

SENATE STANDING COMMITTEE ON FOREIGN AFFAIRS DEFENCE AND TRADE

Australia's Involvement in Peacekeeping Operations

AUSTRALIAN FEDERAL POLICE

Question No. 1

Written questions on notice – resource capacity - following the AFP appearance on 25 July 2007:

The PFA and UNPAA submission expressed concerns that the AFP is relying on a significant number of non-sworn and retired sworn personnel on peacekeeping deployments, and possibly using them in traditional sworn police roles, p. [6].

- a) Could you briefly outline the roles that unsworn personnel (including Protective Service Officers and administrative staff) are providing in current deployments and the coordination of tasks between sworn and unsworn personnel?
- b) How do you ensure that unsworn personnel are both clearly identified as part of an international deployment, but distinguished from sworn officers?

The answer to the question is as follows:

a) IDG Peacekeeping missions are structured through analysis of the roles, tasks and any constraints that have been set by the mounting authority; for example the United Nations. There is not a reliance on retired or unsworn personnel; rather IDG contributions are based on mission need and in the case of RAMSI this is achieved through a combination of sworn, unsworn and former retired members.

At this time, the majority of the AFP members serving with the PPF are sworn. AFP unsworn roles comprise approximately 13% of the mission establishment. As the RAMSI mission objective is assisting the SIPF to progressively attain 'self reliance' through an enhanced emphasis on capacity development, an increase in the number of unsworn roles is anticipated. This increase will mirror the SIPF strategic business plan direction towards progressive civilianisation of its corporate support areas.

Table 1: Breakdown of sworn vs unsworn personnel in deployed peace operations and capacity building roles:

| Mission | Sworn | Unsworn | Male | Female |
|---------------------|--------------|----------------|-------------|---------------|
| RAMSI | 170 | 45 | 170 | 45 |
| UNMIT | 50 | 0 | 46 | 4 |
| UNMIS | 10 | | 8 | 2 |
| UNFICYP | 15 | | 9 | 6 |
| Nauru ¹ | 18 | 2 | 18 | 2 |
| PNG | | 1 | 1 | |
| Indonesia | 1 | | 1 | |
| Thailand | | 1 | | 1 |
| TLPDP | 11 | 0 | 10 | 1 |
| Vanuatu | 5 | 3 | 7 | 1 |
| Fiji | 0 | | | |
| Cambodia | 1 | | 1 | 0 |
| Other ² | 50 | 2 | 47 | 5 |
| Tonga | 3 | | 3 | 0 |
| Total | 334 | 54 | 321 | 67 |
| A Base ³ | 125 | 149 | 166 | 108 |
| Grand Total | 459 | 203 | 487 | 175 |

Table 2: State & Territory Contributions

| State | Count |
|--------------------------------|--------------|
| NT Police | 2 |
| QLD Police | 20 |
| South Aust. Police | 12 |
| Victoria Police | 78 |
| Tasmania Police | 5 |
| Grand Total⁴ | 117 |

b) Unsworn AFP members are clearly distinguishable from sworn staff as their uniform incorporates a distinctive coloured shirt (taupe) which is mandatory dress in mission under Commander's Orders.

¹ Nauru: Includes 15 Protection members funded by DIAC (1 Female, 14 Male, all sworn PSO's)

² Other: Includes members on leave returning to another mission, or completing their IDG service and returning to their owning area.

³ A Base: Includes ORG, members in the missions pool not currently deployed, and members currently training (PDT). Note, does not include virtuals or backfills.

⁴ State and Territory numbers are included in the mission totals

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Question No. 2

Written questions on notice 25 July 2007:

What proportions of the police component of missions in East Timor, the Solomon Islands and Bougainville has Australia's contingents contributed?

The answer to the question is as follows:

Statistics are not held by the AFP on the proportion of police contributed by Australia to each of the United Nations missions in East Timor. The AFP currently has 50 members attached to the United Nations Integrated Mission in Timor Leste (UNMIT) out of a total of 1628 police (3 per cent as at June 2007).

In addition to the UNMIT contribution there are 11 members deployed as part of the Timor Leste Police Development Program, a bilateral arrangement between the Government of Australia and the Government of Timor Leste that is building capacity of the Policia Nacional de Timor-Leste (PNTL).

As at 23 July 2007, the Australian contribution to the policing component of the Participating Police Force (PPF) in the Solomon Islands is 69.8%. (Australia provides 215 staff and participating Pacific Island police services provide 93 staff – total 308).

During the conduct of the Truce then Peace Monitoring Group operations in Bougainville the AFP sustained a contribution of two members however the construct of these operations did not operate along clear lines of police, civilian or military monitors therefore percentage break down is not able to be developed. With regard to the Enhanced Cooperation Program (ECP) for police support to PNG Australia was the only contributing nation to the policing component in Bougainville.

During the AFP's deployment under ECP (period 4 July 2004 to 17 May 2005) the AFP deployed 19 members to Bougainville. Also during this period, the Department of Foreign Affairs and Trade provided a seconded officer to the AFP who was deployed to Bougainville.

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Question No. 4

Written questions on notice on 25 July 2007:

a) Could you explain the weapons competency procedures that apply to AFP officers being deployed overseas?

The answer to the question is as follows:

a) All sworn members deploy on the basis that they are currently certified as use of force qualified under AFP Commissioner's Order 3. Each sworn member is required to re-certify every twelve months. Use of force re-certification involves demonstrated proficiency in the use of firearms, batons, handcuffs and OC spray. A written test is also conducted that probes the members understanding of police powers and procedures.

b) In addition to this, AFP Tactical Operators deployed overseas are provided specialist weapon training. They are required to undergo biannual validations to ensure certification and competency of these weapons. This process involves demonstrating proficiency in the use of the weapon within the Framework of Commissioners Order 3. All specialist weapons are endorsed and approved by the AFP Operational Safety Committee.

Members who fail to re-certify are no longer deemed deployable.

To assist in the re-certification of members, a dedicated operational safety trainer is based in RAMSI to ensure adherence and compliance with AFP governance. Other mission members re-certify on rotation through Australia or the IDG has the capacity to send an Operational Safety trainer into mission to facilitate recertification.

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Question No 5

Written questions on notice on 25 July 2007:

Professor Andrew Goldsmith, a chief investigator in an ARC linkage project with the AFP, noted that the political deterioration leading up to the violence in Honiara in April 2006 seemed to take everyone by surprise. He observed:

No-one, from our perspective, seemed to have any prior warning. And as we have had a lot of people on the ground there since 2003, you have to ask if we have good enough intelligence and what can be done to improve the situation.

- a) Could you comment on whether poor information gathering was a factor in the lack of preparedness; and
- b) The lessons learnt from the incidents in Honiara?

The answer to the question is as follows:

a) Information processes were in place, and were robust. However, no credible intelligence emerged either before or after the event that there was any identifiable threat to public safety on 18 April 2006.

b) Intelligence support to the mission was reviewed following the April 2006 riots. The review identified the need to establish a centralised analytical capability within the mission to improve both coordination and RAMSI's force protection needs. The AFP is funding the Coordinator's position within the new organisation structure, to better manage the information process and to enhance the analytical capability. Recruitment of identified staffing expertise required by the organisation is being addressed by the AFP along with other agencies. Additionally, there is an enhanced focus towards improving the Solomon Islands Police Force's intelligence capability.

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Question No. 6

Written questions on notice – transition - following the AFP appearance on 25 July 2007:

The Brahimi report discusses the challenge of the legal vacuum that exists during the transition period to a new administration. It comments that local political factions can take advantage of the vacuum, or the time taken to learn and implement a new system, to set up their own parallel administrations, and that crime syndicates will exploit any legal enforcement vacuums that exist.

