft of his Parliamentary statement, removing all qualifying words which depicted Chinese tactics as exploiting weaknesses in South-east Asian societies. Nearly 40 years later, the threat, including to Australia, would be depicted, shorn of all qualifications, as from Iraq's WMD.

Did the Howard government have when ANZUS was invoked, or develop over the 18 months of preparation for war, a specific strategic objective, directly related to Australia's national interests? , Did Howard, like Menzies, wish to extend the area of the ANZUS treaty? If so, while the rhetoric might have referred to a worldwide war on terror, the realistic ambit for Australia would have been to extend the treaty from the Pacific to the Indian ocean, and Persian Gulf.

This would, as it happens, have been turning back the clock half a century and would run counter to the Menzies tradition. While one American motive in granting Australia a security treaty was to facilitate a continuing Australian military presence in the Middle East,<sup>xlvii</sup> Menzies' first strategic decision which ran against the wishes of 'great and powerful friends' was to redefine Australia's area of primary strategic interest as Asia and not the Middle East.

Did Howard envisage Australia playing a greater role alongside the Americans and Japan in protecting the sea lanes from the Persian Gulf and securing oil supplies? Howard is keen to develop trilateral security cooperation between the democracies. It is not so easy to do in the ANZUS area of 'the Pacific' because of differing attitudes to China and because Australia is not part of the six who have taken it on themselves to resolve the immediate Pacific area threat, the DPRK's nuclear capability. Howard was able to link Australia with Japan in Iraq. However, Japan's contribution to the Iraq war has been modest. It is now reduced to a small air component, its reconstruction team having been withdrawn from Iraq

and Australian protection as a result of disenchantment with former Prime Minister Koizumi's failure to apologise for the misleading reason for the intervention.

The justification has surfaced in the government's latest Defence statement released on 13 July 2007, but debate got off the rails in the fog of a war of words between the Prime Minister and his Defence Minister over whether oil had been a factor in the Iraq war, Howard having denied it at the time. Wesley places Australia's commitment to Iraq in the context of maintaining security in the Persian Gulf. He writes:

the major test, however was the looming confrontation with Iraq. Australia joined the United Kingdom as a vigorous and consistent supporter of US policy which argued that, after 11 years, with the sanctions crumbling and Saddam Hussein defiant and devious, ensuring stability in the Persian Gulf left little option but to remove the Baathist regime.<sup>xlvi</sup>

This justification was probably not in ministers' minds in the war phase, even though the RAN had been in the Persian Gulf for 11 years, and there might have been thoughts of milking its role politically. With the disappearance of the will of the wisps of WMD and transforming regime change, it is useful in order to justify 'staying the course' in Iraq. 'Staying the course' is not of course a policy, but the abnegation of policy, springing from a state of denial. It came to be rejected by both Australian political parties in Vietnam.

### **The Dog that Didn't Bark – No Strategic Assessment**

In his report on the intelligence community, Flood noted that no strategic assessment had been prepared before Australia went to war in Iraq. ONA, and satisfying its political masters demand for daily intelligence, had got out of the habit of writing National Assessments. It did not produce one on Iraq. A national assessment would have demanded reconciliation of the differing assessments of WMD within the AIC, or at least would have clearly brought out the differences..

However, fault does not lie solely with the intelligence community. An intelligence assessment is usually only the first step towards preparation of a strategic assessment. It then requires an input from the policy departments, who have already contributed raw and analysed intelligence, but come in again to put before ministers the implications for Australia of possible courses of action.

A strategic assessment would have required a three-way input from the intelligence community, DFAT and DoD, under the supervision of PMC, and at the direction of ministers. It is thus obvious why one was not done, as the commitment to the US was, and was seen to be, firm.

A strategic assessment is a cost-benefit analysis of alternative causes of action. It takes account of the competing demands on and necessary priorities of a medium power. It requires self-knowledge as well as knowledge of other countries including the adversary. It should use the lessons of history for making decisions and expressing views to allies. It needs to be comprehensive and with a long-term perspective, so that ministers can

comprehend the consequences of any decision to go to war. These consequences are national, international, regional, and relating to alliances, and require analysing the prospects and implications of success and failure.

We have noted the international implications of illegality and of acting without Security Council authorisation. One witness before the Jull committee, former DoD Secretary William Pritchett, expressed his dismay that the government had not been brought to address the wide-reaching implications for Australia, with its traditional standards and delicate geopolitical situation, of the invasion of national sovereignty by unauthorised force. Australia ignores at its peril that regional countries and others have a stake in the UN system.

