

**Australis is a collective name for a number of individual contributors to *Defender***

## Unhelpful contribution

As the main apolitical public interest watchdog on national security issues the Australia Defence Association has long fought for truth in government, in both perception and reality. The Association's parliamentary submissions, our quarterly journal *Defender*, and our public statements, have been quite critical of the current government in this regard—as we were of previous administrations.

The ADA is, however, troubled by the open letter by 34 ex-diplomats, 3 ex-Defence mandarins and 6 retired ADF senior officers published on Sunday 08 August 2004.

Subsequent debate on this letter has too often degenerated into attempts at partisan point scoring. Too many of the protagonists in the debate are looking at the issues through polarised party-political prisms rather than making the effort to take a disinterested or longer-term national interest perspective.

With regard to the open letter itself the ADA's more general concerns cover seven aspects.

First, the letter is not particularly well written and argued, perhaps reflecting the apparent need to bond a large number of contributors with obviously differing understandings or interpretations of the events cited, and with motivations ranging from disquiet to outrage. This undermines its impact as an open letter.

Second, its unfortunate timing, during a virtual election campaign, detracts from the signatory's claim to a non-partisan intent and therefore the general credibility of the criticism.

Third, a large number of the signatories have not previously contributed to non-partisan public debate on national security issues. Their sudden interest raises natural suspicions.

Fourth, the marked preponderance of ex-diplomats (including the so-called 'Intelligence Chiefs'), and the relative paucity of retired senior ADF officers and civilian Defence mandarins involved, significantly undermines the broad perspective, cross-functional expertise and 'clout' of an open statement on national security matters. Much of the media comment on the letter has missed this point entirely and has also exaggerated the number and relative prominence among the signatories of the ex-ADF members involved.

Fifth, as with all open letters it is just as worthwhile to note who has not signed.

Sixth, several signatories are noted advocates of reasoned positions opposed to the policies of the current government. Others, such as Alison Broinowski and Tony Kevin, could not be described as other than polemicists in this regard. Others are individuals who, rightly or wrongly, have been sacked by this or previous Liberal governments. More troublingly, several of the signatories are also individuals with a known history of career preferment under Labor administrations. This seriously undermines the letter's purported apolitical stance and desired effect.

Seventh, General Peter Gration's subsequent claim that many serving ADF officers hold similar views is probably correct—as is the likelihood that just as many would probably hold the opposite view. This diversity of opinion is to be expected in defence force or intelligence agency personnel in a democracy.

Most importantly of all the real lesson of the open letter is apparently lost on many Australians. Genuine non-partisan community watchdogs are needed to continuously monitor any government and offer measured criticism in the public interest. They work hard to do so and need the consistent support of Australians genuinely interested in public debate on the issues concerned. 'Flash-in-the-pan' or grandstanding open letters of dubious gestation and motivation simply do more harm than good. Such letters cannot replace the hard grind of constant effort and real commitment by truly independent public interest guardian organisations. ♦

*[This is a reprint of the ADA statement on the open letter on 'truth in government' which appeared in the press in early August 2004].*

## The peril of negotiating in terror

The unconfirmed, and probably bogus, claim in mid September that Islamist terrorists in Iraq had taken two Australians hostage naturally focused attention on Australia's policy of never negotiating substantive matters of policy with terrorists.

It is easy to declare a strict policy of refusing to negotiate with terrorists when the discussion is theoretical. It is much harder to do so when it becomes personal. There is also a fine line to be walked between declaring the policy and daring its potential opponents.

Too strident a declaration may indeed invite tests of a Government's resolve.

Recent Australian criticism of the Philippines Government for choosing to negotiate over Filipino hostages in Iraq also failed to account for differences of situation and nuance. A fragile democracy greatly dependent on remittances from a large number of expatriates is obviously more vulnerable than most countries to hostage-taking dilemmas, especially when its small military commitment to Iraq was leaving six weeks later anyway.

The bottom line, however, is that negotiations on substantive matters with terrorists to free hostages invariably leads to such hostage-taking becoming increasingly attractive to the terrorists.

Even if we were to withdraw our forces from Iraq in exchange for the release of Aussie hostages, it is almost certain that this would lead to further hostage-taking on other issues in other places. The nature of Islamist terrorism in particular makes this inevitable.

