

Chapter 3

Decision-making process

3.1 Under the terms of reference, the committee is to inquire into the policy framework, procedures and protocols that govern Australia's decision to participate in a peacekeeping operation and the consideration given to the conditions for engagement and withdrawal. In this chapter, the committee examines the processes involved in deciding whether or not to contribute to a peacekeeping operation. As a starting point, the committee notes briefly how the complex nature of today's peacekeeping operations affects the government's consideration of a proposed mission. It then refers to the arrangements whereby the international community, through the UN, takes the decision to deploy a peacekeeping operation. It looks at how the Australian Government responds to a proposed operation, especially the structures and systems that its agencies use to consider and consult with each other. It is particularly interested in how their advice feeds into a whole-of-government deliberation. The committee also considers the processes involved where the proposed peacekeeping operation has not been initiated by the UN. It seeks to determine whether the mechanisms for decision-making are appropriate and effective.

3.2 Given the growing number of peacekeeping operations in the past two decades, it is likely that Australia will continue to contribute to such missions. Indeed, the committee found a general consensus that peacekeeping operations are a permanent and probably increasing part of the international relations landscape, placing additional responsibilities on Australia and other countries around the world to participate in UN operations.

3.3 Furthermore, most submitters to the inquiry underscored the importance of the significant shifts that have occurred in the aims and conduct of peacekeeping operations and their implications for Australia. They noted that peacekeeping operations are no longer the domain of the military, and a whole range of agencies—both government and non-government organisations (NGOs)—now need to work together as a well integrated team to achieve long-term peace outcomes.¹ The AFP described emerging practices as follows:

Current crises confronting the world require yet further consideration of how the international community may respond. The requirement now is for a more holistic and strategic view that addresses root causes of conflict and

1 See Attorney-General's Department, *Submission 13*, p. 1; Major General (Retired) Tim Ford, *Submission 4*, p. 1; Austcare, *Submission 11*, p. 5; Department of Foreign Affairs and Trade, *Submission 15*, p. 1; Australian Red Cross, *Submission 22*, p. 1; AusAID, *Submission 26*, p. 3; Australian Federal Police, *Submission 28*, pp. 4–5; and Department of Defence, *Submission 30*, p. 2.

creates road maps for peace, and most importantly provides for the longer term development of stable societies.²

3.4 In deciding to contribute to a peacekeeping operation, Australia faces the task of achieving this 'more holistic and strategic view' of the proposed mission. To do so effectively, it must consider many important factors and obtain advice and guidance from a range of sources within its departments and agencies and from potential partners in the mission.

Threats to international peace

3.5 The Security Council's consideration of a dispute that threatens to endanger international peace and security provides an early signal that a UN peacekeeping operation may be under contemplation. Deliberations in the Council, statements by member states, the Secretary-General and the reports of special assessment or fact finding teams indicate the level of support for, and the likelihood of, a peacekeeping operation and the nature of the mission.

3.6 The Australian Permanent Mission to the UN in New York monitors and advises the government on developments in the Security Council and of any anticipated UN decision to deploy a peacekeeping operation.³ If a peacekeeping operation is foreshadowed, DFAT convenes, as early as possible, a meeting of relevant government departments to inform them of the proposed operation and to canvass preliminary views on Australian involvement.

Involvement of government agencies

3.7 Even before a matter comes before the Security Council, Australian government agencies, such as Defence, DFAT, AFP, AusAID and various intelligence agencies have been keeping a watch on developing disputes or conflicts likely to threaten international peace. For example, a number of areas within DFAT—International Organisations and Legal Division, the International Security Division and relevant geographic areas—deal with peacekeeping and monitor overseas developments and potential 'trouble spots'. Mr Michael Potts, First Assistant Secretary, DFAT, explained:

...DFAT has an over-the-horizon capability, particularly through our global affairs branch, which tends to look at particular situations aside from the day-to-day flow of events. So it tends to look at either a particular theme or at a particular range of countries to get a sense, looking five to 10 years out, of what the likely outcome is going to be. We have done a considerable amount of work and that work has also been done with AusAID in terms of fragile states. It is fair to say that we have got a reasonable sense of which particular states bear closer examination. What we do not do...is drilling down to exactly how dire a situation would be, what sort of scenarios are

