Afghanistan

SPEECH

Thursday, 9 February 2012

BY AUTHORITY OF THE HOUSE OF REPRESENTATIVES
Mr STEPHEN SMITH (Perth—Minister for Defence and Deputy Leader of the House) (09:01): by leave—The government is committed to providing regular reports and updates on Afghanistan, including to the parliament. I last reported to the parliament on 24 November 2011, with a particular emphasis on detainee management. Prior to this, I had updated parliament on Afghanistan on four other occasions during 2011. This is my first report to parliament for 2012.

International commitment, transition and post-transition

I attended the North Atlantic Treaty Organisation (NATO) and International Security Assistance Force (ISAF) Defence Ministers meeting in Brussels on 4 February. Defence ministers met at a critical time for the international community’s commitment in Afghanistan ahead of the NATO/ISAF Leaders Summit in Chicago in May. Defence ministers continued their consideration of the international community’s post-2014 commitment to Afghanistan.

The international community has reached the point where key decisions now need to be made about the post-2014 international commitment in Afghanistan. A clear, consistent message about the future from NATO and ISAF is essential for Afghanistan, its neighbours—especially Pakistan—and also to send a clear message to the Taliban and insurgent groups.

Australia believes that there are three key decisions to be agreed at the Chicago leaders summit:

Firstly, to reaffirm—as defence ministers did in Brussels—the commitments on security transition the international community made in Lisbon, namely to transition to Afghan-led security responsibility across the country by 2014. Important progress has been made with the implementation of the first two tranches of districts and provinces to transition to Afghan-led security. When these two tranches of districts have transitioned, Afghan National Security Forces (ANSF) will provide lead security for up to 50 per cent of the Afghan population. As United States Secretary of Defense Panetta has recently noted, when the final tranche of districts and provinces commences transition to Afghan-led security in mid-2013, the international community and Afghanistan will have achieved a key Lisbon milestone. As both Secretary Panetta and NATO/ISAF defence ministers said in Brussels, ISAF forces will of course still need to be in support and prepared to undertake combat operations in support of the Afghan National Security Force (ANSF) until the end of transition in 2014.

Secondly, at Chicago the international community and Afghanistan will need to determine and agree the size and shape of the ANSF that is sufficient to ensure and sustain security for Afghanistan in the longer term beyond 2014. Having determined this in consultation with the Afghan government, the cost of sustaining the ANSF needs to be agreed as well as a fair burden-sharing arrangement for consideration by the broader international community.

Thirdly, the international community must make an enduring commitment to Afghanistan. The NATO-Afghanistan Strategic Partnership and comparable bilateral national agreements—including with Australia—are an important start. Last month, President Karzai signed frameworks for cooperation between Afghanistan and the United Kingdom and other European partners, including France and Italy. Afghanistan and the United States are continuing to work towards their future strategic partnership framework. These partnership agreements represent an important evolution in the relationship between the government of Afghanistan and its international partners and reflect the international community’s long-term enduring commitment to Afghanistan.

As the Prime Minister said in her statement to parliament on 21 November last year, Australia also seeks an enduring relationship with Afghanistan beyond 2014. After 2014, Australia will maintain links with Oruzgan Province, but our role will necessarily have a more national focus. As well, the international community must, in the context of the Chicago summit, agree a basic mission profile of NATO-led, post-2014, post-ISAF engagement.
to support, assist and advise the ANSF to ensure stability is sustained beyond 2014 and to achieve our objective of never again allowing Afghanistan to be a training ground for international terrorism.

The mission profile necessary to achieve this could include but not necessarily be limited to:

Support for the further professional development of the ANSF, including through the provision of institutional and high level niche training;

Providing the ANSF with continued access to key enablers and capabilities, and

A continued international Special Forces presence to help the ANSF develop the necessary capability, and where necessary, to undertake operations essential to prevent Afghanistan from again being used by terrorists to plan and train for attacks on innocent civilians abroad. Australia has made clear that we expect to maintain a presence in Afghanistan beyond 2014, potentially through training, military advisers, capacity building and development assistance and a Special Forces presence.

In Brussels, I met senior NATO/ISAF Commanders and my Defence ministerial colleagues from Afghanistan and a number of NATO/ISAF contributing countries, including the United States and the United Kingdom. The resounding view is that good security progress continues to be made on the ground in Afghanistan. We agreed that there has been positive momentum in the mission and that we must continue to consolidate security gains in 2012.

