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AUSTRALIAN VETERANS COVENANT BILL 2019

**Foreign Affairs, Defence and Trade Committee Department of the Senate Parliament House Canberra
ACT 2600**

Submission in response to the Foreign Affairs, Defence and Trade Committee request for veteran input into the Australian Veteran's Covenant Bill 2019

The Government will continue to support those who selflessly serve our nation and protect our interests overseas, and their families, when they come home.¹

This submission is intended to address what the undersigned consider to be an omission in the circumstances of coverage provided for under the Bill. The conditions in which Australia now engages to protect its interests abroad reflects a complexity of circumstances that the Bill fails to address. It is the intent of this submission to therefore argue and recommend that the Committee reconsider the scope and definition that defines a 'veteran' to better reflect the reality of Australian's fulfilling their duties abroad to further the interests of the nation in hazardous conditions. In doing so, we argue not that the role and service of members of the Australian Defence Force (ADF) in any way be depreciated, but rather to ensure synonymous selfless efforts and sacrifice by others, including civilian police, such as Australian Federal Police (AFP) and other government employees, such as those from the Department of Foreign Affairs and Trade (DFAT), be fairly and equitably acknowledged and supported. These people also *selflessly serve our nation and protect our interests overseas*, often alongside their ADF colleagues in exactly the same environments, and on occasion more hazardous circumstances, yet they have been consistently overlooked for a period spanning in excess of two decades. This submission intends to address whether it is time to re-consider this, through the Veteran's Covenant Bill 2019, or a similar parallel Covenant to acknowledge 'hazardous' service as a distinct category of overseas service.

There are several examples of disparate treatment of ADF and AFP members serving alongside or in the same mission as AFP, where the roles and hazards were similar, but the post operational treatment in terms of Veteran's Affairs was far different. The AFP, for instance, has had a long history of deploying to challenging environments, predominantly with the United Nations (UN). In 1992, two contingents of AFP were deployed to the United Nations Transitional Authority Cambodia (UNTAC). They were unarmed and faced threats for various participants in the transition and electoral process, including an estimated 250000, well-armed militia groups. Threats to attack UNCIVPOL were a regular occurrence. UNTAC members had been abducted and killed. Thankfully no Australians were involved in these incidents. The ADF also deployed to UNTAC and both agencies were praised for their efforts. The treatment as far as Veteran's Affairs is concerned was different in terms of acknowledgement and 'veteran' status.

The most striking disparity of treatment however, occurred in 1999 in East Timor, where the AFP was deployed in lieu of the ADF due to a refusal by the Indonesian military to have international troops on home soil. This related to a UN sponsored ballot which resulted in an outbreak of extreme post-ballot violence, which required an international military response. Once again, the acknowledgement of the AFP fell well short of the acknowledgement of the ADF. This is not a condemnation of the ADF, rather a long overdue praise of the AFP, particularly those who served with the First UNAMET deployment.

¹ <https://www.budget.gov.au/2018-19/content/essentials.html>

Hazardous service between warlike and peacekeeping operations: a question of parity and status

The case of UNAMET, INTERFET and UNTAET in East Timor in 1999

Under the old Veteran's Affairs Act 1986, for the purposes of determining 'veteran' status of participants, service is divided into warlike and non-warlike service.

Warlike service refers to those military activities where the application of force is authorised to pursue specific military objectives and there is an expectation of casualties. This is usually an exclusively military domain and no further discussion on this will be included in this document. There is no doubt the title 'veteran' is applicable in all such circumstances.

Non-warlike service covers those activities short of warlike operations where there is a risk associated with the assigned tasks and where the application of force is limited to self-defence or defence of others. In other words, non-offensive operations. It should be noted that liberal-democratic police such as the AFP are specifically prohibited from engaging in offensive operations. In such environments, casualties could occur but are not expected. Non-warlike service has two sub-categories, hazardous service and peacekeeping service. It is in this context that overseas police service will be discussed in this document. The title 'veteran' does not currently apply in these circumstances. *Is it time to reconsider this?*

Hazardous service involves a degree of hazard above and beyond that of normal peacetime duty, and can clearly involve military as well as other government employees including police.

Peacekeeping operations involve military, and police personnel, often without powers of enforcement, to help restore and maintain peace in an area of conflict with the consent of all parties. *But what if there is no 'peace to keep'?*

Clearly there are circumstances where non-military government employees such as police and others have been deployed which don't fit neatly into any of these traditional categories. It is therefore submitted that perhaps a revision should be considered to account for contemporary circumstances of deployment of non-military personnel to hazardous conflict or disputed environments short of actual open warfare and offensive operations.

It is submitted that these categories are somewhat anachronistic and based on outdated conceptual thinking concerning the nature of contemporary conflict and the inter-agency and whole of government approach to address this. Most people understand and appreciate the notion of 'warlike' situations, involving opposing armed forces, organised in accordance with their government's directions. Some may even appreciate the notion of asymmetric warfare, involving armed forces, and others, clashing or coming into contact with armed, malign non-state actors, such as the Taliban in Afghanistan or ISIS in Iraq.

There are generally few situations which justify non-military personnel, such as police, to be engaged in active 'warlike' activities but there are some which have come close. One particular series of deployments is of relevance to this discussion: those of UNAMET, INTERFET and UNTAET in East Timor in 1999-2000.

East Timor 1999

UNAMET

In June 1999, 52 members of the Australian Federal Police (AFP) deployed to all parts of East Timor as part of a United Nations (UN) sponsored ballot of the population concerning their political future with Indonesia. They formed the largest national contingent of UN Police which eventually numbered about 280. They were joined by about 50 UN Military Liaison Officers, many also from the Australian Defence Force (ADF). This mission was known as the United Nations Mission to East Timor (UNAMET) and specifically involved advising the Indonesian National Police (INP) in their duties as it related to the ballot, as well as the security of the ballot boxes and their return to the tally-room in Dili on the day of the actual ballot. The UN Police in this mission were unarmed and there was no armed international protection force. There were also no standard medical facilities or trained personnel, with the closest General Hospital meeting Australian standards, located in Darwin, several hours distance by air. Members of UNAMET deployed throughout this troubled province to isolated regions and operated either alone or in small groups of two or three. There were no rations supplied, very limited maps and inadequate communications capacity. Effectively UNAMET members were abandoned to the goodwill of the Indonesian authorities tasked with their protection. In every sense of the word, they were vulnerable to hostile activities.