2 Australian Federal Police, *Submission 28*, p. 7.

3 *Committee Hansard*, 25 July 2007, p. 45.

likely and what sort of force structure would then be required. I think that it is beyond our remit, but we do have a proactive wish to look out ahead and to see what countries are likely to give rise to difficult situations which might call for an emergency response of some sort. AusAID also does it on the humanitarian side of things.⁴

3.8 AusAID explained the type of research and analysis it conducts that may eventually feed into the information gathering activities of Australian agencies in relation to a proposed peacekeeping operation:

We have been doing some work for the last two or three years around a thing we are calling conflict vulnerability analysis. So it is not just analysing the conflict; it is trying to look at the vulnerability of some of our partner countries, but with a specific eye on what that means for the development program... So, firstly, it is a kind of do-no-harm approach, but also to do this vulnerability analysis to look at opportunities where we may be able to enhance a peace outcome or strengthen communities. That has been a process that we have been undertaking, but it has been very much an iterative, learning process.⁵

3.9 The Fragile States Unit in AusAID has been set up to look across interagency operations and planning in fragile states. It works closely with other government agencies and also draws on sources such as universities and people on the ground to inform its analysis.⁶ This unit, which has been renamed the Fragile States and Peacebuilding Unit (FSP), is discussed further in Chapter 13.

3.10 Defence provided some insight into the activities it undertakes to ensure that it is kept abreast of overseas situations with the potential to affect Australia's national interests. It works with the intelligence community and its 'coalition partners' to determine the issues that might arise and how they might develop over time. It then provides appropriate in-house advice or advice to government as necessary.⁷

3.11 Lt Gen Ken Gillespie, Vice Chief of the Defence Force, referred to events leading to the outbreak of violence in Timor-Leste in May 2006 as an example of this process.⁸ He informed the committee that Defence had been monitoring developments over a period of time and had become concerned that they were 'spiralling out of hand'. According to Lt Gen Gillespie, Defence was advising the government about 'the need for us to adopt a different posture if we were to be prepared for what might happen at very short notice'.⁹

4 *Committee Hansard*, 13 September 2007, p. 6.

5 *Committee Hansard*, 25 July 2007, p. 80.

6 *Committee Hansard*, 25 July 2007, p. 81.

7 *Committee Hansard*, 24 July 2007, pp. 6–7.

8 Lt Gen Gillespie is now Chief of Army.

9 *Committee Hansard*, 24 July 2007, p. 6.

Committee view

3.12 The committee notes that relevant government agencies monitor and analyse international developments that have the potential to threaten peace and stability. This means that they are prepared to offer informed advice to government should a conflict flare up and precipitate Security Council action. The committee regards this information gathering and analysis as the foundation stone upon which to build Australia's capacity to contribute effectively and promptly to peacekeeping operations.

UN peacekeeping operations

3.13 Once the Security Council has resolved to deploy a peacekeeping operation and requested assistance, Australia, as a member of the UN, is required to respond to the decision. Lt Gen Gillespie explained that:

...the UN request is often not generic. It will be germane to a specific conflict area...the UN will normally phrase in its request the nature of the task...It might be a demarche that comes down through a mission that goes to many nations asking for support, or it might be a demarche that is quite specific in asking Australia to provide some sort of capability.¹⁰

3.14 He noted that the call for assistance from the Security Council would be handled in Australia in much the same way that most issues to do with national security or defence are handled by the government.¹¹ Initially, government agencies, including Defence, DFAT, AFP, AusAID and intelligence agencies, conduct their own fact-finding activities on the proposed operation and its implications for their portfolio. For instance, Defence looks at the issues and the intelligence and starts to formulate the advice that it might provide to assist government in framing its response to the UN request.¹²

3.15 The AFP provided a specific example of the more targeted type of investigation undertaken after the UN has authorised a peacekeeping operation. In March 2005, following a formal request from the UN to contribute civilian police to its mission in Sudan, an AFP assessment team visited Sudan to 'conduct a threat and scoping assessment'.¹³

Interdepartmental consultation and National Security Committee of Cabinet

3.16 Drawing on their own assessments of the proposed mission, agencies come together in interdepartmental committees (IDCs) to consider the Security Council's request. They look at the mission and what it is that Australia is being asked to do, the

10 *Committee Hansard*, 24 July 2007, p. 4.

