5 February, 2024

Secretary, Joint Standing Committee on Foreign Affairs, Defence and Trade

**Inquiry into the Department of Defence Annual Report, 2022-2023**
I appreciate the invitation to make this submission to the Joint Standing Committee on Foreign Affairs, Defence and Trade Inquiry into the 2022-2023 Department of Defence Annual Report. It is made in my individual capacity, and does not reflect any formal institutional view.

This submission specifically addresses the key theme of Australia's assistance to Ukraine. It aims, *inter alia*, to assess the Department's provision of military support to Ukraine; to identify potential areas for improvement; and to examine ways to strengthen the coordination and timely delivery of future Australian assistance.

In making its assessment, the submission identifies the following potential opportunities:

- That Defence consider forming a dedicated senior working group tasked with the planning, coordination and delivery of military assistance;
- Establish a single approved line of communication with the Ukrainian government as the formal clearinghouse for assistance requests;
- Consider the feasibility of implementing a fast-track or pre-approval assistance process, in consultation with other Commonwealth agencies;
- That the Commonwealth establish a small inter-agency group to monitor Australia's assistance efforts, and anticipate future Ukrainian needs.

**Background**
The Russian Federation's illegal and unprovoked invasion of Ukraine on February 24, 2022 was a flagrant violation of the global rules-based order, and engendered Europe's largest conflict since World War II. Russia's actions have killed thousands of innocent people and displaced millions more. Reconstructing Ukraine will be extremely costly, and will require at least a generation to complete.

Russia's invasion came after repeated attempts by its President, Vladimir Putin, to coerce NATO members and their partners into accepting a regional Russian sphere of influence; ongoing Russian efforts to destabilise Ukraine; and an

eight-year proxy campaign to seize Ukrainian sovereign territory by force. This began with the hostile takeover of Crimea in 2014 following Ukraine's 'Revolution of Dignity'. That year also saw the downing of Malaysian Airlines flight MH17 in July, in which some 38 Australian citizens or residents perished.[1]

In response to the full-scale Russian invasion in 2022 Australia joined its friends and partners in NATO, the EU and elsewhere to provide Ukraine with humanitarian relief, financial assistance, diplomatic support and military aid.

Australia's assistance to Ukraine has taken a variety of forms.[2] It has been both broad and deep, and has demonstrated a welcome bipartisan commitment to upholding the values inherent to the global rules-based order. That order is now at risk in Europe, as well as in the Indo-Pacific.

**The scope and nature of Australian assistance**

Over the 2022-2023 reporting period Australian military assistance to Ukraine incorporated:

- Protected mobility vehicles – 50 Bushmasters (the total gifted currently stands at 120);
- 28 M113 armoured vehicles;
- 14 special operations vehicles;
- 28 M40 medium tactical trucks and 14 trailers;
- 105mm ammunition;
- Operation KUDU (ongoing since January 2023): provision of training to Ukrainian enlistees, in partnership with the UK and other nations, via the deployment of around 70 ADF personnel.[3]

Australian military assistance outside the reporting period has also included Javelin anti-tank missiles, M777 Howitzers, drone and counter-drone systems, and de-mining equipment.[4]

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[1] Senator the Hon Penny Wong, Minister for Foreign Affairs, 'Remembering the victims of MH17', Media release, July 13, 2023. https://www.foreignminister.gov.au/minister/penny-wong/media-release/remembering-victims-flight-mh17.

[2] In addition to lethal and non-lethal military assistance, Australia has provided around 80,000 tons of coal; some AUD 75 million in humanitarian aid; support for the Ukrainian Border Guards; aid via the IAEA and OPCW; and duty-free access for Ukrainian imports. Australia has also enacted targeted sanctions against numerous Russian officials and businesspeople, as well as broad export, import and trade bans.

[3] *Defence Annual Report, 2022*-2023, Australian Government, Department of Defence, September 18, 2023. https://www.defence.gov.au/sites/default/files/2023-10/Defence-Annual-Report-2022-23.pdf

[4] ibid

The total value of Australia's total assistance to Ukraine is estimated at around AUD910 million, of which the large majority (some AUD730 million) has been in military assistance, mostly from its own stocks.[5]

Viewed as a percentage of GDP, the Kiel Institute for World Economy Ukraine Support Tracker places Australia's contribution at around 0.04%.[6] This is notably higher than other regional actors such as New Zealand (0.02%), and is roughly equivalent to the Republic of Korea (0.03%), but it compares less favourably with Japan (0.15%).[7] It is also noteworthy that nations facing little direct strategic risk from the conflict such as Malta (0.4%) and Ireland (0.4%) have contributed considerably greater proportions of national wealth.[8]

While Australian assistance has been gratefully received by Kyiv, Australia can nonetheless afford to do more to help Ukraine. This is especially since it is evident that the conflict will be a protracted one.[9] Moreover, Australia has a demonstrated interest in increasing connections between the Euro-Atlantic and Indo-Pacific as shared strategic spaces.[10] This makes it imperative that Australia's NATO partners remain convinced of Australia's commitment to help protect the European security order from aggression.