Although the circumstances continue to be difficult and dangerous, we are on track to transition to Afghan-led responsibility to the Afghan National Security Forces by 2014. Combined Afghan National Security Forces and International Security Assistance Force operations continue to maintain gains over the insurgency, despite the high-profile attacks that ISAF has experienced during the past six months. These high-profile attacks have been used by the insurgency as propaganda to undermine the progress made and the confidence in the Afghan government and the International Security Assistance Force.

**Combined Team Oruzgan: Progress in Oruzgan**

Australia is committed to training and mentoring the Afghan National Security Forces (ANSF) in Oruzgan Province to enable them to take on responsibility for security in Oruzgan by 2014. Australian forces continue to make steady progress in training the 4th Brigade of the Afghan National Army. The 4th Brigade is increasingly assuming the lead for the planning, preparation and execution of tactical operations, allowing Australian forces to concentrate on mentoring and advising Afghan command and combat support functions.

The 4th Brigade is also demonstrating progress towards operating independently, with a number of infantry Kandaks (battalions) now expected to be capable of conducting independent operations during 2012. On current advice, the 4th Brigade as a whole is expected to be operationally viable and ready to take the lead for security by 2014, and possibly earlier. On that trajectory, there is an expectation that Oruzgan will be included in the third tranche of districts and provinces to transition to Afghan-led security responsibility. There is an expectation that the decision on the third tranche of transition will be made in the course of the first half of this year and that transition to Afghan-led security will then take place over the following 12 to 18 months.

Australian troops continue to work with our ISAF colleagues from the United States, Singapore and Slovakia in Combined Team Oruzgan. Australia’s mission to train the ANA 4th Brigade is progressing well, with an expanded Afghan influence throughout the province. Australian Mentoring Task Force-Three (MTF-3) handed over to Mentoring Task Force-Four (MTF-4) on 24 January. Over the eight months that MTF-3 conducted operations in Oruzgan, the level of Afghan National Security Forces competence grew, with the local forces becoming more and more independent in planning security operations.

The 4th Brigade is now leading operations with the MTF in tactical support and the majority of ANA patrols are now conducted independently. The 4th Brigade Headquarters and the 2nd Kandak are now assessed as being effective with advisor support. The Afghan National Army (ANA) and Afghan National Police (ANP) are more frequently conducting combined security operations, and are increasingly doing so without requests for direct International Security Assistance Force support. This has reduced the freedom of movement and activity of insurgents in Oruzgan.
Detainee Management update

Australia takes the issue of detainee management very seriously and has a robust framework for detainee management in Afghanistan. In developing our detainee management framework, Australia has had two priorities in mind. First, the critical need to remove insurgents from the battlefield, where they endanger Australian, ISAF and Afghan lives. Second, the need to ensure humane treatment of detainees, consistent with Australian values and our domestic and international legal obligations.

Australia’s detainee framework draws on applicable international standards and advice from international humanitarian organisations. Under the framework, detainees apprehended by the Australian Defence Force are either transferred to Afghan custody in Tarin Kowt or United States custody at the Detention Facility in Parwan or released if there is insufficient evidence to seek prosecution through the Afghan judicial system. Arrangements are in place with both the Afghan and US governments that include assurances on the humane treatment of detainees and access to those detainees by Australian officials and humanitarian organisations to monitor their continuing welfare.

Update on detainee allegations

Australia continues to make clear its commitment to open and transparent detainee arrangements in support of ADF operations in Afghanistan. Between 1 August 2010, when detainee management responsibility shifted to Australia from the Dutch, to 3 February 2012, Australian forces apprehended 1,200 detainees. Of these, 159 were transferred to Afghan custody at the National Directorate of Security (NDS) in Tarin Kowt or United States custody at the detention facility in Parwan. The remaining detainees were released following initial screening.

In the same period, the ADF captured 11 people who were subsequently released, then recaptured. Six of the individuals in question were released as there was insufficient evidence to warrant their continued detention. Of the remaining five detainees, there was sufficient evidence to warrant their transfer and prosecution. Two were subsequently transferred to US custody in Parwan, and three were transferred to Afghan custody in Tarin Kowt.