The 'no negotiations' policy resulted from experiences in the early 1970s when there was a worldwide upsurge in siege-hostage incidents. Similar policies are maintained by virtually all Western democracies. The 'no negotiations' policy was originally firmly based in the rational actor paradigm. It is generally assumed that terrorists want to maximise their own self-interest (as they see it), that they generally want to live rather than die, and that they also want to eventually escape their predicament.

In such 'traditional siege-hostage' cases the terrorists usually barter the well-being and lives of their hostages to achieve their own survival and the intermediate or overall political objectives they seek. The negotiation problem is therefore generally a matter of lowering their expectations logically by a judicious mix of physical containment, time, rapport and resolve.

Traditional siege-hostage situations are essentially contests of governmental resolve versus terrorist ruthlessness with both spiced by bluff. Any killing of hostages, especially vulnerable ones, is generally counterproductive as this tends to invite forcible intervention in order to save at least some of the remainder.

The nature of traditional terrorist actions, while still contrary to the laws of war, are also usually based on some shared cultural understandings and accepted prohibitions. Women and children, for example, are often the first to be released during negotiations. In the past, traditional terrorist groups such as the IRA or ETA tended to acknowledge that open killing of the innocent and vulnerable reflected badly on their professed cause and on them personally as 'fighters' in that cause.

In contrast, hostage taking by Islamist terrorists over the last half decade has introduced several new complications.

First, hostage taking in the lawless and amoral badlands where Islamist terrorism thrives, more often

than not does not involve a siege—where well-trained security forces can contain the incident in order to negotiate from a position of relative strength.

Second, this relative impunity, exacerbated by religious fanaticism, racism and perverted scriptural rulings from bigoted clergy, encourages not just the taking of hostages and their killing, but also callous and inhumane acts such as torture, beheading and mutilation as acts of terrorist theatre.

Third, the act of terrorism is often the Islamist's religious or quasi-political objective in itself—at least for its direct perpetrators. Negotiations are often not possible because they are not intended or sought by the terrorists.

Fourth, even where purported terrorist objectives are cited they are often so unrealistic that no meaningful negotiation is possible. This is compounded by cross-cultural awareness gaps between terrorists and negotiators becoming chasms of mutual incomprehension, ignorance and rage.

Finally, the nature of Islamist terrorism often means the terrorists involved welcome death and, at least ostensibly, cannot be drawn into negotiations to escape the situation.

Kidnapping for ransom is endemic in Iraq and not all the abductors are terrorists. However, if Australians in Iraq, or indeed elsewhere, are taken hostage by Islamist terrorists (as opposed to ordinary criminals) there is little we can do for them except hope and pray they can negotiate their own release, escape or be rescued by military intervention. In Iraq, all three options are rarely successful and Australians working there, and their families in Australia, should not harbour any false hopes otherwise.

It would be particularly cruel to raise false hopes in such situations, especially by advocating simplistic or unrealistic 'solutions' that are contrary to broader public safety and the wider national interest. ♦

## Trooplift helicopters

The recently announced decision to procure the MRH 90 trooplift helicopter for the ADF and not the M model Black Hawk ends a hard-fought contest between Sikorsky and Australian Aerospace (Eurocopter). In some ways not much changes over time. During the last update of the ADF's utility helicopter capabilities the Winter 1986 issue of *Defender* noted that: 'the war between the rival manufacturers, Sikorsky and Aerospatiale, is hotting up'.

Generally, the ADA considers capability development from a systems-level and strategic options viewpoint and does not endorse individual sea, land or air platforms. For example, the ADA agreed that the Army clearly needed a new tank to modernise and harden its combined-arms team approach, and better integrate into joint amphibious operations, but the actual brand of tank was not in itself considered vital.

With the replacement helicopter decision, however, the Association considered that the two platforms in the contest also embodied several choices integral to the future of the ADF as a modern, strategically and operationally mobile force capable of seamless amphibious and land operations throughout our region, and further afield where necessary. As noted in our examination of the merits of both helicopters in the July issue of *Defence Brief*, the Association considers the correct decision has been made for a variety of reasons.

The MRH 90's introduction into service from 2007 will see the retirement of the last of the ADF's venerable UH-1H Iroquois fleet, which first entered service in 1970. The introduction of the capable and versatile MRH 90 now offers an excellent opportunity to significantly rationalise the eight separate helicopter types operated across the ADF. There would appear to be considerable advantages over time to also replace the ADF's seven aging Sea King helicopters (entered service 1975) with more MRH 90s, and later again replace the 36 Black Hawks and 16 Seahawks, which entered service in 1987 and 1988 respectively, with a common airframe.

