



Australia in America's Iraq War 3.0



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Recommended Citation

Richard Tanter, "Australia in America's Iraq War 3.0", NAPSNet Policy Forum, November 20, 2014, <https://nautilus.org/napsnet/napsnet-policy-forum/australia-in-americas-iraq-war-3-0/>

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Nautilus Institute

14 November 2014

Little more than a month after the start of bombing operations, Australia's new war in Iraq is following the path of its predecessor, a path marked by subordination to American interests, a casual disregard for Iraqi sovereignty and law, severe restriction of information provided to the Australian public, and a Teflon-coated slippery slope to escalation.

Just as it is America's, this is Australia's third war with Iraq in less than 25 years – after the Gulf War following the Iraqi invasion of Kuwait in 1990-1991, and the illegal and destructive invasion and occupation of Iraq between 2003 and 2008.

Despite Prime Minister Tony Abbott's assumption of the vestments of global warrior against the Islamic State "[death cult](#)" which "[exults in evil](#)", the real character of the Australian decision to deploy special forces troops and aircraft to the Middle East for the latest round of the United States Iraq War 3.0 is best deduced from the Defence Department's website on the deployment.

The last paragraph of the imaginatively uninformative Operation Okra web page [advises readers](#) that

"further information about the international effort to combat the ISIL terrorist threat in Iraq can be found at the U.S. Department of Defense website."

In compliance with the mantra of alliance integration, distribution of news all significant decisions about Australia's war in Iraq have been handed over to the United States. Given the incoherence of US strategic policy and the military escalation logic of the Iraq-Syria intervention, the collapse within Australian politics of the capacity to question presumptions of automatic alignment of Australian and US interests all collude to guarantee outcomes worse than failure.

According to one of the U.S. State Department's [more bizarre statements](#), Australia is amongst 60 countries that have joined the Global Coalition to Counter ISIL – demonstrating the “the global and unified nature of this endeavor”. Military hard heads may prefer to count the number of countries making a visible military contribution, where Australia is one of about 15 countries collaborating with the United States in the U.S.-led intervention in Iraq precipitated by the summer advances made by Islamic State. The actual number of militarily active countries in the grandly named Global Coalition is unclear because certain Middle Eastern allies of the U.S. prefer that their participation be less than visible to their citizens.

Three steps on the escalator to war

This Australian war in Iraq began with classic - indeed brazenly cynical - mission creep in three choreographed moves.

On June 20th, the day the United States deployed 300 military advisors, Australia's new war began with the [announcement](#) of the deployment of “a small detachment” of Australian Defence Force personnel to [defend the Australian Embassy in the Green Zone of Baghdad](#). No details of the size or makeup of the army detachment were made public.

In mid-August, stressing the [strictly humanitarian nature](#) of the ADF mission, the Prime Minister announced that two RAAF C-130 Hercules transport aircraft were to be based at Al Minhad Air Base in the United Arab Emirates to [carry relief supplies](#) (bottled water, high-energy biscuits, and hygiene packs), to Iraqi Yazidi refugees trapped by IS forces on Mount Sinjar in the far north of Iraq. After a report that one of the C-130s had come under small arms ground fire a [small contingent of SAS troops](#) and a detachment of elite RAAF Airfield Defence Guards were sent to provide close security for the transport planes, which also operate with USAF fighter protection. Again, the actual size and operational activities of these detachments was not made public.

Finally, on September 15th, Abbott announced the immediate deployment of combat forces to Iraq, made up of an Air Task Group and a Special Operations Task Group, starting with an initial 600 personnel, at this stage making Australia apparently the largest military contributor to Operation Inherent Resolve after the United States.

While it is likely that ranking will change as other U.S. allies heed the U.S. president's call for more ground troops, Australia is certain to [increase the ground troop component](#) of its Iraq deployment after [President Obama spoke with Prime Minister Tony Abbott](#) on the sidelines of the Beijing APEC Summit in mid-November.