Unfortunately, due to a hastily constructed, and seriously flawed security agreement, the INP were tasked with providing security for the mission, including UN Police. It should be noted that the INP had only recently separated from the Indonesian military, the Tentara Nasional Indonesia (TNI). In addition to this flawed security agreement, the Indonesian forces raised and equipped local militia groups in an attempt to assign violence as intra-communal and thereby attempted to provide a degree of plausible deniability for their actions. The militia groups operated throughout the province before, during and after the UNAMET mission in 1999. They were composed of serving and former members of the Indonesian Police and Military, other government workers, criminals specifically recruited for plausibly deniable violence. This was part of a deliberate but covert military operation known as Operation Clean Sweep, aimed at preserving Indonesian control over the territory.

As American academic Geoffrey Robinson states of the militia operating in East Timor in 1999:

They seem to have included men who had fought on the Indonesian side at some stage since 1975, who had relatives who had been killed by the pro-independence party, Fretilin, or who had done well under Indonesian rule. They also included young men from villages or neighbourhoods in which local power brokers were pro-Indonesian.

Others were induced to join by promises of food and money, or by the possibility of wielding a gun and exercising raw power over others. Finally, militia members seem to have been recruited directly from criminal gangs involved in gambling rings, protection rackets, and so on.

A few militiamen had access to advanced weapons of the sort used by the TNI and the police but on the whole they carried an assortment of machetes, knives, spears, swords, rocks, and so-called 'home made' firearms...

When not on patrol, most engaged in military-style drilling and marching in formation with real or mock weapons. A small handful wore Indonesian military uniforms, or parts of one, but most wore 'civilian' clothing – red and white bandanas around their neck or head, and often a T-shirt bearing the name of their unit and a pro-integration slogan of some sort. The most common elements of their repertoire included house-burning, public beatings and death threats, the brandishing and firing of weapons and, towards women, the threat and reality of rape.

The bodies of victims were often mutilated in some way – decapitated or disembowelled –and then left in full public view. When militias staged an attack, they did not act with the cool precision of professional hit-men. Rather, they created the impression of men in a state of frenzy, shouting and slashing the air with their weapons. In other words, they behaved as one imagines a man 'running amok'.

Despite protestations by the Indonesian authorities that these militia groups were ...ostensibly spontaneous groups established by concerned civilians...it was clear that they were deliberately organized, trained, and supplied by military authorities, with assistance from civilian authorities.²

This is borne out by a later Truth and Reconciliation Commission conducted by the Government of Timor Leste in 2005.

The Commission found the following:

-Senior members of the Indonesian military, police and civil administration were involved in the planning and implementation of a programme of mass human rights violations intended to influence the outcome of the United Nations-organised Popular Consultation conducted in Timor-Leste in 1999.

- The militia groups were formed, armed, funded, directed and controlled by the Indonesian security forces.

- The programme conducted by members of the Indonesian security forces used violence and terror, including killing, torture, beatings, rape and property destruction in an attempt to force East Timorese voters to opt formally to 'integrate' with Indonesia. When this strategy failed to produce the intended result, the security forces and their auxiliaries went on a rampage of violence directed against people and property, and forcibly deported several hundred thousand East Timorese to West Timor.

² East Timor Militias: People's war: militias in East Timor and Indonesia, Geoffrey Robinson, South East Asia Research, School of Oriental and African Studies (SOAS), University of London, Volume: 9 issue: 3, page(s): 271-318, Issue published: November 1, 2001 [https://journals.sagepub.com/doi/10.5367/00000001101297414] pp 276-277; 303

- The massive human rights violations committed during 1999... were committed in execution of a systematic plan approved, conducted and controlled by Indonesian military commanders up to the highest level.

-The violations committed by the members of the Indonesian security forces during 1999 included thousands of separate incidents which constituted crimes against humanity. The Commission holds the leadership of the Indonesian security forces at the highest levels responsible and accountable for their role in planning and executing a strategy of which violations of human rights were an integral part, for failing to prevent or punish perpetrators under their command, and for creating a climate of impunity in which military personnel were encouraged to commit abhorrent acts against civilians known or perceived to be supporters of East Timorese independence.³

AFP members of UNAMET were present when many of these crimes occurred, but as unarmed members of a United Nations mission, were unable to intervene or prevent them occurring. Nonetheless, despite the intimidation and violence, and the obvious personal risk, the ballot proceeded with 98.6 per cent of registered voters casting their vote, and the ballot boxes were returned to the tally-room in Dili on 30 August 1999. The announcement of the ballot result with 78.5 per cent voting for independence created a situation whereby the Indonesian-backed militia groups continued with a deliberate military scorched earth policy.

AFP members of UNAMET were later awarded a Group Citation for Bravery, which in part states:

Members of the contingent in the nine locations were ... subject to various forms of intimidation, ranging from physical acts of violence often occasioning actual bodily harm, being fired upon, death threats and hostile propaganda. Their efforts to maintain order were often hampered and undermined by the Indonesian Police and military sympathisers of the pro-integration militia.

Following the ballot on 30 August, acts of violence by pro-integration militia against the civilian population escalated dramatically. There were many reported killings and East Timor was quickly engulfed in civil strife. In some areas the local Police commander informed UNAMET that their safety could no longer be guaranteed. In the ensuing turmoil the protection of the civilian population became the primary mission of UNAMET.

Despite the threat to their safety, members of UNAMET offered protection and refuge to sections of the population targeted by the pro-integration militias. Members of UNAMET also mounted patrols in the surrounding areas to publicise a United Nations presence as well as give the local population early warning of militia attack. The policing actions of UNAMET helped reduce fear and tension throughout East Timor. In carrying out their policing duties functions members of UNAMET often placed their own lives at significant risk.⁴

Between War and Peace

It is clear that the UNAMET mission was neither an active open conflict in a declared war zone, nor was it a peacekeeping operation or mission because there was no consent of the parties concerned. There was certainly no peace to keep in East Timor in 1999. In fact, the security agreement was so flawed that it gave the responsibility of protection of UN personnel to a partisan agency, the Indonesian National Police, many of whom, rather than being a part of the security solution, were a real and active part of the security problem, given their tacit support of the violent and predatory militia groups and the condoning of this behaviour.