- What has been the AFP experience in the transition to new administrations and legal structures? How were these concerns addressed in East Timor for example?

The answer to the question is as follows:

Whilst the AFP has been involved with the UN in East Timor since 1999 and therefore served as members of the UN Transitional Administration in East Timor when it was responsible for executive policing, the response to this question is couched in light of the vacuum that was present in 2006.

East Timor was unique in relation to UN transitions. Transition in UN peacekeeping is normally the transfer of lead responsibility for security operations from the military to the police. This does allow time for planning and preparation, infrastructure development for police operations and donor country contributions to be coordinated and facilitated into the mission, whilst the military maintains security.

The Australian response to the East Timor crisis in May 2006 was a military led police supported arrangement under a Joint Task Force command structure. Four participating countries (Portugal, Malaysia, New Zealand and Australia), under various arrangements with the Government of Timor Leste (GOTL), provided a coordinated response to the crisis. The ADF was the lead military agency.

Due to the effectiveness of the military response in stabilising the situation the requirement changed very quickly from military to police led responsibility for law and order. An international policing model, based on cooperation and coordination between the four contributing countries, consisting of approximately 500-600 police, was implemented in Dili and proved very effective.

The transition from multinational policing to UN policing (UNPOL) occurred over three months from September-December 2006. It is understood that prior to 2006 there had never been a transition from multinational civilian policing (such as the International Stabilisation Force - ISF) to UNPOL in UN peacekeeping history and this proved problematic. The limited time available proved difficult for UNPOL donor countries getting into the country, poor infrastructure preparedness and the lack of robustness in UN policies to facilitate this unique transition were some of the barriers. This was despite the fact there was an existing

UN mission prior to unrest in May 2006 that had a mentoring, monitoring and coaching mandate. Its capability and effectiveness was seriously eroded.

In terms of exploiting the transition process within a policing context, it was apparent that interested parties (political or otherwise) were attempting to undermine international forces efforts through encouraging and motivating serious public disorder at various stages. In the early stages it was suspected the motivation was to encourage a positive decision to retain a major UN presence; attempts to show that PNTL (local police) should be placed back on the streets despite the extreme risk in doing so; or, trying to undermine the screening process for PNTL developed by international police with UN support. It was clear that the vacuum for policing during the transition was the suspension of momentum and support by the GOTL to international policing strategies, such as the screening process and deciding to wait for the UNPOL to assume control.

Once the UN took control, but still in its early development stages, it was clear the GOTL adopted a more positive position on its strategies, attempting to implement its own ideas and recognising the UN were still in the build up stage. There were a number of examples of actions undertaken by the GOTL that were not in concert with existing arrangements, such as armed F-FDTL (Timor Leste military) military parades and the GOTL preference for establishment of police posts. It is a difficult task with all peacekeeping operations to balance the need to enable local government to run its affairs as a sovereign authority when there is an overwhelming requirement to maintain security and law and order.

The AFP, until it transitioned from the ISF to UN Integrated Mission in East Timor (UNMIT), was effectively operating under the agreed Status of Forces Agreement between the Government of Australia and the GOTL as well as additional documents that required the AFP to operate under sovereign laws. A significant issue was dealing with a prosecutor's office that had a reduced capacity from 18 to about 2 members with a Portuguese prosecutor that wanted strict compliance with the law whilst the environment in Dili was lawless. The office could not cope with the overwhelming caseload before them and therefore made a decision not to deal with offences that carried a sentence of less than five years due to the office's capacity. This had a significant impact on police operations because the majority of cases presented for prosecution, were for public order and carriage of weapons (with intent) that fitted into the less than five year penalty criteria and therefore not proceeded with. This removed the deterrent impact with offenders knowing that they can do their criminal activity, possibly be arrested and then released prior to eight hours or the matter was not considered worthy of prosecution and dismissed. It was a win win for the majority of perpetrators.

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Question 7

Written questions on notice on 25 July 2007:

The Report of the UN Panel on Peacekeeping suggested the development of a common United Nations justice package or interim criminal code which could be used pending the re-establishment of local rule of law and local enforcement capability. Mission personnel could be pre-trained in this 'model code' prior to deployment.

- a) What is your view on the concept of a pre-determined interim criminal code?
- b) Would such a code have been effective in past Australian deployments?

The answer to the question is as follows:

- a) The value of a model code would depend on a number of variables including:

- the mission's mandate or goals;
- the host nation's legal system, the parliamentary processes involved in the adoption of an interim code and the pre-existing criminal procedure;
- the degree to which the host nation's existing criminal laws can continue to be enforced;
- the willingness of the host nation's government to adopt criminal laws that would assumedly displace those that previously existed;
- whether corresponding criminal procedure laws would also be developed and whether such laws would fit the judicial system in the host nation; and
- the type of mission (for example, whether it is capacity building or interim law enforcement).

The AFP provides pre-deployment training to all Australian police officers deploying to international missions. This includes training on human rights law, international humanitarian law, applicable codes of conduct and mission-specific legal issues. To the extent possible, a general overview is provided on the criminal process applicable in host nations. A model code might make training and preparation easier, but may not be appropriate for the host nation.

- b) The mandates of previous missions have largely focussed on the sustainable development of the existing institutions and laws of the host nation in consultation with that nation's government. Except for the United Nations Transitional Administration in East Timor (UNTAET), establishing an interim and foreign criminal justice system for the host nation was not part of those mission's mandates.

The UNTAET mission assisted Timor-Leste in its transition into an independent State. The development of interim laws by the UN was appropriate for the mission. The Timor-Leste Government has since passed the *Criminal Procedure Code of Timor-Leste*, which commenced on 1 January 2006 and displaces any interim measures previously developed by the UN.

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Question No. 8

Written questions on notice – local institution building - following the AFP appearance on 25 July 2007:

Mr Noel Sinclair, Head of the UN Political Office in Bougainville, informed the Security Council in 2003 that regarding the question of law and justice, 'putting in place a police force was one of the most important challenges facing Bougainville'. He explained 'it must be a law and justice system that made use of Bougainvilleans traditions and cultural experience'. He noted that 'It was one thing to conceptualize that, however, and another to put it into practice'.

a. Could you comment on this observation not only with regard to Bougainville but also to East Timor and the Solomon Islands?

The answer to the question is as follows:

The Bougainville conflict was very destructive, both in terms of infrastructure lost and public services destroyed, but particularly in the loss of confidence and trust in Government institutions. Nowhere was this more so than in the law and justice sector. Aside from PNG Defence Force operations, the Royal Papua New Guinea Constabulary (RPNGC) conducted paramilitary operations on the Island and were identified as an instrument of 'government' intervention in the conflict, rather than an impartial organ of law and justice. At the grass roots level they were seen as much a part of the problem as the solution.

The conflict also broke down traditional authoritative structures, particularly those of elders and chief's, which were supplanted by an authority vested in the ownership of weapons. As such, dispute mechanism and the application of local level justice was held hostage to the largest armed group. It also diminished the position of women within local society. While Bougainville is not a matriarchal society, land ownership and possession is passed down the matriarchal side. Weapon ownership, at the individual, clan, tribal and combatant group level defined the law and justice sector during the conflict and supplanted traditional mechanisms including diminishing the status of women within society. Weapons, and their eradication, therefore defined the peace and reconciliation process.

While the removal of weapons was core to the peace and reconciliation process, the most difficult tasks were in rebuilding institutions and the peoples' trust in them. Bougainville, like all PNG provinces, ran a two tiered law and justice program, with the first tier working at the local village and tribal level through community policing programs which supported local courts and the decisions of community leaders, normally vest in a council of elders. For more serious issues, matters were dealt with through the formal legal system and involved the full gamut of the justice sector, from police investigation through to courts and the dispensation of verdicts.