The first month of ADF operations

In-country deployment of the 200-strong Special Operations Task Group was stalled for almost two months by the reluctance of the Iraqi government to agree to Australia's proposed agreement to limit Iraqi jurisdiction over the actions of Australian forces. In mid-November, Foreign Minister Julie Bishop returned from a visit to Baghdad, [telling Parliament](#) on November 22nd that “I was able to reach agreement on the legal framework that will now enable our special forces to be deployed to Iraq to train, advise and assist the Iraqi security forces.” There were, she said, now just “necessary administrative arrangements to enable the deployment to take place” to be put in place by the ADF.

As it turned out, these arrangements took another two weeks to complete, and it was not until November 5th that the ADF's Chief of Joint Operations, Vice Admiral David Johnston was able to say that “a series of administrative actions that we had to take” were complete. However, said Johnston, “the government of Iraq has asked that we not reveal the nature of the arrangement between the

two countries.”

Johnston went on to say that Australian special forces were expected to begin deployment in Baghdad “within a week”, and would be mainly based in Baghdad with Iraqi counter-terrorism forces, and accompanying them to forward operating bases. While “we’re not on patrol with them in the sense of going out to engage directly with ISIL forces”, Johnston said, SOTG personnel would carry “long arms” (i.e. heavier weaponry) as and where the deployment of their Iraqi partners dictates. According to Paul Toohey of News Corporation the SOTG is “under the leadership of the [2nd Commando Regiment](#)”.

As of early November, the main actions in the opening stages of this Australian war has involved the Air Task Group, currently made up of eight F/A-18F Super Hornets, a Boeing E-7A (737) Wedgetail airborne early warning & control (AEW&C) aircraft, and a KC-30A heavily modified Airbus A330 airliner used for air-to-air refuelling and strategic transport.

Both the air and ground forces were initially based in the United Arab Republic at the huge Al Minhad Air Base which has been the [command and logistical centre of Australian Middle Eastern and Afghanistan operations](#), under the rubric of Joint Task Force 633, since 2008. Even in early 2014, before the current build-up, when the last remaining ADF troops deployed to Iraq for the 2003-2008 invasion and occupation had left Iraq, the demands of the diminished but still ongoing Afghanistan operation (400 mainly special forces troops remain), and the long-running naval component still in place in Indian Ocean patrols required the presence of [800 ADF personnel](#) at Al Minhad – an extraordinarily large ADF presence for a Middle East Area of Operations then supposedly winding down.

In the first month of Australian air operations in Iraq, the eight F/A-18F Super Hornets conducted 89 sorties, dropping 27 laser or GPS guided 500-pound bombs on 14 targets, 11 of which were confirmed destroyed, and the rest damaged. Hardened targets would have been attacked by 500 lb bombs known as [AGM-154C Joint Standoff Weapons](#) (JSOWs) costing \$700,000 a piece from [Raytheon](#) (even though the principal design objective is for high altitude release far from the danger of radar-guided ground to air missiles). When launched from high altitude these bombs glide more than 130 kilometers to their targets, guided by a combination of GPS coordinates and laser designation, with multiple warheads that can be set to detonate sequentially to allow the main warhead to penetrate hardened structures. The cheaper (\$25,000) option the Super Hornets based at Al Minhad are equipped with is the GBU-54 Laser Joint Direct Attack Munition (JDAM) made by [Boeing](#).

The raids in October and early November were mainly directed at two target areas in Iraq critical for the possibility of slowing the IS advance. 60 kilometers west of Baghdad, IS forces sized control of the massive Fallujah Barrage on the Euphrates River, [first locking the water gates](#) to deprive downstream communities of water, and later [diverting waters](#) leading into the dam, flooding the downstream region and impeding movement of Iraqi security forces. RAAF and other coalition aircraft have also been [attempting to break](#) the IS-built berms of sand diverting the river. Further to the north of the country, the RAAF has been supporting Iraqi government forces attempting to retake the major industrial city of Baiji on the Tigris, and in particular the [Baiji oil refinery](#), the largest in the country.