The announcement of the ballot result set in motion an overt implementation of Operation Global Clean Sweep. Within hours, militia groups began attacking people and setting fire to buildings, and towns began to be systematically razed, while the Indonesian authorities either stood by, or assisted them in their violent rampage. There were reports of fire trucks being filled with fuel and being used to set fire to buildings.

³ Chega! The Report of the Commission for Reception, Truth and Reconciliation in Timor Leste (CAVR); Executive Summary 2005; The systematic programme of violations in 1999

⁴ Group Bravery Citation: AFP members of UNAMET

Following the announcement of ballot result many UNAMET staff, including UN Police withdrew from the regional areas and moved towards the capital, Dili, where they locked down in the UN compound. Foreign journalists and election observers fled and tens of thousands of East Timorese took to the mountains, seeking protection in remote mountainous areas. The Catholic Diocese building was and the ICRC headquarters were attacked, with several casualties. In Suai in Cova Lima District, almost 100 people were killed, and of similar massacres were reported from throughout East Timor. Estimates of up to 250000 East Timorese were forcibly transported to West Timor, to camps, administered by Indonesian authorities.

Post ballot violence

A summary of post-ballot violence and its impact is as follows:

The attacks were often carefully planned. They were carried out by around 30,000 members of 14 militia organizations in East Timor.

The 10,000 or so Indonesian troops and police in East Timor did little to stop the violence and in some cases joined in.

The population of Dili dropped from 175,000 to 70,000.

About to 95 percent of the towns Maliana, Balibo, Glenois and Suai were destroyed.

Later in the afternoon of the 4 September, the day of the ballot announcement, East Timorese pursued by machete-wielding militias, attempted to get inside the United Nations compound, by throwing themselves at locked gates and tossed babies over the razor wire fences. Many AFP UNAMET Police were in the UN Compound in Dili when this occurred. The internally displaced East Timorese were gathered in significant numbers in the high school next to the UN compound, when someone from the Indonesian pro-autonomy group entered and began firing shots into the crowd, thus panicking the assembled people who then attempted to enter the UN compound by scaling the dividing wall which was topped with razor wire. This had the effect of impeding them as they became entangled, bleeding as they hung on the razor wire as more people poured over the wall. In fact it was an AFP UN Police member who eventually obtained a key to the gate and opened it to allow free access between the high school and the compound. Many in the high school attempted to return to the mountains by scaling the hill behind the UN compound. The Indonesian military outside the front gate of the compound opened fire with at least one machine-gun as tracer was clearly visible firing on these felling people.

On September 4, Matt Frei of BBC Online provided eyewitness testimony of the murder of a young Timorese independence supporter. *'While I was running towards the UN compound a pro-independence supporter was being hunted down like an animal. The young man fell after being hit on the head with a machete. Then six black T-shirts descended on him. A colleague hiding in a shack just opposite the gates to the UN compound filmed the whole thing. It took only 30 seconds to hack the man to pieces. The attack was so ferocious that bits of him were literally flying off. The sound reminded me of a butchers' shop -- the thud of cleaved meat, I'll never forget it.'* (Frei, BBC Online, September 4, 1999.)

Also, on September 4, Joao Brito, a young Timorese man, claimed to have witnessed the killing of possibly hundreds of people in the town of Ermera. Indonesian soldiers *'called house-to-house and they burned out the political leaders,'* he said later. *"When the houses burnt, they let the women and children out, but they pushed the men back into the fire where they died.'* (Dennis Schulz, The Age, September 16, 1999.) [Source: gendercide.org]

UN observer Pamela Sexton told Reuters and Newsweek, *'The man we encountered was sliced numerous times on either arm and his stomach. He was literally covered with blood but was walking...I think maybe his intestines were out... I was asked to help out because I have some training in first aid. Where do you put a tourniquet on someone who has been sliced all over their body—cuts to the bone? We wrapped him up and put him in the car, but the wrapping didn't do much because within minutes the whole white sheet was covered in blood.'* Sexton drove the man to a clinic where he died hours later. The next day the clinic was burned down.

Mass graves were discovered. One well discovered by Australia peacekeepers had 30 bodies in it, several of them headless. Nearby they found meat hooks with blood encrusted on them. It is believed that victims were tortured and then hung like slabs of meat before they were thrown to their deaths.

Describing what a told him about the attack on the church that left 27 dead in Suai, Doug Struck wrote in the Washington Post, *'The militiamen had lined up outside the old wooden church filled with refugees...and a young Indonesian priest stepped out dressed in his clerical robes to meet the trouble...A burst of gunfire cut him down. The Reverend Francisco followed. The blood soaked his white robes.'*

*The militiamen waited for the senior parish priest, the Reverend Hialrio. When he did not emerge, they kicked down the door to his study and sprayed him with automatic fire...The militiamen entered the church filled with refugees, and began firing long bursts from their weapons. Then they threw hand grenades into the huddled victims. One, two, three grenades. As they left, blood flowed down the doorstep." Most of the victims were women, children and elderly men. Younger men had left days earlier. The nun said, People went to the church because that's where they felt safe. They felt being near the priest was protection.'*⁵

The actual number of East Timorese casualties is estimated to be between 1000 and 2000. There were very few UN or Australian casualties, but this was more by luck than by design.

AFP members of UNAMET were instructed to remove their blue UN Police shirts as they displayed a prominent Australian National Flag on the right arm, as required by the UN, as information had been received that the pro-autonomy Indonesian militia groups were firing at those wearing Australian flags.

Most AFP UNAMET members were fired upon during this post-ballot violence. In fact, one AFP UNAMET member, a former member of Australia's Special Air Service Regiment (SASR), later commented that he was fired at more times in three months in East Timor in 1999 than during a six-month tour of South Vietnam with the SASR. Admittedly, the SASR operated covertly and actively avoided exchanges of gunfire. Nonetheless, this comment from a military veteran exposes the fallacy that the UNAMET mission was a 'peace' operation, because there was definitely no 'peace to keep'.