11 *Committee Hansard*, 24 July 2007, p. 4.

12 *Committee Hansard*, 24 July 2007, p. 4.

13 *AFPNews*, April 2006, p. 11.

chances of success and the duration of the operation.¹⁴ Agencies also endeavour 'to form a clear understanding of local conditions, including the degree of local and international acceptance of a peacekeeping operation'.¹⁵

3.17 Their information and advice feeds into a bureaucratic committee of deputy secretaries called a strategic policy coordination group (SPCG). The core of this group comprises the deputy secretaries from Defence, DFAT, the Attorney-General's Department, the Department of the Prime Minister and Cabinet (PM&C) and the Office of National Assessments (ONA). Lt Gen Gillespie noted that this interdepartmental committee, chaired by the Security Division in PM&C, meets routinely once a month but that any committee member can draw attention to a particular issue and call a meeting. Indeed, he noted that 'we can call meetings twice or three times a week to discuss specific issues'.¹⁶ He also stated the SPCG expands as needed to include people from organisations such as AusAID.¹⁷

3.18 The interdepartmental committee makes recommendations to the National Security Committee of Cabinet (NSC). This committee, which sets policy and is chaired by the Prime Minister, sits at the highest level of government. It meets regularly, there having been times 'when it met on a daily basis'.¹⁸

3.19 Lt Gen Gillespie explained that layers can be added as required to the committees all through the process until the NSC makes the decision on Australia's participation.¹⁹ He described how a whole-of-government policy develops out of the various consultations taking place between agencies and results ultimately in the advice provided to government:

In essence, what you are bringing with each of the committee processes that you go through is more perspectives, a wider perspective and experience to the problem set that has been handed to you. The deputy secretaries in the strategic policy coordination area sometimes bring quite strong departmental views to the table. From those views, we then know the sorts of inputs that we need to make to a cabinet submission for NSC consideration. A department or a couple of departments can have the responsibility of crafting the cabinet submission that lays out the request and all of the factors that you might have to consider. Eventually, that cabinet submission is considered by the National Security Committee of Cabinet and we get a decision one way or the other on our participation.²⁰

14 *Committee Hansard*, 24 July 2007, p. 4.

15 Department of Defence, answer to written question on notice W1, 24 July 2007.

16 *Committee Hansard*, 24 July 2007, p. 11.

17 *Committee Hansard*, 24 July 2007, p. 4.

18 Commonwealth of Australia, *Report of the Inquiry into Australian intelligence agencies*, 2004, p. 52.

19 *Committee Hansard*, 24 July 2007, p. 4.

20 *Committee Hansard*, 24 July 2007, p. 4.

3.20 The AFP noted the careful deliberation given to any decision to participate in a peacekeeping operation and the extensive level of consultation with other government agencies. Assistant Commissioner Mark Walters explained:

...if a situation required an AFP response, we would obviously continue engagement with the relevant agencies. The agencies the AFP would normally be engaged with in these circumstances would be the Department of Foreign Affairs and Trade, the Department of the Prime Minister and Cabinet, Defence and AusAID...along with other agencies as required. We would certainly seek advice, guidance and views from those agencies in formulating an AFP response to a particular issue. If the decision was that the AFP was not in a position or was not able to respond or deploy, that could be fed back up through an IDC process or other mechanisms—perhaps through to Prime Minister and Cabinet—depending on where the issue was being led from.²¹

3.21 He recalled one occasion when the AFP felt that it 'was not appropriate under the circumstances to deploy'. In that instance, that advice was provided to PM&C.²²

3.22 AusAID contributes to cabinet and ministerial briefings on the humanitarian dimensions of peacekeeping proposals. Mr Alan March, AusAID, used the Regional Assistance Mission to Solomon Islands (RAMSI), a non-UN mandated peacekeeping operation, to illustrate the type of contribution that his agency makes to the decision process:

Initially, we were on the ground, as we tend to be in a lot of these countries for decades before the crisis and for decades after, so we have a lot of contextual and systematic knowledge and aid program engagement that we can make available to whole-of-government colleagues. In that process we were in a position to provide that information. We provided that directly to our partners in Foreign Affairs but also through committee discussions on what Australia might do in the Solomon Islands process.²³

3.23 The Attorney-General's Department also has an important role in the decision-making process. It noted that the decision to deploy involves legal issues under three different jurisdictions—international law, Australian domestic law and the law of the country in which the operation is taking place. In close collaboration with legal advisers, policy officers and operational personnel, the department provides legal advice that may be required for a peacekeeping operation.²⁴ It observed that provision of such advice in the context of deployments presents particular challenges, for example, 'ensuring that legal advice is provided with a sound appreciation of the operational constraints and problems facing deployed personnel'. It argued that for this

21 *Committee Hansard*, 25 July 2007, p. 5.

22 *Committee Hansard*, 25 July 2007, p. 5.

23 *Committee Hansard*, 25 July 2007, p. 75.

24 *Submission 13*, pp. 1–2.

reason, 'close coordination is required between policy and operational personnel and legal advisers'.²⁵

Consultation with other countries

3.24 The decision-making process also involves discussions with other countries in order to ascertain their views on the proposed operation. Ms Gillian Bird, DFAT, noted that consultation would take place through the UN but DFAT would also ask its posts to talk to their countries of accreditation about relevant issues. At the same time, Defence or the AFP would consult with their counterparts 'to find out what their countries might be planning as well for operations'.²⁶

3.25 Lt Gen Gillespie explained Australia's approach toward conversing with other countries on a proposed peacekeeping mission and Defence's role in these consultations. He used both East Timor and RAMSI as examples:

The interdepartmental government process will decide on a policy with, say, Timor of whether we need to reach out to other nations, whether for the benefit of the mission it is better that it is a coalition force not a unilateral type force. RAMSI was the same. It needed a broader look than just Australia and New Zealand. In those processes, the government make a decision that we will reach out and do that, and we use the diplomatic means that we have at our disposal through foreign affairs or our defence attachés to engage at that level.²⁷

3.26 He noted further that all Australian diplomatic missions in the region have defence attachés. Their presence enables Defence, if the government directs it to do so, to engage with people in the defence diplomacy area. Lt Gen Gillespie explained further:

The approvals process to go on a mission might be a two-part approval process through government whereby you go to them and recommend: 'The way ahead might be a coalition of willing neighbours. Some of the likely participants might be X. Can we engage with those people and determine whether they are prepared to do it and what they might be able to do to assist?' Once we have got all of those bits and pieces together, we can then go back to government finally and say: 'We've done the engagement you asked us to do. These people are prepared to do X, Y and Z. Here's a possible way forward. Are you happy to do that?'²⁸

3.27 The consultations that took place before the establishment of the International Force in East Timor (INTERFET) demonstrated the importance of this type of

25 *Submission 13*, p. 4.

26 *Committee Hansard*, 25 July 2007, p. 46.

27 *Committee Hansard*, 24 July 2007, p. 17.

28 *Committee Hansard*, 24 July 2007, p. 17.

diplomacy.²⁹ This mission was set up with contingents from Australia, Canada, France, New Zealand, the Philippines, Thailand, United Kingdom and the United States, under the command of Australian Major General Peter Cosgrove. It began deployment to East Timor from Darwin on 20 September 1999.