In an environment where there had been a breakdown in traditional mechanisms, and in most parts of Bougainville, an absence of any formal policing authority that wasn't seen as the

‘enemy’, the rebuilding of both the institutions themselves, and the trust in them by the people was paramount. This task was exacerbated by the length of the conflict which saw an entire generation disenfranchised of a normal life, but more importantly of a worthwhile education. Bougainville has a generation which moved from childhood to adult status in an environment of fractured traditional relationships and limited educational opportunities, and an abiding distrust of traditional authority institutions.

The focus on the law and justice sector on Bougainville has therefore been on building the institutions themselves, but more importantly the trust in them by the people. The only certainty that the AFP experience on Bougainville gives is that such activities are long term in nature. While the physical infrastructure can be rebuilt within a few years, rebuilding trust in what was and is regarded as one of the institutions of nation building in PNG, the RPNGC, will take much longer. Aside from the trust issue, Bougainvilleans have a desire for their ‘own’ police force (staffed exclusively by Bougainvilleans), and it is not realistically possible to create and develop leadership and management structure that are Bougainvillean overnight.

In some form or another, the Solomon Islands issues are the same as Bougainville. In the Solomon’s, the RSIP fractured along racial grounds, became beholden to vested interests, engaged in criminal activities and eventually disintegrated as an effective law and order instrument. When this occurred, as in Bougainville, trust in the institution was destroyed. Rebuilding the RSIP has the same issues as Bougainville. The eradication of the criminal elements of the RSIP has created leadership and management vacuums at all levels within the organisation. These losses are not easily replaced, and as in Bougainville, rebuilding trust in the institution itself is a long term task which will require support for some period of time.

While East Timor’s history is somewhat different to that of Bougainville, the issues involved in forming a credible, community focussed police service bearing the hallmarks of a professional law enforcement organisation are similar. The Timor Leste Police Service (TLPS) came in to being when East Timor gained independence in 2002 following 25 years of Indonesian rule. The majority of members had no previous policing experience and those who did were former members of POLRI (Indonesian Police). Policing policies and practices were developed by United Nations Police (UNPOL) drawn from around forty contributing countries and members were mentored by a range of UNPOL members over following years. Recent unrest in East Timor has highlighted issues impacting on the capacity of the now Policia Nacional de Timor Leste (PNTL) to develop into a body capable of delivering the services expected of a community oriented police force including a high level of politicisation, strong allegiances to groups outside the police force and limited leadership capacity at senior levels. The community has little trust in the police and a key challenge for donors will be to re-establish trust in and respect for the rule of law.

The Government of Timor Leste (GOTL) has struggled to develop a judicial system, building as it had to, on limited capacity and infrastructure following the departure of Indonesia. International donors, including the United Nations, have provided assistance focussed on developing the capacity of the indigenous population to deal with all aspects of delivering a credible justice system. Issues around incorporating customary law into the overall justice framework are the subject of on-going consideration and debate within Timor Leste but are no nearer resolution than in most other counties attempting to build a formal justice system alongside a traditional system that may have been in place for generations. The challenge for the GOTL and for all international donors will continue to be developing a core capability within both the Law and Justice and Security Sectors to deliver services in accordance with basic international conventions in relation to human rights while recognising and

incorporating, where possible, those aspects of culture and customary justice that accord with those conventions.

A recent study of legal pluralism in East Timor highlights aspects of customary justice that conflict with international conventions in so far as they tend to discriminate against women and those of lesser status while failing to provide an appeals mechanism. The UN Secretary-General has defined the 'rule of law' as applying to all levels of law 'that are publicly promulgated, equally enforced and independently adjudicated' and equally 'consistent with international human rights norms and standards'⁵.

b. Could you inform the committee about the successes and setbacks in trying to establish a police force in Bougainville particularly the challenge of using local institutions and experiences to establish a police force?

The successes came from the desire of all areas of leadership on Bougainville, all of which had been involved in the peace and reconciliation process, to re-establish an effective law and justice environment. In addition, Bougainvilleans were able to clearly articulate a consensus view of what it wanted and how it wanted this new approach to occur. It meant that in general, rebuilding of trust in the police force would have community support across all levels of society, which was considered the first and most important step.

There were not so much setbacks, as issues to be overcome, and there were many. Not in priority order:

- The desires of the Autonomous Bougainville Government (ABG) were at times at odds with the National Government, which had a direct impact on the National Government's attitude and approach to Bougainville, particularly financial resources.
- The ABG could at times confuse the difference between autonomy and independence, something which will be voted on through referendum in the coming years.
- Infrastructure, other than in Buka, was completely destroyed.
- While wanting their 'own' police force, under the PNG Constitution and the terms of the peace settlement, law and order would be affected through the RPNGC. This impacted on confidence building measures.
- AFP involvement, while actively sought by the majority of the ABG, was regarded with suspicion by those combatants not drawn into the peace process, particularly those followers of Francis Onna. The exclusion zone, the 'no go area' around the Bougainville copper mine itself, is still observed by the RPNGC.
- Under the peace accord for Bougainville, police are unarmed. While a large number of weapons were handed in and subsequently destroyed, weapons of various types and calibre are still used in the committing of offences. The only viable option in these circumstances is to seek the local elders and chiefs to negotiate with a suspect person/group to have them turn themselves and their weapons in.
- Groups of ex combatants, which have never been drawn into the peace process, have in essence become criminal gangs. Most are armed.
- While 'merit' is the espoused method of recruiting for the RPNGC, the recruiting of the first 100 new members was a balancing act between talent, tribal and factional balance, and absorption of ex combatants. Older recruits in the main were well educated, while

⁵ References available if required

younger members, and in particular ex combatants, had various levels of literacy, to the stage where a number were functionally illiterate. On the basis that they had graduated and become members of 'their' police force, the learning difficulties of their probationary period were exacerbated.

The physical degradation of infrastructure across Bougainville over the duration of the conflict exacerbates the problems of effectively undertaking policing in what is a difficult environment in the first place. Deficiencies in resourcing police at a national and local level of government are reflected in the conduct and tempo of police operations. While the AFP was involved on the Island this was ameliorated by financial and physical support to both the ABG and the RPNGC.

c. Did the Bougainville experience influence the approach taken with regard to the policing of East Timor and the Solomon Islands? If so, could you elaborate?

The AFP's initial commitments to Bougainville were as part of the Truce/Peace Monitoring Group (T/PMG), and in very small numbers. In addition, the AFP had been in East Timor as early as 1999, prior to the popular consultation vote. Each of these commitments added to a core knowledge base of how to work in fragile countries that were heading for, or coming out of periods of turmoil. These experiences were formative in developing and defining the IDG concept.

Those initial engagements in Bougainville and East Timor also provided guidance on the structure and approach for subsequent missions, in particular to note the importance of having women in a mission. Subject to safety and duty of care issues, this aspect was a carefully considered part of RAMSI and the subsequent deployment to Bougainville under the Enhanced Cooperation Program. It was also factored into the subsequent redeployments to East Timor.

The other significant lesson learned was, where possible, to have the indigenous law enforcement organisation become engaged in operational duties as soon as practicable. One of the significant differences between military capability and policing capability in peace and stability operations is that police will inevitably be involved in the subsequent prosecutions of criminality, which experience demonstrates does not distinguish between winners and losers. On Bougainville, the general amnesty provisions of the peace treaty effectively ruled a line under all criminal acts by all combatants involved in the conflict. This was not the case in the Solomon's and East Timor.

