

ADJOURNMENT OF THE HOUSE

Special

On motion by Hon Kim Chance (Leader of the House), resolved -

That the House at its rising adjourn until Tuesday, 6 November 2001.

Ordinary

HON KIM CHANCE (Agricultural - Leader of the House) [5.01 pm]: Before moving the adjournment motion, I advise members that we will have a meeting of the House Management Committee. The Leader of the Opposition would rather we did not.

Hon N.F. Moore: It is a shame that the Hansard reporter cannot record the look on my face.

Hon KIM CHANCE: It should be a short meeting and will not unduly disadvantage members. With that, I move -

That the House do now adjourn.

Afghanistan, Cluster Bombs - Adjournment Debate

HON DEE MARGETTS (Agricultural) [5.02 pm]: I must admit that I missed some of the rather distasteful discussion that occurred in this Chamber yesterday. However, I will refer to it because of today's announcement in the media that the United States has been using cluster bombs in its assault on Afghanistan. At the beginning of the military action by the United States, to which other countries, including Australia, gave their support, it was clearly stated that any attack would be targeted. I wonder how any reasonable person could imagine that a cluster bomb could be targeted. There is a very strong argument that using a cluster bomb anywhere near a civilian population is in contravention of the Geneva protocols. I undertook some research today and found Article 51 of the protocols, which deals with the protection of the civilian population. It states -

The civilian population and individual civilians shall enjoy general protection against dangers arising from military operations. To give effect to this protection, the following rules, which are additional to other applicable rules of international law, shall be observed in circumstances.

That includes -

Those which employ a method or means of combat the effects of which cannot be limited as required by this Protocol; and consequently, in each such case, are of a nature to strike military objectives and civilians or civilian objects without distinction.

I heard an interview today with United Nations personnel whose job it is to deal with mines and unexploded ordnance. It was a very careful interview that masked feelings of deep concern. Apparently one B52 can deliver more than 8 000 bomblets in a single mission. During the Gulf War, 44 922 cluster bombs and rockets were dropped or launched. We were told that that was a surgically targeted war. Members of the media were talking about smart bombs, but most people found out that they were not only dumb, but also indiscriminate.

It is very instructive to note that a meeting of the United Nations General Assembly in 2000 debating nuclear non-proliferation treaties conducted a vote to establish which countries upheld the Geneva protocols. There were dissensions; however, there were also four abstentions. They were Micronesia, the Republic of Korea, Israel and the United States. I imagine that the reason for the abstentions was the proliferation of weapons of mass destruction in the countries concerned. The abstention by the United States might also relate to its reluctance to sign chemical and biological weapons conventions. Any reading of the Geneva protocols indicates that that is in contravention of the principles because one cannot contain that form of weapon to a military objective. It is possible, indeed probable, that chemical or biological weapons - especially biological weapons - have been produced in facilities in the United States.

Nothing that I have said this week, last week or, indeed, since this action has been taking place, suggests that I condone the actions taken by terrorists. My statements relate to the way in which countries respond to agreed world conventions as stated in the Geneva protocols. It is a breach of those protocols to bomb - including with cluster bombs - the populations of countries in which those who have committed atrocities reside. There is no war between two nations. For some reason it is felt that it will make people who are grieving feel better if we exact revenge on another country. The Geneva Protocol also states -

Attacks against the civilian population or civilians by way of reprisals are prohibited.

Do people in Australia wish to be associated with breaches of Geneva protocols of basic human rights? Is it, as has been described, disloyal to the Australian people for me to express the views of a growing number of people who find it difficult to speak for themselves; that is, people whose relatives are victims of the Taliban regime, which does not respect human rights? If non-respect of human rights in any country in the world were the basis for bombing a country, there would be many bombings in the world. I do not endorse the way the Taliban treats its population, nor do I endorse the lack of respect for human rights in those countries.

Members should consider how many countries disrespect human rights. Are we bombing them for disrespecting human rights or because there are terrorists in them? How many countries have at some stage used guerilla actions? Are we bombing them for that? Are we bombing countries which assisted in the production of weapons of mass destruction or which may have breached the Geneva protocols? No. One country is feeling the need to take reprisal on behalf of another action that has occurred. When we analyse the situation on each basis, should Australia in any way, shape or form condone the military action that is taking place, including the use of cluster bombs? I and the Greens (WA) are saying no, and a growing number of people who are loyal to this country and who believe in basic human rights are saying no for the sake of humanity and because it is not what we should do in a realistic place in which we want to move towards a safer world that obeys the rule of law. It is not a matter of whether we think the Taliban is good or of supporting that regime. Nor is it a matter of condoning any act of terrorism. However, it is about time we were honest about what is an act of terrorism, what is a breach of basic human rights and what are the laws of humanity. We must be consistent, as should be the United States, and then we may have some credibility. We are left with none at the moment.