There also appears to be considerable merit in investigating the creation of an integrated joint helicopter formation along the lines of those used by the US Marine Corps and the UK Joint Helicopter Command. The proposed procurement of two medium-sized LHDs to improve ADF operational manoeuvre in the region reinforces the utility of such an option. ♦

## The myth of the 'national security election'

As discussed in the editorial, this is hardly the election on national security issues trumpeted by some commentators. While the war in Iraq and recent terrorist attacks in Jakarta and Beslan obviously impinge on electoral consciousness, their effects are more likely to reinforce previous voting intentions than change them.

During the election campaign so far the plethora of spending promises and policy announcements by both major parties on national security issues tend to be worthy in themselves but are usually of exaggerated importance or focused on minor or peripheral matters. The real differences between the major parties on substantive defence issues remain notable only for their rarity. In some cases this is a good thing, but it owes more to neither wanting to spend more on defence than to any healthy bipartisan agreement on fundamental strategic viewpoints. ♦

## Calling a spade a spade

The success of the campaign against transnational Islamist terrorism is being hindered by silly debates about semantics. Some maintain that the so-called 'war on terror' is misplaced because you cannot wage war against an abstract noun. Ironically this never seems to be a problem when the target is poverty,

illiteracy or homelessness.

Others worry endlessly about the campaign being perceived as a 'war against Islam' rather than a struggle against the extreme and bigoted perversions of that faith that now engender violence against perceived enemies. In their hand-wringing attempts to differentiate the terrorists from mainstream moderate Muslims they employ confusing and inaccurate euphemisms such as 'jihadist'.

Still others among the confused, ignorant or unduly sensitive cannot even bring themselves to this degree of specificity. They refer to the terrorists using general terms such as 'militants', 'activists' or 'extremists' without any qualifying adjective or acknowledgement that they are indeed terrorists.

We would all be much better off, including Australians of the Islamic faith, if a spade was called a spade. The terrorists who murdered thousands in the Twin Towers attack, who murdered 88 Australians and another 114 people of various nationalities and creeds in Bali, and who recently murdered 10 Indonesians outside the Australian embassy in Jakarta, are Islamist terrorists.

To some the difference between the suffixes 'ic' and 'ist' is too subtle. Yet others fear it may be misunderstood in the same way that pediatricians are sometimes confused with pedophiles. We will not, however, win our struggle against Islamist terrorism until we positively identify our foe and not camouflage what has to be done in unnecessary verbiage.

Accurate identification of the enemy will protect the innocent from being wrongly accused. ♦

## New Zealand's handy all-rounder

New Zealand has copped its fair share of flak over the last few years for its apparent lack of commitment to defence, much of it misdirected. But critics of New Zealand's capability development plans and capital equipment acquisitions can now take some solace from the news that the NZ\$500 million Project Protector is primed to deliver the goods.

In addition to providing two new 85m offshore patrol vessels and updating four 55m inshore ones, Project Protector will furnish a 8870-tonne displacement, 131-metre Multi-Role Vessel (MRV) that will provide a significant boost in capabilities for the NZDF as a whole, but particularly in tactical amphibiousness and sealift.

Bigger than HMAS *Tobruk*, the MRV will be able to transport a 250-strong infantry company group, a quantity of the new LAV III 8x8 wheeled armoured fighting vehicles (up to 315 lane metres worth) and stores (up to 33 20-foot ISO containers) some 6000 nautical miles and support the lot for 30 days. If port facilities are unavailable, the MRV can use its stern ramp and two deck-mounted landing craft (LCM-8 size) to enable ship-to-shore load transfer in a similar manner to the ADF's LPA. The two-spot aft flight deck and hangar will enable the carriage and operation of two medium-sized helicopters such as the SH-2G (NZ) Super Seasprite or the RNZAF's new utility helicopter (which is to replace

the UH-1H Iroquois before decade's end).

Scheduled for delivery to the RNZN in December 2006, the MRV, with its worthwhile mix of capabilities and good operational flexibility, will prove a very handy adjunct to the ADF's new LHDs. The ship will greatly enhance the ability to deploy, lodge and sustain a combined Australian–New Zealand task force anywhere in our region.