A strategic assessment would have taken account of the lessons of history, particularly from Vietnam, and from the very recent experience in East Timor, which one might have thought would still be fresh in ministers' minds. The most important lessons were that there should be Security Council authority and regional acceptance.

A strategic assessment should be candid about the management of alliances, despite the political sensitivities. The golden rule is that they are based on common interests and not on ephemeral personal relationships. Vietnam demonstrates the pitfalls of the latter, with the intimacy of Johnson's relationship with Holt rapidly replaced by his antipathy to and unconcealed criticism of John Gorton. Warmth was not restored when Richard Nixon succeeded Johnson. During the Whitlam years, the attitudes of Nixon and Henry Kissinger were often poisonous and at times the alliance hung in the balance, despite common interests, notably the joint facilities on Australian soil. They come under the ANZUS treaty, as a result of an Australian initiative in 1962. They are also the jewel in the crown of bilateral intelligence co-operation.

Vietnam also demonstrated the challenges to Australia in reading its ally. It was not sure of Johnson's resolution in the first half of 1965 and often relied on superior British access and insights, although Prime Minister Harold Wilson had withstood the strong American pressures to send troops to Vietnam. Australia had no foreknowledge when Johnson moved Secretary of Defense Robert McNamara in 1967 and reached the decision to withdraw from the presidential race in 1968. An area largely closed to Australia, except for its Commonwealth contacts with Britain and Canada, was US soundings about negotiations with North Vietnam. In the Nixon -Kissinger era Australia could never be sure whether their policy of Vietnamisation was a strategy for success or a tactical approach to establishing 'a decent interval' before withdrawal.

In short, Vietnam showed that personal relationships ebb and flow, that allies can be taken by surprise, and that Australia must be smart and assiduous if it is to have an influence on America's political and military strategies and tactics. Vietnam argues not for not going to war because of the alliance relationship but for doing so with eyes open and an active mind in proposing ideas and seeking for ways of exerting influence. It also shows the need to canvass the possibility and implications of failure, because of the enormous implications for Australia of America losing a war.

A strategic assessment would surely have taken a much harder look at the neocons and the implications of riding on their coat-tails. Ministers always think they know best about the US. DIO had a dampening experience when it sought to canvass where 9/11 might lead. Lewincamp had the temerity to assess American policy in the first heady days after declaration of war on terror. In a closely reasoned analysis of Bush's address to Congress on 20 September, he questioned whether the speech did not risk straining the almost universal support for America after 9/11 and he noted passages which were needlessly provocative, especially to the Muslim world. The paper was roundly rejected by PMC and DFAT, the latter also rejecting Lewincamp's right to write it. Similarly, Hasluck in September 1964 rejected a pessimistic report from Australian Ambassador to Vietnam David Anderson and demanded of all officials positive reporting aimed at the US winning the war. Hasluck and Downer were 'good news guys'.

A strategic assessment would warn that Australia cannot afford to be seen to be acting in the spirit of American unilateralism. Australia has to be seen to be in dialogue with the international community, and to be placing particular emphasis on protecting its regional links, and in both contexts to be promoting rules-based systems.

### **The Deplorable Decline of the Westminster System, and the Anachronism of the Royal Prerogative**

Australian policy making on going to war suffered from the same fatal flaw as its British and American counterparts. The leader was all powerful, committed, and put under little or no pressure to change course. This indicates need for systemic reform, in the US to reaffirm Congress's 'advise and consent' powers, and in the UK and Australia to strengthen the roles of the public service and Parliament, as constraints on the executive's prerogative of deciding whether to go to war.

In Australia the public service has succumbed to pressures and become too politicised. The origins lie with Labor governments, especially of the 1980s and 1990s. Whitlam, the son of a revered Solicitor-General, was a traditionalist, particularly in using his public service advisers in the fields of international affairs and security. However, he introduced the institution of ministerial staffers. As with the staker's defence, it seemed like a good idea at the time. young Labor sympathisers with a bureaucratic background, like Peter Wilenski and Gordon Bilney, who went on from ministerial offices to greater things, saw that a new government with almost no ministerial experience would need a system of advisers if it was to implement a reform program and carry public opinion

There was apprehension amongst the new ministers of being 'snowed', in the 'Yes Minister' tradition. Some powerful bureaucrats do have their own agendas, from the highest or more selfish motives. In discussing this with me, Tange, who was praised for being principled by both Whitlam<sup>xlix</sup> and his political opponent Malcolm Fraser, dissociated himself from the 'us and them' perspective of the bureaucratic-ministerial relationship taken by his friend, Treasury Secretary Fred Wheeler. However the ministerial minders system has grown into a 440-pound monster. Responsible ultimately to three Prime

Minister, personal staff, ere now well over 100 times larger than in Menzies' day, and his supporting department has increased similarly..

