

The Senate

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Foreign Affairs, Defence and Trade  
References Committee

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Volume II

Security challenges facing  
Papua New Guinea and the island states  
of the southwest Pacific

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# Table of contents

Members of the committee	iii
Acronyms and abbreviations	vii
Executive summary	ix
<b>CHAPTER 1</b>	
<b>INTRODUCTION AND CONDUCT OF INQUIRY</b>	<b>1</b>
Referral of inquiry	1
Terms of reference	1
Conduct of inquiry	2
Relationship to Volume I	2
Terminology	2
Previous inquiries	4
Structure of volume	4
Acknowledgments	4
<b>CHAPTER 2</b>	
<b>LAW AND ORDER ACROSS THE PACIFIC</b>	<b>5</b>
Economic performance and domestic security	5
Unemployment	7
Inter-ethnic conflict	10
Land tenure	13
Weapons control	14
Gender inequality and violence against women	16
Political systems	19
Volatility of Pacific island states	20
Conclusion	21
<b>CHAPTER 3</b>	
<b>BUILDING LAW ENFORCEMENT CAPACITY IN PACIFIC ISLAND STATES</b>	<b>23</b>
Policing capability across the Pacific	23
Regional efforts to improve law and order	26
Australian efforts to improve law and order	27
Law and justice sector	32
Capacity building in the justice sector	35
Policy coherence	37
<b>CHAPTER 4</b>	
<b>RESPONDING TO LAW AND ORDER EMERGENCIES</b>	<b>39</b>
Rapid breakdown in law and order	39
Regional efforts to manage crises	40
Fiji	42
RAMSI	43

The Australian Defence Force's role	46
Building regional policing capacity	48
<b>CHAPTER 5</b>	
<b>TRANSNATIONAL CRIME</b>	<b>53</b>
Unauthorised fishing	55
Smuggling and transshipment of illegal goods	59
External donors	63
<b>CHAPTER 6</b>	
<b>CAPACITY TO POLICE BORDERS</b>	<b>67</b>
Border management capability	67
Regional efforts to enhance fisheries compliance	70
Australia's efforts to enhance fisheries compliance	72
Defence Cooperation Program	73
Improving maritime surveillance	80
Efforts to combat smuggling	82
<b>CHAPTER 7</b>	
<b>ADDRESSING COMPLEX CRIME</b>	<b>85</b>
Anti-money laundering and counter-financing of terrorism	86
Pacific Transnational Crime Network	89
<b>CHAPTER 8</b>	
<b>VULNERABILITY TO NATURAL DISASTERS AND THE POTENTIAL IMPACTS OF CLIMATE CHANGE</b>	<b>93</b>
Responding to natural disasters	94
Developing an integrated response capacity	96
Potential impacts of climate change	100
Australian responses to climate change	106
<b>CHAPTER 9</b>	
<b>CONCLUSION—PARTNERSHIPS FOR SECURITY</b>	<b>109</b>
<b>APPENDICIES</b>	
Appendix 1—Public submissions	113
Appendix 2—Public hearings and witnesses	117
Appendix 3—Additional information, tabled documents and answers to questions on notice	123

## **Acronyms and abbreviations**

ACIAR	Australian Centre for International Agricultural Research
ADB	Asian Development Bank
AFP	Australian Federal Police
ANAO	Australian National Audit Office
APRA	Australian Prudential Regulation Authority
ASPI	Australian Strategic Policy Institute
AUSTRAC	Australian Transaction Reports and Analysis Centre
CDI	Centre for Democratic Institutions
CROP	Council of Regional Organisations in the Pacific
DAFF	Department of Agriculture, Fisheries and Forestry
DCC	Deployable Civilian Capacity
DCP	Defence Cooperation Program
DFAT	Department of Foreign Affairs and Trade
DWFNs	distant water fishing nations
EEZ	Exclusive Economic Zone
FFA	Forum Fisheries Agency
FICs	Forum island countries
FIUs	Financial Intelligence Units
FRSC	Forum Regional Security Committee
GDI	gender-related development index
GDP	gross domestic product
GNI	gross national income
IDG	International Deployment Group
IMF	International Monetary Fund
IPCC	International Panel on Climate Change
LNG	liquefied natural gas
MDG	Millennium Development Goals
MOU	Memorandum of Understanding
MUA	Maritime Union of Australia
OCO	Oceanic Customs Organisations

ODA	official development assistance
OECD	Organisation for Economic Co-operation and Development
PACER Plus	Pacific Agreement on Closer Economic Relations
PIFS	Pacific Islands Forum Secretariat
PIC	Pacific island country
PICP	Pacific Islands Chiefs of Police
PILON	Pacific Island Law Officers' Network
PJDP	Pacific Judicial Development Program
PNG	Papua New Guinea
PNGDF	Papua New Guinea Defence Force
PPD	Pacific Partnership for Development
PPDP	Pacific Police Development Program
PPBP	Pacific Patrol Boat Program
PRAN	Pacific Regional Assistance to Nauru
PRPI	Pacific Regional Policing Initiative
PTCCC	Pacific Transnational Crime Coordination Centre
PTCN	Pacific Transnational Crime Network
RAMSI	Regional Assistance Mission to Solomon Islands
SEDS	Sustainable Economic and Empowerment Development Strategy
SGBV	sexual and gender-based violence
SPC	Secretariat of the Pacific Community
Treasury	Department of the Treasury
UNDP	United Nations Development Programme
WCPFC	Western and Central Pacific Fisheries Commission



## Executive summary

In this report, the committee considers the key security challenges facing Pacific island states. It identifies the way the region's physical and geographical characteristics combine with limited human and technological capacity to reduce the ability of states to undertake day-to-day policing and respond effectively to large scale breakdowns in law and order. The committee finds that there are many root causes of conflict—unemployment, inter-ethnic tension, land tenure, access to weapons, gender equality and political instability—and that these often interact to bring about rapid deteriorations in law and order. It also identifies how overstretched justice systems are constrained in their ability to prosecute and deter criminal activity.

In the second part of the report, the committee identifies external threats to Pacific security ranging from illegal fishing to forms of transnational crime. The committee finds that just as some states struggle to deal with law and order at a community level, they also find it difficult to respond to complex forms of transnational crime. Pacific island states do not have the capacity to police their vast oceanic borders effectively nor do they have the sophisticated tracking and surveillance capabilities required to address transnational criminal activity.

Finally, the committee examines the security implications of climate change and the effect of natural disasters on the region and finds that, while extremely vulnerable, Pacific states have limited capacity to respond to such threats.

Australia is actively supporting Pacific island states to meet these challenges through an extensive range of security-focused assistance programs. Australia seeks to boost the capacity of these states to enhance policing and respond to breakdowns in law and order through the Pacific Police Development Program (Australian Federal Police) and the Defence Cooperation Program (Department of Defence). It is also engaged in programs that build legislative capacity through work undertaken by the Attorney-General's Department. The Australian Transaction Reports and Analysis Centre (AUSTRAC) and the Australian Customs and Border Protection Service also assist in preventing crime in the region. Australia has also sought to improve its capacity to respond to crises in the region through two important recent initiatives: the Asia Pacific Civil–Military Centre of Excellence and the Deployable Civilian Capacity.

In spite of the assistance provided by Australia, many Pacific island states still struggle to deal adequately with these domestic and external threats to their security. The committee has therefore made a series of recommendations which focus on how Australia could enhance its security-related assistance through: coordinating its security-related initiatives; working with bilateral partners; and complementing the work of regional organisations and international donors.

### **Recommendation 1**

paragraph 3.30

Given the success the Department of Defence has had in improving weapons security in the Pacific, the committee recommends the Australian Government continue to assist Pacific island countries secure their armouries and munition stores.

**Recommendation 2**

paragraph 4.40

The committee recommends that the joint training, education and pre-development exercises that are currently used to prepare officers for RAMSI become permanently incorporated into the AFP's Pacific Police Development Program.

**Recommendation 3**

paragraph 6.40

The committee notes that the *Defence White Paper 2009* indicates that Australian government departments are developing a framework for enhancing regional maritime security. The committee sees potential for other donors to make a valuable contribution in this area. It therefore recommends that, in developing this framework, these departments consider the advantages of elevating the Pacific Boat Patrol Program into a regional initiative, supported by the Pacific Islands Forum and other donors.

**Recommendation 4**

paragraph 6.54

The committee has noted the limited maritime surveillance capability of Pacific island states. It therefore recommends that the Australian Government give specific attention to the way the region could improve information sharing and develop a 'supra-national' enforcement capability through, for example, the proposal for a Regional Maritime Coordination Centre. In so doing, the committee suggests that the government give particular attention to the ability of states to maintain and contribute to such a facility, as well as the importance of avoiding duplication in Australia's security assistance initiatives.

**Recommendation 5**

paragraph 7.18

The committee repeats its recommendation from Volume I (recommendation 14) that the Australian Government provide for longer-term funding for projects that are to span a number of years, as distinct from year-to-year funding approvals. This would provide greater certainty for AUSTRAC projects in the region.

**Recommendation 6**

paragraph 7.27

The committee recommends that the relevant Australian government agencies (Attorney-General's, AUSTRAC and AFP) investigate ways to eliminate overlap and duplication in delivering their responses to combat transnational crime. In particular, the committee recommends that the Australian Government examine the possibility of integrating existing initiatives to deal with transnational crime, such as the Financial Intelligence Units and Transnational Crime Units.

**Recommendation 7**

paragraph 8.21

The committee recommends that the Australian Government, through the Asia Pacific Civil–Military Centre of Excellence and the Deployable Civilian Capacity (DCC) give priority to assisting Pacific island states develop their emergency response capacity. Experts from the Centre of Excellence, and attached to the DCC, could raise awareness of tsunami and cyclone behaviour, assist develop emergency response plans and work with Pacific Islanders to develop more resilient critical infrastructure.

**Recommendation 8**

paragraph 8.22

The committee recommends that as the Asia Pacific Civil–Military Centre for Excellence and the Deployable Civilian Capacity (DCC) develop, the Australian Government take steps to ensure that they operate as an integrated and coordinated whole-of-government and civilian response to conflict and disaster management.

**Recommendation 9**

paragraph 8.52

The committee reiterates the recommendation made in Volume I (recommendation 3), that the Australian Government ensure that environmental matters including climate change be integrated more effectively throughout its aid program to the Pacific.

**Recommendation 10**

paragraph 9.7

The committee recommends that in developing its Pacific Partnerships for Development and Partnerships for Security, the Australian Government ensure that the link between development and security is strong. Moreover, it recommends that close attention be given to developing Partnerships for Security which:

- enhance the level of cooperation, collaboration, coordination and interoperability between Australia's various security-related initiatives;
- work with bilateral partners to develop security assistance that is appropriate to Pacific nations' level of development and commensurate with their technical and material capacity; and
- complement the work of regional organisations and become instrumental in forging much closer cooperation and coordination with other donors to the region.



# Chapter 1

## Introduction and conduct of inquiry

### Referral of inquiry

1.1 On 24 June 2008, the Senate referred to the Standing Committee on Foreign Affairs, Defence and Trade the matter of the economic and security challenges facing Papua New Guinea and the island states of the southwest Pacific. The committee was to inquire into and report on the reference by 30 May 2009. On 13 May 2009, the Senate resolved to restructure its committee system and as a result the Standing Committee on Foreign Affairs, Defence and Trade was split into two separate committees—the Foreign Affairs, Defence and Trade Legislation Committee and the Foreign Affairs, Defence and Trade References Committee.<sup>1</sup> Under standing order 25 (4), the References Committee assumed responsibility for the inquiry.

1.2 On 29 May 2009, the committee tabled an interim report notifying the Senate of its intention to consider recent developments of significance to the committee's inquiry, including the release of *Defence White Paper 2009*, the Prime Minister's announcement about a proposed Deployable Civilian Capacity and the 2009 Budget Statement by the Minister for Foreign Affairs and the Parliamentary Secretary for International Development Assistance. On 19 November 2009, the committee tabled Volume I which dealt with the economic challenges facing the island states of PNG and the southwest Pacific. At that time, the committee informed the Senate that it would subsequently table a second volume dealing with security challenges.

### Terms of reference

1.3 Under the terms of reference, the committee was to inquire into the major economic and security challenges facing Papua New Guinea and the island states of the southwest Pacific:

- (i) the implications for Australia; and
- (ii) how the Australian Government could, in practical and concrete ways, assist these countries to meet the challenges.

1.4 The inquiry was to include in its examination:

- (i) employment opportunities, labour mobility, education and skilling;
- (ii) barriers to trade, foreign investment, economic infrastructure, land ownership and private sector development; and
- (iii) current regional organisations such as the Pacific Islands Forum and the Secretariat of the Pacific Community.

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1 *Journals of the Senate*, no. 68, Wednesday, 13 May 2009, pp. 1942–1946. The change was to be effective from 14 May 2009.

## **Conduct of inquiry**

1.5 The committee advertised its inquiry on its website and in *The Australian*, calling for submissions to be lodged by 30 August 2008. The committee also wrote directly to a range of people and organisations inviting written submissions. These included government departments and agencies, academics, research and strategic studies institutes, non-government organisations, and a number of embassies and high commissions of countries from the region.

1.6 The committee received 71 submissions which are listed at Appendix 1. During the inquiry, the committee also placed a number of questions on notice to witnesses. The answers are available on the committee's website.

1.7 The committee held seven public hearings in Canberra, Sydney and Brisbane. A list of the committee's public hearings, together with the names of witnesses who appeared, is at Appendix 2. The committee also took evidence from Australia's High Commissioners to Tonga, Papua New Guinea and Fiji. Submissions and additional information cited in appendices were tabled with Volume I.

## **Relationship to Volume I**

1.8 Volume I explored the complex range and interplay of forces affecting economic and human development in Pacific island states. It found that physical and geographical limitations—small populations and land mass, remoteness and susceptibility to natural disasters—inhibit the ability of Pacific Island states to develop their economies and provide for their people. The committee noted, however, that the adverse effects stemming from these disadvantages could be moderated and that, with the help of donor countries, Pacific island states could unlock their economic and human potential. It noted, in particular, a lack of capacity across all economic areas and concluded that improved research, education and training, infrastructure and governance would assist economies in the region to grow.

1.9 The committee does not re-examine these matters but builds on some of the committee's key findings. It recognises that an economy unable to provide adequately for the welfare of its people creates a breeding ground for social discontent and conflict. The committee also considers matters not covered in Volume I such as ethnic and gender relations. In this volume, the committee is concerned principally with how Pacific island states manage the security consequences that flow from economic and social factors. It looks at policing, law enforcement, the justice system, border control, and crisis management, especially emergencies following a natural disaster.

## **Terminology**

1.10 When calling for submissions, the committee left open the definition of southwest Pacific islands to allow submitters the opportunity to consider islands in the general region that in their view warranted attention. Overall, most submissions focused on the member states of the Pacific Islands Forum and in particular, the Cook Islands, Kiribati, Fiji, Nauru, Papua New Guinea, Samoa, Solomon Islands, Tonga,

Tuvalu and Vanuatu. When using the term Pacific island states, the committee is primarily concerned with these countries.

### ***Defining security***

1.11 Today, our understanding of 'security' is significantly broader than it was twenty years ago. Classical or traditional forms of security—a nation's capacity to preserve its territorial integrity—coexist with a broader range of non-traditional forms. States have begun to consider issues of human security: employment; access to law and justice; security from climate change as critical to their overall security status. This report examines both types of security challenge while seeking to explore what Australia can do to help Pacific island states strengthen the conditions for a safe and stable environment across the Pacific.

### ***Regional architecture***

1.12 Under the terms of reference, the committee was to consider regional organisations. As discussed in the previous volume, the Pacific Islands Forum is the main regional organisation that is actively promoting cooperation and coordination across a range of activities including regional security. In April 2004, the Forum Leaders adopted a vision statement embracing greater regional cooperation and integration in their endeavours to secure a sustainable economic existence for all.<sup>2</sup>

1.13 Operating as the main instrument for promoting the Pacific Islands Forum's vision, the Pacific Plan proposes a new approach to confronting the challenges of Pacific island states. Endorsed by Forum leaders in 2005, the Plan nominates four 'pillars' or strategic objectives to help improve development and security outcomes across the Pacific: economic growth, sustainable development, good governance and security. The Plan's fourth pillar—security—looks to strengthen the conditions for a safe and stable environment within which the benefits of its other pillars can be realised. Each pillar represents a key challenge faced by Pacific island states and is supported by a dedicated program within the Forum. The Security Program is mandated primarily through decisions made by Forum leaders and by the Forum Regional Security Committee (FRSC).<sup>3</sup>

1.14 Even though the Pacific Plan is committed to identifying regional solutions to security challenges, Mr Rick Nimmo, Director of the Pacific Islands Forum Secretariat's Political and Security Program, explained that it does not seek to replace

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2 The Auckland Declaration, Pacific Islands Forum, Special Leaders' Retreat, 6 April 2004, Auckland. See also, Pacific Islands Forum Secretariat, *Working Draft, The Pacific Plan for strengthening regional cooperation and integration*, p. 3; and Department of Foreign Affairs and Trade, 'Pacific Islands Forum Special Leaders' Retreat', Auckland, 6 April 2004, [http://www.dfat.gov.au/geo/spacific/regional\\_orgs/spf\\_leaders\\_decisions.html](http://www.dfat.gov.au/geo/spacific/regional_orgs/spf_leaders_decisions.html) (accessed 29 September 2008).

3 Pacific Islands Forum Security Program, <http://www.forumsec.org.fj/pages.cfm/security/> (accessed 4 September 2009).

national approaches, nor does it assume that all Pacific island states face the same security challenges for the region is simply too diverse to 'lend itself to categorising the challenges in any sort of priority order'.<sup>4</sup>

## **Previous inquiries**

1.15 In 2008, the committee produced a report on Australia's involvement in peacekeeping operations with particular reference to the Regional Assistance Mission to Solomon Islands (RAMSI). It provides a valuable source of background material for this current report.

## **Structure of volume**

1.16 This volume analyses the nature and extent of the key security challenges facing Pacific island states and the measures they are taking to meet these challenges. It is divided into two sections. The first examines the main threats to security originating from within the borders of Pacific island countries. These domestic factors include: economic performance, particularly employment; ethnic divisions; land ownership; the status of women; and political systems. The committee looks at the capacity of Pacific island countries to manage internal security concerns from two perspectives—firstly, the daily policing and law enforcement requirements; and secondly, the response needed in cases of a serious breakdown in law and order. It also considers the contribution made by the region, and by Australia, to help Pacific island countries maintain law and order and provide access to justice.

1.17 In the second part of the report, the committee examines the major security risks that come from outside the borders of Pacific island countries with a focus on transnational crime and related illegal activity. It looks at the capacity of Pacific islands states to manage these external threats such as policing their vast exclusive economic zones (EEZs), controlling their borders, and tracking and deterring organised crime. Finally, the committee explores the link between the region's security and its vulnerability to natural disasters and the effects of climate change. The committee also looks at Australia's bilateral and regional endeavours to help these countries deal with external threats to their security.

## **Acknowledgments**

1.18 The committee thanks all those who contributed to the inquiry by making submissions, providing additional information or appearing before it to give evidence.

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4 *Committee Hansard*, 19 June 2009, pp. 7–8.



# Chapter 2

## Law and order across the Pacific

2.1 The major submissions to the inquiry concerned with security matters generally agreed that Papua New Guinea and the island states of the southwest Pacific are relatively stable in strategic terms and do not face any significant external military threat to their sovereignty.<sup>1</sup> There was also broad consensus that the most serious threats to Pacific security come from within states.<sup>2</sup> This chapter examines the internal security status of Pacific states through identifying the critical domestic law and order challenges that face indigenous law enforcement agencies. It seeks to understand the root causes, or triggers, of violence and lawlessness in the Pacific and examines matters such as underemployment, inter-ethnic relations, land tenure, weapons control, gender inequality and political instability.<sup>3</sup> Having explored the main causes of conflict, the committee then considers how these factors interact on occasion to bring about serious deteriorations in law and order. The committee starts its consideration of the causes of civil or political conflict with economic performance.

### Economic performance and domestic security

2.2 Breakdowns in law and order and the erosion of the rule of law are significant impediments to economic development. They seriously undermine domestic socio-economic growth and operate as powerful disincentives for local and foreign investment. Civil disorder hinders the development of tourism, reduces taxation revenue and adversely affects essential infrastructure, including transportation systems and community services like schools and hospitals.<sup>4</sup>

2.3 The following table reveals that over the past decade, the region has experienced a number of significant outbreaks of civil or political disorder.

- 
- 1 The Department of Defence and the Australian Federal Police (AFP) each suggested that these states do not face any significant external military threat. Department of Defence, *Submission 18*, p. 1; AFP, *Submission 62*, p. 6. Since the end of the Cold War, the sense that the Pacific faced any form of external threat has diminished substantially.
  - 2 See, for example, Department of Defence, *Submission 18*; AFP, *Submission 62*; Professor Ben Reilly, *Committee Hansard*, 19 June 2009, p. 31.
  - 3 This list is not exhaustive and does include other possible root causes including: the desire for political independence; a lack of equity in government and commercial process; the monetisation of local economies; or health and the transmission of communicable diseases. In the last instance, for example, the committee received evidence of the broader security implications that are related to the spread of the HIV/AIDS epidemic in PNG, *Committee Hansard*, 19 March 2009, pp. 15–16.
  - 4 See Volume I, paragraphs 16.29–16.38.

