

Defence and Security

Introduction

- 7.1 Australia has a small but significant defence and security involvement with African countries. In this, the Australian Defence Force (ADF), the Australian Federal Police (AFP), DFAT, and AusAID all play significant roles.
- 7.2 The ADF and AFP direct involvement comprises contributions to peacekeeping forces; training and professional development to support peacekeeping; cooperative training arrangements for other military personnel; and various other forms of police cooperation, including forensic training and cooperation on international crime and terror activities.
- 7.3 Both the AFP and the ADF have a permanent presence in Africa. The AFP has an office in Pretoria, South Africa, as part of its 'international liaison officer' network.¹ The ADF is in the process of establishing in Addis Ababa, Ethiopia, its first Defence Attaché to the African Union.²
- 7.4 Australia has planned to spend some millions of dollars for security activities focused on Africa. Defence told the Committee that its budgeted

¹ Ms Mandy Newton, *Transcript 21 April 2010*, p. 60.

² Defence, *Submission No. 30*, p. 221.

financial expenditure on Africa for 2009-10 amounted to \$1.2 million, administered by its International Policy Division, and \$430 000, administered by the Asia Pacific Civil-Military Centre of Excellence.³ A further \$71 000 had been budgeted for 2010-11; and \$360 000 for 2011-12.⁴

- 7.5 The AFP told the Committee that in the 2009-10 budget it had received an appropriation of \$4.8 million over four years for a program of forensic support to African countries as part of the wider ‘\$17.5 million dollar Africa – Law & Justice Frameworks – Australian Assistance initiative’.^{5,6}
- 7.6 In Africa, Defence and AFP operations span two areas: ‘development assistance or capacity-building operations and regional security or strategic issues’.⁷ In many cases, these contributions entail peacekeeping, training, and other functions distinct from ‘traditional’ military and policing activities.
- 7.7 Such activities are more prominent due to changes in the international security environment. This has resulted in a closer relationship between ‘security’ and more traditional defence functions. At the same time, there has been a shift toward the *prevention* of conflict and other threats to national security. This has influenced Australia's security policy on Africa, just as it has in relation to our closer regional neighbours. This reflects changes in the wider strategic environment.

Policy framework

- 7.8 Traditional forms of military involvement respond to a direct threat, or in other ways prosecute specific applications of force as directed by government. The involvement of the Australian Defence Force (ADF) and the AFP in Africa differs from this in significant ways. It is therefore important to consider the policy frameworks which support and authorise such actions.
- 7.9 The key elements in Australia's defence and security policy framework are outlined in the National Security Statement (2008) and the Defence White

3 Defence, *Submission No. 71*, p. 786.

4 Asia Pacific Civil-Military Centre of Excellence, *Submission No. 117*, p. 1367.

5 AFP, *Submission No. 69*, p. 777.

6 June 2011 correspondence from AFP indicates these figures had not changed.

7 Ms Mandy Newton, *Transcript 21 April 2010*, p. 60.

Paper (2009). Both identify key priorities for Australia's security forces,⁸ and also provide articulations between traditional and non-traditional security functions, resulting in a new set of explicit links between aspects of Australian security policy.

- 7.10 Importantly, they identify the reasoning under which Australian security services may be considered justified in pursuing objectives outside of Australia, and beyond the confines of traditional military conflict.

The National Security Statement 2008

- 7.11 The National Security Statement, delivered by the then-Prime Minister, Hon. Kevin Rudd MP, in December 2008, identified a hierarchy of key defence objectives for Australia:

- maintaining Australia's territorial and border integrity.
- promoting Australia's political sovereignty.
- preserving Australia's cohesive and resilient society and the long-term strengths of our economy.
- protecting Australians and Australian interests both at home and abroad.
- promoting an international environment, particularly in the Asia-Pacific region, that is stable, peaceful and prosperous, together with a global rules based order which enhances Australia's national interests.⁹

- 7.12 The first objective encapsulates a traditional 'Defence of Australia' defence doctrine. The second and third points are also largely consistent with this, and do not furnish a rationale for pre-emptive or preventative security interventions overseas. However items four and five create a basis for acting outside of traditional confines, both of the 'Defence of Australia' and traditional military actions.

- 7.13 Other aspects of the Statement add to this framework for security operations further afield. First, the Statement re-states Australia's commitment to 'multilateral institutions ... in particular the United Nations, to promote a rules based international order that enhances our security and economy'. Second, it commits Australia to advancing national security 'through the agency of creative middle-power

8 The Prime Minister, Hon. Kevin Rudd MP, *First National Security Statement*, December 2008; Defence, *Defending Australia in the Asia Pacific Century: Force 2030*.

9 *First National Security Statement*, 2008, p. 12550.

diplomacy – an active foreign policy capable of identifying opportunities to promote our security’.¹⁰

- 7.14 Importantly, in connection with this last point, the Statement refers to the use of diplomacy ‘to otherwise prevent, reduce or delay the emergence of national security challenges’.¹¹ In addition to its adoption of a ‘risk based approach’ and a series of references to ‘shaping’ Australia’s ‘strategic environment’,¹² this signals the emergence of a ‘pre-emptive’ doctrine in Australian security policy, where ‘prevention’ is established as a legitimate element. However, this is not pre-emptive in the sense of willingness to initiate conflict: rather it lies at the other end of the spectrum, where stabilization, peacekeeping and civil-military undertakings are seen as instruments of national security.
- 7.15 The Statement also shows a changing stance on security detailing a relationship between different arms of government previously not considered part of formal ‘security’ concerns. The Statement draws a range of security-related matters under the one main heading of ‘National Security’ and provides a policy framework for coordinating between these hitherto separate and distinct aspects of Australia’s security interests. The security matters include:
- counter-terrorism;
 - non-proliferation and disarmament;
 - ‘transnational law enforcement’ against ‘trafficking in ... drugs and arms;
 - people smuggling and the illegal exploitation of resources’;
 - climate change;
 - protection against pandemic disease; and
 - energy security.¹³
- 7.16 This results in a picture in which different arms and agencies of government are orchestrated to support Australia’s security. Under these arrangements, ‘creative middle-power diplomacy’ is ‘reinforced by a robust defence policy’; and ‘overseas development assistance efforts’ and policing work together with ‘an Australian Defence Force that is ready to

10 *First National Security Statement, 2008*, p. 12550.

11 *First National Security Statement, 2008*, p. 12550.

12 *First National Security Statement, 2008*, p. 12551.