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Question No. 9

Written questions on notice on 25 July 2007:

Assistant Commissioner Walters mentioned in evidence with regard to RAMSI that there are 15 contributing countries. He stated that 'With the exception of the New Zealand police, all of the police officers who deploy to RAMSI attend the IDG for their predeployment training and their mission-specific training before they deploy into RAMSI'.

- a) Could you provide more detail about the training undertaken in Australia by the police from contributing countries to RAMSI?
- b) Could you inform the committee of the reasons for New Zealand not attending these courses and the exchange or joint training programs that New Zealand police do undertake with the Australian police?

The answer to the question is as follows:

- a) Members of the Pacific Island contributing countries undertake all of the components of the AFP pre-deployment program. Examples of the type of the training has been provided in response to question on notice 4 and 9 and written questions on notice 12 and 13. In addition, the Pacific Island Police are provided with training in the use of IT equipment, software and report writing.
- b) Offers have been made by the AFP for NZPOL members deploying to RAMSI to attend the AFP program. The NZPOL have established its own pre-deployment training team and training package. Consideration has given to having members of the NZPOL pre-deployment training area attend and assist in the facilitation of the AFP program with a view to establishing closer links and a knowledge sharing base between the two organisations. The IDG Executive is well aware of the contribution NZPOL could make to the AFP Program and continues to engage NZPOL on this issue. It is not appropriate for the AFP to speculate on the reasoning of the New Zealand Police

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Question No 10

Written questions on notice on 25 July 2007:

In response to a question about 'a peacekeeping type of unit', Assistant Commissioner Walters replied that:

I do not see that there is a need to establish a separate peacekeeping capability. We do support a concept that has been mentioned in some of the submissions, and that is a think tank or a strategic capability that would be whole of government with all the various agencies contributing to that—AFP, ADF, AusAID, Defence and all the other agencies... [it] would be there to inform, particularly from a strategic perspective, how Australia can best position itself to respond to peacekeeping and other initiatives. That facility would also engage with other institutions—non-government organisations and the academic world—to inform the process. (Proof Committee Hansard, 25 July 2007, p. 34)

a) Are you able to describe in more detail how such a 'think tank' would be structured; the need for such an institution and how it would contribute to Australia's peace operations?

The answer to the question is as follows:

The AFP believes the Whole of Government approach to problem solving effectively addresses Government and inter agency approaches to international issues. The process of interdepartmental committees, emergency task forces and strategic coordination meetings draw key organisations together to address emerging concerns or to manage ongoing issues effectively.

For aspects of AFP international effort there is scope for a body which can more effectively coordinate the inputs of those groups which are not part of Government. The AFP recognises the need to harness the ideas and concepts of groupings that have not always been part of its approach to these efforts. Such bodies include other international law enforcement bodies, academia, non government organisations, special interest groups, and the broader international efforts of like minded countries.

AFP envisages such a 'think tank' would consist of Government departments supported by a number of visiting fellows from the organisations listed above. Their tasks could include research and development of holistic concepts for a response to current and emerging issues which impact on nations within our sphere of influence.

Before any steps were taken to develop a 'think tank' wide interdepartmental consultation would be necessary in order to avoid duplication of effort, determine funding and reporting mechanisms, confirm a requirement demands a new capability and to ensure outputs value add to current processes and were measurable.

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Question No 11

Written questions on notice on 25 July 2007:

The ADF IDG Reintegration Coordination Team provides a program for those returning from a 40-week or longer overseas deployment.

- a) Is the course compulsory for all personnel returning from a 40-week or longer peace operation, including personnel from regional countries?
- b) If it is compulsory, how soon after deployment is an officer required to attend the training? If it is not compulsory, why not?
- c) What post deployment debriefing is provided to those who have been deployed for less than 40 weeks? If no training is provided, why not?
- d) How is feedback obtained from personnel? How is it treated after it has been obtained, including implementation of lessons learnt into future training?

The answer to questions a) to d) inclusive:

The AFP IDG's "Reintegration Program" comprises six components:

- Member Recognition Function
- Operational/Mission Debrief and Member Feedback Process
- Career Planning & Development Service
- Member Re-induction Course
- Psychological Clearance & Welfare Briefing
- Medical Clearance & Briefing

For AFP employees returning from a 40 week or longer mission deployment, the components of the Program apply as follows:

- **Member Recognition Function** - Voluntary participation
- **Operational/Mission Debrief and Member Feedback Process** - Mandatory participation
- **Career Planning & Development Service**
 - Returning Member Profile – Mandatory participation
 - One-on-One Career Coaching Session – Voluntary participation
- **Member Re-induction Course** – Mandatory participation
- **Mandatory Psychological Clearance & Welfare Briefing** – Mandatory participation

- **Medical Clearance & Briefing** – Mandatory participation

For AFP members who are deployed between 16 and 40 weeks, four of the six program components will apply to their reintegration back into Australian-based work. The “Career Coaching Session” and “Re-induction Course” components of the Program are not seen as necessary reintegration components for members who deploy overseas for less than 40 weeks.

For State & Territory Police members deployed to IDG missions, four of the six components apply. The “Career Coaching Session” and “Re-induction Course” components are not provided by the AFP to State & Territory police members.

At this stage the IDG’s Reintegration Program only applies to members deployed from Australian police services. It does not apply to members who deploy from other countries.

The “Member Re-induction Course”, which is a mandatory component, will provide returning AFP members with current and relevant organisational information (i.e. legislation and policies changes) that have occurred during their overseas deployment. This course will be delivered to mission members on their return to Australian-based work.

Mission Debrief. This is a mandatory component of the Program.

This debrief takes the form of an anonymous questionnaire covering three stages of their deployment to missions:

Stage 1

Members complete the first debrief at the end of their first rotation within mission; generally during the 16th week of deployment. Issues covered include the IDG’s pre-deployment program, arrival at Mission and integration into mission life.

Stage 2

Members complete the second debrief at the end of their mission. This debrief will cover experiences throughout their time in mission.

Stage 3

Members complete the third debrief after their return to Australian-base work. This stage is designed to obtain member’s feedback on the value of the Reintegration Program in supporting their return to work.

The information obtained from deployed members through the mission debrief process is collected by an independent service provider.

This provider will analyse the individual responses received from deployed members and prepare a consolidated report on a quarterly basis for consideration by IDG Executive. Individual responses are not seen by the AFP.

The IDG will review the report findings and, where necessary, will develop recommended actions to make any improvements required to deployment programs.

The IDG will also post outcomes of the debrief reports on the IDG Reintegration Program’s webpage on the AFP’s Intranet, The Hub, together with the action taken in response to members’ feedback. This information will also be provided to the State and Territory Liaison Officers.

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AUSTRALIAN FEDERAL POLICE

Question No. 12

Written questions on notice on 25 July 2007:

The United Nations Association of Australia (UNAA) pointed out that conflict resolution and negotiation skills are critical skills for peacekeepers involved in non-violent interventions.

a) What emphasis is given to negotiation and conflict resolution skills in pre-deployment training?

The answer to the question is as follows:

a) It is important to note in the AFP (and for that matter all police services), the terms negotiation and conflict management reside in two paradigms:-

At the operational level these terms relate to the capacity of a sworn member to de-escalate a violent situation, often involving weapons. Negotiation and conflict resolution in this sense is a significant part of the Use of Force training which all AFP sworn members are qualified in. Members deploying from State or Pacific Island Police, undertake the AFP Use of Force requirements.

At the non-operational level these terms are synonymous with the general public's sense of the terms. Negotiating is for the purpose of achieving a result in a non-violent arena. Conflict resolution is related to areas such as the work place and day-to-day differences that occur. This aspect of negotiating and conflict resolution forms a significant part of the coaching / culture programs and all members, regardless of sworn status undertake this component.