3.28 In this particular case, Australia had a key responsibility and role in garnering international support for a UN mission. The committee has noted in a previous report the importance of the diplomatic initiatives that took place during the Asia–Pacific Economic Cooperation (APEC) meeting in Auckland in September 1999. This meeting provided the ideal forum for Australia to discuss the serious breakdown in law and order in East Timor and to find common ground on how to deal with this problem.³⁰ At the time, the Minister for Foreign Affairs noted that Australia was able to use the APEC gathering to very good effect to marshal international support for a force and 'in getting the international community to put increasing pressure on Indonesia to allow in that force'.³¹ More recently, the former Prime Minister, John Howard, recalled that the meeting 'played an important part in galvanising and fashioning the international response to the independence crisis in East Timor'.³²

3.29 Where the Australian Government is liaising with other countries about a proposed peacekeeping operation, strong and friendly relations built on people-to-people links are more likely to provide an environment conducive to productive talks and for eliciting support for Australia's position. In a recent report, the committee considered at length the importance of public diplomacy in creating an environment in which Australia can influence the views and opinions of other countries.³³ This discussion is taken further in Chapter 18.

Timeframe for decision

3.30 The time taken to consider a request to participate in a mission varies widely and can be an issue in some circumstances. According to Ms Bird, the pace picks up where events are moving quickly.³⁴ The Attorney-General's Department informed the committee that one of the main challenges it faced in providing advice to government was 'the pressure of time'. It stated:

29 *Committee Hansard*, 25 July 2007, p. 46.

30 Senate Foreign Affairs, Defence and Trade References Committee, *Australia and APEC: A Review of Asia Pacific Economic Cooperation*, July 2000, p. 41.

31 Minister for Foreign Affairs, the Hon Alexander Downer MP, Question without notice, *House Hansard*, 20 September 1999, p. 9926.

32 Prime Minister, the Hon John Howard MP, transcript of address to the Asia Society Australasia Centre Annual Dinner Sydney, 6 June 2007.

33 Senate Standing Committee on Foreign Affairs, Defence and Trade, *Australia's public diplomacy: building our image*, August 2007, paragraphs 3.14–3.20.

34 *Committee Hansard*, 25 July 2007, p. 46.

The request for a deployment will often, by reason of the events occurring in the requesting State, demand immediate action, involving the urgent provision of legal advice and drafting of relevant legal instruments in coordination with Defence, DFAT and other agencies such as AFP, PM&C and AusAID.³⁵

3.31 For example, Lt Gen Gillespie noted that the situation in Timor-Leste in 2006 'required an immediate response and also necessitated a significant number of meetings at various levels of officials and senior officials to work out the dynamics and the response that was required from a number of agencies'. He observed that:

In other instances there are opportunities to spend more time planning and working through the issues, and sometimes working groups are established to look through those.³⁶

3.32 Generally, deliberation within the Security Council for a UN-mandated mission slows the process. Lt Gen Gillespie explained:

We deployed rapidly to Namibia in 1989 at the end of an 11-year gestation period. With the way the UN Security Council does business and gets consensus now, generally, despite the urgent nature of the mission that might be undertaken, you have time built in because of the bureaucracy of the United Nations itself.³⁷

3.33 The UN mission to Darfur provides a recent example of the time that the UN member states can take to decide to establish a peacekeeping operation.

Darfur

3.34 Sudan's western region of Darfur has a long and complex history of unrest. Since 2003, the UN has drawn attention to the escalating conflict in Darfur and, on numerous occasions, has expressed grave concern at the continuing humanitarian emergency and widespread human rights violations. It has passed resolutions pressing for an end to the conflict.³⁸ In November 2006, consultations between the Secretary-General, the Chairperson of the African Union (AU) Commission, the Government of Sudan, the five permanent members of the Security Council, the AU Peace and Security Council members, the European Union, the League of Arab States and a

35 *Submission 13*, p. 4.

36 *Committee Hansard*, 25 July 2007, p. 4.

37 *Committee Hansard*, 24 July 2007, p. 4.

38 See, for example, UN Security Council, Resolution 1547, 11 June 2004, paragraph 6; Resolution 1556, 30 July 2004; Resolution 1564, 18 September 2004; Resolution 1590, 24 March 2005, paragraphs 2 and 5; Resolution 1591, 29 March 2005; Resolution 1679, 16 May 2006; and Resolution 1706, 31 August 2006.

number of African countries produced a recommendation that an AU–UN hybrid operation be deployed to Darfur with the UN providing funding.³⁹

3.35 In July 2007, Ms Deborah Stokes, DFAT, informed the committee of the international effort underway to bring together this operation. She said that there had been many stages and much work done in New York to arrive at an agreement to put the mission in place and to achieve a new UN Security Council resolution setting out how this mission would work and its funding.⁴⁰ On 31 July 2007, the Security Council finally passed resolution 1769 which authorised and mandated the establishment of the African Union–United Nations Hybrid Operation in Darfur (UNAMID).⁴¹

3.36 Numerous witnesses referred to the protracted negotiations and consultations that finally led to the adoption of Resolution 1769 (see also discussion at paragraphs 5.21–5.22).