HON PETER FOSS (East Metropolitan) [5.12]: I do not often quote Kim Beazley with approval. However, he is a good academic in politics. On 11 September I heard him make a very short statement that I considered was appropriate. He said that the people who carried out an act of aggression against the United States on 11 September were terrorists and that the country that harboured those terrorists committed an act of war. It is an interesting analysis and a correct one. Of course, people cannot be held responsible for acts of terrorism over which they have no capacity to exercise some control. We should condemn the terrorists. Having identified the terrorists' base and the regime under which they flourish, we must ask whether that country committed an act of war. In view of the Taliban's clear policy of supporting a person who is well known to be engaged in international terrorism and its refusal to hand over those persons clearly involved in international terrorism, according to the analysis of Hon Kim Beazley the country of Afghanistan committed an act of war. Whether the citizens of a country as a whole are to blame often does not enter into the equation when deciding how wars occur. I am sure that the majority of wars have occurred against the wishes of a large number of the population. The fact is it was an act of war.

What is the United States supposed to do? Should it wait for another 6 000 people to be killed in an act of terrorism, knowing full well that an act of war was committed by Afghanistan? Regardless of whether we believe that the American reaction was correct, there is no doubt it was entitled to take action. We may well form a different view from that of the President of the United States. People are always good at forming different views from decision makers because it is more difficult to be the decision maker than a critic. I am sure that the Leader of the House knows that it is considerably more difficult to sit in the hot seat and make decisions than to second-guess decisions from a position of complete comfort. It is easier to do that knowing that one will never have to take the responsibility. I would hate to have the responsibility that the President of the United States has and be required to make the kinds of decisions he must make, to have to answer for how 6 000 innocent citizens were killed by an act of terrorism, or to have to ask the country that was clearly harbouring those terrorists why it did not do anything about them.

Condemnation of Indonesian Authorities - Adjournment Debate

Hon PETER FOSS: I hoped the Greens (WA) would speak today to show some consistency in their condemnation of people who reject refugees. People of the Greens' persuasion always criticise the same group of people. They have blithely ignored the situation in Indonesia for some time. As I have been pointing out, the refugees are not appearing out of nowhere. They usually arrive with papers in places such as Indonesia by aeroplane and then get on a boat. Yesterday we saw how they sometimes get on those boats. We saw how the authorities in Indonesia stood by and allowed these people to be forced onto a boat at gunpoint. For the sake of consistency, rather than condemning Australia for its refusal to accept refugees that have come from Indonesia - the point that is always ignored - I hoped that we would hear someone say, as I intend to say, that the behaviour of the Indonesian authorities in that case was despicable.

I hope that as a result of world condemnation in which the Greens may have joined, some action may be taken that will deal with the situation, rather than turning a Nelsonian blind eye that blinds people to anything that Indonesia does because it does not suit them to see it. We have not heard a word of condemnation from the Greens, when they know that in this instance the action of the authorities of Indonesia has directly led to the

death of a large number of people. I am saying that it was a despicable act and I condemn Indonesia for its behaviour. I hope all right-thinking and right-speaking people will condemn what happened there.

HON J.A. SCOTT (South Metropolitan) [5.18 pm]: I recall standing in here when Indonesia was causing terrible slaughter and chaos in East Timor and condemning the Indonesian Government when the Western Australian Government sent a trade delegation to Indonesia. I did not hear Hon Peter Foss agree with me on that matter. Hon Tom Stephens agreed with me, even though the Labor Government in Canberra did not agree with that position. However, Hon Peter Foss was silent.

Hon Peter Foss: Are you going to do that today?

Hon J.A. SCOTT: I will condemn human rights violations regardless of which country perpetrates them. I am happy to condemn Indonesia when it is guilty of human rights violations, as I have done. However, we are talking about our country and our involvement.

Hon Peter Foss: You are still not prepared to admit it today.

Hon Sue Ellery: He has just done it.

Hon Peter Foss: No, he has not. He has said that he is prepared to do it, but he has not yet done it.

Hon J.A. SCOTT: I am trying to say to Hon Peter Foss through the Chair that we need not only condemn others but also look at our own actions. The actions of the Indonesian police in forcing people onto a leaky boat at gunpoint is despicable and murderous. We are not much better doing the same sort of thing with our Navy. The difference is that the boats we turned back did not sink. More importantly, as I said yesterday, we must look at our actions. Our enforcing an embargo on Iraq, where a few of these people come from, is causing total misery and death in that country. We are causing deaths in Iraq.

Hon Peter Foss: How did that start, Hon Jim Scott?

Hon J.A. SCOTT: It started - if the member would like me to go right back - when the United States, Britain and others armed Saddam Hussein with intelligence information to get him into government and to attack Iran, which had turned against the west. They were quite happy for their little killer to go out and do things then, but when he went further south into the oilfields of Kuwait he suddenly became a problem. One minute he was a hero and the next minute he was a villain. It is the same with bin Laden of course. We must look at our actions. Unless we are prepared to look at ourselves properly and give justice to everybody, we cannot expect justice from anybody.