During the practical phase of the pre-deployment training, these skills are tested and assessed by a series of real time, simulated scenarios where the course participants are immersed in a fictional mission developed to simulate a variety of situations the members may encounter when deployed overseas.

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AUSTRALIAN FEDERAL POLICE

Question No. 13

Written questions on 25 July 2007:

The UN urges member states to educate its troops in health matters, including AIDS and HIV awareness.

- a) How are health, including AIDS, HIV awareness and mental health issues covered in AFP training?
- b) Are any training sessions on these topics currently provided jointly to AFP and RSIP? Could you please elaborate?

The answer to the question is as follows:

a) During pre-deployment training members receive a presentation from the AFP's Medical Services team. This presentation is based on, but exceeds the United Nations Standard Training package requirements.

AIDS and HIV issues are covered during this presentation by qualified medical staff. In addition, members attending training with the International Deployment Group undergo a full medical examination prior to deployment. During this examination, participants are provided with literature regarding these and other diseases.

During the First Aid training and subsequent practical exercise, AIDS, HIV and other communicable diseases are discussed.

b) Currently the issue of HIV-AIDS Awareness is raised in a number of training programs at the Solomon Island Police Academy. These include Sex Crimes Investigation Course, as a risk awareness subject when dealing with sex related crimes, and the Recruit Program in the same context.

The Participating Police Force (PPF) is in the process of jointly developing, with SIPF and Community Policing, a Professional Standards and Social Studies package that will be included in all SIPF Training. This package covers areas of Ethics, Human Rights, Domestic Violence, Women in Policing and HIV AIDS. The planned delivery will take the form of a stand-alone package to be delivered in the workplace to serving police officers, and as four, one hour sessions to be integrated into all training programs conducted by the SIPF. The current Recruit Program will be the first to benefit from this package.

Information for this package has been sourced from Pacific Regional Policing Initiative in Fiji, and more recently through a conference on HIV AIDS in Policing attended by a PPF Advisor with SIPF ACP Siapu in Port Moresby Papua New Guinea. A number of NGO's in Honiara have contributed information to this package.

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AUSTRALIAN FEDERAL POLICE

Question No. 14

Written questions on notice on 25 July 2007:

The ADF has specific civil–military coordination doctrine relating to coordination between civilian actors and the military. Professor Apthorpe and Jacob Townsend note Australia's leadership in terms of international policing and suggest it might be worth 'attempting to lead a progressive conceptual shift from CIMIC (civil–military cooperation) to CIMPIC (civil–military–police cooperation).

a) Given the increasing role police play in peace operations, do you see merit in the suggestion of civil–military–police cooperation doctrine?

The answer to the question is as follows:

a) The complexities of peace and stabilisation operations demand cooperation with key actors that undertake their core functions in the same operating environment. The AFP has identified the need for police-military cooperation doctrine and sees merit including the civilian dimension as appropriate. An avenue for progressing this doctrine is through the AFP-ADF interoperability working group that is focussed on improving doctrine, education and training between the organisations.

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AUSTRALIAN FEDERAL POLICE

Question No 15

Written questions on notice on 25 July 2007:

One of the criticisms of RAMSI has been that it should increase its Pacific representation, in terms of numbers, seniority and visibility.

- a) How many police personnel have been provided by each of the contributing countries to RAMSI at each stage of the mission?
- b) What is the breakdown in terms of senior positions?
- c) How was the level of police personnel involvement in RAMSI by contributing countries determined? Are there any barriers to increasing Pacific Islander representation?

The answer to the question is as follows:

- a) The RAMSI mission commenced in the latter half of 2003. As at August 2007, Pacific Island staff contributing to RAMSI total 59 personnel from 13 Pacific Island Countries. The countries and the break-up by contingent are listed in the attachment. Each of the Contingents is led by a Contingent Commander selected by the contributing country.
- b) Within RAMSI, Pacific Island members hold a number of senior or influential positions:
 - A Pacific Island representative is a member of the mission Board of Management,
 - Others occupy senior project advisor roles in each SIPF Police Station in Honiara.
 - Pacific Island representatives are also members of the mission led community policing programs, ie: Outreach and Shakem Hans.
- c) The contribution level of Pacific Island Police Force personnel from each country has been agreed under umbrella Agreements with each country's Police Force. The number varies according to the capacity of each Island state to provide police officers in excess of their home needs and is the potential barrier to increase numbers.

RAMSI PARTICIPATING PACIFIC ISLAND COUNTRIES

Current numbers of Pacific Island staff as at August 2007 are as follows:

| | |
|--------------|----|
| Vanuatu | 3 |
| Tonga | 12 |
| Fiji | 7 |
| Nauru | 3 |
| Samoa | 10 |
| Kiribati | 2 |
| PNG | 10 |
| Tuvalu | 2 |
| Cook Islands | 2 |
| Palau | 2 |
| FSM | 2 |
| RMI | 2 |
| Nuie | 2 |

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AUSTRALIAN FEDERAL POLICE

Question No. 16

Written questions on notice – standing police capacity - following the AFP appearance on 25 July 2007:

The UN has established an initial Standing Police Capacity (SPC), but notes that police needs have already surpassed the initial capacity planned for it.

- Could you inform the committee about progress made in the UN on developing a standing police capacity and the AFP involvement or role in the process?

The answer to the question is as follows:

The UN is in the process of engaging an initial contribution (25 police officers out of up to 100) of its Standing Police Capacity (SPC). The intent of the SPC is to undertake police mission assessments and organise the immediate start-up capability on the ground for the police components of new UN peace operations, including strategic advice to ensure effectiveness; and to provide rapid support to existing UN operations.

Recruitment for this capacity is ongoing and it is anticipated the team of 25 will be in place by January 2008. During the intervening period, the SPC officers who have been recruited are engaged in recruitment, the development of doctrine to support their activities, and pre-deployment training.

The AFP has been actively involved in the concept since its inception, contributing to the development and implementation of the concept through its Police Adviser at the Australian Mission to the United Nations, in New York. This contribution has included direct support to the UN Police Division of the Department of Peacekeeping Operations (DPKO) and advice through the SPC working group which consists of key UN DPKO stakeholders and Member States.

The AFP concurs that police needs have already surpassed the initial capacity planned for and we have expressed our support for an enhanced capability during the 2007 session of the UN Special Committee on Peacekeeping (C34). The AFP, through the Police Adviser, continues its support for the development of this capability and will monitor the assessment of its performance once operational.

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Question No. 17

**Written questions on notice – UN rapid deployment - following the AFP appearance on
25 July 2007:**

The UN has been developing a rapid deployment capacity for both military, police and some civilian experts, with the aim of having people on the field in 30 days in traditional and in 90 days in complex peacekeeping operations.

- How is the AFP participating in this arrangement and what effect does this participation have on the training and preparedness requirements of the AFP?

The answer to the question is as follows:

The AFP, through the Australian Mission to the United Nations in New York, is monitoring the development of this concept by the UN Secretariat. A UN policy paper and fully developed needs assessment is yet to be provided for the consideration of Member States.

A key component of a rapidly deployable capacity for police is the Standing Police Capacity. The AFP through Australia's Police Adviser at the Australian Mission to the United Nations has been consistently engaged in this initiative.

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AUSTRALIAN FEDERAL POLICE

Question No 18

Written questions on notice on 25 July 2007:

Could you explain to the committee the immunity offered to police officers in respect of any criminal offences that may be committed by them in the host country and any disputes/claims of a civil nature not related to the performance of their official functions. Also, could you indicate whether this legal protection has given rise to problems for the AFP and whether you would like this immunity reviewed?

The answer to the question is as follows:

The existence of immunity from legal process for deployed officers depends on the international arrangement creating the mission and the domestic laws of the host nation. Immunities applicable in UN missions may differ from bilateral or multilateral missions.