More and significant intrusions into the authority of departmental secretaries were made by the Hawke government in 1984 in giving ministers responsibility to manage along with the departmental heads, thus opening up the way for party political considerations to intrude on management and appointments. There was a quantum jump in the Keating era through a steep increase in minders' numbers and the introduction of a contractual system for no longer permanent heads of departments in 1994, which was the thin end of what has become a large wedge. Politicisation of the public service has been an area of hot debate since 1984, but it is now clear that under a Prime Minister obsessive about power and control the trend has gone too undesirable lengths.

The Howard government, and PMC head Max 'the Axe' Moore-Wilton, reduced the independent watchdog role of the Public Service Commissioner, as one incumbent, Andrew Podger, has described.<sup>1</sup> Echoing views expressed to me by four former departmental secretaries, he calls for reform of the contract system to make five-year terms obligatory, replacing the present system under which the Prime Minister decides to make appointments on a term from two years up, but which can be broken without showing cause, and abolition of annual performance bonuses, which can run to \$60,000. The bonus can be varied or denied if a government aim has not been achieved or the government has suffered public embarrassment.

As a result, there is a relationship of dependency, instead of one of mutual respect where the expert offers fearless advice to the policymaker. At the same time, the numbers and authority, without accountability, of ministerial staffers have increased exponentially. They are integral to a style of government predicated on protection of the minister at all costs, plausible deniability and spin.<sup>li</sup> The public service has become enured to focusing on delivering and justifying party political outcomes.

There is general agreement that, as ANU Professor Hugh White, then recently retired from DoD, first observed, the heads of policy departments chose to remain mute, both individually and collectively, about Australia joining the war in Iraq. Yet on the face of it, Australia seems to have a more traditional Westminster approach to managing foreign policy and defence, which would militate against the cronyism of Bush and Blair, in the National Security Committee of Cabinet (NSCC).

Constructed by Moore-Wilton, the NSCC was much more inclusive, orderly and formal than Blair's 'denocracy'. Howard and selected Ministers, at the time Downer, John Anderson, Peter Costello, Mark Vaile, Robert Hill and Philip Ruddock, sat down opposite their departmental heads and the Chief of the Australian Defence Force, who plays the leading official role. Also present, by invitation, are the heads of ONA and the three intelligence collection agencies, all old colleagues in DFAT, and Director DIO, a position to which Downer unsuccessfully tried to appoint a DFAT officer.

There are a couple of significant shortcomings in the seating. Secretary PMC, who should give a lead if officials are expected to speak frankly on policy issues, even when their ministers are not, does not sit with his colleagues but on the cross benches, and others of his advisers sit behind the Prime Minister. The heads of the two intelligence assessment agencies should not be mixed up amongst the policy advisers, but should sit separately from them to clearly demarcate the two functions.

As the invoking of ANZUS shows, not all important decisions are taken inside the NSCC. Cosgrove has written of 'sidebar' discussions outside meetings, probably particularly with the Prime Minister on defence and military matters. There would also of course be 'top of the bar' discussions confined to ministers.

Howard made large claims for the machinery at ADFA on 31 July 2003:

...the interaction between our senior ministers and our senior agencies heads on a very regular basis, and it is a body that does meet very regularly, has given us a whole of government perspective of national security in an integrated way...I think it has given us a whole of government consistency on these issues that perhaps would have been lacking if we had had a different approach.

'Consistency' imports cohesion. The machinery is designed to be collegiate, with all entitled to have their say before the Prime Minister sums up. But it is a law of nature and politics that as a Prime Minister grows in confidence robust debate diminishes. Further, it would seem that in regard to the key policy issue of going to war in Iraq alongside the US the situation was pretty similar to London: as the Prime Minister had made his mind up only questions relating to implementation needed to be addressed.