As Australian academic James Cotton states:

*...Australians were put in harm's way in East Timor with the expectation, I think, that there was very little prospect other than a major upheaval with the advent of an independence vote. That's how it turned out. We were very lucky that no Australians were killed or injured in East Timor because this could have easily happened.'*⁶

Despite a common misconception, the violence which occurred in East Timor in 1999 was not confined to the post-ballot period. The violence commenced when the announcement about the formation of UNAMET was made in early 1999 and largely concluded with the arrival of INTERFET, which later transitioned to the United Nations Transitional Authority East Timor (UNTAET). Under UNTAET a Serious Crimes Investigation Unit was formed which concluded that the violence was planned, supported and enacted by the Indonesian authorities, particularly the Indonesian military. The Unit estimated that up to 1400 civilians had been murdered by the Indonesian military. There were 92 indictments of 392 people for serious crimes including the TNI, at the national, provincial, district and sub-district level, including the head of the TNI, Provincial and District Military Commanders and Indonesian Special Forces and military intelligence elements. The UN created a War Crimes (Hybrid) Tribunal, which by definition indicates that there has been a conflict during the UNAMET period.

The UNAMET mission was more akin to an asymmetric warlike situation than a peaceful situation. Some have even described it as a civil war with the massive power of the Indonesian state, surreptitiously using militia groups pitted against an insurrection aimed at independence. For the UN, including the UN Police, it was certainly hazardous service. The police members of UNAMET are not entitled to 'veteran' status, firstly because they are not members of the Australian Defence Force, and secondly because this mission was not deemed to be 'warlike'. In fact, the UNAMET mission was deemed by the Australian Government to be a 'peacekeeping force', as the attached instrument signed in 2000 indicates. As has been discussed above, there really was no peace to keep' during the UNAMET mission, and therefore the title 'peacekeeping force' is not the most

⁵ http://factsanddetails.com/southeast-asia/East_Timor/sub5_10e/entry-3585.html

⁶ Cotton, J. in Dobell: 2004: 2: A look behind the 'Jakarta Lobby' ABC PM - Thursday, 15 April 2004. Reporter: Graeme Dobell [<http://www.abc.net.au/pm/content/2004/s1088231.htm>].

appropriate way to describe this mission. It was certainly hazardous, well beyond normal police peacekeeping operations.

This can be juxtaposed with the follow-on military mission led by General Sir Peter Cosgrove, who later became Australian Governor General. The discussion below is not a criticism of INTERFET, nor of General Cosgrove, but it is a discussion intended to highlight the disparate treatment between military personnel and police personnel, working in the same environment. *Is this different treatment between police and military members fair or justified?*

INTERFET

The INTERFET mission was assembled and deployed as a result of post-ballot violence committed by Indonesian-backed militia groups in a planned and orchestrated scorched earth policy as a continuation of Operation Global Clean Sweep, which had been activated, but relatively dormant during the presence of UNAMET.

The first thing to note is that this province remained Indonesian sovereign territory, and that as such, any attempt by international forces to land would have been seen as an invasion and would have thus been resisted by military force. INTERFET was invited in by the Indonesian Government in late September 1999 as a result of an implicit threat made by United States President Clinton at the Asia Pacific Economic Cooperation meeting in Auckland.

On 9 September, U.S. President Bill Clinton said:

The Indonesian government and military are responsible for the safety of the East Timorese and of the UN mission there. If Indonesia does not end the violence, it must invite, it must invite the international community to assist in restoring security. It must allow international relief agencies to help people on the ground. It must move forward with a transition to independence. Having allowed the vote and gotten such a clear, unambiguous answer, we cannot have a reversal of course here.

It would be a pity if the Indonesian recovery were crashed by this but, one way or the other, it will be crashed by this if they don't fix it. Because there will be overwhelming public sentiment to stop the international economic co-operation. But quite to the side of that, nobody is going to want to continue to invest there if they're allowing this sort of travesty to go on.⁷

This had the effect of messaging the Indonesian Government and its armed forces that Australia had the support of the United States and the international community, and that as such it should re-consider any armed opposition to INTERFET.

As a result, the two military leaders, Indonesian Australian were able to meet prior to the actual landing of the main INTERFET force. As retired Australian General Michael Smit that states: *Importantly these meetings ensured that the two field commanders, Major General Peter Cosgrove and Major General Kiki Syahnakri, were in agreement and committed to the success of the operation.*⁸

General Cosgrove highlights the importance of this when he states:

...it was very important for the future of our relationship that we worked very hard and keenly to focus on avoiding friction and exhibiting goodwill. The best place to do this was literally 'from the ground up'-our Australian attaches started this during the evacuation operations out of East Timor earlier in September.'

⁷ Clinton tells Indonesia: stop the killing or become pariah. Independent 9 September 1999. <http://www.independent.co.uk/news/clinton-tells-indonesia-stop-the-killing-or-become-pariah-1117450.html>

⁸ Smith in Blaxland East Timor Intervention A Retrospective on INTERFET; John Blaxland (ed); Melbourne University Press 2015; Chapter 1: INTERFET and the United Nations: Michael G Smith, p.20

*'General Kiki and I embarked on this process when we met in Dili for the first time. We met there virtually daily thereafter when I was being burnt in effigy in Jakarta, in Dili he and I would be discussing issues of local security and military de-confliction over coffee in a professional and amiable way.'*⁹

In fact, the first meeting between Generals Cosgrove and Syahnakri took place in Dili East Timor on 19 September 1999, the day before the main body of INTERFET actually landed.