13 *First National Security Statement, 2008*, pp. 12553-4.

respond ... in a range of situations from combat operations to disaster relief' to protect Australian interests and to express Australia's commitment, as noted, to a 'rules based international order'.¹⁴

The Defence White Paper 2009

- 7.17 While the National Security Statement 2008 provides a policy framework for Australian defence and security actions outside of Australia, it does not specifically refer to Africa. However, the 2009 Defence White Paper does. It states that:

It will remain in Australia's interests to encourage peace and stability in Africa as part of our contribution to global security, through targeted defence cooperation and capacity building in areas such as peacekeeping. These efforts will contribute to Africa's capacity to manage its security ...¹⁵

- 7.18 There are a number of things to be said about this, defining the scope of Australian defence and security actions in Africa. First, the White Paper establishes a limit on what will be considered normal and acceptable security actions in Africa:

The Government has decided that it is not a principal task for the ADF to be generally prepared to deploy to the Middle East, or regions such as Central and South Asia or Africa, in circumstances where it has to engage in ground operations against heavily armed adversaries located in crowded urban environments. This entails a requirement to engage in high-intensity close combat which brings with it the risk of an unsustainable level of casualties for an army the size of Australia's.¹⁶

- 7.19 This indicates that while other kinds of direct involvement may be contemplated, this specific kind of high-risk activity is unlikely to be sanctioned under current defence and security policy.
- 7.20 Second, the White Paper establishes a rationale for a variety of other actions, of a more 'stabilising' nature. This is proposed on the basis that Australian interests are affected by instability in other states, including those of Africa:

Regional conflicts, such as in the Middle East and Africa, will likely continue to be a risk in the international system. Clashes

14 *First National Security Statement, 2008*, pp. 12551, 12550, 12554.

15 *Defence, Submission No. 30*, p. 221.

16 *Defence, Defending Australia in the Asia Pacific Century: Force 2030*, p. 56.

between and within states in these regions are likely to arise for diverse reasons, such as the breakdown of fragile states; disputes over territory; access to resources, water and energy; population movements, environmental crises or food shortages; conflicts between ethnic or religious communities; or efforts to promote ideological or nationalist goals.¹⁷

- 7.21 It is in relation to this last point that Australia's interests begin to be engaged. The White Paper notes that:

Islamist terrorism will likely remain a destabilising component of the global security environment for at least a generation. For the foreseeable future, the most concentrated presence of terrorist groups and activity will likely be in the Middle East, North and East Africa, and South and Central Asia, where weak states and the continued resonance of those groups' ideologies will provide them with a relatively permissive operating environment and a supply of recruits.¹⁸

- 7.22 These are things that could affect Australia's security in an international climate characterised by an increase in risk of terrorist activity. There are also other strategic issues which come to the fore. Referring to Africa specifically, the White Paper proposes that while there are 'reasonable prospects for better economic growth, governance and reduced frequency of conflict', Africa is:

also growing in relative importance as a source of the world's energy supplies. At the same time, economic development is likely to be uneven and insecurity and instability are likely to continue in some countries, exacerbated by environmental pressures. This will lead to calls for international assistance in addressing intra- or inter-state conflicts, either directly or through support for African peace-making and peacekeeping. The growth of Islamist extremist groups in North Africa and the Horn of Africa poses a risk to security regionally and beyond.¹⁹

- 7.23 In addition, other changes in the broader environment will see a new focus of interest and concerns beyond the Pacific Ocean, to include the Indian Ocean. This again brings Africa into a higher priority in the strategic environment:

17 Defence, *Defending Australia in the Asia Pacific Century: Force 2030*, pp. 30-1.

18 Defence, *Defending Australia in the Asia Pacific Century: Force 2030*, pp. 37-8.

19 Defence, *Defending Australia in the Asia Pacific Century: Force 2030*, p. 36.

The Indian Ocean will have greater strategic significance in the period to 2030. It will become an increasingly important global trading thoroughfare, particularly for energy supplies between Asia and the Middle East. There are a number of significant inter-state and intra-state conflicts along its periphery that have the potential to draw in other powers. Over time, and in response to these factors as well as transnational security issues such as piracy, the Indian Ocean is likely to host a larger military (particularly naval) presence. A number of major naval powers are likely to increasingly compete for strategic advantage in this crucial maritime region. Over the period to 2030, the Indian Ocean will join the Pacific Ocean in terms of its centrality to our maritime strategy and defence planning.²⁰

Response to Australia's defence policy

- 7.24 Two contributions to the inquiry have provided a response to the policy outlined above. The first provided an account of how the concepts of 'defence' and 'security' converged to the point where peacekeeping and preventing states from failing can be considered legitimate aspects of Australia's national security interest. The second provided a critique of that concept of 'Australia's interest' and proposed in its place an international rules-based agenda (cited as part of the National Security Statement) based on emergent concepts of international human rights law.

A military perspective

- 7.25 Major Matthew Cuttell's paper, provided as an exhibit to the inquiry, focuses on AFRICOM, the designated US military area command for the African continent. It argues that AFRICOM offers Australia an avenue to expand its engagement with Africa. Africa, it suggests, has hitherto 'only featured in Australia's foreign and defence policies in response to crisis or pending humanitarian disaster', and this 'narrow approach has resulted in missed opportunities for understanding and engagement within Africa'.²¹
- 7.26 Although the terrorist attacks in New York and Washington DC on 11 September 2001 have a part to play in the convergence of defence and security, the paper argues that these processes predate this considerably. It

20 Defence, *Defending Australia in the Asia Pacific Century: Force 2030*, p. 37.

21 Exhibit No. 13, Major Matthew Cuttell, 'AFRICOM and Australian Military Engagement in Africa', p. 1.

notes that even while Australia was sending troops to combat situations in Korea, Malaya and other places it was also, at the same time, beginning its contribution to United Nations peacekeeping endeavours. These persisted through successive statements of Australian military doctrine, which displayed a consistently increasing role for peace-keeping and other civil-military operations.²²

- 7.27 The paper notes that at the same time US military doctrine, particularly in the wake of the September 2001 terrorist attacks, has come increasingly to identify failed states and other forms of critical instability as providing a haven for terror activity: and that this activity bears a direct threat to domestic security in ways hitherto only envisaged from aggressor states. This was reflected in the 2002 U.S. National Security Statement, which stated that 'America is now threatened less by conquering states than we are by failing ones'.²³ In a similar vein, the 2006 U.S. Defence Quadrennial Review recommended that the U.S. should 'decrease the possibility of failed states or ungoverned spaces in which terrorist extremists can more easily operate or take shelter'.²⁴ As a result, the paper observes, 'AFRICOM's focus is on war-prevention rather than war-fighting'.²⁵
- 7.28 The implications of these developments for Australia, over time, involves two outward movements: one beyond an exclusive focus on the 'defence of Australia' toward greater attention to the stability of other states and the second beyond the 'traditional' role of the military in formal conflict between states toward what are now termed 'civilian-military' operations. The paper notes that an 'analysis of the evolution of Australia's defence policy reveals a transition of the role of the military from national defence (based on geography) to national security (based on interests and values)'.²⁶
- 7.29 The expression of this shift is to be found in the contention that, as for AFRICOM, it is legitimate for security forces to 'place capacity-building in Africa at the center of [their] mandate', and to create 'innovative, integrated civilian-military approaches'.²⁷ Under this approach it becomes consistent for military commands, such as the US Joint Task Force - Horn of Africa (JTF-HOA) to work across a spectrum of activities from 'military-to-military training, civil military operations, and security training to

22 *Exhibit No. 13*, pp. 9-14.

23 *Exhibit No. 13*, pp. 20-1.

24 *Exhibit No. 13*, pp. 21-2.

25 *Exhibit No. 13*, p. 26.

26 *Exhibit No. 13*, p. 18.