**Figure 2.1 Recent breakdowns in law and order across the Pacific<sup>5</sup>**

Year	Country	Type of conflict
1998–2003	Solomon Islands	Conflict between ethnic groups
2000	Fiji	Civilian coup
	Solomon Islands	Coup
2001	Vanuatu	Constitutional crisis
2002	New Caledonia	Sporadic violence related to nickel mining
	Vanuatu	Attempted police mutiny
	PNG	Election violence and disruption
2005	Tonga	Public sector strike
2006	Solomon Islands	Election riots
	Tonga	Pro-democracy movement march and riots
	Fiji	Military coup
2007	Vanuatu	Ethnic violence
2008	Nauru	Police Station burnt down

2.4 At a meeting of the Pacific Islands Forum's Regional Security Committee in Suva in June 2008, the Acting Secretary General of the Forum Secretariat, Mr Peter Forau, identified the link between development and security:

It is a reasonable point to make that economic growth, good governance and sustainable development cannot occur in an environment of political and security instability.<sup>6</sup>

2.5 As this comment suggests, and as discussed in Volume I, the economic and security spheres are interdependent. Economic and human development cannot be achieved in an environment where there is poor governance and political instability. Conversely, a faltering or struggling economy that is unable to provide essential services for its people may create social inequalities, personal grievances or community unrest that become a security problem.

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5 This list is adapted from one provided by the AFP, *Submission 62*, p. 14. The submission suggests that instances of civil and political disorder have increased substantially in the last 15–20 years.

6 Opening Address, Forum Regional Security Committee meeting, June 2008  
<http://www.forumsec.org.fj/pages.cfm/newsroom/speeches/2008-1/acting-sg-forau-speech-opening-of-2008-frsc-meeting.html> (accessed 14 January 2009).

2.6 There is a growing awareness across Pacific island states of the critical association between the capacity of an economy to meet the needs of its people and poor security relations. The link was made clear by Australia's High Commissioner to PNG, Mr Chris Moraitis:

It is a vicious circle. You cannot have growth and investment because you have a law and order problem and you have a law and order problem because no one is investing.<sup>7</sup>

2.7 In providing evidence to the inquiry, the Pacific Islands Forum Secretariat suggested that issues such as economic inequalities; land issues; weak governance capacity; unemployed and alienated youth; urbanisation; inter-group tension; and climate change have been identified as potential causes of conflict in the region.<sup>8</sup> These comments reinforce how sustained improvements in the area of economic performance, governance, education and health are essential preconditions for domestic security. Thus, good human security underpins good domestic security; poor human security has serious ramifications for the internal security of the state.<sup>9</sup>

## Unemployment

2.8 In Chapter 12 of Volume I, the committee identified concerning levels of unemployment and underemployment in the Pacific. Here, the committee considers the link between economic security, underemployment, social unrest and breakdowns in law and order in the region. The Centre for Independent Studies (CIS) noted:

The Pacific is now home to more than eight million people, of whom some five million are of working age...More than two million men—four out of five—are unemployed in towns or underemployed in villages. More than 100,000 men join the labour force annually. Most of these will never work and never earn an income. Every day, men and boys can be seen languishing in villages and towns, and by the roadside. They are bored and frustrated.<sup>10</sup>

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7 *Committee Hansard*, 19 March 2009, p. 5.

8 *Submission 69*, p. 26. This perspective was reiterated by Oxfam: 'Human security threats can escalate into national and regional security threats and general instability, placing pressure on Australia to respond'. *Submission 26*, p. 14.

9 In September 2004, in an attempt to place human security at the centre of its activities, the UN established a Human Security Unit within the Office for the Coordination of Humanitarian Affairs Commission on Human Security (<http://www.humansecurity-chs.org/>). The UN has also established an Advisory Board on Human Security (ABHS), committed to promoting human security and deepening its international acceptance, <http://ochaonline.un.org/ABHSandOutreach/tabid/2128/Default.aspx>, (accessed 3 February 2009).

10 *Submission 11*, Attachment—'The Bipolar Pacific', p. 16.

2.9 According to World Vision Australia, youth unemployment is considered 'a core reason for conflict in the region' and 'the number one issue of concern in communities'.<sup>11</sup>

2.10 In PNG, particularly in swelling urban areas, unemployment and underemployment present significant security concerns. Australia's High Commissioner to PNG suggested that there is approximately 70 per cent youth unemployment in urban centres in PNG, while the President of the Australia–PNG Business Council suggested that many of PNG's problems revolve around youth unemployment and the likelihood that in the absence of jobs, there will be 'a very dislocated generation'.<sup>12</sup>

2.11 Fiji also struggles with high youth unemployment which, if left unaddressed, could create social instability.<sup>13</sup> The Executive Director of the Australia–PNG Business Council, the Australia–Fiji Business Council and the Australia Pacific Islands Council, Mr Francis Yourn, suggested that there were approximately 12,000 school leavers graduating from Fijian schools each year and current job creation is nil.<sup>14</sup> The President of the Australia–Fiji Business Council claimed unemployed youth with too much time on their hands is a significant problem in Fiji, and that petty crime is on the rise.<sup>15</sup>

2.12 Youth unemployment has been exacerbated by high birth rates and declining infant mortality, which have resulted in a 'youth bulge', or the burgeoning of Pacific youth populations. This presents a complex series of economic and security challenges. As noted in the submission by the CIS, population growth rates in PNG and Solomon Islands have been amongst the highest in the world.<sup>16</sup>

2.13 The following diagram shows that the median age for the Pacific is 20.7 (male) and 21.5 (female). The median age for Solomon Islands is even lower, at 19.5

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11 World Vision Australia, *Submission 47*, p. 6. Also see Australia Pacific Business Council, *Submission 60*, p. 2; Professor Helen Ware identified unemployment as the single most important challenge facing Pacific island states, *Submission 48*, p. 1.

12 *Committee Hansard*, 19 March 2009, p. 5; *Committee Hansard*, 25 March 2009, p. 53. For comments on the Solomon Islands, see James Cotton, 'Peacebuilding in the Pacific: the Australian military experience', *Journal of Peace, Conflict and Development*, Issue 14, July 2009, p. 4.

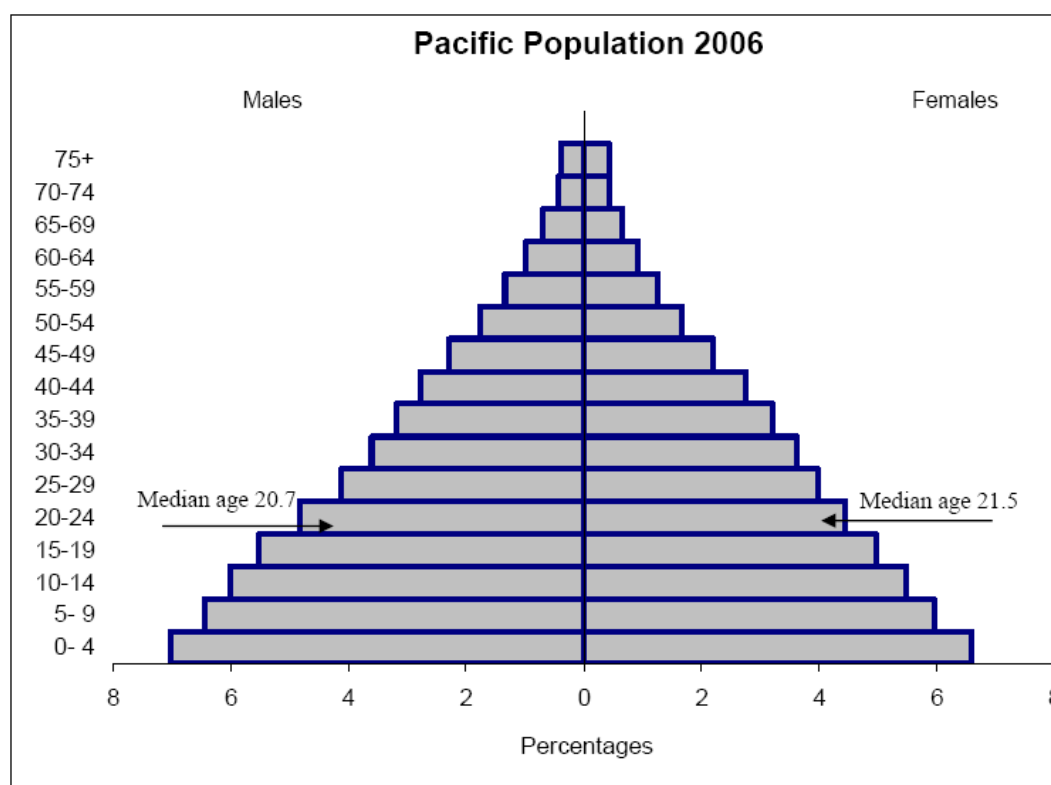
13 Australia Fiji Business Council, *Submission 58*, p. 2.

14 *Committee Hansard*, 25 March 2009, p. 60.

15 *Committee Hansard*, 25 March 2009, p. 60.

16 *Submission 11*, Attachment–'The Bipolar Pacific', p. 3. It is important to note research suggesting that a large youth population, in any society, will often be associated with outbreaks of conflict. Population Action International, 'The Security Demographic', 2003, p. 42, [http://www.populationaction.org/Publications/Reports/The\\_Security\\_Demographic/The\\_Security\\_Demographic\\_Population\\_and\\_Civil\\_Conflict\\_After\\_the\\_Cold\\_War.pdf](http://www.populationaction.org/Publications/Reports/The_Security_Demographic/The_Security_Demographic_Population_and_Civil_Conflict_After_the_Cold_War.pdf) (accessed 22 September 2009).

(male) and 19.8 (female).<sup>17</sup> In Australia, by comparison, the median age, at 30 June 2005, was 36.6 years.<sup>18</sup>



Source: *Statistics and Demography Programme, Secretariat of the Pacific Community, 2006*<sup>19</sup>

2.14 The phenomenon of youth bulge has also been accompanied by 'urban drift', whereby unemployed young people move to urban centres. In so doing, they often become disconnected from their familiar social structures, kinship groups and traditional behavioural obligations.<sup>20</sup>

2.15 The CIS drew a direct link between growing numbers of young adult men, underemployment and crime across Melanesia. Professor Helen Hughes and Mr Gaurav Sodhi argued that these men, who are bored and frustrated with their lack of

17 CIA World Factbook, <https://www.cia.gov/library/publications/the-world-factbook/> (accessed 22 September 2009). Median age is the age at which half the population is older and half is younger.

18 Australian Bureau of Statistics, 'Population by Age and Sex, Australia', June 2005, Catalogue number 3235.0.55.001, <http://www.abs.gov.au/ausstats/abs@.nsf/0/1F51406DCEEBAC14CA256EC7007B5B4E?OpenDocument> (accessed 21 September 2009).

19 Secretariat of the Pacific Community, New Caledonia, [http://www.spc.int/hdp/Documents/hdp\\_meeting/CRGA%202006%203%205%20YOUTH%20Challenge.pdf](http://www.spc.int/hdp/Documents/hdp_meeting/CRGA%202006%203%205%20YOUTH%20Challenge.pdf) (accessed 21 September 2009).

20 The AFP suggested that 'breakdown in traditional social structures' and increased criminality go hand in hand and might lead to 'more widespread conflict', *Submission 62*, p. 7.

opportunities, become involved in robbery, protection rackets, prostitution, drug sales and gambling. Moreover, young men may also become easily recruited into criminal enterprises.<sup>21</sup> With respect to the period of social unrest in Solomon Islands between 1998 and 2003, Professor Stewart Firth has also suggested young men 'were readily recruited into the armed militias and criminal gangs of Solomon Islands'.<sup>22</sup>

2.16 Hughes and Sodhi offered a particularly bleak assessment of the connection between underemployment and Pacific security or even underemployment and international criminal activity:

Underemployment and unemployment are at the core of Pacific crime, and are the cause of the 'arc of instability'. Without employment-led growth, crime, civil disruption, and corruption will undoubtedly worsen. With major criminal interests now operating in the region, the Pacific is developing its comparative advantage as a location for international criminal activities such as people-smuggling, drug production, and arms trafficking.<sup>23</sup>

2.17 It should be noted, however, that some witnesses did not agree with Hughes and Sodhi's assessment of the implications of unemployment across the Pacific. Mr Clarke from the Australia–PNG Business Council claimed that the notion that some unemployed males were resorting to criminal activity as a way of life was an 'excessive view'.<sup>24</sup>

2.18 Nevertheless, the committee received evidence suggesting that unemployment and underemployment present a complex mix of social, economic and policing challenges and that they have contributed significantly to volatility in the region. They have led to rapid deteriorations in law and order and have created serious challenges for policing agencies.<sup>25</sup> In order to address this particular challenge in any meaningful way, the region requires well-resourced policing organisations and a combination of economic growth, increased employment and improved educational and training opportunities.<sup>26</sup>

## **Inter-ethnic conflict**

2.19 Over the last decade, many nations of the Pacific have experienced significant breakdowns in law and order as a result of ethnic conflict. Recent examples of inter-ethnic conflict include: the violence that took place between ethnic militias in Guadalcanal and Malaita (Solomon Islands) between 1998–2003; the numerous outbreaks of violence against ethnic Chinese communities in Tonga, Solomon Islands

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21 *Submission 11*, Attachment—'The Bipolar Pacific', p. 16.

22 Stewart Firth, 'Threat Spectrum', in *Australia and the South Pacific: Rising to the challenge*, Australian Strategic Policy Institute Special Report, 12 March 2008, p. 10.

23 *Submission 11*, Attachment—'The Bipolar Pacific', pp. 16–17.

24 *Committee Hansard*, 25 March 2009, p. 60.

25 See also Volume I, paragraphs 12.12–12.16 and 12.21.

26 See Volume I, paragraphs 12.24–12.37.

and Papua New Guinea; and the violent clashes that erupted as a result of ethnic violence between the people of the Tanna and Ambrym islands (Vanuatu) at the Blacksands settlement near Port Vila in March 2007.<sup>27</sup> In the last instance, three people died, properties were damaged and a state of emergency was declared.<sup>28</sup>

2.20 Many Pacific island states are home to numerous ethnic and cultural groups. In Solomon Islands, for example, there are around 75 cultural groupings (each with its own vernacular language) occupying the country's 998 islands. Dr Sinclair Dinnen, from the ANU's State, Society and Governance in Melanesia Program, outlined the challenges in Solomon Islands in the following way:

...the challenges of nation-building in such a diverse and fragmented environment are formidable. There is still little sense of unity binding the disparate communities scattered throughout the archipelago. Over eighty languages are spoken among a population of less than half a million people. The weak post-colonial state has little presence in the daily lives of most Solomon Islanders, the vast majority of whom are subsistence farmers in rural villages. Primary identities and allegiances remain implanted in language and kin-based associations rather than in abstracted notions of 'nation' and 'citizenship'.<sup>29</sup>

2.21 On numerous occasions, Solomon Islands has seen ethnic tensions escalate into communal violence. In 1998, militant groups from Guadalcanal, initially calling themselves the Guadalcanal Revolutionary Army (and later the Isatabu Freedom Movement) came into conflict with Malaitan settlers in rural Guadalcanal. In mid-1999, a state of emergency was declared.<sup>30</sup> This continued throughout 2000 when a Malaitan militia group retaliated and began to expel Guadalcanal people from Honiara. Professor James Cotton has suggested that during this period: 'parliamentary government effectively collapsed, with the prime minister and governor general displaced at gun point...by rogue members of the police force'.<sup>31</sup>

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27 In May 2009, Chinese-owned businesses in Port Moresby and Lae were ransacked and looted. The *Canberra Times* reported that the Deputy Prime Minister, Puka Temu, suggested that PNG may again need to have Australian police on the ground. 'Looting anti-Asian violence hits PNG', 16 May 2009.

28 Pacific Islands Forum Secretariat, *Submission 69*, p. 25. Blacksands is an informal settlement of people from across the archipelago, many of whom arrived as a result of natural disasters. There are at least eight separate communities with different chiefly associations, but there is no overall cohesive organisational structure. Pacific Islands Applied Geoscience Commission, *Report 507*, May 2003, p. 2.

29 Sinclair Dinnen, 'Guns, Money and Politics: Disorder in the Solomon Islands', [http://rspas.anu.edu.au/papers/conflict/dinnen\\_solomons.pdf](http://rspas.anu.edu.au/papers/conflict/dinnen_solomons.pdf) (accessed 8 September 2009).

30 R. J. May, 'Why is the Pacific not Peaceful? Examining internal conflicts in Melanesia', [http://rspas.anu.edu.au/papers/conflict/may\\_UNESCO-LIPI.pdf](http://rspas.anu.edu.au/papers/conflict/may_UNESCO-LIPI.pdf) (accessed 7 September 2009), p. 5.

31 James Cotton, 'Peacebuilding in the Pacific: the Australian Military Experience', *Journal of Peace, Conflict and Development*, Issue 14, July 2009, p. 5.



2.22 By 2003 the Tensions (as the period became known) had led to the deaths of more than 150, the wounding of over 300 and the displacement of over 50,000 people.<sup>32</sup> Law and order was only regained in 2003 with the deployment of the Regional Assistance Mission to Solomon Islands (RAMSI). Ethnic tensions again spilled over in 2006 when riots broke out in Honiara after parliament elected Mr Snyder Rini as the new prime minister. There was wide-spread belief that large sums of money had changed hands in the prime ministerial elections, funded by Chinese businessmen in Honiara, and Chinese businesses were targeted for looting and burning.<sup>33</sup>

2.23 Evidence provided to the committee also suggested that PNG is difficult to govern because of tribal loyalties and great cultural diversity.<sup>34</sup> PNG has more than 700 disparate cultural groups, speaking over 800 languages.<sup>35</sup> PNG's most well-known episode of inter-racial conflict occurred between 1988 and 1997 on the island of Bougainville between the PNG and the Bougainville Revolutionary Army, who were fighting for independence from PNG. The inhabitants of Bougainville, who regard themselves as having a separate ethnic character, claimed rights to a land rich in mineral resources.<sup>36</sup> After claiming over 20,000 lives, the conflict ended in 1997; Bougainville achieved autonomy in 2005.<sup>37</sup>

Fiji has a history of disputes between different ethnic groups. Against the perceived inequalities between indigenous and Indo-Fijians, overlaid with tensions over land and traditional ownership, Fiji has witnessed a series of military and civilian coups (1987, 2000 and 2006) and a constitutional crisis (1977).<sup>38</sup> These inter-ethnic tensions stem from 'an unwritten rule' that was a legacy of the colonial administration—that Fiji's political life would be controlled by indigenous Fijians. When parties with

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32 Oxfam Australia, *Submission 26*, p. 6.

33 Pacific Islands Forum Secretariat, *Submission 69*, pp. 24–25.

34 DFAT, *Submission 68*, p. 12.

35 Neva Wendt, 'Development in Papua New Guinea', [http://www.acfid.asn.au/resources/docs\\_resources/docs\\_papers/development-in-png\\_hr-feature\\_feb05.pdf](http://www.acfid.asn.au/resources/docs_resources/docs_papers/development-in-png_hr-feature_feb05.pdf), p. 1 (accessed 18 September 2009).

36 The submission from the Pacific Islands Forum Secretariat identifies some of the root causes of breakdowns in law and order across the Pacific. See also: James Cotton, 'Peacebuilding in the Pacific: the Australian Military Experience', *Journal of Peace, Conflict and Development*, Issue 14, July 2009 and R. J. May, 'Why is the Pacific not Peaceful? Examining internal conflicts in Melanesia', [http://rspas.anu.edu.au/papers/conflict/may\\_UNESCO-LIPI.pdf](http://rspas.anu.edu.au/papers/conflict/may_UNESCO-LIPI.pdf) (accessed 7 September 2009).

37 CIA World Factbook, [https://www.cia.gov/library/publications/the-world-factbook/geos/countrytemplate\\_pp.html](https://www.cia.gov/library/publications/the-world-factbook/geos/countrytemplate_pp.html) (accessed 18 September 2009).

38 Pacific Islands Forum Secretariat, *Submission 69*, pp. 24–25; Amnesty International, *Fiji: A paradise lost—A tale of ongoing human rights violations*, April–July 2009, p. 12.



considerable Indo-Fijian support won the elections in 1987 and 1999, indigenous Fijians resorted to violence.<sup>39</sup>

## Land tenure

2.24 Land in the Pacific is largely held under customary tenure, with relatively small tracts of freehold and state-held land. In PNG, for example, less than three per cent of all land is saleable (leasehold or freehold), the rest is customary land, transferred from generation to generation.<sup>40</sup> The notion of individual ownership may not always exist and land may be owned collectively by members of the kin group. As families increase in size, so does their need for land, which often causes disputes.<sup>41</sup> AusAID suggested that these customary forms of land tenure have become sources of social instability:

...customary tenure is subject to a range of emerging influences (including opportunities for economic development) that are challenging Pacific Island countries' ability to adapt, while maintaining tenure security. Growing numbers of Pacific islanders, particularly rapidly growing urban populations and vulnerable groups including women, no longer have certainty that their rights (or their group's rights) of access to land will be recognised by others and protected by the state if a dispute arises.<sup>42</sup>

2.25 Without a modern property rights system, land title arrangements have been an underlying cause of conflict. The Pacific Islands Forum Secretariat claimed that 'land is bound up with the grievances that underlie the conflict and crises in Bougainville, Solomon Islands and Fiji'. It explained:

Local level land related conflict can take place amongst landowner groups; between landowner groups and tenants who are leasing land; between land owner groups and state institutions needing to access land for public purposes, and between landowner groups and outside investors...land has been identified as one important cause of some of the large scale *national level* violent conflict and crises that the region has seen.<sup>43</sup>

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39 Jon Fraenkel and Stewart Firth, 'The enigmas of Fiji's good governance coups', in Jon Fraenkel, Stewart Firth and Brij V Lal (eds), *The 2006 military takeover in Fiji: A coup to end all coups?*, State, Society and Governance in Melanesia Program, The Australian National University E Press, 2009, p. 3.