*On 19 September Major General Peter Cosgrove, INTERFET Commander, arrived in Dili, accompanied by his deputy, Major General Sogkiti Jaggabatar from Thailand, as well as some of his staff. I greeted him at the airport and from there we toured the city of Dili, and then travelled to the Korem's headquarters which was used also as the martial law headquarters. We discussed the situation in East Timor, as well as the technical plans of the INTERFET landing. In the afternoon, General Cosgrove and his entourage flew back to Darwin. I thought the day of his arrival was intended to assure the smooth landing process of INTERFET.*¹⁰

The arrival of INTERFET troops and the withdrawal of Indonesian troops was thus a carefully choreographed series of withdrawals and advances, with the explicit intention of avoiding direct contact between them. This was a wise and effective strategy to avoid casualties. ***But was INTERFET any more warlike than UNAMET?***

General Syahnakri was so effective in reducing the Indonesian footprint in the province that according to Australian Special Forces member Neil Thompson:

*On 27 September 1999, Major General Syahnakri handed over responsibility for the security of East Timor to Major General Cosgrove, leaving only a token TNI presence in Dili. Major General Syahnakri had made the transition work. He had reduced an estimated 15000 strong security force to a Dili garrison of approximately 1300 troops. The militia and their controller were gone. INTERFET has achieved most of its mission in seven days.*¹¹

Disparity of Treatment: Veteran Status

This is not a criticism of INTERFET, or of the Generals concerned. In fact they should be congratulated for their efforts to avoid conflict and casualties. There is however an obvious disparity which involves the difference in status between unarmed UNAMET police who witnessed actual conflict during their entire mission, but were unable to do much about it other than demonstrate a show of moral authority with 'soft empty hands', the follow on UNAMET, later UNTAET police who worked in parallel, with armed and well-supported INTERFET troops in the same environment, but with very little prospect of actual conflict or casualties, due to the relationship between the Australian and Indonesian leaders. The Australian Defence Force members are regarded as having served in a 'warlike' environment and are thus entitled to the status of 'veteran' and yet the police in both the First UNAMET Contingent who witnessed the worst of militia excesses, and the Second UNAMET Contingent which worked alongside their INTERFET colleagues, are regarded as 'peace-keepers in a 'non-warlike' environment, and are thus specifically excluded from using the term 'veteran'. ***Is it time this obvious disparity between police and military was reconsidered?***

Words are important as they can sometimes define status. As a recent article in the Australian Peacekeeper Magazine highlights:

If the productive successes of Peacekeepers were put on a scale with the results of our involvement in interventionists conflicts like Iraq and Afghanistan, they would tip the balance significantly towards peacekeeping.

Consequently, those of our military [and police] who have served in Peacekeeping deserve the same respect as those who have served in combat deployments.

⁹ Cosgrove in Blaxland p.108

¹⁰ Syahnakri in Blaxland p.188

¹¹ Thompson in Blaxland, p.144

...Military or Police, who have passed a barrier test to enlist, are screened and selected on merit, undergo rigorous training, are subject to a disciplinary code, and committed to an overseas deployment by the Australian Government in our nation's interest, into an uncertain environment with the prospect that they may be killed, wounded or injured during their deployment-should all be treated and referred to as veterans and be regarded equally before relevant legislation and regulations.

*It is pedantic and petulant to describe one deployment as a war, another as warlike or non-warlike, operational or non-operational or peacekeeping or peacemaking.*¹²

In relation to AFP members who deployed with UNAMET, the words of Xanana Gusmao are also important:

*Freedom is not won easily ... In 1999, 280 civilian police and 50 military liaison officers came to East Timor as the uniformed contingent of UNAMET (the United Nations Mission in East Timor) and provided the infrastructure support for the historic 30 August poll to take place. The poll was organised and administered by the United Nations, supported by hundreds of UN volunteers from all corners of the globe... The important role of these UN staff has been largely overlooked, their presence being replaced by INTERFET military troops, brought in to restore civil order after the devastation caused by the militias. The violence, deaths and absolute destruction that followed the poll were tragic for a small nation, but without the presence of the UNAMET police and military advisers the poll may never have occurred... Unarmed and against great odds, they stood up to the militias, who used threats and physical attacks, to try and force them to leave East Timor and therefore prevent the poll happening. That the UN men and women stayed until the poll is an indication of their individual courage and commitment to the cause for freedom they were supporting.*¹³

It is ironic that a former freedom fighter and leader of a new and developing nation can recognise the significance of a mission like UNAMET, but that the Australian Government either cannot or will not provide similar acknowledgement.

This has been an issue which has for 20 years, played on the minds of those AFP members who were part of the UNAMET mission. This disparity is obvious, and yet the exclusion continues. This is not about an 'us and them' situation. All of those who deployed to East Timor in 1999, police, military and UN staff, witnessed a complete breakdown in social order following an inspiring and palpable demonstration of a democratic right denied to a people for a quarter of a century. All played a part in this and all should be rightly acknowledged for this service above self.

As retired Major General Michael Smith states:

*INTERFET should not be seen as a single operation, but as part of a UN trilogy of missions-UNAMET, INTERFET and UNTAET-in which Australia played a major role.*¹⁴

Australian involvement in East Timor at the dusk of the 20 Century and the dawn of the 21st Century, highlights the changing nature of Australia's international engagement. Very rarely are wars fought along traditional lines of opposing armies, in uniform, representing legitimate governments. Intra-state and asymmetric conflict are now more the norm. This has required a 'whole-of-government' response, and Australia has done reasonably well in this regard in its deployments, but hasn't backed it up with the returned members. Police have been very much a part of this response, yet their service is not reflected or acknowledged in the same way as military service, as the East Timor examples above and the Iraq and Afghanistan examples below illustrate. ***Is it time to address the outmoded 19th Century approach to acknowledgment and recognition of service above self in the face of clear developments of contemporary 21st Century threat, including asymmetric conflict?***

¹² Australian Peacekeeper Magazine, Summer 2018; The Changing Nature and Characteristics of Post WW2 Conflicts in which Australians served as Peacekeepers; In consultation with Concerned Peacekeeper Veterans, p.20

¹³ Gusmao, X. (2001) quoted in Savage, D (2002). Dancing with the Devil. Clayton: Monash Asia Institute. pp. i-ii

¹⁴ [Smith. M. in Blaxland, p.25]

Asymmetric warfare: Iraq and Afghanistan

Iraq

In 2007 the Australian Government specifically recruited Senior Police Advisors to be part of the surge with the Multi National Force in Iraq working side by side with ADF officers in the 'Red Zone'. They were not serving AFP members, but were recruited by the Australian Department of Foreign Affairs and Trade (DFAT). Many were retired AFP members.

