

JOINT STANDING COMMITTEE ON
FOREIGN AFFAIRS, DEFENCE AND TRADE

Report into Defence Annual Report 2008-09
Minority Report – Mr Robert Oakeshott

Government Response

Recommendation 1

I recommend that the Defence Department remove the reference to Ms Wolfe's employment having 'ended' from their Annual Report.

Government Response

Agreed.

The statement in Volume 2 of the 2008-09 Defence Annual Report - Defence Materiel Organisation (DMO) correctly reflected the understanding of the DMO at the time the report was printed. In light of the orders made by the Federal Court the statement is no longer accurate. In accordance with the *Requirements for Departmental Annual Reports – Document as approved by the Joint Committee of Public Accounts and Audit*, approved by the Joint Committee of Public Accounts and Audit and issued by the Department of the Prime Minister and Cabinet on 17 June 2009, information to correct the record was included in the 2009-10 Defence Annual Report.

Recommendation 2

I recommend that a Code of Conduct inquiry be held into the action of Dr Stephen Gumley and any other party who failed to act in accordance with the *Public Service Act* and the *Financial Management and Accountability Act* in relation to this very costly, and very avoidable matter of the termination of Ms Jane Wolfe.

Government Response

Disagreed.

It would be a breach of the *Parliamentary Privileges Act 1987* to find that an Australian Public Service employee had breached the Australian Public Service Code of Conduct in relation to evidence that the Australian Public Service employee had given a Parliamentary committee. Further, as indicated below, the issue is still under consideration.

The *Government guidelines for official witnesses before Parliamentary committees and related matters - November 1989* make clear the need for official witnesses to ensure the accuracy of their evidence. In accordance with the guidelines the Secretary requested that DMO employees review evidence provided to the Defence sub-committee and, as a result, minor corrections to the Hansard were made.

On 8 April 2010, with the consent of all parties, the Federal Court ordered that the decision terminating Ms Wolfe's employment be set aside and that the matter be referred to the Secretary, for further consideration, in accordance with law. The Secretary subsequently identified a suitable delegate, and provided Ms Wolfe with an opportunity to raise any objections in relation to the proposed delegate, the proposed tasking and the proposed documents to be provided to the delegate. The delegate has been appointed and is currently considering the matter.

Recommendation 3

I recommend that the policy and strategy options contained in my minority report at paragraphs 1.43 and 1.44 of my minority report be deeply considered by Government, and done so with recognition that the most ‘controversial’ of these is the inclusion of the Taliban in discussions about the future of Afghanistan as a democratic country.

1.43 And the key strategic considerations include;

- Afghanistan should be ruled by a council made up of respected tribal elders and ethnic leaders.
- The Karzai Government should take responsibility for the country.
- The President of the United States should state his plan for achieving his goals and be given a specific time to make progress. Australia should not be afraid to take a position of holding the Coalition forces, and the US leadership in particular, to account on this issue of an explicit progress-based timeframe.
- The Coalition and Australian forces in particular, must help build a strong Afghan army, police and intelligence agency capable of tackling the security problems the country will inevitably face whenever the Coalition departs.
- The Coalition must focus on a long-term program to develop Afghanistan’s economy, through direct investment and aid, and to concentrate on generating income for local communities. Engagement with tribal elders on this point is an important starting point for a more secure nation-state.
- And finally, and the most difficult “pill” for us all to swallow after nine years in Afghanistan, is that no viable political solution can fail to include the Taliban, even if they insist on imposing Sharia law in areas where they are strongest. As Aushev finally points out; “it’s the same law used in Saudi Arabia but you (the Coalition) are not seeking to impose democratic elections there”.
- Therefore, it is hard to form a view different from Aushev and Butler on the above strategy through and out of this war for Australia.

1.44 I recommend that both these policy and strategy options be deeply considered by Government, and done so with recognition that the most ‘controversial’ of these is the inclusion of the Taliban in discussions about the future of Afghanistan as a democratic country.

Government Response

Agreed in part.

The Australian Government agrees, in the main, with the recommendations in the minority report, with the bulk of them already being addressed by existing government policies on, and approaches to, our Afghanistan contribution.

