

**Parliamentary Speech on the Prime Minister's motion that the Parliament endorse the Government's decision to join the invasion of Iraq.**

**Mr ANDREN** (Calare) (7.52 p.m.)—I will disregard that fatuous contribution from the non-smoking parliamentary secretary . Despite the legal advice the Prime Minister uses to support his position, scores of international lawyers in Australia and Britain, as well as the UN Secretary-General, Kofi Annan, say **an attack on Iraq without specific UN endorsement is illegitimate under international law.**

Today I spoke with one of this country's pre-eminent legal experts, Professor George Williams. Professor Williams, among many legal experts around this country and the world, absolutely rejects the argument that this war is legally justified. As he points out, the United Nations Charter sets up a prohibition on the use of force in the absence of a specific Security Council resolution. A specific authorisation is needed in each and every case. He says the intention of the earlier UN resolutions from 12 years ago were only ever intended to apply at that time. More to the point, the cease-fire resolution 687 contains only one paragraph that authorises the ongoing use of force and does so only in relation to guaranteeing the Kuwaiti border. Further, this guarantee can only be upheld by the UN Security Council and not by individual states. Nor does resolution 1441 give any legal justification, despite the pathetic attempts by a panel of international lawyers in today's *Australian*. That group says:

*... even if Resolution 1441 were not read to authorise military action—*

and it does not—

*... the use of force against Hussein's regime at this time would be legally justified on the basis of the United Nations Charter and the right of individual and collective self-defence, realistically interpreted.*

As Professor Williams has so correctly pointed out, nowhere does the United Nations Charter cover pre-emptive invasion of a country in the absence of a specific authorisation by the UN Security Council. There was no basis for unilateral action in 1991, and there is no basis now. Our international obligation now, it seems, is to wait around for the President of the United States to give us the order to break international law and to compound, rather than lessen, the threat of international terrorism. The meagre coalition of the willing could not even get a so-called 'moral majority' from the 15-member Security Council, irrespective of any French vote. Despite the threats and bribes of the past two weeks, the US could not get an immoral majority together.

There is no mandate, George, but what would you know or care of a mandate with the kind of vote your brother Jeb rigged for you in Florida? Is this the kind of democracy George W. wants to impose on the Middle East? His electoral legitimacy is almost as laughable as Saddam's 98 per cent support. Today we saw on television our Prime Minister walk down the corridor from his office to the lectern, mimicking US presidential style, to announce his fateful decision to risk our defence forces in this pre-emptive strike that would rain a hailstorm of missiles on Iraq and its people in the next week or so in order to remove one tyrant and his cohorts.

There is serious division in the ranks of our armed forces and our security officials. Indeed, one officer has written to me saying how important it is that I have tried to force a vote on this issue—that until today's strong statement from the Leader of the Opposition, the position of both sides had been hypocritical. This man says: 'If we speak out we are lost. Instead, you speak for us.' 'Us'—there are many more than one in our services and security forces who think like the courageous Andrew Wilkie.

The PM said, 'Final diplomatic attempts to secure the 18th resolution against Iraq have come to an end.' No, they have not—and they had not. The diplomatic way was taken by France, Russia and those other members of the Security Council who refused to sign up. Canada is the latest major nation to reject this pre-emptive strike. What had come to an end was the patience of George W. Bush, the man who reportedly cannot tell the difference between Shiite and Sunni Muslims, let alone the sects within. God help the processes this man will try to impose on the Middle East—processes the American President will colour with the prejudices he brings from his own fundamentalist Christian value system. By illegally trying to impose this Western set of values on the Middle East through regime change we are getting this country involved in a tragedy that will continue well beyond Saddam Hussein.

The UN Security Council's inner five has no Islamic representation. That two of those countries, France and Russia, chose to veto the Bush plan is to their credit. That Bush, the UK and Australia have decided to spurn the UN marks us as the three extreme Western nations prepared to do whatever it takes to implant a Western model on a Middle Eastern country. It will fuel the cause of terrorism, particularly in our neighbouring region, which this Prime Minister is only too happy to fly over on his way to Britain or the US.

General Michael Rose, military commander of UN forces in Kosovo, said last night that the strategy is confused: we are embarking on a war against weapons of mass destruction that will only encourage their use. North Korea has cranked up its nuclear capability in the face of an expected US attempt at regime change after Iraq. Iran has nuclear capability and is reportedly cranking up its weapons program too.

General Rose says Iraq is a lower order world issue. Solving the Middle Eastern Palestinian crisis is a first order issue and the US cannot be the honest broker in that conflict. It will take an independent process involving smaller nations like Norway, which brokered the Sri Lankan peace. It could have included Australia, but we have now blown any credit in the Muslim world. General Rose believes the Indo-Pakistani confrontation is the second most critical issue—and let us remember that the nuclear-armed Pakistani military regime is an ally in this war on terror yet has been a sponsor of North Korea's nuclear program.

Last week I spent well over an hour talking with a Kurdish man who fled Iraq having served in the Iraqi army during the first Gulf War. Many Kurds will be sent to the front line in this war too. Despite being obliged to fight, despite living in fear of the Republican Guard and despite witnessing the attacks by Saddam Hussein on his own people, this Kurdish refugee says that this war is wrong, whatever the need to rid the world of Saddam Hussein. He sees a wider US agenda that involves the need to abandon ties with a discredited Saudi regime, the need to secure oil stocks for the American petrol addiction, the need to secure Israeli interests as opposed to Palestinian interests and the wider plan of reconfiguring the political face of the Middle East by naively imposing a US style

democracy. He has no confidence that the rights of the Kurds will be addressed in the face of stronger interests such as Turkey.

Looking at the specific points in the Prime Minister's motion, while anyone would condemn Saddam Hussein's refusal to abide by UN resolutions, he was, and is now, embarking on a significant reduction in his weapons capacity. Nowhere in this motion is there any mention of the Hans Blix inspection program, which was achieving results and which the UN wanted continued. Not only are we supporting this pre-emptive strike but also this act of illegal war pre-empts the very UN inspection process that until yesterday was well under way. What was Bush afraid of—another, more positive report?

Point 3 of the motion 'abhors Iraq's continued support for international terrorism'—something that is not proved. Certainly no links have been established to al-Qaeda and Osama bin Laden. I vehemently oppose any endorsement of the government's decision to, as point 5 details, deploy ADF personnel to this war, and I support the opposition amendment and the call for the immediate return of our armed forces from this illegal action. In extending 'support and sympathy to the innocent people of Iraq' in point 7, this Prime Minister exposes his greatest hypocrisy. Where was the sympathy and support for the Iraqi asylum seekers who fled Saddam's regime and tried to reach our shores in leaky, sinking and in some cases sabotaged boats? They were the so-called illegals, remember? Now the government are truly the illegals.

I cannot, and will not, support this motion and I demand that it not be allowed to peter out without a vote when the last speaker has finished. That vote should have been taken before any cabinet decision. This government has been too gutless to allow it. At least Tony Blair and George W. Bush have taken decisions in the full knowledge of the sentiments of their houses of representatives. But not this government—not this Prime Minister, who has been prepared to share his plans with the US President but not to allow the Australian public, through its representatives, to have a vote on this most crucial of issues: the first time we as a nation have defied international conventions and laws and declared war in the absence of a clear act of aggression. I reject the motion but commend the amendment to the House.