Operating out of the Al Minhad Air Base, far to the south of Iraq in the UAE, the KC-30A refuelling aircraft, a heavily modified Airbus A-330, has [delivered more a million kilograms of aviation fuel](#) to RAAF aircraft, as well to French and U.S. aircraft. Asked about the possibility of US planes flying on to operations in Syria after being refuelled by the RAAF KC-30A, Admiral Johnston admitted it was quite possible, though he made no comment on the implications of Australia becoming involved in

legally unmandated U.S. combat in Syria.

Tellingly, Vice-Admiral Johnston was most proud of the work of the E-7 airborne early warning and control aircraft, based on a Boeing 737, which he said provides “airspace command and control of all Coalition aircraft assigned to operations over in Iraq.” Like the refuelling aircraft, it is highly likely that it is being employed in operations involving U.S. strikes over the border in Syria.

Harvesting the fruits of Australia’s now profound interdependence with the U.S. military built over the past decade or more to establish “interoperability” between the two, the E-7 AEW&C’s work in Iraq [includes](#),

“the passing of detailed directions that come from the Combined Air and Space Operations Centre, including targeting details. And those targeting details work in a virtual network that includes information passed back to the United States in a live timeframe, back to the Middle East for correlation, and then out to the aircraft live. So when a target arises, or is seen, a target of opportunity, it can bounce across three-quarters of the globe, and we can be striking that target within about 15 minutes. So it’s a pretty incredible network that we have to correlate effects there.”

This “pretty incredible network” Johnston is referring to involves to the Australian E-7 aircraft connecting to two components of [U.S. Central Command \(CENTCOM\)](#). Firstly, just southeast of Iraq in Qatar, Al Udeid Air Base hosts the [Combined Air and Space Operations Center](#) (CAOC).

“Combined” in US military-speak means it involves U.S. units (in this case the USAF’s confusingly named [609th Air and Space Operations Center](#)) cooperating with embedded representatives of 30 NATO and other allies. CAOC in Qatar monitors and coordinates all regional US and allied air attacks – some 50 a day still in Afghanistan, and now comparable numbers, sure to rise, in Iraq and Syria.

Secondly, apart from operations involving planned targets, Johnston refers to a rapid process of proposal, discussion and tasking of missions to attack potential targets of opportunity, so-called time-sensitive-targets, involving rapid backwards and forwards consultation between CAOC in Qatar, CENTCOM in MacDill Air Force Base in Florida, with the critical parts passing through the Wedgetail high over Iraq. In many cases, the Wedgetail would be working in tandem with MQ-9 Reaper U.S. attack drones and [Global Hawk surveillance drones](#), downloading bandwidth-intensive sensor data, as well as uploaded command and control messages back to the drones. [British Reaper drones](#) have been used in the campaign to recover Baiji, along with Australian Super Hornets. Al Udeid’s CAOC is hardwired through the Defense Information System Network with trans-Atlantic optical fibre to MacDill, as well as to CENTCOM’s two powerful regional computing hubs in Bahrain and Germany, as well as in the US itself.

Rules of Engagement and civilian casualties

The targets of RAAF sorties in October and early November, Vice Admiral Johnston, were Islamic State’s “means of transportation, their heavy equipment, command and control nodes, their logistic supply centres.” Johnston echoed [statements of Australian authorities](#) in earlier Iraq and Afghanistan conflicts that ADF standards for acceptable civilian casualties are far higher than those currently employed by the United States military.

“We go to enormous lengths to ensure that we have a very good understanding of the collateral damage that may occur from the strikes.”

A month earlier, the head of the ADF, [Air Chief Marshal Binskin said](#) that the ATG commander, [Air Commodore Steven Robertson](#), an experienced Super Hornet pilot, would be based at the Qatar

CAOC, and would be responsible for ensuring that RAAF operations conform to the ADF's Rules of Engagement for the region – the guidelines issued to all personnel about what can and cannot be done in combat in particular circumstances.

“They always have the red card and anyone down the chain, right to the men and women that are on the cockpit of the Hornets, have the ability to play that red card should the situation arise where they're not happy with the targeting or what they're doing, or there's a potential for collateral damage in there.”