In the same period 71 allegations of detainee mistreatment have been made against the ADF. To date, 57 of these allegations have been fully investigated and found to have no substance. The remaining 14 allegations remain under review. These allegations and the outcomes of the investigations are reported to ISAF and relevant humanitarian organisations.

Deployment of an interrogation capability

In my November 2011 statement to parliament, I announced that the Australian government had approved the deployment of a team of nine, including six trained interrogators to Afghanistan, to question detainees apprehended by the ADF. On 1 February I announced this capability had deployed to Afghanistan and is now operational.

The deployment of this capability enables the ADF to play a greater role in the collection of vital information on the insurgency, and supports the protection of Australian and ISAF personnel as well as the local population.

Inquiry Officer Reports

When an Australian soldier is killed in combat an Inquiry Officer Report is prepared in order to determine the circumstances surrounding the death and any lessons learnt. A number of factors led to a delay in releasing Inquiry Officer Reports into combat deaths in 2010. An inquiry into a fatality requires careful consideration, however, it is clear that insufficient resources and priority were afforded to processing inquiry reports from 2010. There have regrettably been delays in the Inquiry Officer process in respect of a number of our fallen, most recently with the deaths of Privates Chuck, Aplin and Palmer.

The Chief of the Defence Force has apologised for this as have I. I do so again.

The CDF has put in place a number of measures to address the deficiencies identified in the lack of resources and priority attached to processing Inquiry Officer Reports within Defence. In addition to giving priority to closer oversight of the progress of reports, the steps underway to remediate the issues within the Commission of Inquiry Directorate are:
Appointing a high calibre and experienced senior Army lawyer to lead the Directorate;

Appointing a non-legal Chief of Staff to provide oversight, prioritisation and monitoring of all matters that are referred to, and processed within, the Directorate;

Assigning additional legal staff resources to the Directorate and strictly caveating their duty statements;

-Drafting a new CDF Directive and developing a dedicated chapter in the Administrative Inquiries Manual; and

Placing the Directorate under the oversight of the recently appointed Director General Strategic Issues.

A regular Inquiry Watch Group has been established under a One Star Officer to coordinate efforts across Defence to progress combat inquiries and reduce delays. Defence is also reviewing procedural constraints to see if we can release information faster to the families of the fallen.

I have also reinforced with the Chief of the Defence Force and Vice Chief of the Defence Force that Defence and Army have to pay particular care to ensuring that families understand the processes involved, including the detailed processes involved prior to the report being presented to the minister for approval for release.

The past focus of the Inquiry Officer process has been on the public release of the Inquiry Officer Reports and reports have been released as a matter of course. In my view the focus now needs to be on the timely provision of the report to the family of the deceased. As such, I have asked Defence and Army to ascertain the wishes of the family with respect to the public release of the report.

As well, any decision to publicly release an Inquiry Officer Report rightly comes after weighing the wishes of the family members about publication and the public interest in the release of the report wider than family members and affected persons to the general public. Most recently, for example, there was a clear public interest in the public release on 2 February this year of the Inquiry Officer Report into the death of Lance Corporal Jared MacKinney during the Battle of Derapet on 24 August 2010.

There have been 32 combat fatalities in Afghanistan. Regrettably, Inquiry Officer Reports are outstanding for 15 fatalities dating back to 2010. Inquiry Officer Reports relating to six fatalities are currently under consideration with the families of the deceased. Inquiry Officer Reports relating to a further nine fatalities are in the process of preparation for presentation to families by Defence.

Once the Inquiry Officer Reports have been considered by the families, the reports will then be presented to the Minister for Defence for approval for release. I regard the wishes of the family so far as public release is concerned as a relevant material factor to consider in publication of the report beyond the family itself and others directly affected.

The changes Defence has made to the Inquiry Officer process will contribute to finalising a number of the Inquiry Officer Reports into combat deaths in the coming weeks and months.

I thank the House and I table a paper in conjunction with my ministerial statement.

I seek leave of the House to move a motion to enable the member for Fadden to speak for 16 minutes.

Leave granted.

Mr STEPHEN SMITH: I move:

That so much of the standing and sessional orders be suspended as would prevent Mr Robert speaking in reply to the ministerial statement for a period not exceeding 16 minutes.

Question agreed to.