27 *Exhibit No. 13*, p. 27.

build capacity for partner nations to secure themselves'. This extends to humanitarian activities, including 'the provision of clean water and the conduct of medical, dental and veterinarian civil action programs [and] the building of numerous schools, clinics and hospitals'.²⁸

- 7.30 The paper comments that 'Australian military forces have also shown an ability to perform humanitarian tasks such as medical support and engineering de-mining ... in Africa and other regions'. In summary, the paper states:

Australia's concept of security has evolved to include a more global and expansive view with a realization of the expanding role that the military will perform in securing national interests. Australia's defence and foreign policy have witnessed a transition of the role of the military from national defence (based on geography) to national security (based on interests and values). Australia's interests in Africa are framed in terms of physical security (failed states, weapons of mass destruction), human security (humanitarian assistance) and economics (trade). All three areas are experiencing increasing growth and importance due to the recognition of their importance to Australia's security. However, Australia's policy execution regarding Africa is narrowly focused with respect to the various regions and only in the fields of economic trade and humanitarian aid. This presents Australia with an opportunity to expand its involvement in Africa to include the military element of national power.²⁹

An alternate view

- 7.31 The 2008 Australian National Security Statement consistently links its statements back to Australia's interests, whether they be Australia's 'national interests'; its 'security interests'; its 'foreign policy interests'; or its 'global interests'.³⁰
- 7.32 Oxfam Australia was critical of this approach, suggesting that 'developments' in international law, and associated conventions, 'are making it increasingly untenable for foreign policy approaches to be couched only in the national interest'.³¹

28 *Exhibit No.13*, p. 28.

29 *Exhibit No.13*, p. 49.

30 *First National Security Statement, 2008*, pp. 12549-54.

31 *Oxfam, Submission No. 39*, p. 374.

- 7.33 The alternative, Oxfam suggested, was to adopt an approach based on concepts of international humanitarian law, in particular, that of 'responsible sovereignty' – a principle arising from Article 1 of the 1949 Geneva Convention and the 1977 Additional Protocol.³²
- 7.34 Oxfam Australia argued that Australia's responsible sovereignty obligation implied that it should be obliged to ensure respect for international humanitarian law and uphold the doctrine of *Responsibility to Protect*.³³
- 7.35 Professor Evans commented that following recent debates in the UN General Assembly there was:
- ... a thoroughly embedded new norm of international behaviour in the sense of the three pillars of the responsibility to protect; namely, a recognition that, firstly, states have a responsibility to protect their own people from mass atrocity crime; secondly, other states have a responsibility to assist those who are willing to be assisted to prevent and avert such catastrophes through all appropriate means; and, thirdly, in the event that a sovereign state is unable or unwilling to protect its own people, the international community has a responsibility to engage in whatever way is necessary to halt or avert mass atrocity crimes.³⁴
- 7.36 Oxfam also advised the Committee that the nature of conflict was changing and there was a:
- ... significant blurring of the lines between political and non-political violence, conflict and post-conflict violence, and conflict and criminal gang violence. Interpersonal violence and violence against women is also strongly linked to conflict and post-conflict violence ...³⁵
- 7.37 Oxfam therefore stressed the importance of addressing sexual violence, particularly against women in conflict circumstances. Also, it proposed that there be greater emphasis on the implementation of UN Resolution 1325, which provided for gender balance in peacekeeping and similar forces in zones affected by conflict.³⁶

32 Oxfam, *Submission No. 39*, p. 373.

33 Oxfam, *Submission No. 39*, p. 374.

34 Prof. Gareth Evans, *Transcript 8 December 2010*, p. 60.

35 Oxfam, *Submission No. 39*, p. 372.

36 Oxfam, *Submission No. 39*, pp. 371, 380.

Committee comment

- 7.38 The Committee notes that there are common elements between the different approaches to Australia's defence and security involvement in Africa. The National Security Statement, Major Cuttell's paper, and Oxfam's submission all refer both to Australia's interests and to activities pursued on the basis of an international rules-based framework. The differences between them stem from the different weight accorded to these principles.
- 7.39 The Committee notes the development of the responsibility to protect doctrine and welcomes the Australian Government's continuing support for its adoption.

Defence involvement with Africa

- 7.40 Australia's defence engagement with Africa has several facets:
- the appointment of an African-based Defence Attaché accredited to the AU;
 - peacekeeping contributions;
 - training of African defence forces personnel; and
 - contribution to landmine clearing operations.

Appointment of a Defence Attaché

- 7.41 In February 2009, the then Minister for Defence, Hon. Joel Fitzgibbon MP, announced the establishment of a Defence Attaché to the AU, based in Addis Ababa, Ethiopia. The role of the Attaché was to assist Australia's Ethiopia Head of Mission 'to represent the Australian Government on Defence matters'. The position would also support 'defence engagement initiatives across Africa and support ADF operations in Africa when necessary'. Specific duties of the Defence Attaché included:
- Assisting the development and implementation of co-operative Defence activities in Africa ...
 - Supporting Defence's Africa-based input to Australia's whole-of-Government objectives in Africa ...
 - Identifying and advising Defence on future operations for engagement in Africa which are aligned with Australia's national interests.

- Advising on possible and current Australian contributions to UN and AU peace operations in Africa ... in close consultation with Defence representatives in Australia's UN New York Mission.
- Representing Defence's interests in Australia's broader contribution to enhancing peace and security in Africa. Including by representing Defence at international counter-piracy meetings ...
- Liaising, as necessary, with Defence and other foreign representatives accredited to African countries and the AU.³⁷

Peacekeeping

- 7.42 Australia has a long and proud history of involvement in peacekeeping operations on the African continent. This reflects our long record of support for UN peacekeeping operations around the world since 1947.
- 7.43 Since 1960 Australia has contributed ADF and AFP personnel to 14 separate peacekeeping operations in Africa (not including the Middle East or Persian Gulf operations).
- 7.44 The Committee notes the report of the Senate Foreign Affairs, Defence and Trade Committee, *Australia's involvement in peacekeeping operations*, tabled in August 2008. Table 7.1 includes information provided in that report.
- 7.45 The initial contribution in 1960–61 consisted of a small medical team as part of the UN Operation in the Congo. Since then we have participated in some of the most difficult and dangerous operations. For instance, in the period 1992 to 1994 over 1100 Australians were involved in peacekeeping and humanitarian operations in Somalia. In 1994–95, 300 troops and medical personnel were involved in the UN Assistance Mission to Rwanda.
- 7.46 Australia maintains a small but significant presence in peacekeeping forces in Africa. In its submission, Defence advised the Committee that it had:
- ... committed to contributing 15 personnel to the UN Mission in the Sudan and nine personnel to the UN and African Union Mission in Darfur. Defence also currently has four personnel seconded to the UN DPKO, including the lead planner for operations in Africa and an officer supporting maritime counter-piracy planning off the Horn of Africa.³⁸
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37 Defence Attaché – African Union, *Duty Statement*.