**Assessing the Department's delivery of Australian assistance to Ukraine**

The available material in the public domain suggests Defence's support for the Commonwealth in providing assistance to Ukraine from 2002-2023 was on the whole effective. This includes the responsiveness of Defence to requests; its planning, implementation and delivery of approved military assistance; and the provision of timely and relevant advice.

Much of the evidence to support this conclusion can be found in the Auditor-General's Report no. 45: *Australia's Provision of Military Assistance to Ukraine,*

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[5] 'Russia's invasion of Ukraine', Crisis Hub, Department of Foreign Affairs and Trade, 2023. https://www.dfat.gov.au/crisis-hub/russias-invasion-ukraine.

[6] Christoph Trebesch et al, 'The Ukraine Support Tracker: which countries help Ukraine, and how?', *Keil Working Papers*, no. 2218, 2023. Data updated as at Nov 1, 2023. https://www.ifw-kiel.de/topics/war-against-ukraine/ukraine-support-tracker/.

[7] ibid

[8] ibid

[9] Mykola Bielieskov, 'To defeat Putin in a long war, Ukraine must shift to active defence in 2024', *Atlantic Council*, January 4, 2024. https://www.atlanticcouncil.org/blogs/ukrainealert/paving-the-way-for-putins-defeat-ukraine-must-prioritize-defense-in-2024/.

[10] Stephen Dziedzic, 'Defence Minister Richard Marles, Foreign Minister Penny Wong host US Defense Secretary and Secretary of State', *ABC News*, July 28, 2023. https://www.abc.net.au/news/2023-07-28/marles-wong-albanese-meet-austin-blinken-ausmin-aukus-defence/102658164.

*2022-2023*,[11] which found that Defence's role over the reporting period was generally praiseworthy.

Yet while the ANAO report acknowledged that the need for rapid implementation often meant Defence's compliance was patchy, it also expressed concern over failures to obtain relevant policy approvals, defence export permits, adherence to Commonwealth Grants Rules and Guidelines (CGRGs), and gifting authorisations in compliance with the 2013 PGPA Act.[12] Additionally, the report noted uncertainties over Defence's record keeping, and in the quality of advice concerning Commonwealth grants. It further highlighted concerns about the communication of accurate information to the UK Ministry of Defence and NATO over the administration of financial assistance.[13]

Part of the reason for this is that Defence has attempted to deliver on its Ukraine assistance under a business-as-usual model. To an extent this is understandable. It is certainly true, for instance, that changes within Defence – especially in the aftermath of the DSR – have created significant resource demands.

However, the job of coordinating, planning and implementing Australia's military assistance to Ukraine would arguably have been significantly smoother had a dedicated senior team been tasked with its oversight, and with the authority to reach into relevant areas of Defence and the broader Commonwealth. A useful lesson would be to establish such a team now. It would also be better able to coordinate public messaging (addressed in more detail below), which has previously led to suboptimal outcomes.

**Avoiding mixed messages**

It is well understood that cooperation with the Ukrainian government over requests for support has at times been challenging. It has often taken in a variety of different interlocutors, resulting in confusion about what is being sought. Yet internal debate about whether Australian capability requirements can accommodate supply has also contributed to a perceived lack of clarity.

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[11] *Australia's Provision of Military Assistance to Ukraine, 2022-2023*, Auditor-General's Report, Australian National Audit Office (ANAO), June 29, 2023. https://www.anao.gov.au/work/performance-audit/australias-provision-military-assistance-to-ukraine.

[12] ibid

[13] ibid

Taken together this has resulted in some unfortunate public messaging. For instance, it was widely anticipated in the first half of 2023 that Australia would gift Kyiv a number of Hawkei light protected mobility vehicles, which the Ukrainian government intended to utilise as mobile air defence platforms.[14] Then-Ukrainian Defence Minister Oleksii Reznikov listed them as his first priority in terms of desired Australian aid.[15] However, Australia denied the request on the grounds that the Hawkei braking system was faulty, as well as concerns that gifting spare parts would make the Australian fleet unusable.[16]

The Hawkei episode was counterproductive in three respects. First, it sent a public signal to potentially hostile actors about Australian capabilities. Given the emphasis of the DSR on the importance of deterrence, it is vital that Australian platforms are viewed as being capable of holding an aggressor at risk. Second, claiming that the locally-built Hawkeis were faulty sent a message about reliability to potential future clients. Finally, it created a public impression that either Defence was reluctant to assist Ukraine, or that it was making the perfect the enemy of the good.

