

Supplementary Submission – Mr Tony Kevin

Public Hearing Opening Statement (25 June 2020).

1. I thank the Committee for inviting me to appear.

2. My name is Tony Kevin. I am a retired former Australian senior diplomat with 30 years career service including postings to the former Soviet Union in 1969-71, and in the Australian permanent delegation to the UN in New York in 1974-76. My last posts were as Ambassador to Poland, Czech Republic and Slovakia in 1990-94 and to Cambodia in 1994-97. I retired from DFAT after thirty years' service in 1998 at age 55. I have since written six published non-fiction books on various public interest topics. My two most recent books were

*"Return to Moscow"* (UWA Publishing, 2017)

*"Russia and the West – the last two action-packed years 2017-19"* (self-published, 2019).

3. I am active in the public discussion of foreign policy issues of concern to Australia as a sovereign country and UN member nation that supports an international rules-based order.

4. It is relevant that I testified before the Parliamentary Joint Committee on Intelligence and Security in early 2018 on its reference to examine the government's Foreign Interference Bills. I believe my testimony contributed to the Committee's suggested amendments, which the Government and Opposition both accepted, to remove the requirement for Australians to report their contacts with accredited foreign diplomats here. My testimony on that occasion is readily accessible in Hansard.

5. In these opening remarks I wish to pay tribute to the major commemoration in Moscow yesterday of the 75<sup>th</sup> Anniversary of the final surrender of Nazi forces in Berlin on 7 May 1945. The Soviet Union bore the brunt of WW2 in Europe. We must never forget that twenty-six million Soviet citizens, both military and civilian, paid with their lives for the alliance's heroic victory over Nazism.

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6. I have argued in my written submission why the use of 'autonomous sanctions', that is to say, sanctions imposed outside UN Security Council authority, should be considered unlawful under international law : whatever 'coalitions of the willing' or of 'like-minded countries ' may be cobbled together by particular great powers to try to enforce them.

7. I have also argued that 'secondary sanctions' or punishments against third party nations deemed to have violated such autonomous sanctions, are equally unlawful in international law.

8. My position on this is identical to the policies of Russia and China, two permanent members of the UN Security Council, which together command a large share of the world's land area, population, resources and trade. In an important article published on 22 June, "75th Anniversary of the Great Victory: Shared Responsibility to History and our Future", President Putin of Russia wrote:

"It is unacceptable to turn the economy into an instrument of pressure and confrontation."

9. The governments of China and Russia consistently denounce autonomous sanctions, and for what I believe to be very good reasons set out in my submission.

10. In summary, sanctions are just one step short of war. Unless authorised by the UN Security Council, they are cruel to citizens of sanctioned countries, causing enormous human suffering, as the recent experience of Iraq, Libya, Syria, Iran and Venezuela shows. Unless approved in exceptional circumstances by the UN Security Council, no alleged humanitarian or human rights cause is worth the suffering inflicted on populations by sanctions.

11. To her great shame, Madeleine Albright said in 1996 that the death of half a million Iraqi children through starvation and disease caused by international sanctions against Saddam Hussein's regime was a price worth paying. The sanctions against Iraq in the 1990s were the last time the UN Security Council approved any sanctions. The world was shocked at the suffering they caused.

12. However the US and its allies have continued to impose autonomous sanctions regimes on governments they dislike, outside the authority of the United Nations Security Council. Australia has supported recent and current autonomous sanctions against Libya, Syria, Iran and Venezuela, and even against Russia. So far, Australia has not tried to impose autonomous sanctions against China, though there has been advocacy before this Committee of imposing sanctions on China over its alleged human rights violations against Uighur people in Western China, or against protesters in Hong Kong.

13. The use of sanctions is accelerating the decoupling of the world economy into two separate and potentially hostile trading blocs, that led by the US and that led by China and Russia. Australia, with our particular geography in the Asia-Pacific region and our major export trading patterns oriented to China, will be a particular victim if such a trend continues. Important parts of our economy are already suffering in consequence of the deterioration in our political relations with China, our most important trading partner.