As a joint media release in August 2007, between the Foreign Minister and Defence Minister stated:

The Australian Government will contribute a six-member team to support the Law and Order Task Force initiative in Baghdad. The Australian contribution will be part of a group of lawyers, investigators and court officers which will train and mentor local counterparts so that the court system can fairly and expeditiously try detainees accused of major crimes such as murder, rape, kidnapping and terrorist offences under Iraqi law.

The Law and Order Task Force has been established to create a safe and well-resourced environment in which detainees charged with major crimes can be accommodated and their cases investigated and brought before the Central Criminal Court of Iraq. Strengthening the capacity of the Iraqi law and order sector is an essential component in building a stable and democratic Iraq, able to govern and protect itself.¹⁵

Afghanistan

Between 2007 and 2014, over 100 members of the AFP were deployed to Afghanistan as part of a series of AFP Operations, which changed several times in response to changed political direction from the Government of Australia. The hazardous nature of this service was eventually acknowledged by the Commissioner of the AFP who awarded Commissioner's Group Citation for Hazardous Overseas Service. This Citation acknowledges collective devotion to duty in overseas service while operating in hazardous circumstances and environments, and reads:

Members attached to Operation Contego, Operation Synergy or Operation Illuminate displayed collective devotion to duty in extremely hazardous circumstances, which has enabled the AFP and Australia to contribute to Coalition and Afghan efforts to restore stability and peace in Afghanistan¹⁶

With the exception of those who actually engaged in offensive military operations against the Taliban insurgents, AFP members deployed to Afghanistan were exposed to the same environmental hazards and the same insurgent threats as those deployed to Kandahar Airfield (KAF), Multi National Base Tarin Kot and Kabul. They were exposed to the same rocket attacks as well as the ever-present green on blue attacks. This is particularly the case for those engaged in training the Afghan National Police (ANP), in Tarin Kot, which included firearms training. AFP members were exposed to the same environmental hazards including the threat of dangerous airborne diseases and hygiene threats. The AFP and other Australian Government employees deployed in good faith as part of an Australian whole-of-government effort. Yet their post-operation treatment falls well short of this.

If Australia is to participate in any meaningful way with our major ally the United States, in hybrid or asymmetric warfare, by leveraging all of its components, including police agencies such as the AFP, then it should be prepared to recognise and acknowledge these efforts equally.

United States General Petraeus recognised that the prosecution of these types of conflicts required a holistic approach which not only required the military in order to suppress the insurgent groups, but also police to work with both the civilian and military authorities to achieve law and order goals which supported the objectives of the overall mission. This sort of transition is vital to lift post-conflict societies out of disrupted circumstances

¹⁵ Australian Assistance to Iraqi Justice System. Joint Media Release. The Hon Alexander Downer MP, Minister for Foreign Affairs, The Hon Dr Brendan Nelson MP, Minister for Defence, 2 August 2007

¹⁶ Australian Federal Police Group Citation for Hazardous Overseas Service Operation Contego, Synergy and Illuminate (Afghanistan)

requiring an international military guarantee of security, to a legitimate and accepted host nation guarantee of security. Police are very much part of this transition process.

The police, in Australia's case the AFP, is the 4th armed (or unarmed) service which can be deployed by the government to a war or conflict zone to work in conjunction with the military and the local authorities. Each branch of the services brings different technical skills which can be applied accordingly.

The nature of contemporary asymmetric warfare means that wars aren't fought only by soldiers in the front-line shooting at each other, such as the tragic stalemate in 1918. The nature of conflict and the approach to resolving it has changed, and often involves alternatives to the use, or threat of, military force. Effective policing is one such example, and the service Australian police have provided in hazardous environments and circumstances such as East Timor, Iraq and Afghanistan, over the past two decades provide ample justification for the anachronistic division between 'warlike' and 'peace' operations to be revisited.

One tangible way of addressing this is to acknowledge a separate class of overseas service, distinct from 'warlike' and 'peace' operations, such as 'hazardous' service.

Recognition of Hazardous Service

In a Senate Committee on Peacekeeping in 2008, the then Australian Governor General His Excellency Major General Michael Jeffery commented at para 23.1:

All three services of the Australian Defence Force, as well as Federal, State and Territory police officers and experts from other government agencies have served with compassion and professionalism and at times with high personal bravery. They have earned the respect and admiration of governments, aid agencies and civil populations throughout the world. We have a proud history of Peacekeeping service.

The Committee made the following observation at para 23.10:

The committee notes that conditions of service for ADF and AFP members may vary. It believes that the differences in service conditions should not be of primary concern to the government and relevant agencies. The most important consideration is that Australian peacekeepers, whatever their role, are appropriately protected from harm, can work together effectively, are adequately rewarded and receive appropriate recognition for their service.¹⁷

Australian peacekeepers, both military and police, are widely recognised for their commitment, dedication and high standards. As has been discussed, this acknowledgment and recognition has become very much diminished with the disparate treatment and status of peacekeeping generally taking very much a second place to 'warlike' service in relation to 'veteran' status. This is compounded with non-recognition of police service in hazardous circumstances in active conflict zones such as East Timor in 1999.

Noteworthy is the discussion in which unarmed police and military liaison officers serving with UNAMET between June and September 1999 were exposed to deliberate and asymmetric conflict conducted by Indonesian-backed militia groups, designed to provide a plausibly deniable cover for direct Indonesian Government involvement in widespread humanitarian crimes. It should be recalled that the risk of death or serious injury was a daily reality and that these police were isolated and unarmed and that there was no form of back-up from a larger force, nor any prospect of medical evacuation or treatment had they incurred serious injury.

For the entire duration of UNAMET, police were consistently required to de-escalate volatile situations throughout the province by means of persuasion and negotiation, and on several occasions by physically placing themselves between armed and angry belligerents and their intended victims. That they did so, with nothing more than 'soft, empty hands', moral courage and physical bravery, stands as testimony to their character.