38 Defence, *Submission No. 30*, p. 222.

Table 7.1 Australian participation in multinational peacekeeping operations in Africa

Name of operation	Theatre	Dates of Australian involvement
UN Operation in the Congo (ONUC)	Congo	1960–1961
Commonwealth Military Training Team—Uganda (CMTTU)	Uganda	1982–1984
UN Transition Assistance Group (UNTAG)	Namibia	1989–1990
United Nations Mission for the Referendum in Western Sahara (MINURSO)	Western Sahara	1991–1994
UN Operation in Somalia (UNOSOM I)	Somalia	1992–1993
Unified Task Force (UNITAF)	Somalia	1992–1993
UN Operation in Somalia II (UNOSOM II)	Somalia	1993–1995
UN Assistance Mission for Rwanda (UNAMIR)	Rwanda	1994–1995
UN Operation in Mozambique (ONUMOZ)	Mozambique	1994–2002
UN Mission in Ethiopia and Eritrea (UNMEE)	Ethiopia/Eritrea	2001–2005
International Military Advisory and Training Team (IMATT)	Sierra Leone	2000–2003
UN Mission in the Sudan	Sudan	2006–present
UN-AU Mission in Darfur	Sudan	2008–present
UN Department of Peacekeeping Operations (UNDPKO)	Horn of Africa	2009–present

Source Senate Foreign Affairs, Defence and Trade Committee³⁹ and Defence, Submission Nos 30, 120.

7.47 The *Defence Annual Report* 2008-09 stated that at the time of publication there were two members of the ADF serving as UN Headquarters staff or specialist officers in Operation Hedgerow, the ADF's contribution to the joint African Union/United Nations hybrid Mission in Darfur (Sudan).⁴⁰

7.48 Defence advised the Committee that problems with visa approvals for ADF personnel committed to the Darfur operation had prevented them being deployed. Defence stated that this was an 'ongoing' problem; that the deployment 'is still subject to those problems'; and that other nations

39 Senate Foreign Affairs, Defence and Trade Committee, *Australia's involvement in peacekeeping operations*, Canberra, 2008, pp. 8–10 (Using figures compiled by Dr Peter Londey, *Official History of Australian Peacekeeping, Humanitarian and Post-Cold War Operations*).

40 Defence, *Annual Report 2008-09, Volume 1*, p. 128.

committed to the Darfur peacekeeping operation faced a similar predicament.⁴¹

- 7.49 Much of Australia's other involvement in peacekeeping consists in providing technical and training support to peacekeeping operations. Australia is a significant contributor, the twelfth highest, to the UN annual peacekeeping budget. DFAT advised the Committee that 'Australia's assessed share of contributions for UN peacekeeping missions is expected to be approximately US\$137 million for 2009-10'.⁴² Part of this was the \$6 million in funding announced by the Foreign Minister in a speech of 26 January 2010: '\$4 million ... over three years to the UN Peacebuilding Fund and \$2 million to support peace building initiatives identified by the Peace Building Commission, focusing on Burundi and Sierra Leone'.⁴³
- 7.50 A further aspect lies in the training Australia provides to African security personnel to support their involvement in peacekeeping operations, which forms a significant part of Australia's commitment to Africa.

Training

- 7.51 Two main types of training are provided by Australia to security personnel from African countries. These consist of training on peacekeeping functions and more technical, more 'traditional', training provided from Australian agencies, such as Defence and AFP, to their counterparts in those countries. Australia offers this training through both bilateral and multilateral relationships. Because Australian security agencies are involved in training for peacekeeping functions, these two strands often overlap.
- 7.52 In relation to its multilateral relationships, Defence advised the Committee that Australia will:
- ... continue to focus on building African peacekeeping capability through the AU and UN, providing capacity building assistance to strengthen African law enforcement agencies and assisting with governance and security issues which could reduce the drivers of terrorism. Given the security and development challenges faced by African countries, many facets of the UN's agenda are of interest and relevance to African countries, including disarmament and international security, climate change, food security, humanitarian

41 Mr Ben Burdon, *Transcript 21 April 2010*, p. 52.

42 DFAT, *Submission No. 46*, pp. 503-4.

43 DFAT, *Submission No. 46*, p. 522.

assistance and the responsibility to protect. Australia is an active contributor to all of these debates.⁴⁴

- 7.53 Further multilateral training and professional development efforts were applied through Australia's support of conferences and similar activities. Defence told the Committee that it had hosted a 'drafting workshop' to draft 'guidelines on the protection of civilians for AU [African Union] peacekeeping operations' in Australia at the Asia Pacific Civil-Military Centre of Excellence in 2008. This was the precursor to an 'International Symposium on the Protection of Civilians in Conflict Zones' in Addis Ababa, Ethiopia, in March 2010, which Australia supported and co-hosted with the AU.⁴⁵
- 7.54 Australia was represented at the Symposium. The Parliamentary Secretary for Defence Support, the Hon. Dr Mike Kelly MP attended, together with an Australian delegation which included representatives of a number of Australian agencies and organisations.^{46,47}
- 7.55 Training offered under bilateral arrangements is largely managed under the Defence Cooperation Program (DCP). Until 2009, the program was focused on the Asia-Pacific region. Defence told the Committee that offers to African countries began to be made under the DCP in 2009 in response to the government's new policy on Africa, with six positions offered in that year, with another 11 offered in 2010 to members of security agencies from Botswana, Ethiopia, Kenya and Uganda. All of these courses were related to peacekeeping, rather than conventional military, operations.⁴⁸
- 7.56 Defence added that, at the time of its submission, two of those training positions offered had been taken up, and one of the proposed courses for 2010 had run, with '100%' take-up from contingents from Botswana and Ethiopia. Acceptance of offers continued to be an issue for Defence:

... we do make offers. We hope that they are taken up; sometimes they are not. It is an issue that is pertinent not just to Africa but also across the range of the Defence Cooperation Program. Bear in mind that some of the offers are for courses earlier in the year and

44 Defence, *Submission No. 30*, p. 223.

45 Mr Ben Burdon, *Transcript 21 April 2010*, p. 54, and see Defence, *Submission No. 71*, pp. 4-5.

46 The Australian Chapter of the International Commission of Jurists; the Institute of Ethics, Governance, Law and Justice; the Asia Pacific Civil-Military Centre of Excellence; the Australian Council for International Development; the Asia Pacific Centre for Military Law; DFAT; Defence; AusAID; the AFP; and the Australian Permanent Mission to the United Nations in New York.

