

security against major, new and long-term threats.

An important part of Garran's argument deals with what he sees as the costs of 'bandwagoning' with the United States. These include consequences for Australia's foreign policy such as a claimed diminution of Australia's standing and influence in Asia and an overestimation of the value of force in international politics at the expense of multilateralism. More generally, Garran believes Australia has encouraged the US to damage the international system through its unilateral widening of the doctrine of self-defence to extend not only to pre-emptive strikes against looming attacks but also to preventive war against possible long-term dangers. At the same time, Garran argues, Australia has unwisely supported the US in downgrading the value of the United Nations as a means of managing international and internal conflicts.

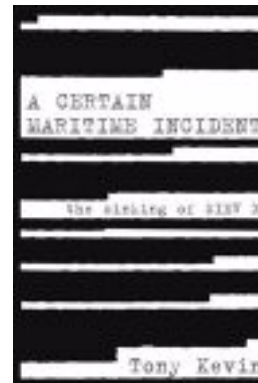
Joining in the war on Iraq—'Howard's war', as Garran terms it—is likely to prove the most costly mistake. A country that was not a terrorist threat has been turned into one; and a future government of Iraq, if Shia-dominated as seems likely, may align more closely with Iran, another member of the 'axis of evil'. Garran finds Howard guilty of what might be called the 'Turnbull doctrine'—'my ally, right or wrong'. The Prime Minister, of course, does not appear to believe the US venture in Iraq to be doomed (and if he does, he is unlikely to admit it). But Garran and Howard would agree on one thing: John Howard is a true believer in the alliance. ♦

*Robert Garran, 'True Believer: John Howard, George Bush and the American Alliance', Allen & Unwin, Sydney, 2004, paperback, 228pp, RRP \$24.95.*

## A Certain Maritime Incident: The Sinking of SIEV X

**Tony Kevin**

**Reviewed by Dr Tom Frame**



Despite its title and content, this book is actually about the place of morals and ethics in public policy and administration. Put simply: Tony Kevin objects to the apparent immorality of the Commonwealth government's immigration policies and its alleged unethical behaviour in failing to prevent the deaths of 353 people in October 2001. He decries the 'Howard government's manifold cruelties to boat people', condemns the 'iniquitous temporary protection visa system' and claims Australia's involvement in the War on Terror has 'led to the undermining of the nation's civil liberties and multicultural values'. In chastising the Coalition for its approach to refugees and illegal immigrants and its attitude to their acceptance or apprehension, Kevin claims the sinking of SIEV X (Suspect Illegal Entry Vessel with 'X' denoting unknown rather than number 10) is Australia's equivalent of the Nixon Administration's 'Watergate' conspiracy. More disturbing, he claims that the 'cover-up continues to this day'.

The circumstances surrounding the sinking of SIEV X can be quickly recounted. A small unseaworthy boat left an Indonesian port in southern Sumatra on 18 October 2001 and sailed into the Sunda Strait bound for Christmas Island. Crowded on board were 421 people originating from the Middle East who had paid large sums to the 'people smuggler' *Abu Quassey* for passage to Australia. Several days prior to SIEV X putting to sea, intelligence sources had reported the 'imminent' departure of three vessels from

Indonesia for Christmas Island. The information conveyed on the time and place of their departure was, as usual, inaccurate and imprecise. In the case of SIEV X, Australian Coastwatch was advised that this particular vessel was expected to depart, or had departed, from a number of different Indonesian ports on four different dates in the month of August, within a seven-day block in September, and on five separate dates in October. SIEV X stalled and then sank in international waters on the afternoon of 19 October 2001. A total of 353 people perished. Some survivors were recovered by an Indonesian fishing vessel and taken to Jakarta. But was Australia in a position to prevent the sinking or, at the very least, rescue the victims?

As part of Operation Relex, a comprehensive maritime surveillance operation in Australian and international waters between Java and Christmas Island had been mounted to detect and intercept the people smugglers' vessels. RAAF P-3C Orion aircraft were conducting nearly continuous flights of 4 to 5 hours duration throughout the 440 kilometre by 280 kilometre surveillance area. HMAS *Arunta* was patrolling closer to Christmas Island. The ship and its embarked helicopter were ready to intercept vessels identified by the P-3Cs as they approached the (Australian) contiguous territorial waters zone which was 24 nautical miles from the Christmas Island coastline. This surveillance and interception operation continued from 17 to 23 October. As *Arunta's* helicopter was unserviceable on 19 October, an additional Orion flight was launched. The aircraft was

in the air from 1644 to 2115 (Christmas Island local time) and was to cover the area that would have been patrolled by the helicopter. Due to poor weather that degraded radar performance and required close track spacing, the flight consumed more fuel than normal. After searching the Southern areas of the Operation Relex zone, the Orion had insufficient fuel to cover the lower priority northern segments of the area. Earlier in the day (0900–1030), the standard Orion flight had covered the north-west and north-east search areas in similar poor weather conditions.