Immunities afforded to Australian police in peacekeeping operations are generally qualified and do not necessarily apply automatically. Depending on the mission, actions or omissions outside the course of an officer's duties may be subject to criminal or disciplinary jurisdiction of the host nation or Australia.

The purpose of immunities is not to benefit individuals, but to ensure the effective performance of the functions on the peacekeeping mission. Without immunities, the mission's activities could be undermined, delayed or impeded by vexatious or spurious legal claims, with resources being diverted into defending claims. Likewise, the threat of legal claims could be used to intimidate peacekeeping personnel. Immunities are important to ensuring peacekeeping personnel can undertake their work efficiently and effectively, in an independent and objective manner. Immunities also ensure that peacekeeping personnel have certainty as to the repercussions for misconduct when working in another country with a different legal system.

Regardless of the kind of mission, the existence of immunity in the host country will not necessarily avoid action being taken where there is an allegation of disciplinary or criminal conduct. The *Australian Federal Police Act 1979*, including the disciplinary provisions within Part V, applies both within and outside Australia. Criminal acts done in certain circumstances in certain missions are covered by the *Crimes (Overseas) Act 1964*.

The Crimes (Overseas) Act applies the criminal laws of the Jervis Bay Territory (which provides the most complete set of Commonwealth criminal laws) to certain Australians who are overseas. However, before the Act applies to alleged conduct there are certain pre-requisites:

1. The Australian must be in the host country with immunity under the Vienna Convention on Diplomatic Relations, the Vienna Convention on Consular Relations, or a similar immunity due to the person's relationship with an international organisation (such as the UN); or
2. The Australian must be undertaking a task or project, or performing a function, in the host country under an agreement or arrangement between Australia and the United Nations (or an organ of the United Nations), or Australia and a host country, which provides that the person is immune from criminal proceedings in that host country; or
3. The Australian must be undertaking a task or project, or performing a function, in a host country under a prescribed agreement or arrangement between Australia and the United Nations (or an organ of the United Nations), or between Australia and a foreign country; or
4. The Australian must be undertaking a task or project, or performing a function either on behalf of the Commonwealth, or pursuant to commitments or directions given by, or on terms directed by, the Commonwealth, in a country which has been prescribed by regulation to be a declared foreign country.

In the first two categories, the Crimes (Overseas) Act fills any gaps created by the immunity – it is only if the person has immunity from the host nation's criminal laws does the Crimes (Overseas) Act operate. This enables Australia to take action over the person to prevent any impunity.

In the third and fourth categories, the Crimes (Overseas) Act applies once a country is declared in regulations to be a declared foreign country or an arrangement has been prescribed in regulations (there are no prescribed arrangements). Generally this means that Australia has concurrent jurisdiction (with the host country) to deal with criminal conduct – how this operates in practice usually depends on an agreement with the host country.

For UN missions, UNPOL are 'experts on mission' within the meaning of the *Convention on Privileges and Immunities of the United Nations*. The immunities and privileges contained in that Convention are usually expressly included, perhaps with some qualifications appropriate to the mission, in the Status of Mission Agreement between the UN and the host nation. For the UN Integrated Mission in Timor-Leste (UNMIT), UNPOL officers are immune from legal process in respect of words spoken or written and all acts performed by them in their official capacity. The UN Secretary-General has the right and duty to waive the immunity of any UNPOL officer if, in his opinion, the immunity would impede the course of justice and can be waived without prejudice to the interests of the United Nations. Where there is an allegation of a criminal act by Australian police deployed to a UNPOL mission, Australia could seek to assert criminal jurisdiction over that officer through the application of the Crimes (Overseas) Act and negotiation with the United Nations in this regard.

For the Regional Assistance Mission to the Solomon Islands (RAMSI), s.17 of the Solomon Islands' *Facilitation of International Assistance Act 2003* (FIA Act) grants a general immunity from 'legal proceedings' in Solomon Islands courts and tribunals for actions of RAMSI members taken in the course of, or incidental to, official duties. This domestic law reflects the terms of the RAMSI Treaty to which all Pacific Islands Forum member states are party. The immunity can be waived by the country that has contributed the member – for Australia, this would be done by the Minister for Foreign Affairs in consultation with the Minister for Justice and Customs. The FIA Act also provides that Solomon Islands' criminal and disciplinary jurisdiction shall not be exercised over a RAMSI member if the RAMSI

member's home country asserts criminal or disciplinary jurisdiction over that member. This means that if a RAMSI member commits a criminal offence, the person may be prosecuted under either the law of his or her own country or the Solomon Islands law, but not both. The Solomon Islands is a declared foreign country for the purposes of the Crimes (Overseas) Act until 1 July 2009.

Many bilateral capacity-building or secondment arrangements do not afford immunity from legal process. The arrangement between Australia and the host nation usually provides for an indemnity by the host nation for all claims arising from operations under the arrangement that are made against the host nation, or Australia and its deployed officers.

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Question No 19

Written questions on notice on 25 July 2007:

The Challenges Project suggested that 'The local community should have access to mechanisms such as an ombudsman, inspector general, or conduct officer, that will allow them to air grievances against the international operation itself in a secure and confidential setting'.

a) What are your views on this suggestion?

The answer to the question is as follows:

a) As with all policing activities, accountability and transparency are key factors to the success of international missions. There is a statutory obligation on all Australian Federal Police (AFP) appointees to report an allegation of misconduct, and for such an allegation to be dealt with in accordance with Part V of the AFP Act. This is regardless of who makes the allegation or where the allegation is made. Conduct rules applying to UN Police personnel also place a positive obligation on them to report misconduct allegations within the UN disciplinary framework. The local community needs to be informed of the right to make complaints against deployed Australian police personnel.

While the AFP would consider supporting any proposal that assists in ensuring accountability of its officers in international missions, such proposals should not diminish the application of disciplinary measures under Part V of the AFP Act or any ability to apply Australian criminal jurisdiction to the deployed officer's conduct. The answer to written question on notice 20 outlines the independent review processes available within Australia. In addition to complementing applicable Australian disciplinary and criminal jurisdiction, any proposal would:

- need to be sustainable;
- not divert project funding into the defence of spurious or vexatious claims; and
- not create a mechanism for intimidation.

All Australian police personnel receive pre-deployment training in their conduct obligations under international, Australian and host nation laws. This training is based on both the AFP's experience in international deployments and the UN standard training modules for peacekeeping.

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Question No 20

Written questions on notice on 25 July 2007:

Recent UN reforms have emphasised the importance of UN peacekeepers adhering to the highest standards of conduct and behaviour, and ensuring accountability for crimes committed by personnel deployed in UN operations.

a) Could you please explain the AFP disciplinary arrangements and reporting and complaints procedures?

The answer to the question is as follows:

a) All AFP appointees, including those deployed to United Nations (UN) Missions, are required to comply with all legislation, guidelines, protocols and orders as determined through:

- The *Australian Federal Police Act (1979)* (the Act);
- The *Australian Federal Police Regulations 1979* (the Regulations);
- Commissioner's Orders;
- The AFP Code of Conduct;
- Commander's Orders;
- National Guidelines;
- Practical Guidelines
- International Deployment Group Deployee Directive; and
- Australian Federal Police policies.

The Commander of an AFP international deployment may issue Commander's Orders for the good order and discipline of the deployment, which all AFP appointees within that mission are required to comply with:-

- All appointees deployed to UN specific missions are required to comply with any UN Directives relating to that mission.
- Complaints regarding AFP appointees deployed to UN missions can be made directly to the deployment Commander, any appointee within that deployment who has a reporting obligation to action that complaint in accordance with the Act or the UN.