Viewed as an isolated event it is understandable that well-intentioned messages can have unintended consequences. Yet a similar picture emerged in 2023 during debate over whether Australia's inactive and warehoused fleet of 'classic' FA-18 Hornets might be donated to Ukraine.[17] More recently the decision to dismantle and bury Australia's retired Taipan helicopters[18] rather than gift them to Kyiv inadvertently sent the message that Australia would rather discard its Taipans than donate them.

The point of this is not to lay blame at the ADF, Defence, Australian elected representatives, or the Ukrainian government. However, it does highlight the need for a lessons-learned process concerning clearer communication with Kyiv

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[14] Robert Dougherty, 'Ukraine calls for Australia to donate Hawkei, join tank coalition', *DefenceConnect*, May 30, 2023. https://www.defenceconnect.com.au/land/12058-ukraine-calls-for-australia-to-donate-hawkei-join-tank-coalition.

[15] Peter Hartcher, 'Hawkei armoured cars bound for Ukraine in Australian support deal', June 6, 2023. https://www.smh.com.au/politics/federal/hawkei-armoured-cars-bound-for-ukraine-war-in-australian-support-deal-20230605-p5de5a.html.

[16] Matthew Knott, 'Ukraine's plea for Hawkei vehicles "unsupportable at this time", government letter says', *Australian Financial Review*, June 16, 2023. https://www.smh.com.au/politics/federal/ukraine-s-plea-for-hawkei-vehicles-unsupportable-at-this-time-government-letter-says-20230616-p5dh1w.html.

[17] Matthew Sussex, 'Why Western fighter jets are critical to Ukraine's success – and how Australia could help', *ASPI Strategist*, May 25, 2023. https://www.aspistrategist.org.au/why-western-fighter-jets-are-critical-to-ukraines-success-and-how-australia-could-help/.

[18] Mick Ryan, 'An Australian strategy for improved aid to Ukraine', *Lowy Interpreter*, January 23, 2024. https://www.lowyinstitute.org/the-interpreter/australian-strategy-improved-aid-ukraine.

about what Ukraine is requesting, and more robust public messaging concerning why Australian decisions to gift equipment are approved or denied.

Part of the solution – discussed below – may lie in a cleaner and more transparent mechanism to implement assistance agreements. But Defence could also usefully enhance the effectiveness of its cooperation with Kyiv by establishing a single line of communication around Ukrainian requests for lethal and non-lethal military assistance. To make the process more agile it might also be advantageous to conduct those communications directly between Defence / the ADF[19] and the Ukrainian Armed Forces. This would go some way towards clarifying the nature and status of requests that might otherwise become lost in translation.

**Fast-tracking future assistance**

Recent reports that the Ukrainian government has been unable to meet Australian deadlines to lodge formal requests[20] further underscores the need for more consistent and coordinated cooperation between Canberra and Kyiv. One criticism that might be levelled at Australia's processes for donating military aid is that they might be seen by other nations as somewhat cumbersome. As noted in the ANAO report referred to above, in 2022-2023 Defence struggled to keep pace with various compliance requirements, including export permits, gifting certifications, Customs declarations and grant administration.

One solution to this might be for relevant Commonwealth agencies to investigate a fast-track or pre-approval process to expedite timely delivery of assistance to Ukraine (or even generate approved lists of states able to access the process). This is not without precedent. Indeed, it has been an option under active consideration in the AUKUS context to smooth the path through some of the more onerous requirements of US defence controls – including ITAR, as well as US Export Administration regulations.[21]

Naturally this will not always be possible. In the example of German Leopard tanks, for instance, Australia has contractual obligations to seek permission for

[19] Logically this would include appropriate oversight from a group such as SCNS on the Australian side – which in any case already considers CASG recommendations.

[20] Aaron Patrick, 'Ukraine to Australia: "We don't want your flying trash"', *Australian Financial Review*, January 30, 2024. https://www.afr.com/policy/foreign-affairs/ukraine-to-australia-we-don-t-want-your-flying-trash-20240130-p5f0zo.