None of the four surveillance flights flown in the period 17 to 19 October detected SIEV X. No distress messages were ever received by Australian authorities and nothing in the intelligence summaries justified changing the standard surveillance regime. An Orion flew over the area where SIEV X may have sunk the next day but did not detect anything of concern. The prevailing weather was not generally conducive to maritime patrol activities. In any event, the area in which SIEV X sank was well within the internationally designated zone of Indonesian search and rescue (SAR) responsibility. Although Australian ships and aircraft were in the general area as part of Operation Relex, and would obviously have helped if they had known of the sinking, neither the ships nor the aircraft had any responsibility for pre-emptive, reactive or actual SAR in the waters where SIEV X most likely went down.

Prior to Tony Kevin's claims concerning SIEV X, the ADF had never been accused of failing to rescue seafarers in distress. Indeed, Australia had gone to great public expense to rescue round-the-world sailors Tony Bullimore and Thierry Dubois several years before in the Southern Ocean because they were in Australia's very large zone of SAR responsibility.

It was only after SIEV X sank that Coastwatch received information suggesting that a distress situation was developing. The Department of Defence first knew a boat had definitely sunk from reports on 23 October after survivors from the ill-fated vessel had been landed in Jakarta. Subsequent claims by survivors that two, possibly naval, ships with searchlights illuminated the waters before their recovery led to ill-founded accusations that the RAN had callously ignored the plight of these most unfortunate people. These were discounted when the Navy pointed out that the nearest ship (HMAS *Arunta*) was 230 nautical miles away. This was the first of many allegations that Australia was complicit or even responsible for the tragedy.

Tony Kevin, a former Australian diplomat and public servant, has been the most public and vocal advocate of those lost in SIEV X. By his own admission, it has become a crusade for justice thwarted by the absence of information and the refusal of Australian and Indonesian authorities to release all documents in their possession relating to SIEV X. *A Certain Maritime Incident*, according to the publisher's blurb, 'joins the dots for the first time to reveal a disquieting record of government misconduct'. Convinced that the Australian government knows much more than it is willing to admit, Kevin argues that 'nothing less than a comprehensive judicial enquiry into the sinking of SIEV X will suffice if Australia is to regain its national honour'.

But there is a fatal flaw in Kevin's approach to this tragic

event. It is disclosed in the preface. In the absence of 'whistleblowers or a judicial inquiry', in piecing together the story Kevin has relied 'on the method of adducing the highest-probability hypotheses that best explain the accumulations of facts that cannot reasonably be explained in any other way'. I accept the validity of the first part of his approach but would strongly resist the second. While his account is an attempt at finding the 'best fit', he is not entitled to claim that it is the only account consistent with the facts.

There is too much surmising, assuming, postulating, conjecturing and guessing in Kevin's account for him to exclude more benign and less controversial explanations of what occurred. Some of what he claims to be evidence is mere reportage. Kevin quotes stories compiled by journalists and assumes they are accurate although there is no evidence that he questioned the journalists, especially *The Australian's* Don Greenlees, on the veracity of the sources on which the first reports of SIEV X's sinking were based. When I read the initial press and other reports of the tragedy, I can readily detect the existence of hearsay and rumour mixed with genuine recollection and verifiable fact. This is not surprising. Little was known of the vessel, its crew or the passengers. Language and translation difficulties must also be assumed. I would fully expect to encounter the differences in accounts noted by Kevin but would not attribute anything necessarily sinister in them.

Kevin also makes much of where SIEV X sank in an attempt to bring shame on the Australian government and on the ADF in particular. He notes that several positions for the sinking were reported but settles on the location recorded by the Jakarta harbour master as the most reliable. But why? I am not convinced of the accuracy of this position—7° 40' 00''S and 105° 09' 00''E—for two reasons. First, it appears to me that both the latitude and longitude have probably been 'rounded-off' to the nearest minute of arc as neither position includes any seconds (i.e. 00''S and 00''E). Second, there is no record of how the boat that recovered the survivors, the *Indah Jayah Makmur*, fixed the position of the sinking. It could have been with GPS, radar, celestial navigation or by mere estimate. Until we know how the position was fixed, it cannot be established as the actual location of the sinking. Defence is, therefore, quite entitled to maintain that it cannot determine with accuracy where SIEV X went down. But the crucial point must again be made: Australia did not have any SAR responsibility in the waters where SIEV X sank, regardless of the fact that it was being patrolled as part of Operation Relex.

It is quite misleading to say, as Kevin does, that the various possible positions for the sinking 'fall technically within a notional Indonesian search-and-rescue zone'. There is nothing technical about the position or notional about the zone and its obligations. SIEV X sank in an area where Indonesia had formal SAR responsibility. Australian ships and aircraft could (and certainly would) have engaged in search and rescue if required. The mere conduct of Operation Relex did not transfer SAR responsibility from Indonesia to Australia. And yet, Kevin nonetheless wants the Commonwealth government and its agencies to accept

some blame. This is unjustified and unfair.