Hon Peter Foss: What do we do about bin Laden, Mr Wise Guy?

Hon J.A. SCOTT: I would do what was offered. We have already had an offer from the Taliban to hand over bin Laden to a neutral country to be tried; that was declined because we wanted to bomb him a bit.

Hon Peter Foss: We wanted to have him handed over to us. Why should he be handed over to an independent nation?

Hon J.A. SCOTT: Hon Peter Foss does not like independent arbitrators. He likes to have his cases laid out. He likes the revenge system.

Hon Peter Foss: No, it is called justice in the country where the crime was committed.

Hon J.A. SCOTT: Justice; when we kill people without proof? That is no more justice than the justice given to the people in the twin towers in New York. It is exactly the same sort of behaviour. I would have thought that somebody with Hon Peter Foss's legal background would understand that it is outside our legal process. We are behaving outside international law. It is not a proper act.

Hon Peter Foss: It is; it is plainly war.

Hon J.A. SCOTT: It is an act aimed at civilians and getting bin Laden. The language used when the Americans were bombing Iraq was that it was a bit of collateral damage, because they were those backward, blackish people. That was the language used and that is the problem.

Hon Peter Foss: It was an act of war and it has been responded to as an act of war.

The PRESIDENT: Order! Hon Peter Foss has had his 10 minutes.

Hon J.A. SCOTT: An interesting aspect, Mr President, is that not one of those pilots on those aeroplanes came from Afghanistan. Not one of the people involved in the whole exercise was an Afghan. They came from Saudi Arabia, Germany and some even from the United States. We are not bombing those countries at the moment, are we?

Hon Peter Foss: No, because they did not commit an act of war by harbouring them; that is the difference.

Hon J.A. SCOTT: Hon Peter Foss said they did not harbour them, but I saw Central Intelligence Agency operatives on television saying they had worked with bin Laden and had trained him and his troops to do all those things.

Hon Peter Foss: Yes, that may have been an act of war too.

Hon J.A. SCOTT: Is that okay?

Hon Peter Foss: No, that may have been an act of war too; that is the point.

Hon J.A. SCOTT: Is that okay in Hon Peter Foss's idea of justice and fairness?

Hon Peter Foss: Did you not hear my answer? If you want me to answer, you should listen.

Hon J.A. SCOTT: Okay, I will listen.

Hon Peter Foss: That was probably an act of war too, for exactly the same reason.

Hon Dee Margetts: By that logic that means America would have to bomb itself.

Hon Peter Foss: No, that really is silly.

Hon Dee Margetts: I am just using your words.

Hon Peter Foss: That is nonsense.

The PRESIDENT: Order!

Hon J.A. SCOTT: Hon Peter Foss said that it is okay for United States secret operatives to train any person to kill and maim people and to teach them techniques of terrorism.

Hon Peter Foss: No, that is probably also an act of war.

Hon J.A. SCOTT: That is okay?

Hon Peter Foss: No. You keep putting words in my mouth, despite the fact that I have given you my words. I have said that was also an act of war.

Hon J.A. SCOTT: If Hon Peter Foss is correct and it was an act of war and Afghanistan was retaliating, if it was involved with the events at the twin towers - and I do not know that it was and neither does Hon Peter Foss - America started this war.

Hon Peter Foss: That may very well be so.

Hon J.A. SCOTT: Why are we so surprised then? We must look at our own actions, because that is exactly what I was saying.

Hon Peter Foss: What are you suggesting America now does?

Hon J.A. SCOTT: America must start to work through the United Nations, as happened in Yugoslavia. We can see that processes of law are taking place with Milosevic in a proper way. As I said last night, he is being tried as a war criminal for his actions. If he is found guilty, he will be sentenced accordingly. That is how international law works. It does not work by people acting like hillbillies seeking revenge. It works by sticking to the law, although it may be harder that way. It is all very well to play vigilante, which might make people feel better, but it is still not law and it is not the way to run the world. I will never agree to that sort of behaviour. Whether it is my country or another country, I will always condemn it. I want to see Australia be a fair country. I would be happy to see Australia involved in Afghanistan on the same basis as it was involved in East Timor as a peacekeeper, trying to prevent the destruction of ordinary people and making sure the Afghan people are protected from the Taliban. I would be happy for Australia to play that role, but I do not support our going in there and being part of an untargeted slaughter of people. Members should remember that very few people are being killed by those bombs in Afghanistan compared with the numbers who will be killed because the United Nations cannot get aid in there to help overcome the years of drought that Afghanistan has endured. That is a potential catastrophe that will kill not thousands but millions of people.

Question put and passed.

House adjourned at 5.28 pm