47 Defence, *Submission No. 71*, p. 784; *Defence Annual Report 2008-09*, pp. 162-3.

48 Mr Ben Burdon, *Transcript 21 April 2010*, p. 51.

some are for later courses, so for some of them we do not expect to have a firm indication of take-up until further into the calendar year.⁴⁹

7.57 In specific terms, Defence advised the Committee that:

So far for 2010, with respect to the AU we have one position offered on two separate courses; that is at the offer stage with no indication of acceptance as yet. With Botswana there are three positions offered. One has been taken up and the course attended; two are outstanding and for courses further into the year. With Ethiopia one position has been offered and the course attended; there is one outstanding. With Kenya there are two offers with outstanding responses to courses yet to be delivered. With Uganda there are two offers and both are outstanding so far.⁵⁰

7.58 Defence reported, however, that there had been a good level of 'dialogue and exchange':

The Vice-Chief of the Defence Force visited Ethiopia and Kenya recently - Ethiopia for the protection of civilians seminar, which was referred to in the submission, and Kenya for discussions with the Kenyans. We have had recent visits from the Ugandan defence force as well as the National Defence College of Kenya, late last year, and of course the President of Botswana, a former commander of their armed forces, was here earlier this year.⁵¹

7.59 The AFP also told the Committee of its training engagement with African countries. This presented some dilemmas for the AFP, in that it is 'not able to actually work within [a] country [where] there is no platform of basic law and order that exists and a credible police force that we are able to support and assist in their development'.⁵²

7.60 As a result, the approach the AFP has taken has been to:

... make sure that we touch as many countries in the African group that we can ensuring that we provide a level of support that is appropriate to that particular country at the time in their progression around law and order capability. Some countries are more receptive than others...⁵³

49 Mr Ben Burdon, *Transcript 21 April 2010*, pp. 52–3.

50 Mr Ben Burdon, *Transcript 21 April 2010*, p. 54.

51 Mr Ben Burdon, *Transcript 21 April 2010*, p. 51.

52 Ms Mandy Newton, *Transcript 21 April 2010*, p. 63.

53 Ms Mandy Newton, *Transcript 21 April 2010*, p. 63.

Landmine clearing operations

- 7.61 AusAID advised the Committee that Australia provided funding toward mine clearance in post-conflict countries, to a total of \$175 million since 1997. AusAID commented:
- AusAID's engagement in reducing the threat and impact of landmines and other explosive remnants of war is guided by the new \$100 million Mine Action Strategy for the Australian aid program 2010-2014. A component of this may be used to support affected countries in Africa.⁵⁴
- 7.62 While in Ethiopia, the Committee Delegation visited the Ethiopian Mine Action Office (EMAO) Training Centre near Addis Ababa.
- 7.63 Ethiopia is one of the most heavily landmine contaminated countries in the world as a result of four wars and internal conflict.⁵⁵ An Ethiopian landmine impact survey completed in 2004 estimated that landmines and unexploded ordnance afflicted more than 1.9 million people in 1492 communities covering 1916 'suspected hazardous areas'.
- 7.64 Between 2002 and 2004 there were 1295 victims of landmine accidents including 558 fatalities. Two thirds of the victims were engaged in herding and farming when the incident occurred.⁵⁶
- 7.65 Between 2001 and 2011 a total of US\$80 million has been spent on the landmine clearing program,⁵⁷ including \$1 million provided by Australia in 2010-11 through the UN Development Program.⁵⁸
- 7.66 The EMAO told the Delegation that it was due to complete landmine clearing activities in Ethiopia in 2013, whereupon it would continue to provide landmine action training to other countries in Africa and to UN peacekeeping missions. As well, it would provide explosive detection dog support to the UN Economic Commission for Africa and other African countries. Landmine training had been provided to a group from Southern Sudan, and groups from the Congo, Northern Sudan and Uganda had requested training.⁵⁹

⁵⁴ AusAID, *Submission No. 47*, p. 583.

⁵⁵ 1935-41: the Italian invasion; 1977-8: war with Somalia; 1980: war with Sudan; 1974-91: internal conflict; 1998-2000: Ethiopia-Eritrea war.

⁵⁶ EMAO, *PowerPoint presentation to the Committee Delegation*.

⁵⁷ EMAO, *PowerPoint presentation to the Committee Delegation*.

⁵⁸ Australian Ethiopian Embassy, *Visit program notes*.

⁵⁹ EMAO, *PowerPoint presentation to the Committee Delegation*.

- 7.67 During its visit, the Delegation met with the team from Southern Sudan, and saw landmine detection dogs being trained using a variety of methods, and dogs destined for security work being put through their paces.

Crime and security

Australia's interest in crime prevention in Africa

- 7.68 As for Defence matters, the Committee considers that it is pertinent to consider the rationale for Australia's involvement in crime and security matters in Africa.
- 7.69 The AFP told the Committee that, as in other areas, the situation in African countries regarding crime and security is diverse. African law enforcement agencies face a range of challenges, 'from establishing basic rule of law principles in countries such as the Sudan' to 'creating an accountable police force in areas where corruption is an issue and governance needs to be strengthened'. It was noteworthy that these problems were 'exacerbated by organised criminal syndicates which rely on weakened state structures to create havens for illicit activity'.⁶⁰
- 7.70 The AFP also told the Committee that, from a 'law-enforcement perspective':
- ... growing levels of foreign investment, rapid economic expansion, corruption and weak governance are just some of the factors that continue to facilitate a broad range of criminal activity in Africa.⁶¹
- 7.71 The AFP told the Committee that crime and security problems in African countries, created or made worse by these developments, were directly significant to Australia:
- Australia is not immune to the transnational criminal activity originating from the African based criminal networks. Drug trafficking, technology based fraud, money laundering, human trafficking and child sex offences are perpetuated in African

60 Ms Mandy Newton, *Transcript 21 April 2010*, p. 61.

61 Ms Mandy Newton, *Transcript 21 April 2010*, p. 61-2.

countries where Western law-enforcement agencies have very limited ability to bring the perpetrators to justice.⁶²

- 7.72 In particular, technology-based fraud originating in Africa had significantly increased 'in recent years', and the AFP were responding to this from 'a global context' by creating units where intelligence - such as that on credit-card 'skimming' - can be fused with other data to provide the basis for a coordinated response to control such activity.⁶³
- 7.73 Domestic security agencies faced important challenges in dealing with these issues in Africa, where 'African law-enforcement counterparts are hampered by political issues, limited resources and management capacity restraints'. As a result, the AFP:
- ... includes African nations in its Management of Serious Crime program, Interagency Integrity Investigations program and leadership training currently being provided to the Ugandan police through the Australian Institute of Police Management. The Australian Federal Police is also providing nearly \$5 million over four years to aid forensic science development within key African nations and African law-enforcement agencies with the aim of enhancing their capacity to manage transnational crime investigations.⁶⁴
- 7.74 The AFP also noted that it had participated in a conference in South Africa regarding drug precursors (chemicals that are used to manufacture illegal drugs). This was consistent with priorities identified by the AFP in connection with African countries: 'to build capacity across the law-enforcement spectrum of African nations to tackle issues such as narcotic trafficking, money laundering, fraud and terrorism'.⁶⁵

Financial contribution

- 7.75 Australia makes a number of financial and training contributions to the police aspects of security in African countries. In relation to activities on crime, DFAT advised the Committee that:

The Australian Government has allocated \$17.5 million over four years to help strengthen African law enforcement agencies, with a particular focus on combating transnational crime and countering

62 Ms Mandy Newton, *Transcript 21 April 2010*, p. 61.

63 Ms Mandy Newton, *Transcript 21 April 2010*, p. 65.

64 Ms Mandy Newton, *Transcript 21 April 2010*, p. 61.

65 Ms Mandy Newton, *Transcript 21 April 2010*, p. 61.

terrorism. The program began in 2009-10 and is being implemented by the Attorney-General's Department, AFP and the Australian Transaction Analysis Centre (AUSTRAC).⁶⁶