The Rules of Engagement for air operations in Iraq have not been released. In the past the ADF has refused to release the Rules of Engagement (ROE) used in Afghanistan and Iraq, claiming enemy forces may take advantage of knowledge of constraints placed on Australian forces by the ROEs. On the other hand, it is difficult to see much room for IS exploitation of ROEs covering air strikes, since the ADF has publicly conveyed the one major constraint that they could exploit – that is, if IS ground forces were able to see that attacking aircraft are Australian and not American, and exploit that fact.

The Rules of Engagement under which both the Air Task Group and the Special Forces Task Group operate substantially determine what ADF commanders determine as acceptable levels of collateral casualties from ADF operations. To date, according to Vice-Admiral Johnston,

“there have been no instances I'm aware of that there's been a potential for civilian deaths.”

This is not quite a denial that there have been no civilian deaths, and in fact the [ADF public reports on its website](#) listing daily RAAF sorties are highly uninformative, at most saying RAAF fighter-bombers “attacked ISIL targets”. There is no reason to disbelieve Johnston's own understanding, but the Australia government would be in a stronger position to make such a claim were more detailed reports of the location, timing and outcomes of RAAF bombing sorties published in a timely manner. This would then make possible cross-referencing with other sources of data on civilian casualties.

There is already considerable evidence that air strikes by Australia's allies and air strikes and shelling by the Iraqi military are repeatedly causing civilian deaths. Iraqi media agencies have reported a number of civilian casualties from coalition air strikes. For example, during the month of October alone, the National Iraqi News Agency reported the following incidents:

- 6 October: “A medical source in Hit announced on Monday the killing of 22 civilians, including 5 women and 4 children, and wounding 43 others, mostly women and children by bombing of the international coalition aircraft the center of the popular market of Hit district, in addition to the bombing of an apartment building inhabited with families. The source told the [National Iraqi News Agency / Nina /](#) that the planes of the international coalition did not focus so far in their airstrikes on gatherings of the IS, adding that the building, which was bombed by mistake was just 70 meters far of the IS gathering.” The US military was reported to have rejected the claimed civilian deaths as “[false](#)”, adding and that it had not seen evidence of any civilians killed.
- 25 October: “A medical source in Nineveh said on Saturday that a US raid on a stronghold of the IS killed two civilians by mistake. The source told the [National Iraqi News Agency / NINA /](#) that the forensic medicine in Mosul received the body of two civilians were killed by mistake in a US raid in Qayyarah district, southern Mosul.”
- 26 October: “Ten civilians and 13 elements of the IS were killed in the village of Aionat northwest of Mosul by bombing of the aircraft of the international coalition. A security source told the [National Iraqi News Agency / NINA /](#) that the forensic medicine in Mosul received the bodies of ten

civilians were killed by mistake bombing of the international coalition aircraft, with killing 13 elements of the IS by those aircraft on the strongholds of the organization in the village of Aionat, 110 km northwest of Mosul.”

Moreover, in one of the most critical areas of Islamic State’s advance in recent weeks, a large number of deaths have been reported as a consequence of Iraqi Security Force artillery shelling and air strikes. In the month of October, 178 Iraqi civilians [were reported](#) killed by government shelling and air strikes, and 285 wounded. In the first week of month of November alone, 47 [were reported](#) killed and 128 wounded. Most of these casualties of Iraqi government forces were in the critical region of Fallujah in Anbar province, where Islamic State has been advancing rapidly in the late summer. This is despite repeated promises from [Prime Minister Abadi](#) that these highly inaccurate and effectively indiscriminate Iraqi military artillery and air strikes on the Sunni population of the region would be stopped.

Why is there not a Status of Forces Agreement?

The reliance of the Australian government on a justification of “operational concerns” to keep secret the Rules of Engagement governing the combat activities of Australian bombers and special forces has a measure of plausibility, however exaggerated. The refusal by the government to provide even a summary account of the nature of the “legal framework” and “administrative arrangements” agreed between the Australian and Iraqi governments that allow the deployment of the Australian air and ground forces in Iraq is quite different, and raises a number of disturbing legal and political questions about the nature of those secret arrangements.