40 Mr Garry Tunstall, ANZ Banking Group, *Committee Hansard*, 24 March 2009, p. 63. By comparison about 10–15 per cent of land in Fiji is either state owned or private land. The remainder is on native title, *Committee Hansard*, 25 March 2009, p. 69.

41 Dr Keerthisinghe, ACIAR, *Committee Hansard*, 20 November 2008, p. 43.

42 *Submission 65*, p. 14.

43 *Submission 69*, p. 27.

2.26 Various submitters to the inquiry suggested that land tenure arrangements need to be reformed.<sup>44</sup> Professor Helen Hughes and Mr Gaurav Sodhi, for example, advocated a system of land surveys, registration and enforcement of private property rights across Melanesia.<sup>45</sup> Yet, there was also awareness among other submitters that land reform is an extremely contentious issue and may be best dealt with indigenously.<sup>46</sup>

2.27 As identified above, in Vanuatu land ownership has contributed to tensions between groups and has resulted in outbreaks of violence.<sup>47</sup> A 2007 review of land legislation, policy and administration in Vanuatu found that land alienations (the unauthorised appropriation of land) played a significant role in Vanuatu's mobilisation for independence in 1980, and has re-emerged again on a scale which threatens the country's social and political stability.<sup>48</sup> A recent country report by Samoa to the Pacific Islands Law Officers' Network (PILON) also identified a number of land disputes over customary land that were before the courts at that time.<sup>49</sup>

## Weapons control

2.28 At the Fortieth Pacific Islands Forum meeting in Cairns, 5–6 August 2009, leaders expressed their 'extreme concern' over the proliferation of small arms and light weapons throughout the Pacific:

Small arms and light weapons (both legal and illegal) are used to fuel and exacerbate violence and conflict. They are widely used in armed conflict,

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44 Centre for Independent Studies, *Submission 11*, p. 3; The Australia Pacific Islands Business Council also noted that the need for the careful management of land access in the region, *Submission 60*, p. 8. See also Volume I, paragraphs 17.3 and 17.11–17.12.

45 *Submission 11*, p. 3. See also Volume I, paragraph 17.13.

46 AID/WATCH noted, 'Any Australian government involvement with changes to land ownership systems in the Pacific needs to be carefully considered', *Submission 16*, p. 2. This is largely the position of the Australian Government who have, in providing \$54 million for a Pacific Land Program to support governments in the region that wish to strengthen or improve their land systems, suggested that this money is guided by two fundamental principles: first, Australia will only support reforms that recognise the continuing importance of customary tenure; second, land policy reform must be driven by Pacific island governments and communities, not by donors. Bob McMullan, Parliamentary Secretary for International Development Assistance, [http://www.aisaid.gov.au/media/release.cfm?BC=Media&ID=4312\\_6085\\_8808\\_3679\\_6624](http://www.aisaid.gov.au/media/release.cfm?BC=Media&ID=4312_6085_8808_3679_6624) (accessed 13 March 2009).

47 Non-government organisations have suggested that traditional landowners at Blacksands have tolerated the settlement but residents have been unable to establish adequate water or electricity supply because of insecure land rights, Pacific Islands Applied Geoscience Commission, *Report 507*, May 2003, p. 2.

48 C. Lunnay, J. Fingleton, M. Mangawai, E. Nalyal & J. Simo, 'Vanuatu Review of National Land Legislation, Policy and Land Administration', 2007, pp. 3–4, [http://www.aisaid.gov.au/publications/pdf/vanuatu\\_land.pdf](http://www.aisaid.gov.au/publications/pdf/vanuatu_land.pdf) (accessed 22 September 2009).

49 See Pacific Islands Law Officers' Network (PILON), Samoa Country Report [http://www.pilonsec.org/www/pilon/pilon.nsf/Page/Country\\_Reports\\_December\\_2008](http://www.pilonsec.org/www/pilon/pilon.nsf/Page/Country_Reports_December_2008), pp. 6–7 (accessed 4 November 2009).

terrorism, and crime and there are significant costs and impacts, including financial (healthcare) and loss of life. They can be easily produced, concealed and transferred and more often than not, threaten peace, security, development and human rights.<sup>50</sup>

2.29 Arms management and weapons security have been poor in many Pacific island states. During recent conflicts in Solomon Islands, a militia group raided and seized the police armoury in Auki (Malaita Province) and the Royal Solomon Islands Police national armoury in Guadalcanal.<sup>51</sup> In Fiji and Bougainville, the seriousness of civil violence has also been exacerbated by the use of firearms and ammunition taken from state armouries. The Pacific Islands Forum Secretariat suggested that in numerous instances, unsecured or stolen firearms have been utilised to assist in intrastate conflicts:

Small arms and light weapons stolen or otherwise obtained from security force armouries have featured prominently in the Pacific's most recent conflicts in Fiji, Solomon Islands and Bougainville.<sup>52</sup>

2.30 With respect to PNG, Dr Nicole Haley, from the State, Society and Governance in Melanesia Program at the ANU, suggested that while there have been improvements in Solomon Islands and Bougainville, arms proliferation continues to be a problem in the Southern Highlands Province of PNG:

While significant gains have been made, particularly in relation to disarmament, in Solomon Islands and Bougainville in recent years, small arms proliferation continues to be a serious problem in mainland PNG. The year long State of Emergency/Special Police Operations (August 2006–August 2007) in PNG's troubled Southern Highlands Province netted less than 300 illegal weapons, of which more than half were home made. Weapons continue to flow into the Highlands and black market ammunition remains comparatively abundant, with prices in fact declining in recent years.<sup>53</sup>

2.31 While access to small arms is of itself a real concern, it often provides a means of making a bad situation worse. Thus, it combines with other causes of conflict—youth unemployment or ethnic divisions—to create a potentially volatile and dangerous situation. The availability of firearms has therefore significant implications for the maintenance of law. Referring to the connection between unemployment, poverty and the availability of weapons, DFAT advised, regarding PNG: 'Rapid urbanisation, unemployment and poverty contribute to crime. The spread

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50 Forum Communiqué, Paragraphs 61 and 62, <http://www.forumsec.org.fj/pages.cfm/newsroom/press-statements/2009/final-communique-of-40th-pacific-islands-forum-cairns.html> (accessed 14 September 2009).

51 The Pacific Island Forum Secretariat, *Submission 69*, p. 24.

52 *Submission 69*, p. 25.

53 *Submission 56*, p. 4.

of modern weapons has magnified the impact of urban crime and tribal fighting in the highlands'.<sup>54</sup>

## **Gender inequality and violence against women**

2.32 Rates of violence against women in a number of Pacific island countries are amongst the highest in the world, and violence against women in the Pacific has been characterised by Amnesty International as 'one of the gravest human rights violations in the region'.<sup>55</sup> This is particularly so in PNG, where previous research has established that two out of every three Papua New Guinean women experience domestic violence and around 50 per cent have been subject to forced sex.<sup>56</sup>

2.33 AusAID's submission identified gender inequity, high rates of violence against women and the low levels of women's political participation as significant challenges for the region. In its view:

Gender equity is still a very long way off. High rates of violence against women are a significant problem and women have generally poor political, economic and social status. Women's participation in political leadership is very low—of the ten countries in the world with no female representation, five are in the Pacific. Gender inequality is a factor that impacts on economic growth.<sup>57</sup>

2.34 A recent AusAID report offered a sobering assessment of the status of women and the levels of violence perpetrated against women across Melanesia.<sup>58</sup> Violence against women is exacerbated by poverty and the relatively low status of women compared to men: women do not have land rights; they have little independent access to money; and are largely dependent on men for their economic survival.<sup>59</sup> Some traditional cultural practices have also entrenched inequality: educational access for girls; traditional customs such as bride price; 'sister exchange marriages' ('sisters' are usually cousins, but are called 'sister' in the kinship system terminology); the

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54 *Submission 68*, p. 12. DFAT added: the PNG Government is placing a high priority on increasing police numbers and other resources, with Australian support.

55 Amnesty International New Zealand, 'Pacific leaders must address high levels of violence against women', 6 August 2009, [http://www.amnesty.org.nz/media\\_release/pacific-leaders-must-address-high-levels-of-violence-against-women](http://www.amnesty.org.nz/media_release/pacific-leaders-must-address-high-levels-of-violence-against-women) (accessed 18 September 2009).

56 AusAID, 'Violence Against Women in Melanesia and East Timor: PNG Country Supplement' 2008, p. 105, [http://www.ausaid.gov.au/publications/pdf/vaw\\_cs\\_png.pdf](http://www.ausaid.gov.au/publications/pdf/vaw_cs_png.pdf) (accessed 18 September 2009).

57 *Submission 65*, p. 2. For a discussion on the connection between gender inequity and the transmission of HIV/AIDS, see *Committee Hansard*, 19 March 2009, pp. 16–20.

58 AusAID, Office of Development Effectiveness, 'Violence against women in Melanesia and East Timor: building on global and regional promising approaches', 2008, p. 1. The report, which was based on findings of an international evaluation team and focused as much as possible on women's own experience of violence, demonstrated how violence against women was a major barrier to development across the region.

59 The committee received evidence that a lack of economic power, in PNG, has forced women to seek money from transactional sex, *Committee Hansard*, 19 March 2009, p. 16.

acceptance of polygamy for men; or the fact that in PNG domestic violence is 'still not consistently treated as a crime by the police'.<sup>60</sup> The study claimed that 'Violence against women is severe and pervasive' and advocated a 'more comprehensive and effective response' to violence against women.<sup>61</sup>

2.35 In Solomon Islands, domestic violence is reported to be the most common form of violence against women and instances of sexual violence are becoming increasingly common: child sexual abuse by family members; commercial exploitation of girls (particularly related to the logging and fishing industries); sexual violence during armed conflict (1998–2003); and the rape of girls by young men.<sup>62</sup> Melanesian countries receive low ratings in the United Nations Development Programme's gender-related development index (GDI). Out of 136 countries, PNG ranks 124<sup>th</sup>; Vanuatu ranks 103<sup>th</sup>; and Fiji ranks 88<sup>th</sup>. Solomon Islands does not yet figure.<sup>63</sup> The AusAID report found:

Gang rape, payback rape, rape in connection with tribal fighting, and the torture and murder of women suspected of sorcery are distinctive features of violence against women in PNG, with the additional risk of contracting HIV...domestic violence is still not consistently treated as a crime by the police, except in the most extreme cases. Women are often pressured to drop charges and are not provided with additional sources of support. Domestic violence perpetrated by police is also widespread.<sup>64</sup>

2.36 The seriousness of gender-based violence across the Pacific has recently been acknowledged by Pacific Island leaders. At the Pacific Islands Forum Regional Security Committee Meeting in 2009, Mr Tuiloma Neroni Slade, Secretary General of the Pacific Islands Forum Secretariat, announced:

For the first time at this meeting, the issue of sexual and gender-based violence will be presented to the Committee, based on the experiences of some of our member countries. This is part of ongoing efforts to ensure that gender is adequately considered when developing policies and interventions

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60 AusAID, Office of Development Effectiveness, 'Violence against women in Melanesia and East Timor: building on global and regional promising approaches', 2008, pp. 109, 137.

61 AusAID, Office of Development Effectiveness, 'Violence against women in Melanesia and East Timor: building on global and regional promising approaches', 2008, p. vii.

62 AusAID, Office of Development Effectiveness, 'Violence against women in Melanesia and East Timor: building on global and regional promising approaches', 2008, p. 131. Other researchers claim that sexual violence against women is so common in PNG that it is seen as normative in many communities, see Carol Jenkins, 'HIV/AIDS, Culture, and Sexuality in Papua New Guinea', Asian Development Bank, April 2006  
<http://www.adb.org/Documents/Books/Cultures-Contexts-Matter/HIV-PNG.pdf>, p. 62.

63 See Human Development Indices, UN data: <http://data.un.org/DocumentData.aspx?id=117> (accessed 2 April 2009). GDI measures standard of living against three criteria: life expectancy, education and estimated earned income.

64 AusAID, 'Violence Against Women in Melanesia and East Timor: PNG Country Supplement' 2008, pp. 105–110, [http://www.ausaid.gov.au/publications/pdf/vaw\\_cs\\_png.pdf](http://www.ausaid.gov.au/publications/pdf/vaw_cs_png.pdf) (accessed 18 September 2009).

relating to peace, conflict and security matters, ensuring also that best practice and lessons learned are shared across the region.<sup>65</sup>

2.37 Pacific island leaders have acknowledged the risk that sexual and gender-based violence (SGBV) poses to human security and recognised that it has potential to de-stabilise communities. The communiqué from the Fortieth Pacific Islands Forum meeting in Cairns, 5–6 August 2009, stated:

...SGBV is now widely recognised as a risk to human security and a potential destabilising factor for communities and societies alike. It remains pervasive across the Pacific, and as it is still considered a sensitive issue in most Pacific cultures, its prevalence often goes underreported. There is an urgent need to acknowledge the prevalence of SGBV in the Pacific at all levels of the community, whether occurring in the domestic context or during conflict and post-conflict situations.<sup>66</sup>

2.38 In addition to improving the safety and security of women (and in many cases their children), improved gender equality has links with the achievement and maintenance of peace. In its submission to the committee's previous inquiry into Australia's involvement in peacekeeping operations, AusAID noted:

Women have played a pivotal peacebuilding role in the region, most notably in Bougainville (where women's involvement in security and maintaining peace was a critical element in the peace process) and in Solomon Islands...The importance of women in preventing, managing and resolving conflict has been recognised by the UN Security Council in Resolution 1325 on women, peace and security...Women's organisations can also be instrumental in raising awareness, reducing violence and building democratic institutions.<sup>67</sup>

2.39 There is also evidence that increased gender equality in leadership and decision making improves the quality of governance which has clear links with security.<sup>68</sup>

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65 Opening address by Secretary General Tuiloma Neroni Slade, <http://www.forumsec.org.fj/pages.cfm/newsroom/speeches/2009-1/sg-tuiloma-neroni-slade-frsc-meeting-opening-address.html> (accessed 14 September 2009).

66 Forum Communiqué, Paragraph 63, <http://www.forumsec.org.fj/pages.cfm/newsroom/press-statements/2009/final-communique-of-40th-pacific-islands-forum-cairns.html> (accessed 14 September 2009). Leaders are also committed to ensuring that 'all individuals have equal protection of the law and equal access to justice' (paragraph 64).

67 AusAID, *Submission 26*, Standing Committee on Foreign Affairs, Defence and Trade, inquiry into Australia's involvement in peacekeeping operations, 2008, p. 7.

68 See Senate Standing Committee on Foreign Affairs, Defence and Trade, *Australia's involvement in peacekeeping operations*, August 2008, paragraphs 16.40–16.41; 16.54–16.56; 18.47–18.48; and 18.53–18.54 which includes recommendation 24.



## Political systems

2.40 The frequency of change of government across the Pacific is in some cases an indicator of political instability. Since 1986, Fiji has had four military and civilian coups; between 1992–2004 Vanuatu saw 16 changes of government; and only recently did a PNG government serve its full five-year term. Typically, in Solomon Islands no one party gains enough votes to rule in its own right and must therefore form coalitions. No-confidence motions are common in Vanuatu and Kiribati, where in the latter case, the parliament automatically dissolves after a second no-confidence motion. Therefore, across the Pacific, there is a political culture of short government terms and short or reduced terms of service for politicians, many of whom do not survive their first term. Such instability makes it difficult for governments to pursue a sustained policy agenda; it erodes public confidence in government and creates a culture of political short termism which may encourage corrupt practices. Some submitters to the inquiry suggested that such political instability had resulted in increased corruption in government administration.<sup>69</sup> This history of political instability has had significant implications for Pacific security and for the overarching stability and structure of national law enforcement agencies.<sup>70</sup>

2.41 Again, the interrelated nature of the various security risks becomes clear. For example, political instability combined with the availability of weapons has the potential to seriously erode democratic processes in the region. Oxfam argued:

The spread of illicit firearms also threatens the operation of democratic institutions, as evidenced in PNG during the 2002 elections when up to 50 people were estimated to have been killed.<sup>71</sup>

2.42 Also, political instability may be both a symptom and a source of deep social tension, not only reflecting divisions in society but exacerbating them.

2.43 Evidence provided to the committee suggested that one of the greatest threats to security in Tonga, the only monarchy in the Pacific, is related to tensions over democratic reform.<sup>72</sup> The riots that destroyed large parts of Nuku'alofa in November 2006, which caused an estimated US\$100 million worth of damage, were linked to frustrations over the reform process.<sup>73</sup> These riots came only a year after mass protests

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69 Oxfam Australia, *Submission 26*, p. 8; Professor Clive Moore, *Committee Hansard*, 26 March 2009, p. 21; Dr Satish Chand, *Submission 2*, p. 4.

70 Australia Papua New Guinea Business Council, *Submission 14*, p. 2.

71 *Submission 26*, p. 14.

72 Australia's High Commissioner to Tonga, Mr Bruce Hunt, *Committee Hansard*, 25 September 2009. The current governance structure has been characterised by the CIS as 'a rapacious oligarchy', *Submission 11*, Attachment—'The Bipolar Pacific', p. 13.

73 In 2005, a National Committee on Political Reform had been established to consult with Tongans about democratic reform options; however, public frustration over delays in the parliament's consideration of the report were said to have contributed to riots. DFAT, Tonga County Brief, [http://www.dfat.gov.au/geo/tonga/tonga\\_brief.html](http://www.dfat.gov.au/geo/tonga/tonga_brief.html) (accessed 22 September 2009).

and strikes initiated by the public servants' union took place in response to senior civil servants being awarded a pay rise of 80 per cent. The protests and strikes lasted six weeks before the government agreed to the pay rise.<sup>74</sup> Notably, during the riots, the Chinese business sector was targeted.<sup>75</sup>

2.44 There have also been episodes of election-related violence in PNG and Solomon Islands and violence related to mining and foreign investment in the Papua New Guinea island of Bougainville, and in New Caledonia.<sup>76</sup> Additionally, the military's intervention in civil affairs in Fiji has been a source of instability. It has seriously undermined the rule of law and eroded the capacity and independence of Fiji's institutions, including the judiciary. Mr Ben Coleman, Defence, claimed:

We have the situation—and Fiji is the case study there—whereby an inappropriate relationship of the military to civilian government has obviously posed an immediate security problem for Fiji. Yes, defence would accord with the rest of government's view that that is a security problem.<sup>77</sup>

2.45 This is dealt with in more detail in Chapter 4.

### **Volatility of Pacific island states**

2.46 The committee has drawn attention to the way that the various causes of conflict can combine to result in the rapid deterioration of law and order. The example of the violence at the Blacksands settlement in Vanuatu in 2007, outlined above, would appear to tell us something about the potential volatility of some Pacific islands states. In this instance, the potential for inter-ethnic conflict was exacerbated by the very low level of human security experienced by residents at the Blacksands settlement—security of land tenure, access to fresh water, vulnerability to extreme weather patterns, lack of a coherent organised community structure. What this example may suggest is that breakdowns in law and order, or episodes of 'ethnic violence', as witnessed in PNG, Solomon Islands, Tonga, Fiji and Vanuatu, are often the manifestation of much deeper or systemic social, economic or political disquiet. Conflict may present as inter-ethnic violence but the root causes are variously related to access to employment, food and water; matters of equity and opportunity; political corruption and poor governance.

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74 Pacific Islands Forum Secretariat, *Submission 69*, p. 24.

75 See, for example, Graeme Dobell, 'China and Taiwan in the South Pacific: Diplomatic Chess versus Pacific Political Rugby', CSCSD Occasional Paper, no. 1, May 2007, p. 10; Susan Windybank, 'The illegal Pacific, Part I: Organised crime', *Policy*, vol. 24, no. 1, Winter 2008, p. 35; 'The Overseas Chinese in Tonga', Tokyo Foundation, <http://www.tokyofoundation.org/en/series/sylff/the-overseas-chinese-in-tonga> (accessed 9 November 2009).

76 For a full description of the root causes of recent intrastate conflict across the Pacific, see Pacific Islands Forum Secretariat, *Submission 69*, pp. 24–25.

77 *Committee Hansard*, 19 June 2009, p. 26.



2.47 This indicates a much more complicated security dynamic: political problems become economic problems which in turn become security problems. While this reveals the interrelated or cyclical nature of Pacific disadvantage, it also suggests the multidimensional aspects of conflict and security. Thus, while it is one thing to have the policing capacity to deal with civil unrest; it is another to deal with the root causes of conflict. Dr Bob Breen encapsulated this message:

More troops, more police, more money and more consultants will not be enough. These measures are reactions to symptoms that do not attend to the deeper causes of neighbourhood problems.

Sustained higher level intervention is futile unless there is enduring and effective improvement at the community level. Secure and confident communities are the foundations for democratic governance and economic progress. Communities cannot be built or rebuilt unless there is a shared sense of security and optimism.<sup>78</sup>

2.48 The committee's 2008 report into Australia's involvement in peacekeeping operations underscored this view.<sup>79</sup>

## Conclusion

2.49 In this chapter, the committee explored some of the complex and interconnected factors that contribute to breakdowns in law and order across the Pacific, including: unemployment, inter-ethnic tensions, land tenure, access to weapons, gender inequality and political instability. The committee has also considered how these factors may interact to bring about outbreaks of violence in the form of rioting, coups, interracial conflict, and violence against women. These root causes have significant consequences for the maintenance of law and order, policing and community safety and the institutionalisation of the rule of law in Pacific islands states.

2.50 Importantly, the committee identified a series of accelerants that can lead to a rapid deterioration in law and order. For example, rapid urbanisation, unemployment and poverty contribute to crime which in turn is magnified by the availability of modern weapons. Poor arms control, in particular, can inflame levels of civil disorder and can be used to facilitate or support inter-ethnic violence or other criminal activities. In the following chapter, the committee considers the capacity of policing organisations across the Pacific to manage these breakdowns in law and order.