Importantly, while New Zealand continues to fund its defence on a per capita basis only half that of Australia, the MRV is a sure sign that the NZDF is indeed serious about contributing meaningfully to future joint and combined operations with its nearest and dearest neighbour. ♦

## A sigh of relief

The collective sigh of relief in Russell Offices at the High Court ruling in the Alpert case was no doubt heard across Lake Burley Griffin. It was a close-run decision with the court splitting 4–3 to preserve the constitutional validity of the Defence Force Discipline Act covering defence force members deployed overseas, even when off-duty and on holiday in a third country.

The minority judges considered that courts martial in such cases were invalid because the member, as an Australian citizen (and off duty as an ADF member), should be tried in a civilian court in Australia or in the third country in question. The majority opinion came down on the side of needing to preserve discipline in the defence force, bearing in mind that personnel could be deployed to places with no government or where the government was hostile. Nominally, at least, both the majority and minority judges favoured a 'Service connection', rather than a 'Service status' test as the determinant of jurisdiction under the DFDA. They differed sharply as to the application of that test to the facts of the case.

This ruling buttresses the DFDA but it remains under long-term threat because of the growing belief that it is not an independent use of the Commonwealth judicial power. The question whether the DFDA violates the Commonwealth constitutional requirement that judicial power only be exercised by judges holding security of tenure was not raised in the case.

The idea that the defence force does not need a disciplinary code, even when operating overseas, is apparently no longer a novel one, and future challenges to the DFDA seem certain. The difference between the organised armed forces of a democracy on the one hand, and a rabble on the other, chiefly depends on lawful discipline. The many leading judicial figures who were also senior commanders in World War II must be turning in their graves at the naïve belief a defence force can do its job without being subject to a disciplinary code. ♦

## Dire straits

As last discussed in the Autumn 2004 issue of *Defender*, tension between Taiwan and the mainland Chinese regime will continue to pose serious strategic risks for Australia until the mainland eventually democratises and

acknowledges it has no legitimate claim to inflict itself on Taiwan. This democratisation may take some time.

The risk is, especially with the purported legitimacy of the mainland regime so wound up with the issue, that war may occur in the meantime, perhaps even because of irrational or incompetent actions by factions within the regime. This is particularly so while China deploys such intimidatory force against Taiwan, including over 500 medium-range ballistic missiles which could be used to batter and coerce Taiwan without the risk of actual invasion.

For the foreseeable future any Chinese attempt to conquer Taiwan by military force is likely to mean US intervention to assist Taiwan's defence. No-one wants this to ever occur, not least because the probable Chinese defeat in such a conflict would spur China to become a strategic peer competitor to the US in a similar manner to the Soviet Union during the Cold War. Such a development would fundamentally change the strategic architecture of the Asia-Pacific region for the worse for decades, and have significant world-wide political and strategic consequences.

The strategic ambiguity of Taiwan's status is central to preventing a war. Preserving this ambiguity is in all our interests as no long-term solution to this problem is likely to occur without a change of regime for the better in mainland China. It is China not Taiwan, after all, that is making all the military threats.

Some Australian politicians of all parties appear receptive to Chinese overtures, especially when visiting China. Many of them even appear tempted to believe that backing the Chinese position on Taiwan makes sense because 'China is so big and important for our future'. Perhaps they should ponder the analogous but now defunct views on East Timor's incorporation into Indonesia that were fashionable in some circles during the Suharto dictatorship in that country.

Taiwan's successful and vibrant democracy is one of the reasons the mainland regime fears and hates it so. Given China's heavy handed treatment of Hong Kong under the 'one country, two systems formula' China has surely blown any chance it ever had of attracting Taiwan 'back' by political means.

The bottom line is that Taiwan is a democracy like us and the United States is our principal ally. If push comes to shove in the Taiwan Straits it will be hard for Australia to avoid joining the US and Taiwan, in defence of the latter's freedom, on a range of strategic, collective defence and moral grounds. This is a horrifying prospect and we all hope it never comes to pass. However, those who forget these strategic and moral realities while being entranced by the overtures of the mainland Chinese regime really need to ponder the real nature of that regime.

They also need to ponder the reaction of the Australian people several times over the last century when totalitarian countries attacked small democracies. Australians are not easily intimidated and can recognise the difference between short-term appeasement and hard long-term moral choices. ♦