Afghanistan’s current system of government has been decided by Afghans, initially at a meeting in Bonn, Germany, in November 2001. The resulting Bonn Agreement installed a new government, the Afghan Interim Authority, in Kabul under President Hamid Karzai. Following a Loya Jirga (Grand Council of Afghans representing tribal and ethnic groups) in June 2002, this was replaced by the Afghan Transitional Administration. Afghanistan adopted a new constitution at a further Loya Jirga in January 2004. The constitution provides for a presidential system of government, with a parliament, within the framework of an Islamic republic.

Transition to Afghan responsibility is a key element of the International Security Assistance Force (ISAF) strategy for Afghanistan. The strategy involves building the capabilities of the Afghan National Security Forces (ANSF) and improving the Afghan Government's ability to deliver government services. US President Obama has said that the US intends to commence a drawdown of American troops in Afghanistan in mid 2011. The US Administration has made it clear, however, that July 2011 is not a deadline for withdrawal, but the beginning of a conditions-based transition to Afghan-led security responsibility.

At the International Conference on Afghanistan in July 2010, Afghanistan's international partners, including Australia, supported Afghanistan's objective that the ANSF lead and conduct military operations in all provinces by the end of 2014. Australia will continue to support efforts to create the conditions necessary to allow for this transition, where Afghan security forces are capable of maintaining security.

The primary focus of Australia's military mission in Afghanistan is to train the Afghan National Army (ANA) 4th Brigade in Uruzgan Province to the level where it is able to take responsibility for the security of the Province. The Australian Defence Force also conducts security operations throughout the Province to provide safe, secure spaces for development work in Uruzgan. While much work remains with our mission to train and mentor the ANA 4th Brigade, this mission is on track. The Australian Defence Force (ADF) assesses the task of training the ANA 4th Brigade will take a further two to four years, and this is in line with the 2014 timetable agreed at the International Conference on Afghanistan. To support ISAF-led programs to sustain and develop the Afghan National Army, both in Uruzgan Province and more broadly across the country, the Australian Government has pledged US\$200 million over five years to the ANA Trust Fund.

The Australian Government recently announced an enhancement to our civilian effort to complement our military mission, in line with broader ISAF strategy. The Government announced an expansion of our diplomatic, development assistance and police contribution to around 50 personnel. The enhanced civilian component of Australia's efforts in Afghanistan is designed to provide more effective basic services for the people of Uruzgan, improve livelihood opportunities for local communities, and create a strong foundation for the eventual transition of the Province to full Afghan responsibility. Our whole-of government approach reflects our commitment to strengthening the legitimate political, legal, economic and security institutions of Afghanistan:

- AusAID has increased its staff in Afghanistan, to develop local service delivery, and support the Afghan Government in building health and education services, infrastructure and agriculture. Australia has committed more than \$700 million in development assistance since 2001.
- DFAT has increased the number of officers in Afghanistan as well as at key posts, to manage Australia's political and economic relationships with Afghanistan and our key international partners.
- AFP officers are deployed to Tarin Kot in Uruzgan Province, Kabul and Kandahar as experts in counter narcotics and criminal intelligence. The increased police effort as part of the enhanced civilian commitment is designed to strengthen our ability to train the Afghan National Police so that they can increasingly assume

greater responsibility for their own law and order needs, to improve security for the people of Uruzgan.

Following commencement of the drawdown of Dutch forces from Afghanistan on 1 August 2010, an Australian senior civilian coordinator has taken up leadership of a Provincial Reconstruction Team (PRT) in Uruzgan under the multinational, ISAF-flagged Combined Team-Uruzgan. The PRT is the primary mechanism in Uruzgan focused on governance and development. It also seeks to build relations with key government and tribal actors in the Province.

The Australian Government recognises and has consistently stated that the conflict in Afghanistan will not be ended by military force alone. Political reconciliation and, ultimately, settlement between the Afghan Government and insurgents will be essential to a lasting and durable solution. The Australian Government supports Afghan-led efforts to reach out to elements of the insurgency that might be prepared to lay down their arms and rejoin their communities.

Australia is supporting the Afghan-led reintegration effort by contributing \$25 million to the Peace and Reintegration Trust Fund, subject to the establishment of appropriate governance arrangements and role for donors, like Australia, in the administration of the fund. The Australian Government welcomes the release of the Afghan Government's draft Peace and Reintegration Plan, which set out a number of preconditions for reintegration, including renouncing violence, ceasing support for the insurgency, recognising the Afghan Constitution, and cutting all current and future ties with al-Qaida and other terrorist groups. These pre-conditions are of course a matter for the Afghan Government to determine.