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78 *Submission 25, 'Australia and the South Pacific: Rising to the Challenge', Australian Strategic Policy Institute, March 2008—Issue 12, p. 52.*

79 *Standing Committee on Foreign Affairs, Defence and Trade, Australia's involvement in peacekeeping operations, August 2008, paragraphs 8.16–8.18.*



## Chapter 3

### Building law enforcement capacity in Pacific island states

3.1 In Chapter 2, the committee acknowledged that the most serious threats to Pacific security come from within states. The committee considered how unemployment, inter-ethnic tensions, land ownership, gender inequality and political instability have manifested in conflict in the form of serious crime, rioting, coups, land disputes, property damage and violence against women. This chapter examines the capacity of Pacific island law enforcement agencies to respond effectively to these forms of civil unrest on a day-to-day basis. Moreover, because it is critical that all aspects of the law and justice sector work together, from policing through to prosecutions, the committee also considers the effectiveness of the region's justice sector. In so doing, it is necessary to consider the relationship between the formal and informal justice sectors, common in many Pacific island states.

#### Policing capability across the Pacific

3.2 There are 14 police forces operating across the Pacific, not counting forces in Australia and New Zealand. The total number of police officers is approximately 8,500. Some states have police forces that are relatively large, while others maintain forces with significantly smaller numbers. PNG, for example, has a force of approximately 4,700, while Niue has a force of only 15. PNG has approximately one police officer for every 1406 head of population, while on aggregate, Pacific island states have approximately one police officer for every 359 head of population (see following table).<sup>1</sup>

3.3 A further aspect of regional policing is that many police forces require an ocean-going naval/policing capacity. Assistant Commissioner Frank Prendergast, Australian Federal Police (AFP), noted, for example, that because Solomon Islands is a chain of islands, 'any sustainable policing model in the Solomon Islands has to have a maritime component'.<sup>2</sup> This will also be the case for other archipelago states like Vanuatu and Tuvalu.

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1 Looking elsewhere in Melanesia, Solomon Islands has a ratio of one police officer per 522 head of population and Vanuatu has one per 451 head of population. While both Solomon Islands and Vanuatu are below the whole-of-Pacific average (1:359), this should also be measured against their larger populations.

2 *Committee Hansard*, 21 November 2008, p. 79.

**Figure 3.1 Police force numbers in Pacific Islands Forum states (estimates only)<sup>3</sup>**

Country	Population	Police
Cook Islands	15,600	150
Federated States of Micronesia	111,000	300
Niue	1,200	15
Kiribati	98,900	300
Tonga	103,000	450
Republic of Marshall Islands	54,000	165
Samoa	182,500	560
Palau	20,400	170
Tuvalu	10,000	80
Nauru	11,100	100
Solomon Islands	535,000	1024
Vanuatu	239,000	530
Papua New Guinea	6,610,000	4,700
Totals	7,991,700	8,544

\* Estimates suggest that Fiji will have 3097 police officers by 2010.<sup>4</sup>

3.4 With respect to the law enforcement capability of these forces, the AFP explained that because police forces are resourced in different ways, and may come from different traditions, it is difficult to offer a 'broadbrush assessment' of their capability:

The sovereignty of these nations ranges through republics and federations to traditional custom regimes and as such, the character of policing varies extraordinarily across the region. Common to most is that at the community policing level, the police forces have the capacity to deal with general crime but are often limited in their ability to respond and investigate due to resourcing and development issues.<sup>5</sup>

3.5 The lack of human capacity across all sectors of the economy was a dominant theme in Volume I. In brief, the committee found weak, inefficient or poorly resourced government agencies unable to deliver essential services effectively. It also

3 Australian Federal Police, Answers to written questions taken on notice, 8 September 2009. These figures have been provided by Pacific Police Chiefs and should only be regarded as an estimate. Fiji is currently suspended from the Pacific Island Chiefs of Police.

4 Fiji Village, National Budget, <http://www.fijivillage.com/?mod=events&eid=24110983d413bc71afe3d9213d9f07> (accessed 16 December 2009).

5 Assistant Commissioner Prendergast, *Committee Hansard*, 21 November 2008, p. 73; Australian Federal Police, answers to written questions on notice, 8 September 2009.

found that ill-equipped bureaucracies in the region had difficulties providing important services where technical and advanced technology was required.<sup>6</sup>

3.6 Consistent with this broad finding, the committee received evidence suggesting that some states struggle to resource adequately domestic policing organisations and do not have the capacity to maintain effective law and order within the community on a day-to-day basis.<sup>7</sup> With regard to PNG, DFAT advised that law and order remained a significant problem and that police capacity was limited.<sup>8</sup> Mr Garry Tunstall, Australia and New Zealand Banking Group, suggested that PNG required considerably more personnel on the ground:

...policing has just had an increase in funding by the PNG government to help support it. But it was only minor—of some 3 million kina, I think. The reality is there are a very small group of people on the ground compared to what we would require in Australia...<sup>9</sup>

3.7 Mr Tunstall also identified the need for the private sector to make their own provisions for security:

As an organisation, in the last 18 months we have had two kidnappings of groups of staff, which is quite serious. We have also had rumours of robberies. We have to employ armed security guards for all cash shipments. The cost of doing business up there is quite horrendous in terms of having those armed security guards and also from a timing perspective. So it is quite difficult.<sup>10</sup>

3.8 Mr Tunstall proceeded to explain that while criminal activity also affects business investment in other countries of the Pacific, he felt that policing operations in Vanuatu, Samoa and Fiji were 'much sounder and stronger' than in PNG.<sup>11</sup>

3.9 Across the Pacific, policing and law enforcement agencies are required to operate in parallel with other community norms, social structures and cultural traditions. Pacific communities place high value on kinship ties and communal rights and in many instances the rights of the individual may be subordinate to the needs of

6 See Volume I, paragraphs 4.36–4.38; 7.18–7.19; 9.15–9.16; 9.39–9.40; 10.2; 10.55–10.59; 12.1; and 14.7–14.21.

7 Australian Federal Police, *Submission 62*, pp. 5–6, Pacific Island Forum Secretariat, *Submission 69*, pp. 25–26.

8 *Submission 68*, p. 12. DFAT added that the PNG Government is placing a high priority on increasing police numbers and other resources, with Australian support.

9 *Committee Hansard*, 24 March 2009, p. 55.

10 *Committee Hansard*, 24 March 2009, p. 54. QANTAS informed the committee that because of 'a perceived security problem' they do not let their crews stay overnight in PNG, *Committee Hansard*, 24 March 2009, p. 73.

11 *Committee Hansard*, 24 March 2009, p. 55. Australia's High Commissioner to PNG Chris Moraitis suggested: 'As a rule of thumb...a business in PNG spends up to 15 per cent of its budget on security', *Committee Hansard*, 19 March 2009, p. 5.

the community. These communities may therefore prove more responsive to a community policing model.

3.10 The AFP informed the committee that many Pacific island states favour a community policing model whereby community members bring law and order problems to the attention of police:

Community policing is a major focus of Pacific island law enforcement agencies, and the community focus of Pacific communities lends them to being receptive to this type of law enforcement engagement. The Pacific island peoples are resilient and traditional social structures often serve as an alternative or additional mechanism to ensure community harmony and to engage criminal offenders outside the formal justice processes...Members of law enforcement and border security agencies must be aware of customary laws and cultural diversity while still enforcing government legislation.<sup>12</sup>

3.11 While the AFP acknowledged that community interaction and support could help control crime, it also expressed concern that traditional social structures may impede effective law enforcement, particularly when kin loyalties are involved:

Whilst acknowledging the strength of community conflict resolution mechanisms, it must be noted that in many countries such mechanisms are inequitable, involving practices which conflict with human rights standards and basic rule of law principles. High rates of domestic violence are tolerated throughout the region, impacting upon the participation of women in social, economic and political life, as well as upon the national economy, by placing high demands on health and legal services.<sup>13</sup>

3.12 In some communities, modern policing models also operate in parallel with customary law and traditional notions of justice like 'shame' and 'payback'.<sup>14</sup> The interaction between the traditional and formal justice sector is explored in more detail below.

## **Regional efforts to improve law and order**

3.13 The Pacific Islands Chiefs of Police (PICP) is responsible for addressing policing issues across the Pacific. Police services from 21 countries and territories across Melanesia, Polynesia and Micronesia belong to this organisation, including Australia and New Zealand. Within member countries and territories, there are more than 75,000 serving police officers (this includes Australia and New Zealand). New Zealand Police supports the permanent PICP Secretariat which provides advice and

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12 *Submission 62*, p. 5.

13 *Submission 62*, p. 5.

14 Customary or traditional law/lore affects policing and law enforcement but also commercial arrangements and attitudes towards landownership, which themselves have emerged as causes of conflict in the Pacific.

assistance to members.<sup>15</sup> The PICP works to enhance and improve policing and communication in the Pacific by promoting and providing a voice on law enforcement and social policy concerns. It also convenes an annual forum at which Chiefs of Police share information and intelligence to counter transnational crime in the region and seek to promote cooperation in the region. In addition to its information sharing, awareness raising and strategic planning initiatives, the PICP also contributes to police training.<sup>16</sup>

3.14 At the 38th Pacific Islands Chiefs of Police meeting, held in PNG in September 2009, chiefs discussed matters including: the development of use of force policies, armouries projects, HIV, domestic violence, forensic fingerprinting, deportees and future directions in policing. The theme of the conference was 'Youth in the Pacific' and chiefs resolved to complete an assessment of youth programs currently being used in the Pacific in order to make that information available to all jurisdictions so they could adapt those programs to their own environment.<sup>17</sup>

3.15 There have been other regional initiatives to help develop the policing capacity of Pacific island states. Under the Pacific Plan, emphasis is placed on the strengthening of law enforcement training and coordination.<sup>18</sup> Within the Pacific Islands Forum Secretariat, the Law Enforcement Unit also provides policy, coordination and capacity development advice to the Pacific law enforcement agencies.<sup>19</sup>

### **Australian efforts to improve law and order**

3.16 Australia's official development assistance (ODA) was discussed in detail in Chapter 16 of Volume I of this report, noting that Australia's spending on governance in the Pacific accounted for approximately half of the total ODA for the region.<sup>20</sup> The table below provides a breakdown between security and non-security related governance sector spending expenditure for years 1998–2008.

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15 About Pacific Islands Chiefs of Police (PICP), <http://www.picp.org/about-us/> (accessed 5 November 2009).

16 For a fuller description of Pacific Islands Chiefs of Police, see <http://www.picp.org/> (accessed 14 October 2009).

17 Resolutions, 38th Pacific Islands Chiefs of Police Conference, Port Moresby, 1–3 September 2009, <http://www.picp.org/2009/10/01/2009-picp-conference-resolutions/> (accessed 15 October 2009).

18 The Pacific Plan: For Strengthening Regional Cooperation and Integration, p. 7, [http://www.forumsec.org/UserFiles/File/Pacific\\_Plan\\_Nov\\_2007\\_version.pdf](http://www.forumsec.org/UserFiles/File/Pacific_Plan_Nov_2007_version.pdf) (accessed 13 July 2009).

19 Pacific Islands Forum Secretariat, *Submission 69*, p. 27.

20 AusAID, answer to written question on notice 2, 19 June 2009. 2007–2008: \$395,287,186 from a regional total of \$850,826,693; 2008–2009: \$524.8 million from a regional total of \$992.8 million.

**Table: 3.2 Australian ODA expenditure for governance sector in the Pacific and PNG<sup>21</sup>**

Year	1998–1999	2000–2001	2003–2004	2004–2005	2005–2006	2006–2007	2007–2008
<b>Total</b>	102,134,419	157,603,502	2252,112,239	388,586,365	364,992,358	385,947,354	395,287,186
<b>Security-related</b>	39,597,118	71,738,483	147,589,314	238,766,409	212,718,489	205,896,787	246,875,592
<b>Non-security related</b>	62,537,301	85,865,019	104,522,925	149,819,956	152,273,869	180,050,567	148,411,594

3.17 This breakdown shows that expenditure for security-related governance programs has risen substantially since 2003 and makes up a significant proportion of Australia's governance ODA. Of that, security-related governance aid amounted to nearly two thirds (62.5 per cent) in 2007–2008. The security-related expenditure includes: legal and judicial development programs; police force capacity building; corrections services capacity building; assistance for customs services and border management; and defence cooperation activities.<sup>22</sup> It should be noted the amount of security-related aid has been substantially increased as a result of Australia's commitment to RAMSI. Through RAMSI, Australia provides assistance for policing, corrections and various aspects of the criminal justice system.<sup>23</sup>

### ***International Deployment Group***

3.18 The AFP's engagement with the Pacific takes place through International Deployment Group (IDG).<sup>24</sup> It maintains a body of permanent officers across the Pacific. At the time of its submission, the AFP maintained Senior Liaison Officers (SLOs) in Port Moresby (PNG)<sup>25</sup>, Honiara (Solomon Islands), Port Vila (Vanuatu) and until September 2008 had a Law Enforcement Capacity Development Advisor at the Pacific Islands Forum Secretariat in Suva (Fiji). The AFP also maintains an SLO and Liaison Officer (LO) in Suva whose countries of responsibility include: American Samoa, Cook Islands, French Polynesia, Nuie, Kiribati, Samoa, Tokelau, Tonga, Tuvalu, Wallis and Futuna. Additionally, the AFP also allocates advisors to the Pacific Transnational Crime Coordination Centre (Apia, Samoa) and the Micronesia Transnational Crime Unit (Pohnpei, Federated States of Micronesia) and a Project

21 AusAID, answers to written questions on notice, 12 March 2009.

22 AusAID, answers to written questions on notice, 12 March 2009.

23 AusAID, *Australian Aid: Promoting Growth and Stability—White Paper on the Australian Government's overseas aid program*, 2006, p. 43.

24 The increased incidences of breakdowns in law and order across the Pacific have coincided with the growth of the AFP's International Deployment Group.

25 The AFP also maintains a strong relationship with the PNG police force cooperating on transnational crime, money laundering, customs, immigration and border security issues. DFAT, *Submission 68*, p. 20.



Manager to the Pacific Islands Chief of Police Secretariat (Wellington, New Zealand).<sup>26</sup>

3.19 From 1 January 2009, the Pacific Police Development Program (PPDP) became the primary vehicle for AFP engagement with the Pacific. The PPDP is responsible for Australia's ongoing police capacity building activities in the Pacific. The AFP described the PPDP as a 'policing development program' aimed at 'strengthening bottom-up capacity development of policing agencies'.<sup>27</sup> The program will work closely with the Pacific Islands Chiefs of Police (PICP) through the PICP Secretariat. The PPDP works with the Transnational Crime Network (outlined in the following chapter) that offers a top-down focus on sophisticated and organised crime. This is explored further in Chapter 7.<sup>28</sup>

3.20 The 2009–2010 Budget Papers explained the way this assistance is delivered on both a bilateral and multilateral basis:

The Pacific Police Development Program provides capacity development and development assistance to Nauru, Samoa and Papua New Guinea. The program also incorporates a multilateral program of support to all other members of the Pacific Islands Forum, with the exception of Fiji. The principal deliverable is to establish a robust policing capability in the Pacific region.<sup>29</sup>

3.21 The AFP further explained that the program has been developed in close consultation with Pacific nations. Funding for the PPDP until 2011–2012 is as follows:

Year	2009–10	2010–11	2011–12
Funding	\$10,008,000	\$11,489,000	\$12,637,000 <sup>30</sup>

3.22 Currently, the IDG is involved in regional and bilateral missions in Solomon Islands (RAMSI), PNG, Nauru and Tonga. The committee's 2008 report into Australia's involvement in peacekeeping operations examined the role of the IDG in detail, noting that the IDG has been designed, in part, to ensure regional stability and

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26 *Submission 62*, p. 9.

27 Australian Federal Police, answers to written questions taken on notice, 8 September 2009. The AFP also described it as 'representing one of the most innovative and comprehensive attempts in the world at supporting the rule of law through regional police development', *Committee Hansard*, 21 November 2008, p. 67.

28 Australian Federal Police, Answers to written questions taken on notice, 8 September 2009.

29 Attorney-General's *Portfolio Budget Statements 2009–2010*, p. 198.

30 Attorney-General's *Portfolio Budget Statements 2009–2010*, p. 195.

enhance the policing capacity of Pacific island states.<sup>31</sup> At that time, the committee recognised the 'pioneering nature' of the IDG and formed the view that the AFP was:

...at the forefront in developing a broad-based capability to assist other countries to deliver an effective policing service.<sup>32</sup>

3.23 In offering evidence to this inquiry, the AFP described the role of the IDG in the following terms:

...the AFP IDG represents a maturing example of a fully deployable international policing capability, and probably one of the only examples of a fully deployable international policing capability in the world which has expertise in both peace and stability operations and police capacity building. Through the IDG and the international network, the AFP is supporting our Pacific neighbours as they face a range of security, crime and development challenges.<sup>33</sup>

3.24 Assistant Commissioner Prendergast further suggested that, in undertaking this work, it was critical that the IDG work closely with indigenous policing agencies to create the type of police force that is appropriate for each jurisdiction:

So there is no point building a First World police force in a country that just does not have the budget to sustain that. You need to find an appropriate model, but also based on cultural issues and sovereignty issues, so it is a complex process and one that, I have to say, over the last five years through RAMSI and through our involvement in East Timor, we think we have learnt a fair bit about. One of the things we have learnt is that we need to continually keep revisiting the issue and researching and working with our partners to come up with better solutions.<sup>34</sup>

3.25 The committee continues to support strongly the AFP and the development of the IDG. Later in the report, the committee gives further consideration to this deployable capability when it considers Australia's recent efforts to respond to emergencies across the region.

### ***Defence Cooperation Program***

3.26 As suggested in Chapter 2, arms management and weapons security have been poor in many Pacific island states. The proliferation of large numbers of arms throughout communities has had serious repercussions for law and order and has on occasion resulted in the rapid escalation of violence. The submission from the Pacific Islands Forum Secretariat suggested:

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31 See Senate Standing Committee on Foreign Affairs, Defence and Trade, *Australia's involvement in peacekeeping operations*, August 2008, pp. 129–130, 138–139. According to the *2008–09 Annual Report*, the annual budget for the IDG is \$264 million.

32 Senate Standing Committee on Foreign Affairs, Defence and Trade, *Australia's involvement in peacekeeping operations*, August 2008, paragraph 10.17.

33 *Committee Hansard*, 21 November 2008, p. 68.

34 *Committee Hansard*, 21 November 2008, p. 74.

While these weapons have been supplemented by home-made fire arms, and small scale trafficking, the majority of weapons to date have been obtained due to the lack [of] adequate control and stock-take of legitimate stocks of weapons in Pacific Island communities.<sup>35</sup>

3.27 The Defence Cooperation Program (DCP) is the primary means for Defence engagement in the Pacific. It is primarily concerned with helping states manage external threats to security and is examined in more detail in the following chapters. In terms of its approach to helping improve domestic security across the region, the DCP has been involved in several arms management projects, particularly through major infrastructure projects undertaken in PNG and Samoa. The DCP has improved weapons security through programs assisting Pacific states secure armouries and munition stores. The PNG Defence Force (PNGDF) Armouries and Magazines Project has seen seven high security armouries built for the PNGDF.<sup>36</sup>

3.28 The Samoa Police Project, a five-year \$6.3 million project, which was jointly funded by the DCP and AusAID, focused on the construction of an armoury and broader institutional strengthening. When he opened the Samoa Police Headquarters in February 2008, the Parliamentary Secretary for International Development Assistance, the Hon Bob McMullan MP stated:

The armoury to the rear, along with training in the management and accounting of weapons and ammunition, will contribute to improved security in Samoa. The armoury, funded under Australia's defence cooperation program, also supports weapons training for police officers proceeding on overseas deployments in the Pacific region. The armoury recognises the United Nations' focus on security of small arms in the Pacific, and the increasing need for training for the Samoan Police being deployed to East Timor and the Regional Assistance Mission to Solomon Islands.<sup>37</sup>

3.29 Defence has also funded the upgrade of armoury and magazine facilities in Tuvalu in 2007. In Nauru, Tonga and Vanuatu, bilateral assistance has been provided to enhance the capacity of police services to implement legislation to control the flow of small and light weapons.<sup>38</sup>

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35 *Submission 69*, p. 25.

36 Department of Defence, *Submission 18*, p. 5.

37 The Hon Bob McMullan MP, 'Opening of Samoa Police Headquarters', 1 February 2008, [http://www.aisaid.gov.au/media/release.cfm?BC=Speech&ID=572\\_3045\\_7536\\_5774\\_3080](http://www.aisaid.gov.au/media/release.cfm?BC=Speech&ID=572_3045_7536_5774_3080) (accessed 18 February 2009).

38 Implementation of the United Nations Program of Action to prevent, combat and eradicate the illicit trade in small arms and light weapons in all its aspects, National Small Arms Statement—Australia, <http://disarmament.un.org/cab/bms3/1National%20Reports%202008.html> (accessed 30 October 2009), pp. 11–13. In 2003, RAMSI held a 21-day firearms amnesty and over 3,000 firearms and 300,000 rounds of ammunition were surrendered.

## **Recommendation 1**

**3.30 Given the success the Department of Defence has had in improving weapons security in the Pacific, the committee recommends the Australian Government continue to assist Pacific island countries secure their armouries and munition stores.**

### *Committee view*

3.31 The committee received limited evidence about the new PPDP (in operation since January 2009). In its previous report into Australia's involvement in peacekeeping operations, the committee acknowledged the important contribution that the AFP was making in the region and in particular the excellent work done at the Wanggirrali Ngurrumbai Centre training facility at Majura (ACT). It noted how this venue had been used to provide joint education, training and support to police officers from the Pacific prior to development through RAMSI.<sup>39</sup> The committee considers that there may be benefit extending the PPDP bilateral engagement beyond the current agreements with Nauru, Samoa and Papua New Guinea.

