

Alison Broinowski

JUSTICE DELAYED IS JUSTICE DENIED

British author Tom Bower has interviewed for his latest book ([*Broken Vows: Tony Blair: the Tragedy of Power*](#)) all those involved in the UK's commitment to the Iraq invasion of March 2003 – from the military, Foreign Office, and Downing Street – except Tony Blair. The former prime minister, who Bower says secretly promised President Bush in early 2002 that Britain would participate, refused an interview. But apart from that, what Bower has produced is the information Sir John Chilcot, a former bureaucrat, was appointed to find in June 2009, but which after six years is still not published. Conservative backbencher David Davis, a former Foreign Minister, reportedly anticipates 'uproar' if the Chilcot report is delayed any longer, and with support from Labour MPs, he plans to lead a debate in the Commons about it (*Guardian* 14 April 2016).

Britain has already held three inquiries into the intelligence agencies' performance, and one into the mysterious death of nuclear investigator Dr David Kelly. Chilcot was charged to investigate, as he put it, 'the UK's involvement in Iraq, including the way decisions were made and actions taken, to establish, as accurately as possible, what happened and to identify the lessons that can be learned'. The families of the 179 British service people who died in Iraq between 2003 and 2009 must feel they have waited long enough for these facts and these lessons.

Chilcot interviewed more than 150 witnesses, reviewed more than 150 000 documents, and his report contains 2 million words. Thousands of documents had to be declassified, a process which was completed in 2014. Checking with witnesses that their statements were accurately reported caused further delays. Some disclosures were reduced to 'gists'. 'National security' checks followed, and are due to be completed on 18 April 2016. The government, which promised to release the report after the May 2015 British election, now favours delaying it until after the EU referendum in June 2016.

Long delays allow the key participants to change their stories. Before the invasion, Blair denied he had made the commitment to war until the last minute; and he asserted that ridding Iraq of weapons of mass destruction would make Britain safer. Afterwards, he justified his decision by claiming the invasion had rid the world of a noxious tyrant, improved the prospects of Iraqis, and by inspiring the 'Arab Spring' gave people better lives across the whole Middle East. (His successor David Cameron has recently made similar claims to justify bombing Syria). In fact, more than 100 000 lives of Iraqis and of the allied invaders were lost, and in almost every Middle Eastern country where dictators were overthrown, anarchy has ensued and jihadists have thrived.

Australia is complicit in creating this chaos, but has done less than Britain to investigate it. Under Prime Minister Howard two inquiries (by David Jull and Phillip Flood) investigated the

intelligence agencies and their advice to government on Iraq. Like Blair, John Howard blamed them for getting the facts wrong, and refused to accept blame or admit fault. Instead, he quoted selectively from the inquiries, and from advice given by DIO and ONA, to justify going to war. Having denied before the war that Australia sought regime change in Iraq, afterwards he claimed that the overthrow of Saddam Hussein had improved for Iraqis and had given them 'opportunities for freedom' ('We were right to invade Iraq', Lowy Institute, 9 April 2013). But he and successive prime ministers have rejected an inquiry into the role of government itself and how ministers made the decisions they did.

As a result, Howard has not had to explain why in 2003 he kept telling the Parliament and the people there was no decision for war, even though he had made it by July 2002; how he knew Iraq had chemical and biological weapons, wanted to acquire nuclear weapons, and had to be prevented from passing them to al-Qaeda; what was the legal advice he said he had that another UN Security Council resolution was not needed to legitimate the invasion; and why he bypassed the Governor-General, the Commander-in-Chief, in committing the troops, relying instead on the Defence Act (Paul Barratt in Ramesh Thakur and Jack Cunningham eds, *Australia, Canada and Iraq*, 2015).

UK convention requires a Parliamentary debate and a vote in the Commons before troops are dispatched to war. With no such provision in our Constitution or legislation, Australian prime ministers are more free than their UK counterparts to do, in effect, as they please. But a British academic cautions against blaming prime ministers exclusively for Iraq, saying this enables us to 'avoid more general questions about parliamentary checks on the executive, the nature of our collective foreign policy, the proper procedure for declaring war and so on' (Frederick Wilmot-Smith, 'Blame Robert Maxwell', *London Review of Books*, March 2016). A parliamentary debate and vote extends responsibility to all MPs, and makes them responsible to their constituents.

Australia lags behind other democracies in each of these areas, and is habituated to accepting decisions for war made for us by our allies. Chilcot's belated release should provide an example of the disastrous results of such irresponsibility.

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