¹⁷ https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Foreign_Affairs_Defence_and_Trade/Completed_inquiries/2008-10/peacekeeping/report/c23

Juxtaposed with a somewhat choreographed and well-coordinated military intervention led by Australia, known as INTERFET, which was treated as 'warlike' service, the disparate treatment becomes even more stark. When INTERFET transitioned to UNTAET, which was a combined military and police mission, the military members of UNTAET were also regarded as having served in a 'warlike' environment, yet their police counterparts, working in exactly the same environment were not. This runs counter to everything Major General Jeffery said and everything the 2008 Senate Committee on Peacekeeping stated in relation to commensurate treatment of military and police 'veterans'. It also runs counter to the sentiments of Major General Smith when he stated that INTERFET should not be seen as a single operation, but as part of a UN trilogy of missions-UNAMET, INTERFET and UNTAET-in which Australia played a major role.

In relation to tangible recognition in the form of honours, awards and medals, the police also come a very distant second to the military.

The 2008 Committee on Peacekeeping notes at para 23.22:

The awarding of medals is a well-established and widely accepted means of recognising service but it also gives rise to disagreements about the type of medals to be awarded.

The Australian Honours system recognises various categories of conduct such as bravery and courage, distinguished service and conspicuous service. Noteworthy is the fact that awards for distinguished and conspicuous service are reserved exclusively for military personnel. There are no police or civilian equivalent honours or awards. A copy of the Australian Honours and Awards ¹⁸ criteria is provided below.

Honours and Awards

Bravery

Cross of Valour

The Cross of Valour is awarded "only for acts of the most conspicuous courage in circumstances of extreme peril". The award carries the post-nominal initials CV; awards may be made posthumously.

Star of Courage

The Star of Courage (SC) is a bravery decoration awarded to Australians. It is awarded for acts of conspicuous courage in circumstances of great peril.

Bravery Medal

The Bravery Medal (BM) is a bravery decoration awarded to Australians. It is awarded for acts of bravery in hazardous circumstances. The BM was created in February 1975. The decorations recognise acts of bravery by members of the community. They selflessly put themselves in jeopardy to protect the lives or property of others.

Commendation for Brave Conduct

The Commendation for Brave Conduct is a bravery decoration awarded to Australians. It is awarded for an act of bravery that is worthy of recognition. The Commendation for Brave Conduct was created in February 1975. The decorations recognise acts of bravery by members of the community who selflessly put themselves in jeopardy to protect the lives or property of others.

Group Bravery Citation

¹⁸ It's an Honour Australian Government website

The Group Bravery Citation is awarded for a collective act of bravery by a group of people in extraordinary circumstances that is considered worthy of recognition

Distinguished Service

Distinguished Service Cross

The Distinguished Service Cross (DSC) is a military decoration awarded to personnel of the *Australian Defence Force*. It is awarded for distinguished command and leadership in action.

The Distinguished Service Medal (DSM) is a military decoration awarded to personnel of the *Australian Defence Force* for distinguished leadership in warlike operations.

The Commendation for Distinguished Service is a military decoration awarded to personnel of the *Australian Defence Force*, it is awarded for the distinguished performance of duties in warlike operations.

Conspicuous Service

Conspicuous Service Cross

The Conspicuous Service Cross (CSC) is a decoration (medal) of the Australian honours system. It is awarded "for outstanding devotion to duty or outstanding achievement in the application of exceptional skills, judgment or dedication, in non-warlike situations".

Conspicuous Service Medal

The Conspicuous Service Medal (CSM) is a military decoration awarded to personnel of the *Australian Defence Force*, and officers and instructors of the *Australian Defence Force Cadets*. It is awarded for meritorious achievement or dedication to duty in non-war like situations.

A gap in recognition

It is submitted that distinguished and conspicuous service is not confined to military personnel and that in this age of asymmetric conflict, police and other non-military personnel have exhibited conduct worthy of the titles distinguished and conspicuous. The AFP members who deployed to East Timor with UNAMET in 1999, and those police and other government employees who have served in Iraq and Afghanistan, are among those who would doubtless have qualified for such awards had they been military personnel.

The entire First AFP Contingent to UNAMET in 1999 was awarded a Group Citation for Bravery for their service. This was welcomed and gratefully received, but it very much underplays the many acts of individual moral courage and physical bravery displayed by members in extraordinarily challenging and dangerous circumstances. It is submitted that it is perhaps an opportune time to revisit this issue with a view to appropriately acknowledging and recognising these individual acts of moral courage and physical bravery. But their stories remain unheard by a system which is skewed to listen only to those from a military background, to the exclusion of all others.

The Director of the Australian War Memorial, Dr Brendan Nelson AO included such classes of persons who have served Australia and Australia's interests in his speech at the Australian War Memorial on 1 November 2018 when he said, inter alia:

*Within its galleries, the Memorial tells the stories of those who serve in Australia's military forces and those who have made the ultimate sacrifice in war, warlike operations, peacekeeping and humanitarian operations. ...[t]he opportunity, and the responsibility our nation now has, is to proudly tell the stories of what has been done in recent years in Afghanistan, Iraq, the Solomon Islands, and East Timor, and in peacekeeping and humanitarian operations. We must tell these stories not years or decades after they have occurred, but now. It is also the stories of families who love and support them.*¹⁹

It appears, however, that these may well be hollow words as only those stories from members of the Australian Defence Force seem to matter. It seems that those of us who have served Australia in capacities other than as members of the military, such as police and other government employees, deployed to the same hazardous environments, living and working alongside our ADF colleagues, are actively silenced and ignored by our government. ***In the minds of any fair-minded Australian, does anyone really think this disparate treatment is fair?***

Is the Status Quo acceptable?

It is difficult to interpret the status quo concerning acknowledgement, recognition and veteran status as anything other than petulance on the part of a very influential Defence sector, intended as a form of 'turf protection' by monopolising its access to the ears of government. It is argued that this is based on 19th century attitudes to conflict, where military power, rather than less forceful options are the determinant of outcomes. This is outmoded thinking and is in urgent need of re-consideration to match contemporary threats and modes of conflict, including asymmetric warfare, and the distinctly Australian whole-of-government responses to them. Prominent among this type of response are Australian Police, whose actions, particularly in East Timor during UNAMET, can only be described as Conspicuous and Distinguished, and reflective of the highest of Australian values and virtues of physical bravery and moral courage. Yet there is no way of acknowledging and recognising this in the current Australian Honours and Awards.