## **Law and justice sector**

3.32 In order to maintain effective law and order, domestic policing organisations must be supported by robust justice systems. The Pacific Islands Law Officers' Meeting review of 2007 identified a range of law and justice challenges faced by Pacific island states including: limited access to legal training, lack of judges, poorly resourced court systems, a lack of drafting resources and reconciling European legal traditions with traditional systems of justice.<sup>40</sup>

3.33 This review found that there were significant constraints in the court system:

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39 This IDG training facility was profiled in the committee's recent report on peacekeeping, Senate Standing Committee on Foreign Affairs, Defence and Trade, *Australia's involvement in peacekeeping operations*, August 2008, pp. 138–140. The AFP advised the committee that, to date, 467 Pacific police from 13 countries have undertaken pre-deployment training at the IDG training facility, adding 'This training is unique in that it is the only training of the type, outside that of military institutions, that has been accredited by the United Nations. It has got a heavy focus on capacity building skills, human rights and similar issues', *Committee Hansard*, 21 November 2008, p. 67.

40 Pacific Islands Law Officers' Meeting (PILOM) Review, January 2007 [http://www.pilonsec.org/www/pilon/rwpattach.nsf/PublicbySrc/Pacific+Islands+Law+Officers+Meeting+\(PILOM\)+Review.pdf/\\$file/Pacific+Islands+Law+Officers+Meeting+\(PILOM\)+Review.pdf](http://www.pilonsec.org/www/pilon/rwpattach.nsf/PublicbySrc/Pacific+Islands+Law+Officers+Meeting+(PILOM)+Review.pdf/$file/Pacific+Islands+Law+Officers+Meeting+(PILOM)+Review.pdf) (accessed 4 November 2009).

The Court systems in the Pacific are under similar pressure, under-resourced and facing growing difficulty handling the number and diversity of cases before them.<sup>41</sup>

3.34 The Attorney-General's Department suggested that there was an 'entrenched lack of capacity' within the PNG judicial system that has resulted in 'large numbers of backlogged cases':

The Solicitor-General's office is under-resourced in terms of being able to actually attend court hearings. Often people will take advantage of that and make vexatious claims against the PNG government and, when the Solicitor-General's office litigators cannot get to a court because they are booked in five other courtrooms at the same time, the court has no choice but to award in favour of the claimant.<sup>42</sup>

3.35 The problems in the justice system due to a lack of resources and capacity, access and cost are further complicated by the coexistence of a traditional and formal justice system. The Pacific Islands Law Officers' Meeting noted:

In addition to the many institutional challenges facing the public legal systems in the region, there are particular thematic issues which stand out as common challenges for Pacific island jurisdictions. Possibly the most significant of these is the difficult interaction between legal traditions and institutions inherited or adopted from European systems, and indigenous forms of decision making and justice. Some Pacific jurisdictions have established customary courts or arbitration mechanisms which operate alongside the formal justice system, with varying records of success. For most, finding a harmony and consistency between the indigenous and imported in both the legal institutions and the laws themselves, remains a significant challenge.<sup>43</sup>

3.36 According to Dr Tony Murney, AFP, around 80 per cent of the population in PNG and Solomon Islands rely on traditional justice systems rather than formal justice systems.<sup>44</sup> Dr Murney added, therefore, that traditional justice plays a significant role in remote Pacific communities as they 'end up restoring a level of order over a whole

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41 Pacific Islands Law Officers' Meeting (PILOM) Review, January 2007  
[http://www.pilonsec.org/www/pilon/rwpattach.nsf/PublicbySrc/Pacific+Islands+Law+Officers+Meeting+\(PILOM\)+Review.pdf/\\$file/Pacific+Islands+Law+Officers+Meeting+\(PILOM\)+Review.pdf](http://www.pilonsec.org/www/pilon/rwpattach.nsf/PublicbySrc/Pacific+Islands+Law+Officers+Meeting+(PILOM)+Review.pdf/$file/Pacific+Islands+Law+Officers+Meeting+(PILOM)+Review.pdf), paragraph 13 (accessed 4 November 2009).

42 *Submission 16*, p. 2; *Committee Hansard*, 21 November 2008, p. 64. Dr Tony Murney stated: 'we have justice systems in the Pacific that just do not have the capacity to handle the volume of issues that would be normally dealt with', *Committee Hansard*, 21 November 2008, p. 76.

43 Pacific Islands Law Officers' Meeting (PILOM) Review, January 2007  
[http://www.pilonsec.org/www/pilon/rwpattach.nsf/PublicbySrc/Pacific+Islands+Law+Officers+Meeting+\(PILOM\)+Review.pdf/\\$file/Pacific+Islands+Law+Officers+Meeting+\(PILOM\)+Review.pdf](http://www.pilonsec.org/www/pilon/rwpattach.nsf/PublicbySrc/Pacific+Islands+Law+Officers+Meeting+(PILOM)+Review.pdf/$file/Pacific+Islands+Law+Officers+Meeting+(PILOM)+Review.pdf), paragraph 14 (accessed 4 November 2009).

44 *Committee Hansard*, 21 November 2008, p. 76.

range of issues'.<sup>45</sup> The constitutions of Solomon Islands and Samoa officially recognise traditional justice.<sup>46</sup>

3.37 This reliance on the traditional or informal justice sector is a result of a number of factors. The informal system provides for community-based resolutions for conflict to many islanders living in remote areas of the Pacific. Moreover, because of the cost, slowness and complexity of the formal system, many Pacific islanders consider the informal system more suitable for solving local and community disputes.<sup>47</sup>

3.38 As suggested by the review of the Pacific Islands Law Officers' Meeting, a major challenge facing the region is the need to reconcile the two justice sectors. In comparing them, Dr Murney stated:

The concepts of justice are very different. Many of them would not comply with international conventions in that, for example, children are silent in these sorts of arrangements all too often. So are women. But what the systems do principally is deliver a form of order and they provide for an order that basically sustains the society at a certain functional level.<sup>48</sup>

3.39 This conflict between customary and statutory law becomes a particular problem with matters of child sexual abuse and domestic violence. Assistant Commissioner Prendergast observed:

What I am talking about is, say, a village-level justice system where difficult issues may not be confronted in the way that they need to be—getting the calibration right between the formal system and the informal system, which does have a real role to play in the Pacific, and ensuring the mechanisms are in place to draw out the issues in the informal justice sector where they are required to be drawn out.<sup>49</sup>

3.40 The AFP explained that it is important that such issues are brought out of the traditional justice sector and into the formal justice sector.<sup>50</sup>

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45 Dr Tony Murney, *Committee Hansard*, 21 November 2008, pp. 76–77. According to Dr Sinclair Dinnen, within a traditional justice system the settlement process may involve protracted discussions and negotiations and a payment of compensation or an exchange of gifts, 'Interfaces between Formal and Informal Justice Systems to Strengthen Access to Justice by Disadvantaged People', Research School of Pacific and Asian Studies, The Australian National University, November 2003, pp. 4–5. Often, a person with a certain status and authority, such as a local police officer, may perform the role of an impartial arbiter in settling disputes, Dr Tony Murney, *Committee Hansard*, 21 November 2008, p. 78.

46 Dr Tony Murney, *Committee Hansard*, 21 November 2008, p. 77.

47 Assistant Commissioner Frank Prendergast, *Committee Hansard*, 21 November 2008, p. 75; Ms Lucinda Atkinson, *Committee Hansard*, 21 November 2008, p. 64.

48 AFP, *Committee Hansard*, 21 November 2008, p. 76.

49 *Committee Hansard*, 21 November 2008, p. 72.

50 *Committee Hansard*, 21 November 2008, p. 72.

3.41 Traditional justice systems have attracted criticism for a number of other reasons. Dr Sinclair Dinnen, ANU, has suggested that these systems are dominated by older men; they are 'prone to nepotism and corruption' and are often seen to discriminate against women and young people.<sup>51</sup>

### **Capacity building in the justice sector**

3.42 Senior law makers of the Pacific make up the Pacific Islands Law Officers' Network (PILON). The Australian Attorney-General's Department currently hosts the PILON Secretariat in Canberra on an interim basis. The network focuses on legal issues that are not covered in other Pacific policy environments and provides a forum for addressing law and justice issues common to countries within the Pacific region. PILON holds an annual meeting at different locations in the Pacific at which delegates present a report on relevant law and justice policy and developments in their respective countries. These reports provide an overview of the law and justice sectors in the region and are useful in identifying common issues facing members.<sup>52</sup>

3.43 PILON is supplemented by the Pacific Islands Forum Secretariat's Law Enforcement Unit which provides law enforcement agencies with policy, coordination and capacity-development advice in all areas of law enforcement activity.<sup>53</sup> The Forum has also sought to develop model legislation that can be drawn upon to assist with reform.<sup>54</sup>

3.44 A number of Australian government departments and agencies also assist in helping Pacific island states to reform their judicial systems. The Attorney-General's Department assists in the provision of legal policy and legislative assistance on police and crime related issues; supports in the drafting of legislation and the training of

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51 Sinclair Dinnen, 'Interfaces between Formal and Informal Justice Systems to Strengthen Access to Justice by Disadvantaged People', Research School of Pacific and Asian Studies, The Australian National University, November 2003, pp. 2–3. AusAID's *Violence against women in Melanesia and East Timor* suggests that many women lack knowledge of their legal rights and have found it difficult to have grievances addressed through traditional justice models that are dominated by males and are frequently biased towards men. See AusAID, Office of Development Effectiveness, 'Violence against women in Melanesia and East Timor: building on global and regional promising approaches', 2008, p. 110.

52 Pacific Islands Law Officers' Network (PILON) [http://www.pilonsec.org/www/pilon/pilon.nsf/Page/About\\_PILON](http://www.pilonsec.org/www/pilon/pilon.nsf/Page/About_PILON) (accessed 4 November 2009). At the 25th meeting in Kiribati in February 2007, PILON changed its name from the Pacific Islands Law Officers' Meeting (PILOM), reflecting members' desire for emphasis to be placed on the information-sharing role of the organisation.

53 *Submission 69*, p. 27.

54 Pacific Islands Forum Secretariat, Thirty-fourth Pacific Islands Forum, Forum Communiqué, Item 24, p. 4, [http://www.forumsec.org/\\_resources/article/files/2003%20Communique.pdf](http://www.forumsec.org/_resources/article/files/2003%20Communique.pdf) (accessed 18 February 2008).

drafters in the region; and seeks to improve access to legal information.<sup>55</sup> The department informed the committee that its Pacific Section, funded as part of the PPDP, provides legislative and policy support to Pacific Islands Forum member countries in partnership with the AFP.<sup>56</sup>

3.45 The Pacific Judicial Development Program (PJDP), jointly funded by AusAID and NZAID since 2007, aims to increase the professionalism of judicial and court officers. For example, the Federal Court of Australia provides workshops and training, assists in the development of new policies and procedures and provides technical assistance.<sup>57</sup>

3.46 Judicial officers from Papua New Guinea and Solomon Islands have recently participated in orientation programs run by the National Judicial College of Australia through the PNG Law and Justice Sector Program and the RAMSI Law and Justice Program. The Attorney-General's Department hosts Pacific prosecutors during their short-term placements with the Commonwealth Director of Public Prosecutions (DPP).<sup>58</sup> In addition, the Law and Justice Sector Program in PNG aims to improve community access to justice through the building or restoration of infrastructure or improvement of 'legal and support services for victims of domestic violence and sexual assault'.<sup>59</sup>

3.47 The Australian Government Solicitor (AGS) has also been engaged in assistance programs in Samoa and Solomon Islands where its activities relate to Australian prison officers working in the Solomon Islands prison system.<sup>60</sup> AGS has agreed in principle to 'provide pro bono legal assistance' to Pacific island countries, including legal training, legislative drafting and potentially commercial law advice and training in legal advice writing.<sup>61</sup> AusAID, NZAID, EuAid and the University of

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55 *Committee Hansard*, 21 November 2008, p. 50. The Attorney-General's Department currently has 11 officials with agencies in Papua New Guinea, *Committee Hansard*, 21 November 2008, p. 63.

56 *Submission 40*, p. 8.

57 There are 15 participating Pacific Island countries that participate, including: Papua New Guinea, the Federated States of Micronesia, the Fiji Islands, Kiribati, the Marshall Islands, Tonga and Vanuatu.

58 *Submission 40*, pp. 6, 9.

59 *Submission 65*, p. 15.

60 Australian Government Solicitors, International Consultancies, <http://www.ags.gov.au/whatweoffer/recentprojects/international.htm> (accessed 25 September 2009).

61 Pacific Islands Law Officers' Network, Pacific Law and Justice News, [http://www.pilonsec.org/www/pilon/pilon.nsf/Page/Pacific\\_Law\\_and\\_Justice\\_News](http://www.pilonsec.org/www/pilon/pilon.nsf/Page/Pacific_Law_and_Justice_News) (accessed 25 September 2009).



the South Pacific have funded online portals, or online information networks such as Pacific Islands Governance Portal and Pacific Legal Information Institute (PacLII).<sup>62</sup>

### ***Mobile court initiative***

3.48 It is worth noting attempts made by other nations of the region to improve access to justice through a mobile court. In Timor-Leste, where the justice system faces similar challenges to that experienced in the Pacific, a 'mobile court' is being piloted. The aim of this initiative is to improve access to justice for people living in remote communities. In 'taking justice to the people', magistrates travel to remote locations and use local police stations to set up court room.<sup>63</sup> This process is similar to the mobile banking initiative trialled by ANZ Bank in the Pacific, as outlined in Volume I.<sup>64</sup>

### **Policy coherence**

3.49 In Volume I, the committee commended the many Australian agencies engaged in helping Pacific island countries improve their administrations and develop a more transparent and accountable public sector. These included agencies and departments such as ANAO, Commonwealth Ombudsman, APRA, Centre for Democratic Institutions, Treasury, Attorney-General's and Customs. It noted, however, that the work of all those engaged in promoting good governance in the region would benefit from having a framework that integrates their individual activities into a more coherent, unified effort. It fully endorsed the findings of the OECD peer review and AusAID's own findings that Australia's governance program would benefit from having a single strategic policy framework that would guide the activities of its many separate components.

3.50 Australia's contribution to policing and law and justice is a major sub set of Australia's assistance to improve governance in the region and also involves a number of agencies—AFP, Defence, Attorney-General's, and the Australian Government Solicitor. Thus, the committee's observation about the importance of having a coherent and well-integrated policy framework that links the diverse but interconnected activities engaged in governance applies with equal force to the security component of governance.

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62 Pacific Islands Governance Portal: <http://www.governance.usp.ac.fj/>; <http://www.paclii.org/> (accessed 27 October 2009).

63 UNDP, East Timor, 'Justice on Wheels: Timor-Leste's justice sector sends mobile court to hear case of sexual assault in Laclubar', <http://92.39.118.48/justice/index.php?mod=newsarchive&id=128> (accessed 14 October 2009).

64 See Volume I, paragraphs 15.45–15.50; 18.20.

***Committee view***

3.51 The committee notes that numerous government departments and agencies, individually and in cooperation with each other, provide capacity building assistance to strengthen the formal justice sector in the Pacific. The committee appreciates the objectives of these programs and acknowledges the need for them but, as it noted in Volume I, there is often room for consolidation and cooperation between departments—and countries for that matter. The committee considers that there is opportunity to ensure that justice sector programs do not overlap and are better coordinated and suggests that the Australian Government develop ways to achieve this objective.

3.52 In addition, the committee notes the comments made by academics and the AFP regarding the role of traditional justice systems. The committee acknowledges the complexities involved in reconciling the formal and informal justice systems. Based on the evidence taken for this inquiry, it would appear that any reform of criminal justice systems must take into account the role of the informal justice sector.

3.53 In its report on peacekeeping, the committee dealt extensively with the importance of developing a sound understanding of, and respect for, local custom and norms and taking account of the capacity, capability and willingness of communities to embrace change.<sup>65</sup> Thus, any Australian initiative to help improve justice sector governance must therefore recognise that law enforcement should be consistent with the socio-economic realities of Pacific island states and must give due recognition to traditional justice mechanisms. Because of the capacity constraints faced by Pacific island states, it is worth exploring ways that the two systems could complement each other. It is also critical that traditional justice systems are consistent with international human rights standards and that they afford adequate protection to women and children.

3.54 The committee considers the mobile court pilot a worthy initiative that could be trialled in Pacific islands to enhance access to justice. Such an initiative would also further educate citizens of the Pacific about the formal justice system.

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65 Senate Standing Committee on Foreign Affairs, Defence and Trade, *Australia's involvement in peacekeeping operations*, August 2008, paragraphs 16.25–16.32.

## Chapter 4

### Responding to law and order emergencies

4.1 In the previous chapter, the committee suggested that an efficient and well-resourced policing organisation is crucial for national stability and longer-term development. Moreover, that law enforcement agencies need to be supported by a robust law and justice sector. In this chapter, the committee considers instances when breakdowns in law and have been so severe that states have requested outside assistance to help restore peace. The chapter begins by examining how the Pacific community has come together to address such challenges before considering Australian initiatives to assist in response to regional crises. Thereafter, the committee examines the proposal for establishing a standing regional police force. The chapter does not address emergency responses to natural disasters as these are dealt with in detail in Chapter 8.

4.2 There have been numerous instances when Pacific island states have required outside assistance to manage recent breakdowns in law and order. The AFP provided an overview of major security and political events to which Australia has been requested to respond:

<b>1980–1989</b>	Vanuatu—Santo rebellion and major political instability
<b>1987</b>	Fiji—military coup
<b>1988–1997</b>	Bougainville—secessionist movement and violent conflict
<b>1998–2003</b>	Solomon Islands—conflict between ethnic groups
<b>2000</b>	Fiji—civilian coup
<b>2000</b>	Solomon Islands—coup
<b>2006</b>	Solomon Islands—election riots
<b>2006</b>	Tonga—pro-democracy movement march and subsequent riots
<b>2008</b>	Nauru—police station burnt down

4.3 The AFP submission added that Australia's experience 'suggests a trend towards increasing instability across the Pacific'.<sup>1</sup>

#### Rapid breakdown in law and order

4.4 A number of witnesses expressed concern about the pace with which countries of the Pacific have, on occasion, descended into a state of lawlessness. The Department of Defence noted that the rapid deterioration of law and order has challenged the ability of law enforcement agencies to maintain peace:

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<sup>1</sup> *Submission 62*, p. 8.

Recent history, such as ethnic conflicts in Tonga and Solomon Islands and the coup in Fiji, has shown how quickly small Pacific Island countries can be plunged into instability, with serious consequences for their security...<sup>2</sup>

4.5 The AFP identified several instances where law enforcement agencies and governments across the region have struggled to maintain control:

Within all Pacific island countries there are 'trigger points' that can quickly destabilise communities and lead to potentially disastrous outcomes through rioting and property damage. Recent examples include the 2006 riots in Solomon Islands and Tonga. Nauru and Vanuatu have had smaller scale situations whereby local groups have taken action that challenged the ability of law enforcement agencies and governments to maintain control, even if for a short period of time.<sup>3</sup>

4.6 Recalling the 2006 riots in Nuku'alofa, which resulted in 60 per cent of the central business area of the town being burnt down, Australia's High Commissioner to Tonga, Mr Bruce Hunt, explained how the Tongan police force was quickly overwhelmed by looters and rioters:

Crime and disorder in Tonga is low—it is not a real issue, with the exception of the riot. On the day of the riot, unfortunately, the looters and the rioters were just too many and overwhelmed the police. The police could not control the riot and the riot spread...immediately after the riot or in the course of the afternoon of the riot the Australian government was asked to deploy the ADF and the AFP to Tonga, and they arrived two days later...<sup>4</sup>

4.7 This took place in a society where, as the High Commissioner suggested, crime and disorder are low.

4.8 This evidence builds on the findings contained in Chapter 2 that various social tensions and root causes of conflict interact to quickly destabilise Pacific communities. It also builds on evidence outlined in Chapter 3 that Pacific law enforcement agencies are limited in their ability to respond to property damage, rioting and violence and that this provides an environment in which small scale social disturbance may develop into large scale breakdowns in law and order.

### **Regional efforts to manage crises**

4.9 DFAT suggested that the region had been successful in coming together to address regional security challenges:

The Pacific community has come together in times of crisis to address regional security problems, with considerable success. The regional peace monitoring operations in Bougainville and Solomon Islands, RAMSI,

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2 *Committee Hansard*, 21 November 2008, p. 86.

3 *Submission 62*, p. 6.

4 *Committee Hansard*, 25 September 2008, pp. 3, 11.

succeeded in restoring stability and law and order without the need for international peace-keepers.<sup>5</sup>

4.10 A range of regional security agreements have been reached: the Honiara Declaration on Law Enforcement Cooperation (1992), the Aitutaki Declaration on Regional Security Cooperation (1997) and the Nasonini Declaration (2002). The declaration which has most successfully provided the Pacific Islands Forum with a role to play in addressing breakdowns in law and order is the Biketawa Declaration (2000). There are several key features of the Biketawa security framework that make it significant: its commitment to upholding democratic processes and good governance; its recognition of indigenous rights and cultural values; and its method for addressing crises in the region. The Biketawa Declaration has been invoked twice since its promulgation: in Solomon Islands (RAMSI, since 2003) and in the Pacific Regional Assistance to Nauru (PRAN, since 2004).<sup>6</sup>

4.11 The Forum has identified RAMSI, which was mandated by the Biketawa Declaration, as an example of how the region can work collaboratively to improve regional security. In June 2009, the Secretary General, Mr Tuiloma Neroni Slade, praised RAMSI as an 'outstanding achievement' and a 'unique regional partnership'.<sup>7</sup> This position was endorsed in evidence provided to the committee by the Forum Secretariat:

...responding to some of the region's most deeply confronting challenges, the Regional Assistance Mission to the Solomon Islands, RAMSI, has been a true success story. This unique regional partnership, including contributions since mid-2003 from all forum members, has proved a very positive experience for the region, underscoring the clear benefits of adopting collective approaches to addressing security dilemmas. In the Solomon Islands the situation is very encouraging. We are looking forward

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5 *Committee Hansard*, 21 November 2008, p. 3.