Alternatively the UN or any member of the public is able to make a complaint directly to the Australian Federal Police Professional Standards, the Office of the Commonwealth Ombudsman or, in the case of corrupt activities, directly to the Australian Commission for Law Enforcement Agencies (ACLEI).

- AFP conduct issues are dealt in accordance with Part V, of the Act. In accordance with the Act, matters are categorised in relation to their seriousness. Category 1 and 2 matters, which generally apply to conduct/procedures/practices issues, are dealt with by management action. The more serious matters being Category 3 are generally investigated by Professional Standards Investigations. Matters relating to corruption are referred to ACLEI.
- There will be dual reporting by the UN and the AFP and there may be dual investigations. The UN will conduct investigations for the purpose of accountability within the UN and the AFP will conduct investigations for internal accountability. One cannot do the job of the other, although the aim is to work cooperatively to avoid unnecessary duplication. The AFP or the UN could conceivably agree to incorporate the findings of the other investigation.

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Question No. 21

Written questions on notice – distinguishing police from military - following the AFP appearance on 25 July 2007:

In 2001, Mr Allan Mills, General Manager, National Operations, suggested to an International Policing Conference that the UN should develop a unique civilian police uniform for all civilian police to wear when participating in a peacekeeping mission in order to avoid confusion in differentiating between military members and police members.

- In your view, do problems arise today for civilian police in either UN or regional peacekeeping operations as a result of the uniforms worn by respective members of a UN or regional peacekeeping operation?

The answer to the question is as follows:

The AFP uniform does not resemble military uniform in any missions to which we contribute and it is not considered to be a problem.

It is not the prerogative of AFP to comment upon the appropriateness of the uniforms worn by other UN police contributing countries. However, it is noteworthy here to reflect on the guidelines provided in the UN Police Handbook⁶ which requires UN Police Officers to wear their national uniform during the performance of their duty. Any modification to national uniform is a matter between the police contributing country and the UN Department of Peacekeeping Operations.

⁶ United Nations Department of Peacekeeping Operations, *UN Police Handbook*, New York, October 2005, p.24

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Question No 22

Written questions on notice on 25 July 2007:

A number of submitters have referred to the incidence of PTSD in ADF personnel who have served in some very difficult peacekeeping operations.

a) Could you provide details about PTSD in Australian police peacekeepers?

The answer to the question is as follows:

a) A total of 16 claims have been lodged with COMCARE that relate to PTSD. Of these, a total of 13 claims were accepted and 3 claims were rejected.

Information relating to the 13 accepted claims show:

- 9 claims relate with deployment to East Timor; and
- 4 claims relate with deployment to the Solomon Islands.

The 3 claims rejected all relate with deployment to East Timor.

The table below shows number of claims and costs associated with East Timor and Solomon Islands.

| Cost Centre Name | Claims lodged | Claims Accepted | Claims Rejected | Costs to Date | Likely Future Cost | Estimated Cost* |
|-------------------------|----------------------|------------------------|------------------------|----------------------|---------------------------|------------------------|
| East Timor | 12 | 9 | 3 | \$1,355,936.36 | \$1,244,995.00 | \$2,600,931.36 |
| Solomon Islands | 4 | 4 | 0 | \$269,820.10 | \$335,147.00 | \$604,967.10 |

*** Includes "Costs to Date" and "Likely Future Cost"**

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Question No 23

Written questions on notice on 25 July 2007:

The Regular Defence Force Welfare Association raised as a concern the availability of adequate medical treatment records when health care is provided by a non-ADF health service.

a) What measures are in place to ensure that AFP personnel deployed on a peacekeeping mission have access to full and complete medical records?

The answer to the question is as follows:

a) All medical records created for AFP personnel by AFP Medical Services are accessible by AFP personnel to whom they relate, upon request to the AFP Principal Medical Officer (PMO). Copies of all, or part of, the record are usually made available to the individual member, or a third party if the request is accompanied by a signed authorisation for release from the member / employee.

Copies of medical records created by other supporting health service agencies during peace keeping operations (such as United Nations Medical Units, or contracted services such as Aspen Medical), are sent to AFP Medical Services for inclusion in the AFP medical record relating to the member; these records are likewise accessible upon request to the AFP PMO.

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Question No 24

Written questions on notice on 25 July 2007:

On 27 February 2006, the then Minister for Justice and Customs, Senator Chris Ellison announced that AFP officers serving overseas would soon benefit from the support of a police-specific compensation and rehabilitation scheme relating to dangerous foreign missions. In October 2006, the Minister advised that the legislation would shortly be available.

a) Could you advise the committee on the recent history of legislation governing compensation and rehabilitation with regard to Australian police serving overseas as peacekeepers?

b) Could you advise the committee on progress toward the implementation of the police-specific compensation and rehabilitation scheme? What have been the main causes of delay in its implementation?

The answer to the question is as follows:

a) Until 1 July 2004, compensation coverage for members of the AFP and the ADF serving in peacekeeping operations was provided under the *Safety, Rehabilitation and Compensation Act 1988* (SRCA). In addition to the coverage under the SRCA, compensation coverage was also provided under the *Veterans' Entitlement Act 1986* (VEA), to members who serve as part of a 'Peacekeeping Force' (as determined by the Minister for Veterans' Affairs).

With effect from 1 July 2004, rehabilitation and compensation of ADF members who serve as peacekeepers came under the *Military Rehabilitation and Compensation Act 2004* (MRCA). The introduction of the MRCA was accompanied by limiting ADF access to the SRCA and VEA. AFP peacekeeping members are not covered under the MRCA.

The compensation and rehabilitation of AFP peacekeeping employees continue to be covered under the SRCA. Since 1 July 2004, new access to the VEA for AFP employees has been strictly limited, based on declarations by the Minister for Veterans' Affairs on a mission-by-mission basis.

b) i) The package of enhanced benefits is being developed by the Department of Employment and Workplace Relations (DEWR) in consultation with the AFP and the Department of Veterans' Affairs.

ii) DEWR has held discussions with the Office of Parliamentary Counsel on a preliminary draft Bill. The Bill involves complex drafting issues and requires extensive consultation with a number of stakeholders.

iii) The new provisions will ensure AFP members receive benefits comparable with those provided to ADF members on like overseas missions.

iv) Any delay in the enactment of the Bill will not prejudice any AFP beneficiaries, as the scheme will be backdated to 1 July 2004, the date the MRCA commenced.

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Question 25

**Written questions on notice – workers compensation secondment of NSW Police -
following the AFP appearance on 25 July 2007:**

The PFA and UNPAA asserted that New South Wales Police had declined to agree to the secondment of their police while the matter of a police-specific workers compensation and rehabilitation scheme remains unresolved.

a) Could you comment on this observation – has the absence of specific legislation affected the AFP's ability to second personnel resources?

The answer to the question is as follows:

- a) This issue has not adversely affected IDG's ability to recruit staff for deployments. It is a barrier only to the participation of NSW Police in AFP peacekeeping deployments.

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Question No 26

Written questions on notice on 25 July 2007:

According to the PFA and the UNPAA, any act to cover police should be a stand-alone act owned and controlled by the Justice Minister in an identical fashion to the Military Rehabilitation and Compensation Act being owned and controlled by the Minister for Defence, as both bodies carry out similar but not identical functions in an overseas environment which carries with it a significantly increased element of danger.

a) What are your views on this proposal?

The answer to the question is as follows:

a) The Government has noted the views expressed by the PFA and the UNPAA on these machinery of government issues, and they will be considered in reaching the Government's final decision.