Agreements of this type are usually known as Status of Forces Agreements, and while they vary in their range of concerns, their fundamental concern is to establish limits on the jurisdiction of the host country over troops deployed under the agreement. Governments sending military personnel are concerned firstly to limit the exposure of their troops to the legal processes of the country they are defending, and secondly to bolster their own domestic legitimacy by assuring the citizens of their own country that military operations conducted in their name are lawful in the eyes of the host country. Those host country governments usually have the reverse concern, especially where they have had previous experience with foreign deployments. They seek to maximise their own jurisdiction, and to assure their own population that the agreements will provide them with protection from extra-legal operations and activities by foreign troops. In countries like Japan and South Korea with long standing U.S. military presences the revision of SOFAs written in the past when relations with the U.S were even more hierarchical than at present is a deeply contentious issue, even amongst conservative supporters of alliance with the United States.

In the past, the need for an adequate and appropriately written SOFA has been a deeply contentious issue in Iraq, and a matter of great concern for both the United States and Australian governments. As the U.S. prepared to withdraw from its occupation of Iraq in 2006-7, it sought to negotiate a binding legal basis for its future relationship with Iraq, including strong element of protection for whatever forces it chose to maintain. In the year that followed the signing of a framework “declaration of principles”, there was bitter conflict within the Iraqi government and parliament over a proposed agreement, and considerable pressure from the United States to overcome Iraqi resistance.

Eventually, in November 2008, two documents were signed by the representatives of the two governments: the Strategic Framework Agreement for a Relationship of Friendship and Cooperation between the United States and the Republic of Iraq, and the Agreement Between the United States of America and Republic of Iraq On the Withdrawal of United States Forces from Iraq

and the Organization of Their Activities during Their Temporary Presence in Iraq. While dealing with a wide range of issues about the continued U.S. military presence in Iraq, the latter was regarded as a Status of Forces Agreement, in principle to be in force for three years after its ratification.

What is important for the current purposes is the process of ratification on the Iraqi side. The Iraqi Constitution of 2005 [specified](#) that approval of such a treaty or agreement was required from three parts of the Iraqi state: the cabinet or Council of Ministers; the pre-eminent legislative body, the Council of Representatives; and the president and two vice-presidents sitting as the Presidency Council. The agreements with the United States [were approved by these bodies](#) on 16 November, 27 November, and 4 December 2008 respectively. The agreements entered into force at the beginning of the following year, and expired at the end of 2011.

The Australian 2008 SOFA process

While this result was extremely important for the United States, it was also one about which the Australian government expressed deep concern - albeit, not in public. A cable from the Political Counsellor at the U.S. Embassy in Canberra on 7 February 2008, [released by Wikileaks](#), [reported](#) on the Australian government's concern to get a full SOFA, as expressed to the embassy by David Hallett, Director for Iraq, International Policy Division, Department of Defence:

"According to Hallett, Australia needs a treaty-level agreement for its forces in Iraq, i.e., one requiring consideration by the the GOA Parliamentary Joint Standing Committee on Treaties and approval by the National Security Committee of Cabinet. The arrangement must be legally enforceable, not only on Australia but also on Iraq. For that reason, he said, Australia wants to see protections enshrined in Iraqi law. He added Australia is concerned about the length of time it takes for the Iraqi Parliament to pass legislation. Hallett suggested that more limited arrangements that Australia has used in the past, including MOUs, MOAs and exchanges of letters, might not suffice for Iraq, noting that historically Australia has negotiated bilateral SOFAs. ADF forces must have immunity from criminal and civil jurisdiction, with Australia retaining exclusive right to waive immunity."

At the time Australia was waiting to see how the U.S. negotiations with recalcitrant Iraqi government would turn out, hoping possibly to piggyback on the more powerful Americans. But by October, the embassy was [reporting](#) that the Australians "sought a green light from the United States to begin bilateral SOFA negotiations with the Iraqi government". By December, the U.S. was [losing patience](#) with the Australian government's conviction that "that in order for any such agreement to be binding, it must be ratified by the COR [Council of Representatives]". Michael H. Corbin, the senior political advisor in the U.S. embassy in Baghdad recommended the State Department issue a formal demarche - basically one stop before a protest - to the Australian government recommending that it abandon the attempt to get a SOFA approved by the Iraqi parliament.