6 For the full text of the Biketawa Declaration see: <http://www.forumsec.org/resources/article/files/Biketawa%20Declaration.pdf> (accessed 16 February 2007). The committee has previously recognised the importance of the Biketawa Declaration in its report into Australia's involvement in peacekeeping operations, Senate Standing Committee on Foreign Affairs, Defence and Trade, *Australia's involvement in peacekeeping operations*, August 2008, pp. 74–76. With respect of PRAN, funding and technical assistance for key high-level law enforcement and justice positions was made available. This has assisted Nauru develop a National Sustainable Development Strategy, *Committee Hansard*, 19 June 2009, p. 6. Election observer missions have also been undertaken under the Biketawa framework in: Bougainville (2005), Solomon Islands and Fiji (2006), Republic of Marshall Islands (2007) and Nauru (2008), Pacific Islands Forum Security Program, <http://www.forumsec.org.fj/pages.cfm/security/> (accessed 4 September 2009).

7 Secretary General Tuiloma Neroni Slade, Pre-Forum Session of the Forum Officials Committee, <http://www.forumsec.org.fj/pages.cfm/newsroom/press-statements/2009/ramsi-commended-success-as-regional-initiative.html> (accessed 1 September 2009).

to a greater relationship between RAMSI, the Solomon Islands and the rest of the forum island countries.<sup>8</sup>

4.12 Prior to the Biketawa Declaration, there had been the deployment of regional forces. For example, the coalition to assist in Bougainville in 1994 when the South Pacific Peacekeeping Force (SPPKF)—including New Zealand, Australia, Tonga, Fiji and Vanuatu—brokered a peace agreement between the PNG Government and the Bougainville Revolutionary Army.<sup>9</sup> This force was followed by the Peace Monitoring Group (PMG) and the establishment of a UN office (UNPOB) to facilitate the peace process. The PMG was a multi-national force from Australia, New Zealand, Vanuatu and Fiji. Of the total force of 300, about 260 were Australian, 240 being military personnel. It was charged with monitoring the truce and later with weapons disposal. The decision was taken to deploy this force without arms; as a degree of trust emerged, the force was reduced from 300 to 75.<sup>10</sup>

## Fiji

4.13 As noted in Chapter 2, Fiji has experienced a series of political and military coups (1987, 2000 and 2006) and a constitutional crisis (1977). Following the 2006 military coup, the constitution was abrogated, the independence of the judiciary compromised and free speech curtailed with critics of the government being detained, questioned and in some cases deported. These events remain of serious concern to the committee which believes it is essential that Fiji re-establish the rule of law, rebuild its democratic institutions and maintain freedom of speech.<sup>11</sup>

4.14 The 2006 coup has also had significant repercussions for region stability. Fiji is critical to the Pacific architecture, it is the home to a number of regional organisations and serves as a centre for a variety of regional activities. The fallout from the coup therefore extends well beyond Fiji, having profound consequences for the region.

4.15 The Australia Government has condemned the military's removal of Fiji's elected government and the more recent abrogation of Fiji's Constitution. Ministerial-level contact with the interim government has ceased, the Defence Cooperation

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8 *Committee Hansard*, 19 June 2009, p. 7.

9 See Peter Londey, *Other People's Wars: A History of Australian Peacekeeping*, Allen & Unwin, Crow's Nest, 2004, pp. 216–218.

10 See James Cotton, 'Peacebuilding in the Pacific: the Australian Military Experience', *Journal of Peace, Conflict and Development*, Issue 14, July 2009, pp. 7–8.

11 The fallout from the coup, combined with the international economic downturn and the effect of natural disasters, has had serious ramifications for the Fijian economy. The Lowy Institute for International Policy suggested: '[Fiji] is suffering from a triple whammy of an ongoing lack of business confidence following the 2006 coup, devastating floods in January this year and the impact of the global recession on its tourism sector and demand for its exports. Fiji has a population of over 850,000, and it is said that about 35 per cent of this population now lives in poverty', *Committee Hansard*, 24 March 2009, p. 4.

Program with Fiji has been suspended and Australia has imposed travel restrictions on members of the interim government and their families. However, contact between officials has continued to take place.<sup>12</sup> AusAID has shifted its assistance to programs that focus on 'supporting social development and social protection measures around the people of Fiji rather than activities which are more closely aligned with government'. On the other hand the Centre for Democratic Institutions has sought to maintain its support of 'those institutions of democracy that do exist in Fiji'.<sup>13</sup>

4.16 The international community has joined Australia in its condemnation of the interim government. Fiji was suspended from the Pacific Islands Forum in May 2009 and was suspended from the Commonwealth in September 2009. These suspensions follow calls from the United Nations Security Council for a prompt return to constitutional democracy in Fiji. To date, the efforts of the Australian Government and the international community have gained little traction with the interim government continuing to prove very difficult to deal with.

## **RAMSI**

4.17 On 25 June 2003, when announcing the Australian-led mission to Solomon Islands to Parliament, Prime Minister John Howard explained that Australia's commitment to RAMSI represented 'a very significant change in regional policy'.<sup>14</sup> Prompted by a prospect of 'state failure', the RAMSI deployment signalled a more proactive approach to the region and the point at which Australia's development assistance assumed a strong nation-building and security dimension.

4.18 Australia's official development assistance contribution to RAMSI, from the mission's commencement in 2003 until 2008, comprised expenditure by AusAID, the Australian Federal Police (AFP), the Department of Foreign Affairs and Trade (DFAT) and the Australian Customs Service (Customs).

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12 See DFAT, 'Republic of the Fiji Islands Country Brief', [http://www.dfat.gov.au/GEO/fiji/fiji\\_brief.html](http://www.dfat.gov.au/GEO/fiji/fiji_brief.html) (accessed 24 November 2009).

13 Dr Jane Lake, *Committee Hansard*, 19 June 2009, p. 44; Professor Ben Reilly, *Committee Hansard*, 19 June 2009, p. 32.

14 Prime Minister John Howard, Question without notice: Solomon Islands, *House Hansard*, 25 June 2003, p. 17483.

**Table 4.1: Australia's Official Development Assistance contribution to RAMSI<sup>15</sup>**

	2003–04	2004–05	2005–06	2006–07	2007–08
<b>AusAID</b>	52,812,788	64,893,007	69,359,079	69,787,020	67,631,583
<b>AFP</b>	46,727,250	75,264,000	108,772,351	125,489,405	119,125,585
<b>DFAT</b>	5,472,000	4,500,000	422,869	839,304	755,128
<b>Customs</b>	0	0	0	337,094	984,516
<b>Total</b>	105,012,038	144,657,007	178,554,299	196,452,823	188,496,812

4.19 In its report into Australia's involvement in peacekeeping operations, the committee suggested that while Australia had been required to assist manage breakdowns in law and order on a number of occasions in the Pacific, it had also been important for Australia to work in conjunction with its neighbours. It noted that the regional character of RAMSI had contributed greatly to its success. The mission allowed Australia to limit its 'footprint' in the region while simultaneously helping to build capacity through encouraging indigenous and regional solutions to law and order challenges. This experience demonstrated the importance and advantages of Australia joining in partnership with other states for any future assistance mission. When the committee took evidence for its inquiry into Australia's involvement in peacekeeping operations, Dr Bob Breen, ANU, suggested:

In the past 15 years, after receiving short-notice invitations, Australians have intervened eight times with regional neighbours to help other neighbours to keep or enforce peace. What have we learned? Policy: Australia is and will continue to be the lead peacekeeper and peace enforcer in the South Pacific. We should encourage regional self-help. We should always include neighbourhood partners in our good neighbour operations. Peacekeeping operations are tools for emergency response and stabilisation as well as good offices for peace processes, but intervening forces should not become garrisons. Good [officers] should be patient but not permanent.<sup>16</sup>

4.20 During that inquiry, the committee noted that the AFP had implemented a number of initiatives that would provide the building blocks for future cooperative relations with likely peacekeeping partners, particularly from the region. It cited secondments and exchange and training programs designed to build relationships with Pacific counterparts. The committee supported this active engagement in AFP visitor and exchange programs and other activities that assisted in developing the capacity of

<sup>15</sup> AusAID, answer to questions taken on notice 4, *Additional Estimates 2009*. The total figure for 2008–09 is around \$185 million, AusAID, *Annual Report 2008–09*, p. 47. The Solomon Islands dependence on RAMSI mirrors the country's broader reliance on aid. Official Development Assistance as a percentage of Gross Domestic Product in Solomon Islands was 63 per cent in 2007. This compares with five per cent for PNG. It was only exceeded by Nauru and Niue, AusAID, 'Tracking development and governance in the Pacific', August 2009, p. 41.

<sup>16</sup> *Committee Hansard*, 5 September 2007, p. 43.



countries in the region and that also lay the foundations for the successful integration of any future peacekeeping operation.<sup>17</sup>

4.21 Another important message from RAMSI is that it is easier to restore law and order and provide a temporary security response to civil conflict, in the short term, than to confront the systemic social and economic problems or root causes of disputes. This reinforces the findings in chapters 2 and 3 of this report about improving levels of human security, addressing the root causes of conflict and building the capacity of police organisations to deal with social disturbance, riots, property damage and violence. The committee recalls pertinent comments made by Dr Bob Breen, cited in Chapter 2:

Sustained higher level intervention is futile unless there is enduring and effective improvement at the community level. Secure and confident communities are the foundations for democratic governance and economic progress. Communities cannot be built or rebuilt unless there is a shared sense of security and optimism.<sup>18</sup>

4.22 A third lesson learned from the experience of RAMSI (along with the Australian-led peace enforcement mission in Timor-Leste and the Bali bombings of October 2002) was the need for Australia to provide a coordinated multi-agency, military, policing and civilian response to crises in the region. This need was outlined in the committee's report into peacekeeping and has been acknowledged in the recently-published Defence White Paper, *Defending Australia in the Asia Pacific Century: Force 2030*. Since 2008, the government has been committed to building an integrated response capability through the establishment of the Asia Pacific Civil–Military Centre for Excellence. The Centre for Excellence is designed to better coordinate Australia's response to development, stabilisation, security or peacebuilding initiatives.

4.23 Finally, Australia's experiences in Timor-Leste and Solomon Islands demonstrated the need for the AFP to develop a capability to respond to serious breakdowns in law and order. The committee noted in its report on peacekeeping that the government was lifting the IDG's capability by establishing a 150-strong Operational Response Group (ORG). This initiative was to allow the IDG to have a group in 'a constant state of readiness for emergency responses to law and order issues and stabilisation operations'. At that time, the AFP informed the committee that the ORG had 'highly-skilled capability in crowd control and riot management with rapid deployment capability, as well as...the infrastructure to support our offshore missions'. The AFP and the ORG were of the view that they had learnt a great deal and were then at the 'cutting edge' with training initiatives.<sup>19</sup>

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17 Senate Standing Committee on Foreign Affairs, Defence and Trade, *Australia's involvement in peacekeeping operations*, August 2008, paragraphs 18.37–18.41.

18 *Submission 52*, 'Australia and the South Pacific: Rising to the challenge', p. 52.

19 Senate Standing Committee on Foreign Affairs, Defence and Trade, *Australia's involvement in peacekeeping operations*, August 2008, paragraphs 10.13–10.16.



An AFP member and police officer from Papua New Guinea working alongside police in Solomon Islands (image courtesy AFP).

## The Australian Defence Force's role

4.24 The ADF has also had a significant role in helping to restore law and order, when asked by Pacific island countries for such assistance. The Defence White Paper, *Defending Australia in the Asia Pacific Century: Force 2030* states:

After ensuring the defence of Australia from direct attack, the second priority task for the ADF is to contribute to stability and security in the South Pacific and East Timor. This involves conducting military operations, in coalition with others as required, including in relation to protecting our nationals, providing disaster relief and humanitarian assistance, and on occasion by way of stabilisation interventions as occurred in East Timor in 1999 and 2006, and in Solomon Islands in 2003.

Australia will continue to have particular responsibilities to assist our neighbours in dealing with humanitarian and disaster relief needs, and to support their stability and security. Given our size and resources, Australia will be expected to take a leadership role within the South Pacific if these states are overwhelmed by a natural or man-made crisis.<sup>20</sup>

4.25 Again, Defence's contribution was discussed in detail in the committee's report on peacekeeping such as joint training activities in Australia and overseas,

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20 Australian Government, Department of Defence, *Defending Australia in the Asia Pacific Century: Force 2030*, p. 54.

including multilateral exercises in the South Pacific. At that time, the ADF indicated that it intended its preparation for peacekeeping operations to take a 'more prominent place' in its training programs.<sup>21</sup> The committee endorsed, and continues to support, this development.

### *Asia Pacific Civil–Military Centre for Excellence*

4.26 As noted above, the Asia Pacific Civil–Military Centre of Excellence, which was opened on 27 November 2008, is a recent major initiative. Managed by the Department of Defence, the centre seeks to improve the effectiveness of Australian civilian and military collaboration to prevent, mitigate and respond to crises in the Asia–Pacific region. It is intended to meet the need, identified in the Defence White Paper, for integration between defence and civilian agencies.<sup>22</sup>

4.27 Identifying the Centre for Excellence as a whole-of-government initiative, Air Commodore Anthony Jones informed the committee that the centre supports Australian government departments and agencies and the United Nations and works with a range of bilateral, regional and international partners and non-government organisations. He suggested that the current responsibilities and priorities for the centre include: developing a conceptual framework for civil–military collaboration in conflict and disaster management overseas; work which aims to support a cohesive and coordinated approach across government to disaster and conflict assessment, preparedness, response and evaluation activities; carrying out research, capturing lessons learned, developing doctrine and facilitating civil–military training programs; developing cooperative relationships with key Australian, regional and international organisations.<sup>23</sup>

4.28 The centre's principal areas of focus are conflict prevention, disaster management, humanitarian assistance and reconstruction; governance and the rule of law; peace and stabilisation operations. The centre's budget for the 2008–09 fiscal year was \$2.2 million, and the annual budget for 2009–10 and 2010–11 is estimated at \$4.6 million.<sup>24</sup>

4.29 Since its establishment, the centre has received a range of visits from partner governments in the region, including delegations from PNG and Tonga. It is currently assessing a number of relevant training programs which would include participants from the Pacific. The centre was also represented at the 'Security Sector Governance

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21 Senate Standing Committee on Foreign Affairs, Defence and Trade, *Australia's involvement in peacekeeping operations*, August 2008, paragraph 9.42.

22 Australian Government, Department of Defence, *Defending Australia in the Asia Pacific Century: Force 2030*, pages 54, 23. Another important role for the Centre of Excellence is to enhance Defence interoperability and coordination with the Australian Federal Police.

23 *Committee Hansard*, 19 June 2009, p. 17. This is also outlined in the Centre's Strategic Plan 2009–2011 [http://www.civmilcoe.gov.au/uploads/files/Strategic\\_Plan\\_2009\\_V2.pdf](http://www.civmilcoe.gov.au/uploads/files/Strategic_Plan_2009_V2.pdf) (accessed 27 October 2009).

24 *Committee Hansard*, 19 June 2009, p. 17.

in the Pacific Region' conference in Tonga in April 2009. Air Commodore Jones explained that the centre is scoping potential research activities that explore 'the synergies between Australia's defence, policing and international development cooperation programs in the region; and also, the approaches to relevant capacity building programs in the Pacific'. The centre is currently working with relevant government agencies on civil and military training modules and with the University of Sydney on developing a pilot course.<sup>25</sup>

4.30 The centre's organisational structure provides for approximately 20 personnel, including staff from the Department of Defence (five civilian staff, a military affairs adviser and four ADF reservists), while DFAT, AusAID, the AFP and the Attorney-General's Department each provide two secondees.<sup>26</sup> On 30 September 2009, the Minister for Defence, Senator John Faulkner, announced that Dr Jim Rolfe, currently a principal adviser in New Zealand's Ministry of Defence, will take up the position of the deputy director from November 2009.<sup>27</sup> The committee continues its discussion of the Centre of Excellence in Chapter 8 when it examines disaster relief capacity.

### **Building regional policing capacity**

4.31 Ms Jenny Hayward-Jones and Mr Fergus Hanson, from the Lowy Institute for International Policy, suggested that the success of RAMSI in re-establishing law and order in Solomon Islands 'demonstrated the validity of a multi-country approach to policing in the Pacific':

The RAMSI Participating Police Force model could be adapted to create a standing regional police and para-military force that could be deployed to respond to individual security challenges or provide support to national police forces in times of need. Members of the force could be given access to training facilities in Australia and New Zealand. While the maintenance of a standing police/para-military force would be costly for Australia and New Zealand, it should be seen as an investment in the future stability of the region.<sup>28</sup>

4.32 This is not the first time that the possibility of a regional police force has been advanced. At the Pacific Islands Forum in 2003, then Prime Minister John Howard proposed the formation of a rapid reaction standing regional police force for the Pacific. Leaders at the 2003 meeting agreed in principle to support the Pacific Regional Policing Initiative (PRPI). Given the history of breakdowns in law and order within Pacific island states, it was agreed that there was good reason for establishing a

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25 *Committee Hansard*, 19 June 2009, pp. 18, 19.

26 *Committee Hansard*, 19 June 2009, p. 17.

27 John Faulkner, Minister for Defence, and Dr Wayne Mapp, New Zealand Minister for Defence, 'Australian and New Zealand Defence Ministers Meet in Sydney to Discuss Joint ANZAC Capabilities', Media release, 032/2009, 30 September 2009, [www.minister.defence.gov.au/2009/ACFE30.doc](http://www.minister.defence.gov.au/2009/ACFE30.doc) (accessed 27 October 2009).

28 *Submission 14*, p. 8.

readily deployable region police force and that a 'pooling of scarce regional resources [would] strengthen national capabilities'.<sup>29</sup> In February 2004, Foreign Minister Alexander Downer announced the implementation of the PRPI, over five years, with funding of \$17 million which included a contribution of NZ\$2.5 million from the New Zealand Government.<sup>30</sup> The initiative was supported by the Pacific Plan.<sup>31</sup> The PRPI extended to all Forum island countries and had six core components: strategic policing, executive development, technical skills, training capacity, forensic technical skills, and program management.<sup>32</sup>

4.33 It would appear that the original intention of the PRPI to form a rapid reaction standing regional police force was replaced by an initiative focusing on training and building national capacity. This is reinforced by statements in the AusAID Regional Aid Strategy 2004–2009:

In an effort to build the capacity of national police forces on a regional basis, Australia and New Zealand are undertaking a Pacific Regional Policing Initiative (PRPI)...The PRPI will focus on improving basic policing and technical skills such as forensics. An important component of the PRPI will be the development of an ethos of police professionalism through a regional Executive Development Program...the new Pacific Regional Policing Initiative is providing a comprehensive 'critical mass' approach to police training across the region and a flexible mechanism to provide targeted support to national police agencies.<sup>33</sup>

4.34 The PRPI ceased with effect on 31 December 2008. In January 2009, the PRPI was replaced by the PPDP and continues to place an emphasis on building policing capacity in the region (see paragraph 3.20).

4.35 While there are obvious benefits in police officers from the region engaging in joint training, education and development, the committee understands that one of the major obstacles to establishing a standing police force is the capacity of Pacific Island countries to contribute. In Volume I, the committee found that ill-equipped, poorly resourced and under-trained bureaucracies throughout the region struggle to deliver

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29 Thirty-fourth Pacific Islands Forum, *Forum Communiqué*, Item 55, p. 9, [http://www.forumsec.org/\\_resources/article/files/2003%20Communique.pdf](http://www.forumsec.org/_resources/article/files/2003%20Communique.pdf) (accessed 18 February 2008); The Pacific Plan: For Strengthening Regional Cooperation and Integration, p. 7, [http://www.forumsec.org/UserFiles/File/Pacific\\_Plan\\_Nov\\_2007\\_version.pdf](http://www.forumsec.org/UserFiles/File/Pacific_Plan_Nov_2007_version.pdf) (accessed 13 July 2009).

30 Alexander Downer, 'Strengthening the Pacific's Crime Fighting Capabilities', Media release 17 February 2004, [http://www.ausaid.gov.au/media/release.cfm?BC=Media&Id=2925\\_2989\\_8265\\_171\\_3189](http://www.ausaid.gov.au/media/release.cfm?BC=Media&Id=2925_2989_8265_171_3189) (accessed 31 August 2009).

31 In 2005, the Forum noted 'the progress of the Pacific Regional Policing Initiative', Thirty-sixth Pacific Islands Forum, *Forum Communiqué*, Item 14, p. 3, [http://www.forumsec.org.fj/\\_resources/article/files/2005%20Forum%20Communique,%20Madang%20-%20Final%2016%20Nov%202005.pdf](http://www.forumsec.org.fj/_resources/article/files/2005%20Forum%20Communique,%20Madang%20-%20Final%2016%20Nov%202005.pdf) (accessed 23 February 2008).