The NSCC machinery, which gave public servants every opportunity to speak up, thus proved inferior to what had gone before, under the Westminster system. The Defence Committee, before it was abolished in the mid-19 80s, would normally have prepared a full assessment, operating at one remove from Cabinet. An exception was the vital decision-making in December 1964 on Vietnam. Officials were shut out, and the Foreign Minister rejected his departmental secretary's protests. The fact that this happened, and that ministers chose to rely on a military assessment, always rankled with the strongest and most dedicated mandarin of the time, Tange, but he did try to express External Affairs' views to his unreceptive minister.

The policy departments might plead that they are under tremendous day-to-day pressures. Management of procurement for expanding forces is the primary focus of an unwieldy DoD. Following the amalgamation of the Departments of Foreign Affairs and Trade in 1987, DFAT's emphases gradually changed. It abolished its policy planning function in Howard's cost-cutting, and had no machinery for long-term thinking or challenging assumptions.

In 2002 DFAT focused on trade, notably the preservation of the wheat market for Australian growers. In doing so it worked closely at home and overseas with the Australian

Wheat Board (AWB). Yet it also had a less glamorous responsibility for ensuring the efficacy of the UN sanctions regime against Iraq under Security Council resolution 661 of 6 August 1990. Pursuant to it, RAN ships had been on station in the Persian Gulf since September 1990 as part of a multilateral interception force (MIF). Their deployment signified the importance the government of the day attached to the sanctions regime. It was maintained at great expense to the taxpayer, as former DoD Secretary Paul Barratt has pointed out.<sup>lii</sup>

It was hardly a state secret that the OFP, introduced on 14 April 1995, was being rorted. Charles Dulfer, a special adviser to Director CIA on WMD, stated in his report of 30 September 2004 that after its introduction ‘the Regime quickly came to see that OFP could be corrupted to acquire foreign exchange, both to further undermine sanctions and to provide the means to enhance dual use infrastructure and potential WMD-related development’<sup>liii</sup>. Dual use and potential development are a long way short of possession of WMD, but by this time the CIA's defence against rising criticism had moved on to interpreting Saddam Hussein's intentions in a hypothetical future.

In what has become notorious as the AWB kickback scandal, the AWB was later found to have paid \$290 million to Saddam Hussein. The subsequent Cole enquiry was told by Downer, who had made strong representations to his American counterpart about Australia's wheat market, that ‘what you don't know, you don't know. And you can't get to the heart of what you don't know’<sup>liv</sup>. These words suggested Downer had got too much into the habit of echoing the Americans, notably Rumsfeld, who had produced the classic ‘we know what we know, we know there are things that we do not know, and we know there are things we know we don't know we don't know’. Downer's words hardly accorded with his claim on 6 February 2006 that he and his colleagues ‘were big supporters of the sanctions and we were insistent that Australian companies complied with the sanctions regime’. The affair smacked of the pervasive practice of plausible deniability. It had echoes of the infamous Matrix-Churchill affair involving arms sales to Iraq which helped bring down John Major's government, but the British enquiry was a genuine Royal Commission with sweeping terms of reference and powers. The conclusion of Cotton and Ravenhill is that ‘this episode can be interpreted, at best, as a poor implementation of that pragmatic “realism” of which the government maintained it was the exemplary exponent’.

DFAT's failings can be seen in a broader context. Inadequate funding, staff cuts, restrictive security and a decline in morale had affected foreign offices in Washington, London and Howard's Canberra. DFAT, however, was particularly constricted by an atmosphere of ‘diplomatic compliance’. This telling phrase was coined by ABC correspondent Graeme Dobell<sup>lv</sup>. He gives examples of ambassadors being instructed not to report on regional criticisms of Australian leaders and policies, though this undemocratic procedure went back further than Dobell describes, to the very first year of the Howard government and its seeming tolerance of Hansonist racialism. Successive Howard governments rationalised these prohibitions as being incompatible with its overall approach to the public service, that it is there solely to serve the government which happens to hold office, and achieve outcomes for it. The durable Canberra-based editors of the AIIA's five-year lock regard the

bureaucratic phenomenon as sufficiently remarkable to give it a quarter of the space they devote to examining ‘the political management of foreign policy’.<sup>lvi</sup>

Of course neither injunctions nor self denying ordinances would have applied to the diplomats heading Australian missions in the US and the UK. Consequently the views from London and Washington drowned out regional perspectives. There was no one to speak frankly and fearlessly, as Australian ambassador in Jakarta Mick Shann had done, with a characteristic flourish, in 1965:

if we were to commit a battalion to Vietnam, which would make no contribution to a militarily hopeless situation, we might earn transient gratitude from friends we will never lose. We would perhaps permanently wreck any chance of our being acceptable in other places.