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Question No 28

Written questions on notice on 25 July 2007:

In reply to a question whether DVA could assist with the Safety, Rehabilitation and Compensation Act to cover overseas deployments of Australian Federal Police, Mr Johnson, DVA informed the committee 'that is a matter for government and other agencies, but there has been discussion around whether we would administer it'.

a) Are you aware of these discussions and do you have a view on DVA administering such legislation?

The answer to the question is as follows:

a) The 2006-07 budget papers provide for the administration of the amended Safety Rehabilitation and Compensation Act to come under the Department of Veterans' Affairs (DVA). Funding of \$6.1 million over four years (including \$0.4 million in capital) for this initiative will be provided to DVA. This funding is offset by reductions in the current administrative costs of COMCARE (\$5.8 million over four years).

This is an appropriate arrangement.

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Question No 29

Written questions on notice on 25 July 2007:

The PFA and UNPAA argued that there should be a review of all previous overseas deployments that are currently covered by the Veterans' Entitlements Act to reassess whether certain deployments should be upgraded to 'warlike' (extraordinary overseas policing) to ensure parity with the ADF.

a) Could you comment on this call?

The answer to the question is as follows:

a) The Government has already agreed to provide VEA-like rehabilitation and compensation benefits for police personnel who served with the previous Enhanced Cooperation Program (ECP) to Papua New Guinea (PNG). These PNG specific arrangements and the existing VEA coverage of other missions will continue to apply, pending the finalisation of new legislative arrangements for police on peacekeeping and similar missions.

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Question No 30

Written questions on notice on 25 July 2007:

The Police Federation of Australia (PFA) and the UN Police Association of Australia (UNPAA) stated that there is confusion about the eligibility for the Police Overseas Service Medal (POSM) and that under the current regulations; members may not be eligible if they served in Iraq, Jordan, Papua New Guinea, Nauru or Vanuatu.

a) Could you clarify the eligibility status for these missions and also for East Timor where, according to the PFA and the UNPAA, service with the Australian Government Assistance Programs does not meet the eligibility requirements?

The answer to the question is as follows:

a) The Police Overseas Service Medal (POSM) was established on 25 April 1991 by Letters Patent and is awarded to members of Australian police forces and certain other persons who render service in international peacekeeping operations. Missions in Jordan, Papua New Guinea, Nauru, East Timor (Timor-Leste Police Development Program) and Vanuatu are classified as capacity building missions that provide training and general support to those nation's police forces.

To clarify, members who deployed to East Timor in 2006 as part of the International Stabilisation Force, *AFP Operation Serene* (that eventually transitioned to the police component of the UN Integrated Mission in Timor Leste) and therefore part of a peacekeeping mission for 30 days are eligible for the award of the POSM.

Following the deployment of the AFP to RAMSI and Operation Serene, it was identified that the current POSM regulations do not make provision for bilateral peacekeeping missions that are undertaken in response to a request from a foreign government. To rectify this, a draft Regulation has been developed with PM&C to make the necessary amendments and to rewrite the Regulations in a plain English style. The amendments have been agreed by PM&C, AFP and Government House and will be prepared for submission to Her Majesty for approval.

The AFP has not contributed members to operations inside Iraq; the commitment of AFP members to Jordan was to train Iraqi police but only in Jordan.

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Question No 31

Written questions on notice on 25 July 2007:

The Police Federation of Australia (PFA) and the United Nations Police Association of Australia (UNPAA) recommended that a specific honours and awards system be established to recognise outstanding service and acts of bravery by Australia's police while on overseas deployments.

a) What are your views on this proposal?

The answer to the question is as follows:

Outstanding service and acts of bravery by Australia's police, whether at home or overseas, may be recognised by both the Australian Honours and Awards System and the AFP Internal Awards Framework.

- **Australian Honours and Awards System**

Outstanding service by police officers can be recognised through the award of the Australian Police Medal or Order of Australia awards.

Acts of bravery by Australian Police are adequately covered by the award of Bravery Decorations under the Australian Honours and Awards System. This system provides for recognition of a brave act by an Australian citizen in Australia or overseas.

- **AFP Internal Awards Framework**

Section 61(1) of the *Australian Federal Police Act* and Regulation 14 of the *Australian Federal Police Regulations* make provision for awards for bravery and conspicuous conduct. Under the AFP Internal Awards Framework, the Commissioner has introduced the following awards for outstanding service and bravery:

- Commissioner's Medal for Excellence
- Commissioners Commendation for Bravery
- Commissioner's Commendation for Excellence in Overseas Service
- Commissioner's Group Citation for Conspicuous Service
- Commissioner's Group Citation for Hazardous Overseas Service

**SENATE STANDING COMMITTEE ON FOREIGN AFFAIRS DEFENCE AND
TRADE**

Australia's Involvement in Peacekeeping Operations

AUSTRALIAN FEDERAL POLICE

Question No.32

Written questions on notice on 25 July 2007:

AVADSC recommended that 'All personnel, both ADF and AFP be granted the one medal with the bar of the area served. The medal to be granted should be the Australian Service Medal (ASM) or the Australian Active Service Medal (AASM) whichever is applicable'.

a) Does the AFP have a view on this proposal? What are the main difficulties in implementing such a proposal?

The answer to the question is as follows:

a) Military service in warlike and non-warlike operations has always been recognised through the honours system with separate awards. The declaration of military operations and the conditions of those operations (i.e. whether they are warlike or non-warlike) is a matter for the Minister for Defence to determine and administer. Similarly, the deployment of police officers and the decision to award a Police Overseas Service Medal (POSM) is the responsibility of the Minister for Justice.

It is important this distinction between military and non-military service is retained and the responsibility for declarations of operations and the administration of the awards remains with the respective portfolios. Further, only military personnel are deployed on warlike operations for which the AASM is awarded. Where other classes of persons are integral to a military or police operation, the respective regulations for the ASM and the POSM allow the responsible Ministers to include persons in a class of persons for the award. The ASM and the POSM are comparable awards within the Australian honours system.

**SENATE STANDING COMMITTEE ON FOREIGN AFFAIRS DEFENCE AND
TRADE**

Australia's Involvement in Peacekeeping Operations

AUSTRALIAN FEDERAL POLICE

Question No. 33

Written questions on notice on 25 July 2007:

The APPVA recommended that 'Australian Peacekeeper Deaths are listed in the Australian War Memorial Roll of Honour.'

a) Does the AFP have a view as to the appropriateness of including the names of those who have died in peacekeeping service on the Roll of Honour?

The answer to the question is as follows:

a) The AFP recognises the important place the Australian War Memorial (AWM) has in the history of Australians' contribution to conflict. The AWM has established the eligibility criteria for inclusion of names onto its Roll of Honour in post 1945 conflicts and individuals must:

- Have died during or as a result of service while a member of the Australian Defence Force (ADF); and
- Have died during or as a result of service in a conflict classified by the Department of Defence as warlike service, and between the defined start and end dates of that warlike service.

The AFP accepts these criteria and does not consider it necessary to seek amendment. It is important to distinguish between the roles of the ADF and AFP when deployed on peace operations; the AFP does not undertake combat roles and tasks however they may operate in dangerous environments where the risks are high. Police are engaged for specific skills they bring to conflict resolution and community stability.

There is a National Police Memorial – commemorated in 2006 – on which all police members who die while on police service will be remembered; such service includes peace operations. This recognition as well as other police jurisdictions' memorials, should an AFP member be a sworn *Special Member* at the time of death, is considered appropriate recognition.

The Committee should also note the announcement by the Prime Minister on 7 May 2007 of a site for an Australian Peacekeeping Memorial identified on Anzac Parade and the memorial will commemorate the proud tradition of service and sacrifice of Australia's peacekeepers.

The memorial project team may, during the course of its deliberations, determine it appropriate to record details of peacekeepers who have died on service; this would be a matter for the project team committee which includes AFP representation.