3.37 Having discussed the process leading to the decision to participate in a mission, the committee now considers its effectiveness.

Effectiveness of decision-making process

3.38 Lt Gen Gillespie indicated that the process of interdepartmental advice to government was 'well-practised over the past decade'. He said:

Our organisations are highly experienced at it and it is second nature to the staff who are involved in the process, so we are quite comfortable that we have the ability to formulate advice, give it, be heard and then take the decision of government.⁴²

3.39 The AFP endorsed this view about the effectiveness of the decision-making process. It said that the whole-of-government approach to determining if and how Australia would respond to a request for assistance 'is well understood and practiced'. It particularly noted the wide consultation within and between all relevant departments.⁴³ In this regard, AFP Commissioner Mick Keelty noted in 2006 that one of the strengths of the government had been the creation of the NSC 'where issues such as the arming of police in offshore deployments can be debated between officials

39 UN Security Council, *Report of the Secretary-General and the Chairperson of the African Union Commission on the hybrid operation in Darfur*, S/2007/307 Rev. 1, 5 June 2007, paragraphs 7–9.

40 *Committee Hansard*, 25 July 2007, p. 70.

41 *Committee Hansard*, 13 September 2007, p. 2. See also UN Security Council, Resolution 1769, S/RES/1769 (2007), 31 July 2007; and AU Peace and Security Council Communiqué PSC/PR/Comm (LXXIX), 22 June 2007.

42 *Committee Hansard*, 24 July 2007, pp. 4–5.

43 *Submission 28*, p. 9.

and the inner Cabinet'.⁴⁴ In his view, this arrangement has been 'a very effective way to deal with policy making'.⁴⁵ Ms Bird shared the view that the system works well—'both the formal and informal systems'. She said, 'We have really well-established patterns of consultation across the bureaucracy'.⁴⁶

Committee view

3.40 The committee notes that the key agencies agree that the decision-making process related to Australia's response to a UN-proposed peacekeeping operation is well understood, well practiced and effective. The committee recognises the contribution that this proven and highly successful consultation mechanism makes to the effectiveness of Australia's response and endorses its continuation.

Non-UN peacekeeping operations

3.41 Australia is actively engaged in regional peacekeeping operations. Its recent contributions to peacekeeping missions to Bougainville, East Timor and Solomon Islands reflect the importance of regional security to Australia and its willingness to foster and embrace regional responses to conflict. It is likely to remain committed to promoting peace and stability in the region.⁴⁷ Indeed, views expressed in submissions and in testimony to the committee suggested that regional crises requiring some form of intervention will continue and that Australia will be asked to contribute, or lead operations—particularly within the South Pacific and South East Asia region.⁴⁸ Furthermore, as with RAMSI, they may not be UN-mandated missions.

3.42 As noted in Chapter 2, the UN Charter recognises the existence of regional arrangements or agencies for dealing with matters relating to the maintenance of international peace and security that are appropriate for regional action.⁴⁹ Where the proposal for a peacekeeping operation has not come from the UN, the process in

44 AFP Commissioner Mick Keelty, 'Policing in a Foreign Space', Speech, National Press Club Address, 11 October 2006.

45 AFP Commissioner Mick Keelty, 'Policing in a Foreign Space', Speech, National Press Club Address, 11 October 2006.

46 *Committee Hansard*, 25 July 2007, p. 46.

47 As an example of this commitment, in the 2008–09 budget, the government provided \$53.7 million over two years to the AFP to deploy personnel to Timor-Leste to build capacity within the Policia Nacional de Timor-Leste; \$14.1 million in 2008–09 for the net additional costs of extending ADF's contribution to RAMSI and \$165.9 million over two years for the net additional costs of extending ADF's contribution to restoring peace and stability in Timor-Leste. It also provided \$5.6 million in 2007–08 to continue the deployment of 37 AFP personnel to the RAMSI. Budget Paper No. 2, Part 2, Expense Measures.