Missions in London and Washington are expected to report dissenting views because public opinion affects policy, and also the most respectable dissenting views -- Brent Scowcroft, Henry Kissinger, Cook -- could be expected to be taken up by the Labor opposition. Like Thawley, the Australian High Commissioner in London, Michael L’Estrange, had had a personal relationship with Howard, having been Secretary to the Cabinet. He is now Secretary of DFAT, and is repairing some of the damage of the past, including reintroducing policy planning through a Global Issues Branch.

The Australian intelligence community could not but be affected by the policy departments’ malaise. It also operated under constraints, some of them self-inflicted, like decisions over time to sacrifice long-term assessments to current intelligence, which has a readier audience.

ONA Director-general Kim Jones (like his London counterpart John Scarlett, Chairman of the Joint Intelligence Committee) proved to be too close to the Prime Minister. The head of the AIC is responsible to and has to have a relationship of trust with the head of government. However, this poses problems in ensuring that intelligence assessment is objective, and imposes obligations of courage on the one and considerateness and care on the other. Jones seems to have been particularly affected by the use of an ONA dossier for political purposes, his experience in September 2002 bringing back unnerving memories of the ‘children overboard’ affair.

Flood tackles head-on the practices which have grown up, to protect ministers, of plausible deniability. This requires avoiding a paper trail. Barratt has vividly described from his own experience in DoD why communications between ministers, and their staffs, and departments must be in writing.<sup>lvii</sup> In a sternly worded recommendation under the heading ‘the public presentation of intelligence’ Flood takes the same position. He seems to allude to unacceptable conduct by ministers and to take exception to the lamentable practice of unaccountable ministerial staffers issuing oral orders. He states that a request to prepare an intelligence based assessment for public release should be made in writing to Director-general ONA by the Prime Minister after consultation between them. As disputed foreign intelligence was also used in Australian political statements, echoing British and American

propaganda, it is significant that Flood further recommends that prior notice should similarly be given to Director-general ONA before relying publicly on foreign intelligence.

In the lead up to war, DIO's performance compared favorably with ONA's, not only on military and scientific assessments, but in areas which might have appeared to be, and which Flood seems to have decided should be, ONA's primary responsibility. Notably, these included assessments of Australia's ally, the US. They were not being done elsewhere in the system, and DIO has a responsibility to assess 'strategic intent'. When ONA was established, it was envisaged that DIO could take independent positions, and issue assessments taking on ONA, if necessary, and this was encouraged by DoD Secretary Tange. Something may now have been lost. Intelligence assessment needs a process of disputation and struggle. A primary responsibility of a strengthened AIC leadership should be, as Flood suggests, enduring contestability.

### **What is to be Done?**

Only now are the lessons of the Iraq war beginning to be learnt. As a result of the way the belligerents took their decisions, in secret, and employed deception to explain and justify them, calls for more openness and truth and for the reinvigoration of trust in government have found a receptive public in the three countries. People are ready for reform, including throughout the government system. The struggle for the soul of the 21st century will encourage reinvigoration of institutions, and of societal values which reject the sterile politics of division and fear.

Reforms in the democracies will of course have their own national characteristics. Australia is likely to find that the UK and Canada, and perhaps even 'new' Europe, will become increasingly interesting models, and it will have its own contributions to make.

### **Finding our Place in the World – Again**

Iraq has shown the relatively poor quality and paucity of debate in Australia, at least so far, on international issues, even when it has gone to war. War is a perilous enterprise. Menzies' foreign minister from 1961 to 1964, Garfield Barwick, warned Australians that a middle power like Australia should not use military force without the most careful deliberation, nor automatically at an ally's request.

As looming defeat in Vietnam impelled America to readmit China to the international community, Australia under Whitlam seized the opportunity to carve out a distinctive image in Asia. It persuaded China that it was of interest as an independent and knowledgeable member of the Asia-Pacific region. It acted as a responsible middle power to encourage dialogue in order to heal Cold War divisions (with limited success in regard to Vietnam because, as Whitlam said, America turned out to be a bad loser). Australia now has a vital interest in minimising the consequences of the looming Iraq debacle, through active regional and multilateral diplomacy. This would refurbish its image as a concerned middle power, which prefers jaw jaw to war war.