In Baghdad the Iraqi government continued to resist pressures for the Australian SOFA proposal, ultimately declaring it would simply not process any more applications. The Australian government followed the advice in the American demarche, and abandoned efforts to obtain a SOFA-level agreement. The Rudd government withdrew all combat forces, and signed a [Memorandum of Understanding](#) with the Iraqi government concerning the temporary presence (until mid-2009) of [some 120 ADF personnel](#) who were embedded or in administrative roles with the remaining United States-led multinational force or with the United Nations Assistance Mission for Iraq ([UNAMI](#)).

Volte face: in lieu of a SOFA, diplomatic passports for foreign soldiers

After the issue of the apparent lack of a SOFA was raised on 14 November, the Australian government reversed its position on maintaining the secrecy requested by the Iraqi government on the agreement allowing special forces into Iraq. [News Corp. journalist Paul Toohey confirmed](#) that the Iraqi government had indeed rejected the Australian proposal for a SOFA as “too great an incursion on their sovereign rights”. In its place, after considerable Australian pressure, the defence Department admitted that the Iraqi government had agreed to allow the Australian special forces into Iraq on the basis that each soldier carry an Australian diplomatic passport. Toohey reported that the agreement on the diplomatic passports also included “certain discretionary rights”, the nature of which was not released. This end run around both Iraqi constitutional processes and Iraqi reluctance to collaborate in the deployment of foreign fighters is completely outside the normal and expected use of diplomatic passports, particularly in such large numbers, which in any case certain to increase.

There is good reason for both Australians and Iraqi to be concerned about this unprecedented use of Australian diplomatic passports by 200 or more elite soldiers deployed into a combat zone, reasons which are as much political and strategic as they are legal. This ‘solution’ is the definition of a bad idea - one that will not provide the legal protection soldiers need when things go wrong, and since the special forces are carrying anything but diplomatic representation, will degrade the status of Australian diplomatic passports, putting our diplomats at risk in the future.

There are very good prudential and political reasons for fully approved SOFAs, as demonstrated both by Australia’s use of them on many occasions in the past two decades, and by the anxiety to acquire one from the Iraqi government both in 2008 and again in 2014. Politically, a properly and appropriately worded SOFA ensures that the host government accepts that the presence of the foreign troops (or police) is constrained in ways acceptable to the host country’s citizens - and is prepared to “own” that foreign military presence.

This is very clearly not the case with the present Iraqi government. The fact that the Iraqi government wanted the non-SOFA arrangement kept secret suggests they know full well that the presence of foreign troops is not acceptable to substantial parts of the Iraqi population the ADF is meant to be defending. This in itself should sound a warning bell about the Abbott government’s rush to war.

The fact that the two governments have been caught out trying to do an end run around the Iraqi constitutional requirements for parliamentary approval of the deployment of foreign forces will worsen the mistrust that many Iraqis have shown towards a highly sectarian government.

In this situation, a proper and comprehensive SOFA, approved by Iraq’s specified constitutional processes, might have provided some legal protection for Australian special forces troops in the event they are involved in actions that result in loss of life or serious wounding for Iraqi non-combatants. While the nature of specific “discretionary rights” attached to the special forces’ use of diplomatic passports, this is far outside the normal and expected use of diplomatic passports, particularly in large numbers, which are certain to increase.

Moreover, members of the Special Operations Task Group, advisors and trainers though they may be labelled, are certain to find themselves in combat at some point, and with a high risk of non-combatant Iraqi casualties. Use of diplomatic passports to protect ADF soldiers from Iraqi legal jurisdiction at such points - or from antagonism by those immediately affected or from the wider Iraqi public, is likely to be politically ineffective and counter-productive.

Indeed the whole approach to the legal basis on which the ADF has been deployed to Iraq, like so much of the American led war itself, is fundamentally counter-productive, and shows a large

measure of disregard, if not contempt, for both Iraqi sovereignty and for the right of Australians to know the basis on which our forces are fighting in foreign wars.

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