14. I would like to say something particularly on Syria. In my opinion, Australia's whole view of the conflict in Syria has been distorted by anti-Syrian Government and anti-Russian propaganda and disinformation. The rebellion against President Assad, falsely represented in Western media as a human rights cause, was in fact a fanatical Islamist insurrection against a legitimate and sovereign Syrian Government. This Islamist insurrection was overtly and covertly supported with money and arms from Saudi Arabia, some Gulf States, the US, the UK, Turkey and Israel. Russia, China and Iran have legitimately come to the aid of President Assad. Their common efforts to defend Syria have largely defeated the military insurgents who are now hemmed into the small enclave province of Idlib on the Turkish border.

15. Now, the United States seeks through tighter sanctions under the new Caesar Act to strangle the war-damaged Syrian economy and to prevent its reconstruction. The US continues to support the rebel enclave in Idlib, violating Syrian sovereignty in this and other ways. Australia looks set to support the tighter US sanctions under the Caesar Act, thereby contributing to the continued

suffering of the Syrian and Lebanese people. I ask the Committee to take note of two recent articles:

“Caesar tries to suffocate 17 Million Syrians”, by US investigative journalist Rick Sterling, who has visited Syria several times since 2014. (‘Information Clearing House’ website, 21 June 2020.)

“Caesar Act ushers in a new phase of suffering for Syrians” by Daniel Sleiman, “Eureka Street” website, 25 June 2020.

16. Sleiman notes how the Caesar Act is designed to target the rebuilding of infrastructure, energy and state services. This means schools, hospitals and electricity plants. Lebanon with its strong trade ties to Syria will be similarly grievously wounded by these Caesar sanctions. Sterling notes that the extreme sanctions under the Caesar Act punish and hurt the vast majority of the 17 million persons still living in Syria. Only the three million people living in Idlib are getting any Western humanitarian or food aid. Meanwhile the US occupies Syria’s oilfields region in the Northeast, and steals Syria’s oil. The Caesar Act will result in thousands of civilians suffering and dying needlessly. The Assad government will not fall – it will be supported by Russia, China and Iran, and thereby be further alienated from the Western trading world.

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17. As I noted in my submission, the autonomous sanctions train has already left the station, in that our Parliament in 2011 passed laws enabling autonomous sanctions outside the authority of the UN Security Council. Under the present legislation in place – see the Department of Foreign Affairs Submission Number 63, our Foreign Minister retains discretionary powers to apply autonomous sanctions or not. I favour her retaining these discretionary powers, for reasons given in my submission. I oppose the view of many submissions that the Australian Parliament should pass laws giving it expanded powers to impose autonomous sanctions against governments of sovereign countries or against targeted individuals or companies from those countries.

18. In my opinion as a former senior Australian diplomat, ‘autonomous targeted sanctions’, the subject of this reference, violate and insult national sovereignty of states, and they violate existing widely accepted principles of international cooperation which are based on the sovereign equality of states. No nation or group of nations should have the right to pronounce judgement on citizens of other nations, or to violate their property or travel rights.

19. The campaigns pursued around the Western world by the discredited but well-funded anti-Russia propagandist William Browder, seeking to advocate laws allowing parliaments to impose targeted autonomous sanctions particularly against Russians, should not be entertained by the Australian Parliament. Mr Browder – and I say this under parliamentary privilege as a witness in this committee – obviously bears deep personal grudges against Russia and its President Vladimir Putin. He is supported by a very small number of Russians and Russian émigrés living in the West, who are driven by anti-Putin bias. He is not in my view a credible witness, though sadly he has convinced many well-meaning people in the Western human rights movement.

20. I look forward to discussing any of these matters further with Committee members.

Tony Kevin