[21] Assistant Secretary Jessica Lewis, 'Modernising US arms exports and a stronger AUKUS', US House Committee on Foreign Affairs Hearing, May 24, 2023. https://www.state.gov/house-committee-on-foreign-affairs-hearing-modernizing-u-s-arms-exports-and-a-stronger-aukus-a-s-jessica-lewis/.

their re-export. But in other areas where Australia has domestic production capabilities – such as its recently-enhanced investment in artillery munitions facilities in Maryborough, Mulwala and Benalla[22] – Australia is in a position to react swiftly to new Ukrainian requests. Moreover, creating a plan now to streamline the approval of requests from an external party will also have utility for future conflicts, not to mention underscoring the need to address the sizeable gap between peacetime and wartime stocks.

In addition to strictly military equipment, dual-use and AI-assisted technologies will play an increasingly important role in Defence capabilities. This will be the case both for the ADF's own inventories, as well as systems and platforms that may be depleted and subsequently requested of Australia by friends and partners in future. Hence, doing this work now would generate benefits beyond Ukraine's attempts to thwart Russian aggression.

**Anticipating Ukraine's future capability requirements**

Russia's assault on Ukraine shows no sign of faltering desire. Indeed, the Putin regime has clearly calculated that the longer it can continue the war, the more likely it will be that the West grows fatigued and loses interest in assisting Ukraine.

It is vital that Australia and its partners prove the Russian government wrong. Part of doing so will require proactively seeking to identify future Ukrainian needs rather than waiting for its requests. It is clear, for example, that Ukraine will require ongoing and enhanced support in artillery ammunition, air defence systems and drones. These will be critical to the success of the 'active defence' posture it will adopt in 2024,[23] in preparation for renewed offensive operations the following year. Assuming it can weather this phase of the war, its requirements will then shift to include ground attack warplanes, tanks, assault helicopters, and other weapons systems.

As the highly respected RUSI analyst Jack Watling has observed, both Russia and Ukraine are now in a race to rebuild offensive power and replenish personnel losses with new recruits.[24] The extension and expansion of

[22] Rudi Ruitenberg, 'Australia invests in expanding 155mm munitions, aerial bomb capacity', *Defence News*, October 7, 2023. https://www.defensenews.com/global/asia-pacific/2023/10/06/australia-invests-in-expanding-155mm-munitions-aerial-bomb-capacity/.
[23] Andriy Zagorodnyuk, 'How Ukraine can regain its edge', *Foreign Affairs*, January 17, 2024. https://www.foreignaffairs.com/ukraine/how-ukraine-can-regain-its-edge-andriy-zagorodnyuk.
[24] Jack Watling, 'The war in Ukraine is not a stalemate', *Foreign Affairs*, January 3, 2024. https://www.foreignaffairs.com/ukraine/war-ukraine-not-stalemate.

Operation KUDU is a good step here. But one of the critical reasons Kyiv's 2023 counteroffensive failed was that the five-week training course for newly enlisted personnel was simply too brief.[25] This experience gives Australia has the opportunity – along with its friends and allies – to engage in defence diplomacy by impressing upon Ukrainian senior decisionmakers the need for a more comprehensive training package. This will not only save lives, but help shape Ukraine's fate as its war against the Russian invader unfolds.

It is also important to stress that Ukraine's needs will continue to go beyond military assistance. It will require more humanitarian aid, assistance with rebuilding damaged critical infrastructure, energy and power generation support, as well as civil-military assistance in areas such as de-mining. Indeed, Ukraine surpassed Syria and Afghanistan in mid-2023 for the dubious honour of becoming the world's most heavily mined nation.[26]

Given these multifaceted requirements, and noting that Australian assistance to Ukraine will continue to incorporate military and nonmilitary dimensions, it would be an advantage for the Commonwealth to form a small interagency group, potentially involving outside experts. Its role would be to help identify and prioritise future Australian efforts to assist Ukraine across the spectrum of financial, humanitarian, reconstruction and military aid.

This is important because we need to think now about how we continue assisting Ukraine to prevail in its long war against Russia. But we also need to consider how we can subsequently assist it over the course of its long and painful process of rebuilding still to come.

I would like to thank the Secretariat and the Joint Committee once again for the opportunity to make this submission. I am happy to provide further assistance should it be required.

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[25] ibid
[26] Eve Sampson and Samuel Granados, 'Ukraine is now the most mined country. It will take decades to make it safe', *Washington Post*, July 22, 2023. https://www.washingtonpost.com/world/2023/07/22/ukraine-is-now-most-mined-country-it-will-take-decades-make-safe/.