Visiting Australia for APEC in September, the leaders of two of the most important Asian countries, China and Indonesia, described relations with Australia as soundly based on mutual respect, but the latter warned that many of his countrymen viewed Australia critically. Their neutral formula is devoid of the real substance which has on occasions marked both bilateral relationships. It is presumably regarded by the Howard government as a seal of approval for its 'realistic' and mercantilist foreign policy.

Critics would argue that current economic partnership rests on a shallow base: exporting natural resources wins no friends, but can arouse envy, and is finite in the long timeframe of many Asian cultures. The region will have noted that Australia is not positioning itself for when the boom is over, and that Asian studies and languages have declined in tertiary institutions over the last decade.

### **Returning to an Independent Apolitical Public Service**

Reform of the public service, unravelling the excesses of Howard's micro-management of its upper echelons, appears to hinge on a change of government. Before the last Federal election the Opposition made a commitment to restore Westminster government and an impartial civil service<sup>lviii</sup>. Labor's pledge to restore truth and honesty in government and a truly independent public service offering frank and fearless advice was reaffirmed on 15 June 2007 by leader of the Opposition Rudd, who said that 'the independence of the public service is crucial'.

The proof of the pudding will be in the eating, and in how quickly it is put on the table. The litmus test is the accountability of ministerial staffers. Regularising their status, so that ministers cannot hide behind them and say they did not know or were not told, and strengthening the hand of parliamentarians by laying down that ministers have the same obligations as public servants in giving evidence before parliamentary committees, will be uncomfortable for an incoming government. However, it is the simplest way of signalling a new era of reform.

Reform of the public service itself may require an enquiry, but not along the lines of a long-running Royal Commission as in Whitlam's day nor carried out by someone with no first hand experience of the bureaucracy as in Hawke's: an obvious choice would be University of Melbourne Vice-Chancellor Glyn Davis. Two changes which have broad support need not await an enquiry. Heads of departments' terms of appointment could be fixed at five years. Some important positions including the Secretary PMC expire early in 2008. Steps can also be taken to ensure the authority as head of the public service and independence of the Public Service Commissioner. The reform road will not be smooth. It will be necessary to hasten slowly but purposefully.

### **Deepening Intelligence Reform**

Return to the Westminster system would of course be good for the intelligence community in Australia. A frank and fearless public service would create an ambience in which intelligence could be divorced from policy and achieve objectivity. There is also scope to strengthen its hand by strengthening its direction.

Changes in machinery implemented as a result of the Flood report, which recommended periodic review, have clearly not all worked. The establishment post-Flood of the intelligence and security division of the Department of Prime and Minister and Cabinet may even have compounded some of the problems of assuring better and objective intelligence assessments, protected from policy interests, in view of the trend under Howard towards the centralisation of power. Its assigned task to direct the work program of ONA and DIO is admittedly challenging, intellectually and bureaucratically.

The Australian intelligence community is now a billion-dollar industry. It requires strong budgetary control, by one man who is accountable to the distracting number of responsible ministers and to Parliament. Consideration might be given to adopting the long-time British practice of having a Coordinator of Security and Intelligence alongside Chairman JIC. The incumbent usually had intelligence experience, the first being the legendary Dick White who headed both MI5 and MI6. Because of the number of agencies involved in combating terrorism – every self-respecting department seeks to have a counterterrorist unit – effective coordination and accountability are essential. A Coordinator would ensure a whole of government approach, both at the top and through active lateral links.

A duumvirate – the head of ONA for substantive assessments and the coordinator for the reconciliation and overall management of the intelligence community – might more effectively represent the intelligence community to its political masters, ministerial and Parliamentary. The two positions require different qualities and so could complement each other in injecting necessary disciplines throughout the community. The two people would also work together to question comfortable assumptions, in their respective areas of responsibility for assessments and raw intelligence, and to ensure that full weight is given to minority views, such as those expressed by DIO on Iraqi WMD. They could oversee and encourage dissent mechanisms similar to those existing in foreign ministries.