7.76 DFAT also advised the Committee that:

The Attorney-General's Department received \$4.5 million over four years in the 2009-10 Budget to assist African countries develop or strengthen legal frameworks relating to terrorism, transnational crime and international legal cooperation. The Attorney-General's Department will offer training, legislative assistance and advice to African countries to assist with implementing international obligations, developing legislative frameworks and strengthening international legal cooperation frameworks in these areas. Programs of assistance will be developed in partnership with African countries and tailored to meet their specific requirements and priorities.⁶⁷

7.77 In addition, AUSTRAC 'has been granted \$8.1 million', to 'provide technical assistance and training in anti-money laundering and to develop financial intelligence unit capacity in up to nine African countries each year'. In particular, 'Botswana, Lesotho, Malawi, Namibia, Swaziland, Tanzania and Zambia [had] been identified as priority countries to receive assistance for the 2009-2010 financial year'.⁶⁸

7.78 Under a further set of arrangements the AFP 'will receive \$4.8 million to aid the development of forensic science in Africa', and as 'part of the program, 14 African countries have been invited to participate in laboratory management training to be held in 2010 under the auspices of the Southern African Regional Forensic Science Network'.⁶⁹

Piracy

7.79 The Somali coast is currently the major centre of piracy activity in Africa exacerbated by the increasing lawlessness in that country.

7.80 In April 2009, the Office of the Inspector of Transport Security released a report titled, *International Piracy and Armed Robbery at Sea*. The report commented that since the 1990s the modus operandi of pirates had become 'hijack and ransom'. They had become more audacious in

66 DFAT, *Submission No. 46*, pp. 504-5.

67 DFAT, *Submission No. 46*, pp. 504-5.

68 DFAT, *Submission No. 46*, pp. 504-5.

69 DFAT, *Submission No. 46*, pp. 504-5.

attacking international shipping and even ventured over 1000 nautical miles offshore. Ransoms amounting to millions of dollars had been sought and paid.⁷⁰

- 7.81 Naval military responses included the creation of the European Naval Force, the US-led Combined Maritime Force, and the presence of NATO and warships of other nations which protected their own flagged shipping.⁷¹
- 7.82 The report commented that the shipping industry had been reluctant to increase its own security because of the low risk of an actual ship being hijacked – estimated to be less than 0.1 per cent, the cost of providing on-board security, and an absence of insurance incentives.⁷²
- 7.83 The land based response arose from a meeting convened by the International Maritime Organisation in January 2009 which led to the Djibouti Agreement.⁷³ This resulted in a Code of Conduct to which 17 of the 21 eligible states are now signatories.⁷⁴ The signatories agreed 'to receive, prosecute and imprison persons convicted of piracy.' The Djibouti Agreement is supported by the United Nations Office on Drugs and Crime Counter-Piracy Programme.⁷⁵
- 7.84 Defence advised that it:
- ... currently cross-tasks a frigate and a portion of our AP-3C maritime patrol aircraft in the Middle East Area of Operations to counter piracy. Defence recently deployed an officer to the UN Department of Peacekeeping Operations as a maritime counter-piracy planner. Defence participates in the UN Contact Group on Piracy off the Coast of Somalia, which aims to address legal issues, coordinate operational commitments and promote regional capability development.⁷⁶

70 Office of the Inspector of Transport Security, *International Piracy and Armed Robbery at Sea*, April 2009, pp. 9–10.

71 Office of the Inspector of Transport Security, *International Piracy and Armed Robbery at Sea*, April 2009, p. 12.

72 Office of the Inspector of Transport Security, *International Piracy and Armed Robbery at Sea*, April 2009, p. 13.

73 Office of the Inspector of Transport Security, *International Piracy and Armed Robbery at Sea*, April 2009, p. 15.

74 Comoros, Djibouti, Egypt, Eritrea, Ethiopia, Jordan, Kenya, Madagascar, Maldives, Mauritius, Oman, Saudi Arabia, Seychelles, Somalia, Sudan, Tanzania, and Yemen.
<http://www.imo.org/OurWork/Security/PIU/Pages/DCoC.aspx> Accessed June 2011.

75 Office of the Inspector of Transport Security, *International Piracy and Armed Robbery at Sea*, April 2009, p. 15.

76 Defence, *Submission No. 30*, p. 222.

Liaison posts

- 7.85 The AFP advised the Committee that it maintains an international network of liaison posts, comprising 'just over 93 liaison officers operating around the world at this time, in over 30 countries'. Siting of liaison posts was 'very dependent on the criminal activity that we are dealing with in relation to those specific countries'. Since 2003, the AFP has maintained a sole liaison post for the whole of Africa, situated in Pretoria, South Africa. As a result, the AFP relies 'very heavily' on interrelationships with components of the police forces of other countries, such as the Serious Organised Crime Agency in the United Kingdom.⁷⁷

Nuclear Non-proliferation

- 7.86 The Committee has already noted links between defence and security breaches and failed states, and the opportunities these may provide for the growth of terrorism. This in turn can directly threaten Australia's security.

- 7.87 This is particularly important in view of Africa's emergence as a supplier of uranium. DFAT advised the Committee that:

Uranium mining and exploration activity in Africa has increased in recent years, and Africa is likely to become a major uranium producer and exporter over the coming decade for the world's civil nuclear power industry. It will be important that effective nuclear safeguards, physical protection, and export control measures are applied to this developing industry.⁷⁸

- 7.88 In addition, the record of African nations signing international safeguards agreements is far from comprehensive:

Seventeen African countries have not yet concluded a comprehensive safeguards agreement (CSA) with the International Atomic Energy Agency (IAEA), as is required by the Nuclear Non-Proliferation Treaty, 32 have not concluded the IAEA's Additional Protocol on strengthened safeguards, and 19 have not concluded the Convention on the Physical Protection of Nuclear Material (CPPNM).⁷⁹

77 Ms Mandy Newton, *Transcript 21 April 2010*, p. 64.

78 DFAT, *Submission No. 46*, p. 505.

79 DFAT, *Submission No. 46*, p. 505.

- 7.89 It is 'likely that for many of these states the reason for not concluding these key safeguards agreements is unfamiliarity and/or insufficient resources to devote to preparing for implementation'. The 'record on safeguards and CPPNM adherence is better, however, for the four states in Africa which are currently producing uranium (Malawi, Namibia, Niger and South Africa)'.⁸⁰
- 7.90 Within these mixed conditions, Australia is making efforts toward a more consistent regime. DFAT commented:
- DFAT, including the Australian Safeguards and Non-Proliferation Office (ASNO), has begun placing more nuclear safeguards and security outreach focus on Africa and is exploring ideas for further engagement, particularly focusing on current and prospective uranium mining states in Africa.⁸¹
- 7.91 In addition, Australia has hosted conference 'side events' on this issue at international meetings; is seeking further cooperation between the relevant Australian and South African agencies; and is planning, through ASNO, further means of applying its ASNO's 'outreach and training experience', hitherto mostly in Asia, to Africa.⁸²

Conclusion

- 7.92 As for many of Australia's involvements and interventions in Africa, its involvement in the security of African nations is characterised by small numbers of personnel directly involved, combined with commitments on financial assistance and training. This requires careful identification and planning to allow these limited interventions to achieve the maximum benefit for the resources invested.
- 7.93 Consistent with this approach, Defence told the Committee that:
- ... the Defence white paper provides us with very clear guidance as to our engagement with Africa. It is modest and limited. We believe that we can make a contribution in the area of international peace and security, primarily by providing niche contributions to UN peacekeeping operations and also through training support to help develop and improve the capacity of African forces, be they