32 Pacific Regional Policing Initiative, <http://www.pacific-rpi.com/> (accessed 14 October 2009).

33 AusAID, *Regional Aid Strategy 2004–2009*, pp. 17, 20.



essential services. When it comes to policing and the justice system, the committee identified the same capacity constraints.

4.36 Thus, the committee fully supports the numerous Australian programs designed to tackle these fundamental weaknesses. It also endorses the approach taken by the AFP in engaging Pacific islander police in their training programs. The committee believes that the work being undertaken by the AFP lays the foundations for future cooperative relationships: that in a very practical way the AFP is helping to build a network among police throughout region and preparing them to work together should the need arise for a regional police force.

4.37 The Australian-led RAMSI mission to Solomon Island, which had a solid legal foundation, demonstrates the value in joint action by regional police. It was mandated by the Pacific Islands Forum and the Biketawa Declaration; it had, and continues to have, a regional character, and was formed in a response to a request from the Solomon Islands Prime Minister Sir Allan Kemakeza. It was also supported by complementary legal instruments, notably the *International Assistance Act 2003*, legislation which authorises the presence of external personnel and is reapplied annually. The deployment was and continues to be recognised by the United Nations.<sup>34</sup>

### ***Committee view***

4.38 The committee has previously acknowledged the benefits of police officers from the region engaging in joint training, education and pre-development exercises.<sup>35</sup> Further, in the previous chapter, the committee acknowledged the excellent work done by the AFP in this regard and noted how the IDG has been used to provide joint education, training and support to police officers from the Pacific prior to development to RAMSI.

4.39 Here, the committee reiterates just how important this initiative has been. It has improved interoperability between forces, built the capacity of officers from the Pacific, and made significant contributions to relationship-building between policing organisations of the region. The committee is mindful that this interoperability, along with the goodwill, trust and mutual understanding that has been created, be harnessed and developed into the future.

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34 For a fuller explanation of the legal basis for the RAMSI deployment see Senate Standing Committee on Foreign Affairs, Defence and Trade, *Australia's involvement in peacekeeping operations*, August 2008, pp. 74–76.

35 See, for example, the committee's report into *Australia's involvement in peacekeeping operations*, August 2008, Chapter 18, Effective partnerships, paragraph 18.39.

## **Recommendation 2**

**4.40** The committee recommends that the joint training, education and pre-development exercises that are currently used to prepare officers for RAMSI become permanently incorporated into the AFP's Pacific Police Development Program.





# Chapter 5

## Transnational crime

5.1 To date, the committee has examined the security challenges that originate from within Pacific island states. It has suggested that poorly resourced policing organisations and overstretched justice systems create difficulties for the Pacific island countries in managing law and order, containing civil disorders and prosecuting and deterring criminal activity. It has also noted that on occasion indigenous policing organisations have been unable to manage breakdowns in law and order, with some states requiring the support of regional partners to help restore peace. In this chapter, the committee turns its attention to the nature and extent of illegal activities that originate outside Pacific island states, giving specific attention to those forms of transnational criminal activity that represent the most significant threat: unauthorised fishing; smuggling and the transshipment of illegal goods; money laundering; and terrorism.<sup>1</sup>

5.2 Transnational crime generally refers to any crime that crosses international borders or moves from one jurisdiction into another. Weak policing and poor security sector governance, as explored in chapters 3 and 4, have made Pacific island states vulnerable to the activities of transnational criminal groups. It is axiomatic that such groups target areas of least resistance. As Mr Neil Jensen, CEO, Australian Transaction Reports and Analysis Centre observed, transnational criminal syndicates 'will look for any chink in the armour anywhere along the way'.<sup>2</sup>

5.3 The Pacific Islands Forum identified the threat of transnational crime when adopting the Honiara Declaration on Law Enforcement Cooperation in 1992. Forum leaders set out the rationale for the declaration in its opening paragraphs:

The threats to the stability of the region are complex and sophisticated, and the potential impact of transnational crime is a matter of increasing concern to regional states and enforcement agencies. The Forum agreed that there is a need for a more comprehensive, integrated and collaborative approach to counter these threats.<sup>3</sup>

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1 See Department of Defence, *Submission 18*, p. 1; Australian Federal Police, *Submission 62*, pp. 2–3, 6; DFAT, *Submission 68*, pp. 15–16; Pacific Island Forum Secretariat, *Submission 69*, pp. 23–24; Attorney-General's Department, *Submission 40*, p. 3; Austrac, *Submission 45*, p. 4. Illegal immigration, the movement of undeclared currency across borders and identity crime have also been identified as matters of continuing concern by the Secretary General of the Pacific Islands Forum, Tuiloma Neroni Slade, Forum Regional Security Committee Meeting, 4–5 June 2009, <http://www.forumsec.org.fj/pages.cfm/newsroom/speeches/2009-1/sg-tuiloma-neroni-slade-frsc-meeting-opening-address.html> (accessed 23 September 2009).

2 *Committee Hansard*, 21 November 2009, p. 48.

3 Annex to the Forum Communiqué, 23<sup>rd</sup> South Pacific Forum, Honiara, Solomon Islands, 8–9 July 1992.

5.4 The Declaration sought to promote and develop methods of cooperation, specifically legal sector cooperation, to deal with transnational crime. In the wake of September 11, the Forum decided to re-endorse the Honiara Declaration through the Nasonini Declaration on Regional Security (2002).<sup>4</sup> In this Declaration, Forum leaders recalled their commitment to act collectively in response to regional security challenges.<sup>5</sup>

5.5 More recently, in an article which appears on the World Legal Information Institute database, Ms Ciara Henshaw suggested that the threat of transnational crime has steadily increased in the Pacific island countries over the last 25 years:

The Pacific is known as a major production and distribution hub for illicit drugs and has been chosen as a base by many transnational crime groups, including terrorist organisations. There is strong evidence of extensive money laundering within the region, corruption is manifest, small arms have proliferated, the region is being used as a transit zone for both human trafficking and people smuggling, and identity document fraud compounds the problem. However, the transnational criminal activity that has manifested itself in the region has largely been directed at supplying markets elsewhere and has been planned and financed from elsewhere.<sup>6</sup>

5.6 In his opening address to the Forum Regional Security Committee Meeting in June 2009, Secretary General Tuiloma Neroni Slade, provided a status report on the current threat of transnational crime to the region. In referring to the 2009 Pacific Transnational Crime Assessment, which was developed in cooperation with specialist regional law enforcement agencies, he suggested that transnational criminal activity is of growing concern:

It is clear from the variety of investigations undertaken in the last year that the region continues to be targeted by individuals and groups attempting to undertake a range of transnational criminal activity. These include the illicit movement of drugs, weapons and people. We are even beginning to witness

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4 Pacific Islands Forum Security Program, <http://www.forumsec.org.fj/pages.cfm/security/> (accessed 4 September 2009).

5 Pacific Islands Forum Security Program, <http://www.forumsec.org.fj/pages.cfm/security/> (accessed 4 September 2009). Questions have been asked about the usefulness and the implementation of these security declarations. Susan Windybank has been critical of the 'alphabet soup' of regional security initiatives and agencies that have emerged to counteract terrorism and money laundering, *The Illegal Pacific, Part 1: Organised Crime*, [http://www.cis.org.au/policy/winter08/windybank\\_winter08.html](http://www.cis.org.au/policy/winter08/windybank_winter08.html) (accessed 16 October 2009). Ciara Henshaw has also questioned the implementation of the declarations: 'Although technical assistance has been given particularly in the drawing up and adaptation of model legislation to local conditions, Pacific Island countries face a general problem of law reform', 'Strengthening the rule of Law in the Pacific through international crime cooperation' (2007), International and Humanitarian Law Resources, <http://www.worldlii.org/int/journals/IHLRes/2007/3.html> (accessed 24 September).

6 Ciara Henshaw, 'Strengthening the rule of Law in the Pacific through international crime cooperation' (2007), International and Humanitarian Law Resources, <http://www.worldlii.org/int/journals/IHLRes/2007/3.html> (accessed 24 September).

the incidence of new organised crime groups entities attempting to exploit vulnerabilities in our banking and financial sectors.<sup>7</sup>

5.7 These concerns have been raised within the Pacific Island Forum's Security Program which considers increased transnational criminal activity as a symptom of globalisation. The program suggests that improved communications and information technologies; greater mobility of people, goods and services; and the emergence of the globalised economy all contribute to increased transnational criminal activity.<sup>8</sup>

5.8 Recently, concern has also been raised that the region faces increased transnational criminal activity as a result of the global financial crisis particularly in the areas of commercial fraud: evasion of duty on imported goods and the movement of counterfeit products.<sup>9</sup>

### Unauthorised fishing

5.9 The vastness of the maritime waters of the Pacific makes enforcement, regulation and the management of international boundaries extremely complex for Pacific island states, and many struggle to regulate the movement of licensed and unlicensed foreign fishing vessels through their Exclusive Economic Zones (EEZs). When appearing before the committee, the Pacific Islands Forum Secretariat identified the Pacific's fisheries security challenge in the following way:

Given that fisheries are one of the clear and most stable resources that the region possesses and given the potential to use those resources for the future of the children of the region, it is basically a very important security challenge. The need to protect the resources, the need to surveil our waters and the need to provide effective approaches to ensure that we have good security in the region are all basically underpinning quite concerted efforts

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7 Opening address to the Forum Regional Security Committee Meeting, <http://www.forumsec.org.fj/pages.cfm/newsroom/speeches/2009-1/sg-tuiloma-neroni-slade-frsc-meeting-opening-address.html> (accessed 14 September 2009).

8 Pacific Islands Forum Security Program, <http://www.forumsec.org.fj/pages.cfm/security/> (accessed 4 September 2009).

9 Secretary General Tuiloma Neroni Slade, Forum Regional Security Committee Meeting, 4–5 June 2009, <http://www.forumsec.org.fj/pages.cfm/newsroom/speeches/2009-1/sg-tuiloma-neroni-slade-frsc-meeting-opening-address.html> (accessed 23 September 2009). Research has suggested that corruption increases in line with a country's engagement with international economy, and thus, corrupt capital is an international security issue in a double sense: '...the sources are from outside the Pacific, and the corruption itself is mobile, being able to shift from state to state according to need or opportunity. The remedy therefore needs also to be international'. I. C. Campbell, 'Tongan Development and Pacific island security issues', in Jim Rolfe (ed.), *The Asia Pacific: a Region in Transition*, Asia-Pacific Centre for Security Studies, 2004, p. 352, <http://www.apcss.org/Publications/Edited%20Volumes/RegionalFinal%20chapters/Chapter20Campbell.pdf> (accessed 14 October 2009).

to cooperate across the region, both on surveillance and on fisheries management issues...<sup>10</sup>

5.10 In a recent report by the Australian Strategic Policy Institute, Dr Sam Bateman and Dr Anthony Bergin suggest that with declining fish stocks, 'illegal fishing is the main transnational crime at sea in the region' and that 'fisheries protection and law enforcement have become major tasks for maritime security forces'.<sup>11</sup> In its submission, DFAT contended that the landed value of fish taken from the region is vastly under-reported, with poaching estimated at 40 per cent.<sup>12</sup>

5.11 As suggested above, the vastness of the maritime boundaries presents significant challenges for Pacific island states. Typically, the EEZs are 200 nautical miles.<sup>13</sup> The combined EEZs of Pacific island states cover approximately 30,569,000 km<sup>2</sup>.<sup>14</sup>

**Figure 5.1. Pacific Island countries' land and EEZs<sup>15</sup>**

Country	Land area (sq km)	Size of EEZ (sq km)	Approx. ratio (land/EEZ)
Cook Islands	240	1,989,000	1:8,300
Federated States of Micronesia	701	2,900,000	1:4,150
Fiji	18,272	1,338,000	1:73
Kiribati	684	3,540,000	1:5,175
Marshall Islands	181	2,131,000	1:11,735
Nauru	21	320,000	1:15,238
Niue	258	390,000	1:1,512
Palau	508	629,000	1:1,238
PNG	162,243	3,120,000	1:19
Samoa	2,935	131,000	1:45
Solomon Islands	28,530	1,340,000	1:47
Tonga	699	720,000	1:1,030
Tuvalu	26	725,000	1:27,885
Vanuatu	11,880	680,000	1:57

10 *Committee Hansard*, 19 June 2009, p. 8.

11 Australian Strategic Policy Institute, 'Australia and the South Pacific: Rising to the challenge' Special Report, issue 12, March 2008, p. 57.

12 *Submission 68*, pp. 10, 15.

13 However, due to the proximity or adjacency of many states, zones may be significantly smaller. *Committee Hansard*, 20 November 2008, p. 60.

14 Martin Tsamenyi, 'Plundering the Pacific', *World Conservation*, May 2008, p. 3.

15 Australian Strategic Policy Institute, 'Australia and the South Pacific: Rising to the challenge' Special Report, issue 12, March 2008, p. 56.

5.12 By contrast, the collective land mass of Pacific island states totals 552,789 km<sup>2</sup> (with 84% of this landmass belonging to PNG).<sup>16</sup> Kiribati, for example:

...consists of 33 atolls with a total land area of about 800 sq km. The atolls exist in three separate groups—the Gilberts, Line and Phoenix. Each group has a separate Exclusive Economic Zone, with the total EEZ for Kiribati being around 3.5 million sq km.<sup>17</sup>

5.13 The map prepared for the committee by Geoscience Australia of the region's EEZs (below) illustrates the enormity of the challenge. It highlights just how difficult it is for archipelago states like Vanuatu, or island states that are even more disparate or scattered such as Kiribati, Tuvalu and the Cook Islands, to detect illegal activity in their EEZs.

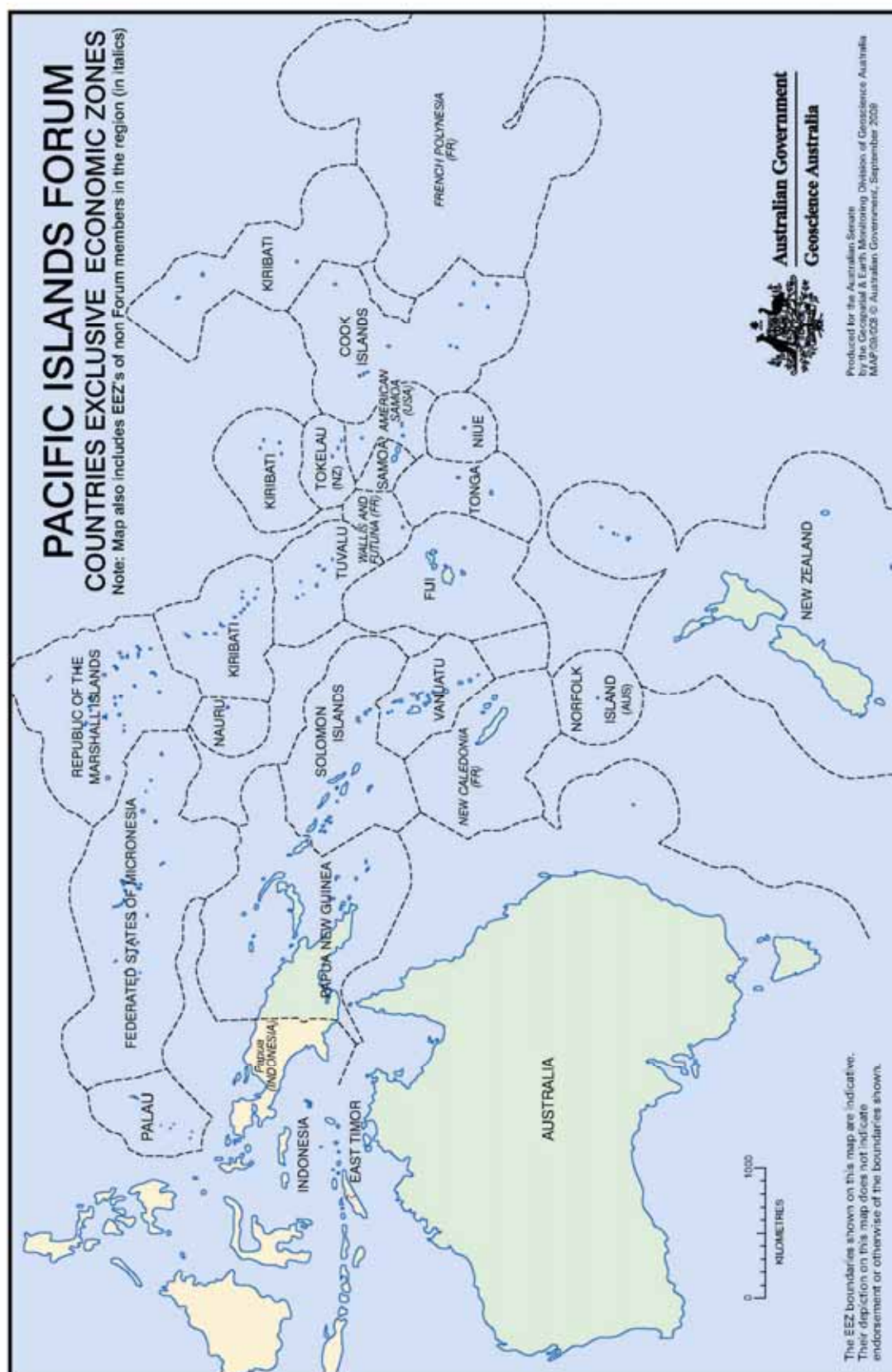
5.14 There are primarily two forms of fishing activity that take place in the Pacific: domestic fishing and fishing conducted by distant-water fishing nations. The majority of the fishing by distant-water nations is undertaken by countries including: China, Taiwan, Japan, Korea, the US and EC countries, in particular Spain.<sup>18</sup> Access agreements for the fleets of distant-water fishing nations are provided through licensing arrangements, and vessels must be registered with the Pacific Islands Foreign Fisheries Agency (FAA). However, despite these licensing agreements, much illegal fishing across the Pacific goes undetected. Illegal fishing activity takes several forms: foreign vessels that overfish their quotas; overstay their prescribed time in the EEZs; and have no entitlement to fish in the EEZs of Pacific states. Illegal fishing operators, however, are not the only ones to use the vast areas of sea to their advantage.

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16 Martin Tsamenyi, 'Plundering the Pacific', *World Conservation*, May 2008, p. 3.

17 Republic of Kiribati's National Adaptation Program of Action (NAPA), <http://unfccc.int/resource/docs/napa/kir01.pdf>, p. 3 (accessed 16 February 2008).

18 *Committee Hansard*, 20 November 2008, p. 59.





## Smuggling and transshipment of illegal goods

5.15 The submission from the Attorney-General's Department and the Australian Customs and Border Protection Service (ACBPS, formerly Australian Customs Service), claimed that the manufacture, trafficking and consumption of illicit drugs are significant security challenges for PNG and Pacific island countries. It noted that Pacific island states are being used as a transshipment point for the flow of various illicit drugs by sea and air between suppliers in Central and South America and South East Asia and distributors in Australia, New Zealand and North America. As an example it suggested:

In 2004, Fijian authorities raided the largest methamphetamine laboratory ever discovered in the Southern Hemisphere near Suva. The then Fijian Police Commissioner indicated that the lab was linked to an Asian crime syndicate that was using Fiji as a staging ground for its illegal activities. The laboratory had a large capacity to manufacture crystal methamphetamine aimed at supplying regional markets, including Australia.<sup>19</sup>

5.16 The ACBPS identified Fiji, Vanuatu, Tonga and PNG as states that have been used as transshipment points for large drug consignments. In an attempt to illustrate the extent of this activity, they identified a number of recent seizures across the Pacific:

- 375kgs of heroin destined for Australia was seized in Fiji in 2000;
- 74kgs of methamphetamine was found on a ship in Singapore headed for Fiji and Australia in 2002;
- 160kgs of heroin was shipped from Myanmar to Vanuatu, presumed to be on route to Australia, in 2001;
- 120kgs of cocaine was found buried at a beach in Vanuatu in 2004;
- 98kgs of cocaine believed to be bound for Australia was seized in Tonga in 2001; and
- International Narcotics Control Board thwarted an attempt to import 12 tonnes of ephedrine and pseudoephedrine into PNG in 2002.<sup>20</sup>

5.17 However, the ACBPS surmised that, although the transshipment of illicit drugs is known to occur, the precise levels of trafficking are unclear.

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19 *Submission 40*, p. 4.

20 Australian Customs Service, answer to questions taken on notice 3, 21 November 2008. In January 2009, Samoan newspapers reported that the Commissioner of Police, Papali'i Lorenese Neru, was given a 'severe censure' for his involvement in the handling of guns imported from American Samoa, which arrived in Samoa without proper documentation. Alan Ah Mu, 'Top cop receives "severe censure"', *Samoa Observer*, [http://www.samoaoobserver.ws/index.php?option=com\\_content&task=view&id=3865&Itemid=62](http://www.samoaoobserver.ws/index.php?option=com_content&task=view&id=3865&Itemid=62) (accessed 18 February 2009).