As it happens, the two positions were combined in London, in recognition of the pressing nature of the domestic terrorist threat and of the need to build national resilience. It must have put almost impossible demands on the leader of the intelligence community, Richard Mottram. The Butler report recommended that to ensure the independence of Chairman JIC(L) he should be a senior officer on his last posting. Mottram, a departmental head with long service in DoD, had been appointed Coordinator in November 2005. He was then promoted to the new position of permanent secretary, intelligence, security and resilience. As such, he oversees the intelligence community's performance and expenditure. He is Chairman JIC, with a bigger assessments staff, taking over from the FCO appointee who succeeded Scarlett. He is also interdepartmental coordinator on counterterrorism and crisis management and the Home Secretary's deputy in handling specific crisis situations.

As these latter functions involve him in policy, they are incompatible with Prime Minister Gordon Brown's commitment on 14 June to draw a clear demarcation line between intelligence analysis and policy, to ensure the independence and impartiality of the former. The institutional changes Brown is making will be of interest to Australia.

The importance of an innovative approach to assessment could argue for departing from the 50 year old practice of drawing the senior intelligence officer from DFAT. There is now plenty of talent outside and elsewhere in government with experience in intelligence assessment. Some have argued for recognising that intelligence is a profession and for promoting to the top job from within its ranks. But British experience warns this is not a panacea. John Scarlett was the first Chairman JIC(L) not to come from the FCO, but from MI6, but he became part of Blair's kitchen cabinet. The most important attribute for the head of the AIC is strength of character.

### **Strengthening Parliamentary Oversight and Bipartisanship**

The intelligence community would benefit from stronger parliamentary oversight in a spirit of bipartisanship. In an ideal democracy the leader of the Opposition and the shadow foreign minister would have the same access to the head and product of the intelligence community as the leaders of the government. Such access as they now enjoy on request should be expanded and formalised. Woolcott unsuccessfully made the interesting recommendation to the Flood enquiry that the head of ONA, who is directly responsible to the Prime Minister, should be put on the same statutory basis as the head of ASIO, so that the leader of the Opposition would have to be consulted on his appointment. This should also apply to any new position of Coordinator.

There was a reasonable degree of bipartisanship in regard to intelligence access in Australia in the four decades after Calwell became leader of the Opposition (which was interrupted only by his refusal to recommend similar access for his deputy and successor). It is desirable to return to such civilised practices. In situations which can lead to war, the arrangements for bipartisan access to intelligence, which are differently understood in different parts of the intelligence community and differently applied from time to time at ministerial whim, need to be clarified.

The need, emphasised by Iraq, to insulate intelligence from policy pressures is of course widely recognised in Washington as in London. Pillar has recommended a joint declaration by the White House and Congress that intelligence should be separated from policy and oversight by Congress through a new body similar to the Congressional Budget Office<sup>lix</sup> It is relevant that there is a strong trend towards strengthening the role of Congress in overseeing the US intelligence community. Its multi-billion-dollar classified contracting out is being brought under Congressional purview.

### **Making Going to War Democratic**

Iraq strongly reinforces the most serious lesson of Vietnam, that the royal prerogative, or executive privilege, to decide on going to war which the Prime Minister exercises is an anomaly and should be made subject to rules and conventions. June Verrier quotes former DFAT historian Bill Hudson describing the irony that 'if a Commonwealth government wished to declare war simultaneously on the United States and the Soviet Union it would be free to do so: if it wished to add a cent in tax to the cost of a packet of cigarettes it would have to arrange the preparation of appropriate legislation, survive debates in its own party

room, pilot a Bill through each of the two houses of Federal Parliament, accommodate publicity and calculate the electoral impact of the ire of nicotine addicts'.<sup>lx</sup>

The obvious course is to require that authority for war should lie in a vote in Parliament by the two Houses sitting together after a nationally televised debate. Former PMC Deputy Secretary and High Commissioner to Canada Greg Wood offered the alternative suggestion at a Manning Clark House colloquium on 8 September 2007 that it should be made a requirement that the documentary record of the government in going to war should be made public within two years. This largely happened with regard to the intelligence assessments on Iraq because of the two enquiries into them. Whether they prospect of openness would make the policy advisers less mute, or the policymakers more circumspect, is a moot point.

The people are entitled to put their trust in their elected representatives, who should devise rules and conventions which restore public trust. The challenge is common to the Australian and British Parliaments. The departure of one and uncertain fate of the other of the prime ministers who took their countries to war in Iraq paves the way for serious discussion within (and outside) Parliament in both countries, and between them, on how to meet this challenge. Britain has taken the lead in a series of statements by Blair's successor, Brown, since 18 May. It is desirable in principle that the Australian Parliament should act in step with Westminster.

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