80 DFAT, *Submission No. 46*, p. 505.

81 DFAT, *Submission No. 46*, p. 505.

82 DFAT, *Submission No. 46*, p. 506.

those of individual countries or the regional forces that are emerging across the continent, to carry out peacekeeping operations themselves.⁸³

7.94 Similarly, the AFP told the Committee:

Our capability is quite small to deal with the African area. There is an alliance of a number of law enforcement agencies in Western countries to try and strengthen where we actually have the greatest level of influence. We will work in conjunction with the United Kingdom, and in fact we are at this point in time in relation to a matter that potentially has foreign bribery implications, and we undertake joint investigations where those countries might be better off identifying and investigating a matter where there is dual interest.⁸⁴

Committee comment

7.95 Australia's approach to its Defence and Security engagement with African nations is consistent with its status as an interested middle-power. As stated in the National Security Statement of 2008, this approach is characterised by cooperative relationships between Australian government agencies – Defence, AFP, DFAT, Attorney-General's Department – and with other countries in Africa and elsewhere. This gives Australia the best possible chance of delivering value for the resources invested in these activities.

7.96 It is clear that there has been a significant change in Australia's security relationship with Africa in recent years. Although the wider stage has been set in the wake of the terrorist attacks of September 2001, Australia's specific interests have been put in train by policy changes of the new government in 2008. This, and the two-year period since the inception of these changes, makes it appropriate, therefore, to now consider Australia's overall approach.

7.97 For defence and security, the small numbers of our standing armed forces, and federal police, in proportion to the scale of the problems and number of African countries, in part determines the nature and scale of Australia's commitment. It appears that within those constraints, Australia has developed an effective doctrine, which combines funding, training,

83 Mr Ben Burdon, *Transcript 21 April 2010*, p. 51.

84 Ms Mandy Newton, *Transcript 21 April 2010*, p. 63.

technical support and peace-keeping. This is likely to improve its relations with African countries, and help contain risks that could conceivably affect Australia if they were left unattended.

- 7.98 The Committee welcomes the forward-thinking and risk-management-based approaches on terror, crime and defence that are evident in the current approach. This appears to be a prudent line of activity which, again, seeks to prevent rather than respond to crises after they occur.
- 7.99 It is in Australia's interests to be and be seen to be a good global citizen. It is possible for Australia's policy to be based on its 'interest' as well as on a commitment to an 'international rules-based order'.
- 7.100 It would seem, however, that Australia's wish to present a credible face in Africa would be well-served by including a specific reference to the doctrine of responsible sovereignty within Defence policy. Relying solely on 'Australia's interests' arguments could run the risk of being perceived as neo-colonial in intent. A rules-based approach, combined with the very considerable natural resources investments and expertise underlined by principles of corporate social responsibility brought to bear in Africa by Australian companies, would be a good way to present Australia within the continent of Africa, and would distinguish it both from past actions by Western countries and, in some cases, contemporary involvements in the African resource sector.
- 7.101 Finally, as Australia's engagement with the continent increases, all facets of that engagement such as, aid, trade and investment, defence and security, should be included within an overall strategy.

Security in Zimbabwe

- 7.102 Zimbabwe has become Australia's largest bilateral aid program in Africa.⁸⁵ Of prime concern, therefore, is the political stability and security of that country because it impacts on the long-term effectiveness of aid programs.
- 7.103 Mr Sibraa, a former High Commissioner to Zimbabwe, described the beginnings of repression by the Zimbabwe African National Union Patriotic Front (ZANU-PF):
- ... the nineties were good times. Zimbabwe was a food exporter and tourism was booming – two Qantas flights a week, sometimes

85 AusAID, *Submission No. 47*, p. 583.

three ... we were selling agricultural equipment. There were trade missions ... It was positive. Things started to go bad in 1999. It held a referendum to change its constitution. ... To the shock of the ruling party and Mugabe that constitutional vote was defeated. That is when the repression started.

They were particularly unlucky in that Parliamentary elections followed just after in 2000. There is no doubt in my mind that if the referendum had come after the parliamentary elections, the MDC [Movement for Democratic Change] – the opposition – would have won those elections. ... as a result of the referendum, the ruling party was able to see how people had voted and in which particular areas and they were earmarked for repression.⁸⁶

7.104 The politically motivated violence led to the imposition of targeted sanctions in 2002 by Australia, the European Union (EU) and the US. Australia's sanctions involve:

- Restrictions on financial transactions involving members or supporters of the Mugabe regime, including senior management officials of state owned companies ...
- Restrictions on visas to travel to Australia [by these people]
- Screening of all student visa applications from Zimbabwe to identify [those from] adult children of Zimbabwean individuals subject to Australian travel and financial sanctions ...
- Prohibition of defence links
- Restrictions on exports of arms and related materiel ...
- Downgrading of government-to-government contacts at multilateral forums
- Downgrading of cultural links⁸⁷

7.105 Similar sanctions are imposed by the EU and US.⁸⁸

7.106 The Zimbabwe economy collapsed. Mr Sibraa continued:

Negative growth rates over 12 years; inflation of 230 million per cent; farms were being grabbed; Mugabe gave in to ridiculous wage claims by the so-called war veterans; and the economy started to go down the drain.⁸⁹

86 Hon. Kerry Sibraa, *Transcript 28 April 2010*, p. 5.

87 <http://www.dfat.gov.au/un/unsanctions/zimbabwe.html> Accessed May 2011.

88 See: <http://thejournal.eu/2011/02/eu-renews-sanctions-against-zimbabwe/> and <http://www.state.gov/r/pa/ei/bgn/5479.htm> Accessed May 2011.

89 Hon. Kerry Sibraa, *Transcript 28 April 2010*, p. 5.

- 7.107 When the Committee Delegation visited Zimbabwe clear signs of a collapsed economy were evident – poorly maintained buildings; potholed roads; and partially completed residential buildings (building is a start stop process, proceeding when enough cash has been saved and ceasing when it is used up).
- 7.108 Following elections in 2008 the opposition MDC and ZANU- PF reached an agreement, the Global Political Agreement (GPA), to establish an Inclusive Government. The GPA included Articles which provided for a re-drafting of the Zimbabwe Constitution, a sharing of power in an Inclusive Government, and an agreement whereby the parties to the agreement agreed:
- to promote the values and practices of tolerance, respect, non-violence and dialogue as means of resolving political differences;
 - to renounce and desist from the promotion and use of violence, under whatever name called, as a means of attaining political ends;
 - that the Government shall apply the laws of the country fully and impartially in bringing all perpetrators of politically motivated violence to book;
 - that all political parties, other organisations and their leaders shall commit themselves to do everything to stop and prevent all forms of political violence, including by non-State actors and shall consistently appeal to their members to desist from violence;
 - to take all measures necessary to ensure that the structures and institutions they control are not engaged in the perpetration of violence.⁹⁰
- 7.109 The GPA resulted in the Inclusive Government in which President Mugabe 'held on to security related ministries – defence, police, the judiciary and so forth – with the MDC holding onto social service ministries'.⁹¹
- 7.110 The Finance Ministry was allocated to the MDC under Mr Tendai Biti who stemmed the rampant inflation in Zimbabwe by causing the adoption of the US dollar and South African rand as the domestic currency.
- 7.111 Following the creation of the Inclusive Government, the economic situation in Zimbabwe has improved:

90 *Global Political Agreement* 15 September 2008, Article XVIII Security of Persons and Prevention of Violence, Clause 18.5.