As Mr Allan Hawke, the Secretary of the Department of Defence, stated in September 2002: 'there is nothing, I repeat, nothing, that Defence could have done in relation to the tragic fate of SIEV X. At the time, Defence had conflicting reports of departure, ports and times and no information that SIEV X was in distress, let alone the locality of where it sank'. In the absence of anything other than media reports and inconsistent survivor statements, Hawke said 'the reputation and integrity of Australia's Defence Force and the government that directs it have been impugned' by the kinds of allegations Tony Kevin and others have made. I do not believe it is proper to speculate when such speculation affects an individual's professional reputation or their good standing in the community. As someone personally acquainted with Admirals David Shackleton, Chris Ritchie, Geoff Smith, Raydon Gates and Marc Bonser, I believe they have every right to feel aggrieved at the manner in which Kevin has constantly impugned their character and questioned their integrity. This does not help his campaign on behalf of the SIEV X victims.

Nor do I believe the SIEV X cause is assisted by the notorious [www.sievx.com](http://www.sievx.com) website owned and maintained by Marg Hutton. There is no description of Marg Hutton's qualifications or expertise in relation to the matters associated with SIEV X and no reasons are given for believing her website is reliable or to be trusted. In fact, it has earned itself a reputation for reporting only those things that assist its polemical outlook. By way of personal example, I attempted to correct Kevin's public misrepresentation of some remarks I made in an interview with Terry Lane on Radio National in April 2003. I received no reply and Kevin's misrepresentation remained on the SIEV X website without clarification or amendment reflecting my objections.

Kevin should also acknowledge that some of his supporters are vehement opponents of the Howard government and cannot reasonably claim to be unbiased observers. They desperately want to believe that the government was complicit because they want to harm the Coalition's credibility in the electorate. This is not to accuse them of fabricating or distorting evidence. But it is to say they are more likely than not committed to the most adverse view of any event when it comes to interpreting matters relating to Coalition policy. Nor is Kevin's case helped by his declared disappointment with the conclusions contained in David Marr and Marian Wilkinson's *Dark Victory* or the findings of the Senate's comprehensive inquiry into a 'Certain Maritime Incident'. Sadly, in my view, Kevin seems to have lost the capacity to believe he could be mistaken or that the facts (or lack of them) might lead others legitimately to take a different view. It is almost as if Kevin has identified the specific outcome he wants and only accepts evidence or argument that assists in its achievement.

After reading Kevin's book and reviewing some of the primary source material for myself, I am not persuaded that the ADF knew sufficient about the departure of SIEV X to have prevented its sinking. I do not accept that the location of SIEV X's sinking has been established with any reliability. I am not convinced that there was (or is) a cover-

up involving any government agency. And I do not believe Kevin has demonstrated that the ADF (or AFP) is in any way complicit or responsible for the deaths of 353 people.

I hope Mr Kevin, whose honesty and integrity I do not doubt, notes that I am avoiding declarative statements of fact. My summation is simply that he has not provided sufficient documentary or circumstantial evidence to prove his case nor has he shown why this incident is primarily a matter for the Australian government to investigate without the full and willing co-operation of Indonesian authorities. There are always valid and reasonable grounds for Australian governments to decide not to deal with some matters in open forums. The withholding of some information is vital to the maintenance of good government and public administration, especially in relation to combating criminal activity and conducting international diplomacy. While such reticence can be interpreted as *prima facie* evidence of a cover-up, I do not believe Kevin has shown that the case of SIEV X is anything other than the routine exercise of a government's discretion to withhold information about current and continuing operations and activities. This does not amount to a conspiracy to cover-up wrongdoing.

I must also challenge his assertion that the sinking of SIEV X is comparable to 'the failed cover-up surrounding the sinking in 1964 of HMAS *Voyager*'. As the author of the definitive study of *Voyager*'s loss, I am not sure what Kevin is alleging in the comparison. He says that *Voyager*'s commanding officer, Captain Duncan Stevens, was intoxicated at the time of the collision and this contributed to the disaster. Stevens was not intoxicated (the existence of alcohol in his blood has been rightly contested) and there was never any suggestion that alcohol figured in the causes of the collision. The Spicer Royal Commission was neither 'compliant' nor was it established 'under political pressure'. There was never any attempt to make Robertson 'take the fall'. Robertson was not blamed for the collision and resigned after he was not reappointed in command of HMAS *Melbourne* following the Spicer Commission. The second Royal Commission (held in 1967) inquired into quite separate matters. Although the second Commission came to different conclusions, they were not based on evidence that had been either distorted or suppressed in 1964. There are no parallels between the loss of *Voyager* and the sinking of SIEV X. To claim that there are weakens Kevin's case unnecessarily.

I believe we should judge a nation not on its wealth, prestige or strength but on how it treats the weak, the vulnerable and the marginalised. It is for these reasons that I admire Tony Kevin and commend his advocacy on behalf of people many would prefer to forget. But I do not believe that this book serves their cause or that of justice. A first century Jewish rabbi once said: know the truth and it will set you free. I am afraid that in the case of SIEV X, we might be confronted with the unknown and burdened with the unknowable. ♦

Tony Kevin, *'A Certain Maritime Incident: The Sinking of SIEV X'*, Scribe, Melbourne, 2004, softcover, 257 pp., plus appendices, notes, *dramatis personae*, glossary & abbreviations, RRP \$32.95.