It is therefore submitted that a distinct category of service, known as 'hazardous' service be considered by the Committee, to acknowledge and recognise those who provide service above self in environments other than strictly 'warlike' or strictly 'peaceful' environments. It is also submitted that should the term 'veteran' remain an unacceptable form of address, an alternative term be sought to acknowledge the moral courage and physical bravery of such members. Furthermore, it is suggested that the Committee consider a separate form of Conspicuous and Distinguished service for police and other Australian Government employees to parallel those honours and awards reserved exclusively to members of the Australian Defence Force.

Appendices

- 1 Instrument declaring AFP members in UNAMET as a Peacekeeping Force 25 February 2000
- 2 A selection of photographs of East Timorese militia groups and INP in 1999
- 3 Message from Prime Minister John Howard 7 September 1999
- 4 Email message from Sen. Amanda Vanstone, Minister for Justice and Customs 22 August 2000

¹⁹ Dr Brendan Nelson, AWM, 1 November 2018



COMMONWEALTH OF AUSTRALIA

Veterans' Entitlements Act 1986

NOTICE UNDER SUBSECTION 68(1)

I, Bruce Scott, Minister for Veterans' Affairs, for the purposes of paragraph (b) of the definition of 'Peacekeeping Force' in subsection 68(1) of the *Veterans' Entitlements Act 1986* (the Act), designate the Force specified in Column 1 of the Schedule below as a Peacekeeping Force for the purposes of Part IV of the Act on the date specified in Column 2 of that Schedule.

SCHEDULE

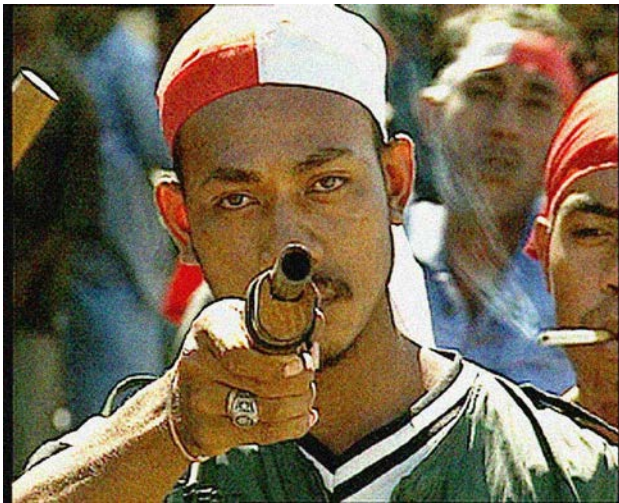
Column 1	Column 2
Peacekeeping Force	Date specified pursuant to subsection 68(3A) of the Act
The Australian Police Contingent of the United Nations Assistance Mission in East Timor (UNAMET) established on 11 June 1999 and ended on 25 October 1999 while in the area comprising East Timor and its territorial waters	21 June 1999

Dated 25 February 2000

BRUCE SCOTT
Minister for Veterans' Affairs

















PRIME MINISTER
CANBERRA

7 September 1999

MESSAGE FROM THE PRIME MINISTER

On behalf of the Government and the people of Australia I want to thank members of the Australian Federal Police team for the highly professional way in which you are supporting the work of the United Nations in East Timor.

In extremely difficult and dangerous circumstances you are acquitting yourselves magnificently and have brought great credit to the Australian Federal Police. To those who have left, you have done a great job and the whole Australian community is proud of you.

I want to assure you that my colleagues and I are very conscious of the pressures your colleagues who remain in East Timor are now living under. We are working hard to find ways of improving UNAMET's security and allowing the work of the United Nations to proceed and security to be restored to East Timor.

Again, please accept my personal thanks and I am sure those of all Australians. Our thoughts and best wishes go to those of you still in East Timor.

(John Howard)

22nd August 2000

Message from the Minister:

In June 1999 the first contingent of 50 Australian Federal Police arrived in East Timor as part of the United Nations Assistance Mission. Most served until September.

The United Nations peacekeeping force was led by an Australian, former AFP General Manager, Alan Mills.

That group kept peace in the lead up to East Timor's ballot for self-determination on August 30, 1999, in some extremely difficult circumstances. They protected the ballot boxes to ensure that the will of the East Timorese was properly reflected in the count.

Without that group and their willingness, or rather determination, to hold on in a desperate and dangerous situation, the United Nations may have withdrawn.

I will never forget that it was only the unarmed civilian police, mostly Australian and led by an Australian, who just refused to give up. They stood between armed militia and the defenceless people of East Timor. Then, UNTAET was established and the military arrived.

Since then, two more contingents of Australian Federal Police have served in East Timor. The current, 4th contingent, also has some State and Territory Police who have been sworn in as temporary members of the AFP and are on a six month deployment.

The infrastructure support that moves with 3000 soldiers just is not there for police who served in small teams all around the island, often in isolated circumstances.

The conditions for each of our contingents have been rough to say the least.

Some individuals have faced particularly difficult and hazardous conditions, as well as direct threats to their personal safety.

I realise that some of you may be frustrated with the processes to ensure you all receive due recognition of your efforts in East Timor. Awarding of Police Overseas Service Medals and Clasps has commenced. I was honoured to be involved in events in Canberra and Sydney where the medals and clasps were presented. The Government continues to make representations to the UN regarding the United Nations Medal. The Foreign Affairs Minister and I recently wrote to the United Nation's Secretary-General about this matter. The process for recognising individual acts of bravery is also underway.

A brochure detailing AFP involvement in East Timor has been prepared and will be circulated to media this week. Copies are also available for all contingent members. I am hoping media will use the opportunity of the anniversary of the self determination ballot to recognise the efforts of AFP in East Timor.

I want to take this opportunity to again thank all those Australian Federal Police and members of State and Territory Police services who have and who are still serving in East Timor, some of whom I understand have sought a second tour.

The success of the ballot for self-determination almost a year ago and the transition since then

is a measure of the valuable and recognised role of Australia's police men and women.

I think this is one of the few occasions when, as a politician, I feel absolutely confident that I can say to you that you have the thanks of all Australians for your dedicated service in East Timor.

AMANDA VANSTONE