91 Mr Tapera Kapuya, *Transcript 7 December 2010*, p. 63.

Schools have reopened, supermarkets have opened and goods are on the shelves. Foreign currency has taken the place of the Zimbabwean dollar.⁹²

7.112 The benefits of this improvement have largely flowed to the MDC:

So we have ultimately seen some improvements, but then those are largely personality driven, on the character and strength of the personalities involved. But ultimately the public perception is one of confidence in the ministries which the MDC currently holds. ... What has been becoming quite evident is that in those particular ministries which have a direct impact on the social well-being of ordinary Zimbabweans there have really been significant changes. We have managed to contain the cholera crisis ... to provide textbooks to schools, including rural schools, and to get every child back to school ...⁹³

7.113 Unfortunately, President Mugabe has failed to adhere to the GPA by making appointments to positions such as Reserve Bank governor, provincial governors, certain ambassadors, and senior civil servants without consulting the MDC. As well, the Indigenisation Act is being implemented again without consultations with the MDC.⁹⁴

7.114 The reform of the Zimbabwe Constitution has also stalled due to lack of funding and has been associated with coercion:

What was supposed to be just a basic outreach of asking people what they would want to see in the Constitution ended up being the very same sort of war build-up whereby villagers were being rounded up, forced into camps with all through the night singing and being forced to recite ZANU-PF talking points on constitutional reform.⁹⁵

7.115 Politically motivated repression continues, the International Crisis Group recently commenting that:

... ZANU-PF's ability, in partnership with the unreformed security sector leadership, ... to thwart a democratic transfer of power remains intact. The state media is still grotesquely unbalanced,

92 Hon. Kerry Sibraa, *Transcript 28 April 2010*, p. 5.

93 Mr Tapera Kapuya, *Transcript 7 December 2010*, p. 63.

94 Mr Tapera Kapuya, *Transcript 7 December 2010*, p. 60.

95 Mr Tapera Kapuya, *Transcript 7 December 2010*, p. 63.

and the criminal justice system continues to be used as a weapon against ZANU-PF opponents ...⁹⁶

- 7.116 An analysis of the violence in Zimbabwe concludes that in late 2010 and early 2011 fierce rivalry between ZANU-PF supporters and those of the MDC party aligned to Prime Minister Morgan Tsvangirai has been centred on several Harare townships:

There has been no single cause of violence. The clashes have centred on territorial turf: access to local market infrastructure, such as stalls, land for urban agriculture, and location of infrastructure such as party offices. Other triggers have included wearing of party dress, T-shirts, caps and so on. In most clashes, the youth form the major force with their party patrons lurking in the background. Increasingly, the violence has spread to rural areas.⁹⁷

- 7.117 As a consequence of ongoing violence, sanctions have remained and eventually SADC, the guarantor of the GPA, expressed its frustration in a communiqué issued on 31 March 2011. It included the following:

- there must be an immediate end to violence, intimidation, hate speech, harassment, and any other form of action that contradicts the letter and spirit of GPA;
- all stakeholders to the GPA should implement all the provisions of the GPA and create a conducive environment for peace, security, and free political activity;
- the Inclusive Government in Zimbabwe should complete all the steps necessary for the holding of the election including the finalisation of the constitutional amendment and the referendum.

- 7.118 The communiqué added that SADC should assist Zimbabwe in formulating guidelines for holding a peaceful free and fair election and that a team of officials would be created 'to ensure monitoring, evaluation and implementation of the GPA.'⁹⁸

- 7.119 Since that time, SADC has been in negotiations with ZANU-PF and the MDC which resulted in a report of progress by South African Ambassador Ms Lindiwe Zulu. A 'road map' towards free and fair elections had been

96 International Crisis Group, *Zimbabwe: The Road to Reform or Another Dead End?* Africa Report No. 173, 27 April 2011.

97 Assoc. Prof. Lloyd Sachikonye, *When a State Turns on Its Citizens – 60 Years of Institutionalised Violence in Zimbabwe*, p. 105.

98 SADC Communiqué: *Summit of the Organ Troika on Politics, Defence and Security Cooperation* 31 March, 2011, Clause 17.

produced, but with some outstanding issues remaining. The most difficult issues concerned the mostly pro-ZANU-PF security forces and details in the election laws. Also there was concern about the succession law should President Mugabe die or retire before adoption of a new constitution.⁹⁹

Committee comment

- 7.120 The lifting of targeted sanctions against Zimbabwe is unlikely to occur until tangible progress has been made. When the Committee Delegation raised this issue with Zimbabwean politicians and NGOs it found there was not a unified view regarding the effect of sanctions or whether or when they should be eased.
- 7.121 It must be noted that sanctions are a double edged sword. That is, they can be used to encourage reform and highlight international opposition to the actions of a repressive regime. However, they can also be used by such a regime to divert responsibility for problems the country is facing. As such, the Committee believes that sanctions should be subject to ongoing review with respect to Zimbabwe and should take into account changing circumstances on the ground.
- 7.122 It is encouraging that SADC's increased engagement appears to be having an influence in creating a roadmap for settlement of issues and fulfilment of the GPA. The long-term outlook for change may be positive if only because the ZANU-PF leadership is ageing:
- ... the median age of people in leadership in ZANU-PF, for example, is about 70. Mugabe himself is ranging towards 87. That is his recorded age.¹⁰⁰
- 7.123 Indeed, there appears to be fracturing within ZANU-PF. The Speaker of Parliament, Lovemore Moyo (MDC) was re-elected in a secret ballot in Parliament with the assistance of votes from a small number of ZANU-PF members.
- 7.124 A disturbing view, however, has been put by Associate Professor Lloyd Sachikonye, Institute of Development Studies, University of Zimbabwe, in his book, *When a State Turns on Its Citizens – 60 Years of Institutionalised Violence in Zimbabwe*. His thesis is that:

99 <http://www.voanews.com/english/news/africa/Southern-Africa-Mediators-Report-Progress-in-Zimbabwe-Political-Talks-121510114.html> Accessed May 2011.

100 Mr Tapera Kapuya, *Transcript 7 December 2010*, p. 57.

Zimbabwean politics are embedded in a tradition and practice of violence that began more than half a century ago ... In Zimbabwean experience, while violence was a decisive instrument in the attainment of independence, it was also a major divisive force afterwards. It has remained a cancer that corrodes the country's political culture and blocks its democratic advance.¹⁰¹

- 7.125 It will take a monumental effort if the cycle of violence in Zimbabwe is to be broken. This will require political good will on all sides.

101 Assoc. Prof. Lloyd Sachikonye, *When a State Turns on Its Citizens – 60 Years of Institutionalised Violence in Zimbabwe*, pp. xvii, xviii.