48 See for example, Associate Professor Elsinia Wainwright, *Committee Hansard*, 20 August 2007, p. 3; and Austcare which acknowledged that 'longer-term and more substantial peacekeeping commitments by Australia are more likely within its immediate region, where it is more able to assist and would be expected to do so by the international community'. *Submission 11*, p. 10.

49 Charter of the United Nations, Articles 52–54.

Australia leading to a decision whether or not to contribute is much the same as that for a UN-initiated deployment.

3.43 As noted earlier, once a regional peacekeeping operation is under consideration, relevant agencies examine the proposed operation in relation to their particular responsibilities and expertise and consult and work together with other agencies in interdepartmental committees to formulate advice to the NSC. If the mission were of particular significance to Australia, the government may find itself in a key negotiating role with the host country and other interested countries in proposing the operation. Should the Australian Government contemplate taking on a lead role, it would need to devote considerable skill and resources to liaising with other countries in the region to secure support and plan, prepare and coordinate efforts for the mission. The diplomatic efforts on Australia's part to garner support for INTERFET and the government's efforts to galvanise assistance among the Pacific island states for RAMSI are examples of successful engagement with regional countries (see paragraphs 3.27, 3.28 and 6.22).

3.44 Although regional missions are allowed under Chapter VIII of the UN Charter, they do not benefit from the legal authority implicit in a UN-mandated mission. Thus, no matter how urgent or pressing the need for a peacekeeping operation, those initiating a regional mission need to take added precautions to ensure that the operation has the appropriate legal foundations. In Australia, the absence of a UN mandate means that DFAT and the Attorney-General's Department, in particular, consider and determine the legal framework for a proposed regional operation. In the case of the International Stabilisation Force in East Timor (ISF), an Australian delegation led by Lt Gen Gillespie travelled to Dili to formulate the terms and conditions of assistance with the Government of Timor-Leste.⁵⁰ The legal implications of deploying a non-UN peacekeeping operation and the importance of continuing recognition of the legitimacy of the operation are discussed in detail in Chapter 6.

3.45 Establishing protocols with the UN is also a matter needing close consideration. While the Security Council encourages regional organisations to take their role seriously in maintaining peace and security, the UN Charter requires that it be kept informed of developments. Should Australia participate in a regional operation, it is important that it ensure that there is effective communication with the Security Council. For example, before Australia deployed troops to Timor-Leste as part of the ISF, Australia's mission in New York informed the UN of the formal request from the Government of Timor-Leste for military assistance and the Australian Government's agreement.

Conclusion

3.46 The evidence of the government agencies likely to be involved in the decision to commit to a peacekeeping operation strongly endorsed the interdepartmental

50 *House Hansard*, 25 May 2006, p. 63.

mechanisms now in place. They agreed that the process leading to a decision on Australia's response to a UN-proposed peacekeeping operation is well understood, well practiced and effective. The decision-making process for a non-UN mandated peacekeeping operation is no different. In the case of a regional mission where Australia has a more direct interest in maintaining peace and stability and is considering taking a lead role, consultation with other countries in the region assumes greater significance.

3.47 Although the decision-making process to commit or not commit to a peacekeeping mission follows a well-established and familiar course, the matters that agencies, interdepartmental committees and ultimately the government consider are complex and unique to the proposed mission. Each mission brings its own challenges and the agencies and government consider each peacekeeping operation on a case-by-case basis and on its individual merits.⁵¹ The following chapters look at the key factors that influence the government's response to a request to contribute to a peacekeeping operation.

51 Austcare, *Submission 11*, p. 9; Department of Foreign Affairs and Trade, *Submission 15*, p. 3. See also Commonwealth of Australia, *In the National Interest: Australia's Foreign and Trade Policy White Paper*, 1997, paragraph 25, p. 13; and *Committee Hansard*, 13 September 2007, p. 3.