5.18 Because of its proximity to Australia, PNG represents the greatest security threat as a transshipment point for illegal goods entering Australia. ACBPS informed the committee that although PNG does not feature as a source country, or transshipment point, they have concerns about the capacity of border control and law enforcement agencies in PNG to effectively deal with such threats, stating:

Although there are few confirmed cases of large scale trafficking in illicit goods, potential remains for cross-border criminal activity. The nature of PNG's borders makes them difficult to patrol and secure. When this is combined with limited border enforcement capability and close proximity to Australia, these factors contribute to an ongoing potential threat.<sup>21</sup>

5.19 As is the case with the transshipment of illicit drugs, although the transshipment of weapons is believed to occur, the precise levels of trafficking are unknown. ACBPS explained:

Anecdotal information has surfaced periodically regarding a 'guns for drugs' trade through the Torres Strait but no evidence has been uncovered of significant operations of this nature.<sup>22</sup>

5.20 The Pacific Islands Forum Secretariat suggested, however, that in the past, there have been more problems with the storage and control of gun stocks, as outlined in Chapter 2, than with arms trafficking.<sup>23</sup>

### ***Money laundering***

5.21 Typically, money laundering is the act through which illicit funds are made to appear legitimate. However, money laundering may also refer to the conversion or transfer of property, with an asset value, for the purpose of concealing or disguising the illicit origin of money. The committee received evidence which identified trade-based laundering:

Trade based money laundering is the process of disguising the proceeds of crime, and moving value through the use of trade transactions in an attempt to legitimise its illicit origins. In practice this can be achieved through the misrepresentation of the price, quantity or quality of imports or exports. For example, if organised crime is involved in illegal logging, funds generated through, for instance, people trafficking could enter the financial system through a seemingly legitimate logging transaction, where the value of the logs is overestimated in an invoice.<sup>24</sup>

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21 Australian Customs Service, answer to question taken on notice 2, 21 November 2008.

22 Australian Customs Service, answer to question taken on notice 3, 21 November 2008.

23 *Submission 69*, p. 25.

24 DAFF, answer to question taken on notice 4, 20 November 2008. Also see, Pacific Island Forum Secretariat, *Submission 69*, p. 23; DAFF, *Committee Hansard*, 20 November 2008, p. 68.



5.22 Money laundering, trade and non-trade based, can weaken states financial stability and engender political instability and has been identified as critical aspects of the Pacific's security agenda.<sup>25</sup>

5.23 In 2000, the Financial Action Task Force (FATF)<sup>26</sup> listed Nauru, Cook Islands, Republic of Marshall Islands and Niue as 'non-cooperative countries and territories' due to the prevalence of offshore banks and financial centres that were operating within these countries under secrecy provisions.<sup>27</sup> Nauru, in particular, has a poor reputation for accountability when it comes to money laundering and offshore banking. The Australian Transaction Reports and Analysis Centre (AUSTRAC) explained:

Back in 2000 when they were blacklisted Nauru had a number of, essentially, offshore banks which did not conduct any customer due diligence, did not keep track of the beneficial owners of them and all that. With the introduction of the AML/CFT [anti-money laundering/ counter-terrorism financing] arrangements and that black-listing process, or the listing of noncompliant countries and territories by the Financial Action Task Force, essentially all of the offshore banks have been shut down.

There still remain offshore financial centres, which are something different. There are trust company service providers in several countries in the Pacific. But offshore banks, as they are defined, do not exist any more. As a result, Nauru basically has no bank. Commercial banking in Nauru has also left and money now, to get into Nauru, comes in on boats.<sup>28</sup>

5.24 States are particularly vulnerable to money laundering activities if they have weak legislation, as DFAT suggested: 'Pacific island states with weak legislation have been used by international criminal syndicates for large-scale money laundering'.<sup>29</sup>

5.25 Under the Honiara Declaration, Pacific island countries have agreed to implement legislation to prevent money laundering and to deal with the proceeds of crime. The Nasonini Declaration expands this requirement to include counter-terrorism measures. However, while leaders at the annual Pacific Island Forum meeting frequently recognised that the countries in the region remain vulnerable to transnational crime, legal and capacity issues limit effective regional implementation and law enforcement activity.

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25 Acting Secretary General of the Pacific Island Forum Secretariat, Mr Peter Forau, Opening Address, Forum Regional Security Committee meeting, June 2008  
<http://www.forumsec.org.fj/pages.cfm/newsroom/speeches/2008-1/acting-sg-forau-speech-opening-of-2008-frsc-meeting.html> (accessed 14 January 2009).

26 The FATF is the inter-governmental body who develop national and international policies to combat money laundering and terrorist financing.

27 Attorney-General's Department and Australian Customs Service, *Submission 40*, p. 3.

28 *Committee Hansard*, 21 November 2008, p. 53.

29 *Submission 68*, p. 15.

### ***Threat of terrorism***

5.26 Published shortly after the terrorist attacks in Bali on 12 October 2002, the Australian Strategic Policy Institute's (ASPI) first strategic and security policy review, *Beyond Bali*, identified the increased threat of terrorism as the most urgent new security policy challenge faced by Australia.<sup>30</sup> In the section headed, 'Our Failing Neighbours', the review suggested that Melanesia contained failing states that were vulnerable to terrorist activity:

Three of our closest neighbours—Papua New Guinea (PNG), the Solomon Islands and Vanuatu—are in different ways struggling to survive as functioning nations and societies. The Solomon Islands is the furthest down the road to state failure, but PNG and Vanuatu also face serious problems...We have humanitarian concerns about the well-being of our neighbours, and important concerns about their providing footholds for transnational crime in our neighbourhood. These countries are also potential havens for terrorist groups. They could serve as bases for groups planning attacks in Australia, and their weak security infrastructure means that such groups could not only slip in to these countries unnoticed, but could also use these states as points of entry to Australia. While the risk may be slight, it is one that we cannot ignore in the aftermath of the Bali bombing.<sup>31</sup>

5.27 Thereafter, the link between transnational crime, potential terrorist activity and the weakness of Pacific security institutions was made more explicit. Reinforcing the assessment in *Beyond Bali*, Dr Elsina Wainwright, formerly the International Program Director at ASPI, identified the potential risks for Australia:

Of course, the south-west Pacific countries are geographically very close to Australia. They could serve as bases for terrorist groups planning terrorist attacks in Australia.

Given the weakness of their security institutions, some of these states could be points of entry to Australia for such groups.<sup>32</sup>

5.28 In an ASPI publication of 2003, *Our Failing Neighbour: Australia and the Future of the Solomon Islands*, which was launched by the former Minister for Foreign Affairs, Alexander Downer, Wainwright went on to suggest that the 'Solomon Islands risks becoming—and has to some extent become—a petri dish in which transnational and non-state security threats can develop and breed'.<sup>33</sup>

5.29 In contrast to this characterisation of the Pacific as a hotspot for international crime, a haven for money launderers and a region vulnerable to terrorists, submitters

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30 Australian Strategic Policy Institute, *Beyond Bali: ASPI Strategic Assessment 2002*, p. 3.

31 Australian Strategic Policy Institute, *Beyond Bali: ASPI Strategic Assessment 2002*, p. 28.

32 Elsina Wainwright, 'Pacific states are likely havens for terror', *Australian Financial Review*, 23 October 2002.

33 Elsina Wainwright, 'Our Failing Neighbour: Australia and the Future of the Solomon Islands', Policy Report, Australian Strategic Policy Institute, p. 13.

to the inquiry referred to the threat of terrorism in the Pacific as low.<sup>34</sup> The Pacific Islands Forum Secretariat suggested:

The terrorist strikes of 11 September 2001, the Bali bombings and the numerous terrorist acts since, have caused states to focus on how they can contribute to counter-terrorism efforts. There is now a recognised risk that conflict and extremism can develop anywhere including the Pacific Islands. Notwithstanding this, the threat level from terrorist related activity in the Pacific is recognised as low.<sup>35</sup>

5.30 Nevertheless, the Forum Secretariat was mindful to distinguish between their assessment of the potential *threat* of terrorism and a security environment that places the Pacific at *risk* of terrorist activity:

There is a converse risk that terrorist entities may exploit the Pacific security environment in support of terrorist activity in the wider international community. The utilisation of flags of convenience, money laundering, arms trafficking are all activities that are undertaken by such groups, and are activities that are occurring in the Pacific.<sup>36</sup>

5.31 DFAT made a similar distinction. It suggested that although the terrorist threat is low, 'the factors which make the region vulnerable to organised and transnational crime could potentially be exploited by terrorist networks, particularly with regards to money laundering'.<sup>37</sup> Both submissions suggested that because of weak security institutions and law enforcement capacity, and the limited capacity to monitor the movement of people and capital, Pacific island states may be exploited by transnational criminal networks. The Pacific Islands Forum's Security Program has similarly cautioned that 'Terrorist entities may also exploit the Pacific security environment to support terrorist activity in the wider international community'.<sup>38</sup>

## External donors

5.32 Pacific island states must also manage complex relationships with external donors. In its previous report into Australia's relationship with China (2006), the committee noted that some of the island states of the southwest Pacific are among the smallest and poorest in the world and are susceptible to the influence of outsiders

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34 In 2005 and 2006, the counter-terrorism contingency planning exercises *Ready Pasifika* were held in the Pacific and Australia's National Counter-Terrorism Plan was drawn upon to assist Pacific island states to establish their own national security planning arrangements, Attorney-General's, *Submission 40*, p. 12.

35 *Submission 69*, p. 23. DFAT agreed with this assessment suggesting that 'the current threat of terrorism in the Pacific is low', *Submission 68*, p. 15.

36 *Submission 69*, p. 23.

37 *Submission 68*, p. 15.

38 Pacific Islands Forum Security Program, <http://www.forumsec.org.fj/pages.cfm/security/> (accessed 4 September 2009).

willing to use their economic leverage to serve their own foreign policy objectives.<sup>39</sup> At this time, the committee suggested that the political and diplomatic rivalry between the People's Republic of China (PRC) and the Republic of China (ROC) did not provide an environment conducive for the most effective use of development assistance. It therefore recommended that the Australian Government, through the Pacific Island Forum, encourage members to endorse OECD guidelines on official development assistance.<sup>40</sup>

5.33 Since that time, Taiwanese President Ma Ying-jeou has indicated that the ROC would adopt OECD guidelines on aid effectiveness and work more collaboratively with the PRC when it came to its development assistance to the Pacific region.<sup>41</sup> Witnesses who appeared before the committee suggested that this announcement signifies the potential for a new era of engagement that may result in improved aid transparency throughout the region.<sup>42</sup>

5.34 The committee also received evidence suggesting that the PRC pledged aid to the Pacific had increased dramatically, almost tenfold, between 2005 and 2007:

Pledges went from around \$US 30 million in 2005 to over \$US 290 million in 2007. Much of this pledged aid may never arrive or take several years to be dispersed. China has, nonetheless, emerged as a major regional donor.<sup>43</sup>

5.35 In noting this increase, the committee reiterates comments in Volume I that Australia work with all donors to the region to enhance good governance and the transparency of aid.

## **Conclusion**

5.36 Evidence taken by the committee points to a critical distinction between security *threats* and security *risks*. For while the threat of organised crime—or even terrorism—may be low, because Pacific islands states have weak security institutions and law enforcement capacities, the risk for the region, both in terms of probability

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39 Foreign Affairs, Defence and Trade References Committee, *China's emergence: implications for Australia*, March 2006, paragraph 10.28.

40 Foreign Affairs, Defence and Trade References Committee, *China's emergence: implications for Australia*, March 2006, Recommendation 7.

41 DFAT, *Committee Hansard*, 21 November 2008, p. 7. This comment was made after the change of government in Taiwan in March 2008.

42 See comments from DFAT, *Committee Hansard*, 21 November 2008, p. 7 and Professor Ben Reilly, *Committee Hansard*, 19 June 2009.

43 Lowy Institute for International Policy, *Committee Hansard*, 24 March 2009, p. 15. These figures are for pledged not disbursed aid. The amount of disbursed aid is lower at \$150 million per annum. Mr Fergus Hanson pointed out that 'there is evidence to suggest that the amount of aid being pledged is taking a number of years to be spent, that not every project is being built and that there are constant re-announcements of different projects over time', *Committee Hansard*, 24 March 2009, p. 15.

and potential impact, is correspondingly high. This distinction between threat and risk is also critical for understanding Australia's assistance to the region. Much of Australia's development assistance to the Pacific is anticipatory: it seeks to manage risk through prevention rather than through containing a situation that has already taken place. Such an approach seeks to develop the skills and capacity to plan and manage a real security threat. These issues of capacity will be addressed in detail in the following chapter.

5.37 This chapter has identified those transnational criminal activities that present the greatest threat to the security of Pacific island states: unauthorised fishing; smuggling and transshipment of illegal goods; money laundering; and terrorism. In order to address these various forms of transnational criminal activity, states are required to develop a robust and diversified regulation and detection capacity. The capacity to develop the surveillance capacity at ports, or within EEZs, is different to the sophisticated surveillance and networked capacity that is required to respond to money laundering and terrorism. In the next chapter, the committee examines the capacity of states to protect their borders, prosecute unauthorised fishing and detect the smuggling of contraband. This is followed by a chapter that examines the capacity of states to deal with complex forms of transnational crime, such as money laundering and terrorism.



# Chapter 6

## Capacity to police borders

6.1 Because PNG is the only state to share a land border with a neighbouring country, border security across the Pacific is very much linked to maintaining the integrity of oceanic borders. The vast maritime waters of the Pacific are difficult and costly to police and states are vulnerable to the undetected movement of sea craft, people and goods. This geography, coupled with limited government capacity, also makes Pacific states vulnerable to transnational criminal activity.<sup>1</sup> In this chapter, the committee explores how the threat of transnational crime, in particular unauthorised fishing and smuggling, is complicated by the region's vast maritime boundaries. The committee examines the capacity of states to manage and protect themselves against these forms of criminal activity and then considers regional efforts to improve this capacity. In so doing, the committee gives detailed consideration to Australia's Defence Cooperation Program and the Pacific Patrol Boat Program.

### Border management capability

6.2 In Australia, national security is the domain of the Federal Government which remains responsible for matters of defence, security and border management. Matters of community safety and local law and order are largely the domain of state and territory governments. By contrast, across the Pacific, both national and internal security is typically the responsibility of central government. Principally because of their size, many states do not have a dedicated military organisation.<sup>2</sup> As a result, those activities that would ordinarily be undertaken by national security and law enforcement agencies (for example maintaining territorial and border integrity and the development of military statecraft) often become the responsibility of agencies that are also responsible for community policing and domestic law and order.<sup>3</sup>

6.3 Papua New Guinea, Fiji and Tonga are the only Pacific island states with dedicated military organisations. The PNG Defence Force comprises about 2,500 personnel. Headquartered in Port Moresby, it has an infantry battalion in Port Moresby and one in Wewak and an engineer battalion at Lae. The PNG Navy is made up of around 400 people.

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1 The Department of Defence advised: 'A key economic and security challenge for many island states is managing their large economic exclusion zones or EEZs. All of these states lack the capacity to effectively protect their EEZ resources from illegal fishing and to monitor their maritime boundaries against threats like smuggling without substantial help from outside', *Committee Hansard*, 21 November 2008, p. 86.

2 AFP, *Submission 62*, p. 6.

3 Assistant Commissioner Prendergast, AFP, suggested that some law enforcement agencies have dual roles of police and military: 'small states have police forces that are also responsible for aspects of national security and undertake policing at both the local and national level', *Committee Hansard*, 21 November 2008, p. 73.

6.4 The Republic of Fiji Military Forces has 3,500 personnel plus reserves. It comprises two regular and three reserve infantry battalions, an engineer regiment, logistics battalion and a navy of around 300 people with several patrol boats (including three Australian Pacific Patrol Boats, under the PPBP, that are currently suspended).

6.5 The Tonga Defence Force has an authorised strength of 1,500, but active force numbers of 450. It includes an infantry battalion, a navy of around 115 and three Australian supplied Pacific Patrol Boats, a tanker, a landing craft and an airwing of two light aircraft.<sup>4</sup>

6.6 The Vanuatu Mobile Force, which became the paramilitary arm of the Vanuatu Police Force in the late 1990s, is a light infantry force of about 200 men. They have a small maritime wing comprised of 29 people and one Australian Pacific Patrol Boat.<sup>5</sup> It is used to patrol in remote areas, frequently for long periods of time, across the archipelago.<sup>6</sup>

6.7 Many agencies responsible for border management across the Pacific encounter major capacity constraints. Policing borders and regulating the movement of vessels throughout the region is made more difficult by the fact that most Pacific island states have a limited ocean-going naval or policing capacity. The Attorney-General's Department suggested:

Systems to monitor vessels' compliance are very limited in the Pacific. As a consequence there is little control over what enters or leaves many of these countries...<sup>7</sup>

6.8 This has serious implications for the sovereignty of states. One witness suggested: 'a capacity to manage the maritime domain better is about an assertion of national sovereignty'.<sup>8</sup>

6.9 In February 2009 a publication by the Jane's Information Group offered the following assessment of the effectiveness of the PNG Navy:

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4 The TDF has maintained about 200 personnel in RAMSI since 2003, paid for by Australia and New Zealand.

5 Naval figures are taken from *Jane's Sentinel Country Risk Assessments—Oceania*, Issue 13, 2008, Jane's Information Group Ltd., UK, p. xii. Other figures are taken from 'Australia and the South Pacific: Rising to the challenge', Australian Strategic Policy Institute, pp. 37–39. The defence budget of these states with dedicated military organisations are: PNG (2009) 108.67 million Kina, which is 1.67 per cent of the national budget; Fiji's (2008–2009) is 1.5 per cent of the national budget; Tonga's (2008–2009) is 3.4 per cent of the national budget. Department of Defence, answers to questions taken on notice 2, 21 November 2008.

6 Air Commodore Jones, *Committee Hansard*, 19 June 2009, p, 27.

7 *Submission 40*, p. 9.

8 Mr Andrew Tongue, Department of Infrastructure, Transport, Regional Development and Local Government, *Committee Hansard*, 20 November 2008, p. 80.



The Papua New Guinea (PNG) Navy is scarcely able to carry out its tasks and operations are routinely delayed or cancelled. As with the other services the navy is underfunded and much of its equipment needs maintenance. The navy's four patrol craft provided under the Australian Pacific Patrol Boat programme are barely effective; fuel costs and maintenance problems mean that often only one boat is available for sea duty at any time. The heavy landing craft have high upkeep costs and are near or at the end of their effective life. They may be disposed of in the near future. Although the patrol boats may be at times serviceable, the size of the task of patrolling an Exclusive Economic Zone (EEZ) with three sea borders is too great for the navy. According to the Chief of Staff, Captain Aloysius Tom Ur, the navy is heavily reliant for information about the presence of foreign ships in PNG's 200-mile EEZ on daily reports supplied by US satellite surveillance cover.<sup>9</sup>

6.10 Added to this capacity challenge is the number of sea craft that move through the area on any given day. Associate Professor Andreas Schoenhardt claims:

There are about 5,000 vessels transiting the Pacific on any given day. Large shipments may be unloaded from a mother ship into a smaller vessel, and can subsequently go in hiding at the many small, uninhabited islets and atolls, waiting for the next step. Rapidly expanding regional transportation links to Asia, North and South America is also a factor and is likely to increase the use of islands as a transit area.<sup>10</sup>

6.11 Identifying the vulnerability of Pacific island states to criminal activity, Associate Professor Schoenhardt has also argued:

...archipelagic coastlines, sea borders, and vast areas of ocean are difficult, if not impossible, to patrol, especially for countries with limited financial, technical, and human resources. This makes it easy, especially for small vessels to remain undetected and cross international borders clandestinely.<sup>11</sup>

6.12 These capacity constraints reduce the ability of states to deal with the movement of people and goods, illegal fishing, customs surveillance and quarantine.

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9 Jane's Sentinel Security Assessment—Oceania (Papua New Guinea), Navy, <http://www.janes.com/articles/Janes-Sentinel-Security-Assessment-Oceania/Navy-Papua-New-Guinea.html> (accessed 6 November 2009).

10 Andreas Schoenhardt, citing a report from the United Nations Office on Drugs and Crime, as it appears in: *The Market for amphetamine-type stimulants and their precursors in Oceania*, Australian Institute of Criminology, Research and Public Policy series, no. 81, p. 56, <http://www.aic.gov.au/documents/7/F/8/{7F8A14E8-D893-4D3F-BFE0-DCAE3B2A035C}rpp81.pdf>.

11 Andreas Schoenhardt, *The Market for amphetamine-type stimulants and their precursors in Oceania*, Australian Institute of Criminology, Research and Public Policy series, no. 81, p. 56, <http://www.aic.gov.au/documents/7/F/8/{7F8A14E8-D893-4D3F-BFE0-DCAE3B2A035C}rpp81.pdf>.

6.13 Volume I of this report identified how ill-equipped bureaucracies struggle to deliver services that require both technical skills and advanced technology, while Chapter 3 of this volume drew attention to the limited policing capacity of states to deal with the demands of day-to-day policing. Chapter 3 also suggested that law and justice sectors struggle to effectively support law enforcement initiatives. Each of these factors has serious repercussions for the capacity of states to respond to transnational crime.

6.14 Reduced law enforcement capacity, or even the perception of immunity from law enforcement, will make states vulnerable to criminal activity and transnational crime. In recognition of this, the Pacific Islands Forum has sought to improve the capacity of the region's justice sector through developing model legislation addressing transnational organised crime, illicit drugs, weapons control and transport security. It has also been urging states to enact this legislation.<sup>12</sup> However, the Forum has acknowledged problems with implementation, stating that 'the enactment of the legislative commitments, particularly under the Nasonini Declaration, appear piecemeal and slow'.<sup>13</sup>

### **Regional efforts to enhance fisheries compliance**

6.15 As suggested in the previous chapter, many Pacific island states have limited success in monitoring the movement of vessels in their EEZs and struggle to detect illegal, unregulated and unreported fishing activity. DFAT, which described illegal fishing as 'the most pervasive Pacific wide security challenge', suggested that there were two major problems: first, that the size of the EEZs make them 'impossible to police effectively', and second, that Pacific island states struggle to prosecute the illegal, under-reported and concealed fishing which occurs in their EEZs.<sup>14</sup>

6.16 There are two central organisations responsible for facilitating greater cooperation and coordination among the Pacific island countries and with distant water fishing nations: the Pacific Islands Forum Fisheries Agency (FFA) and the Western and Central Pacific Fisheries Commission (WCPFC).

6.17 The FFA has a pivotal role in strengthening regional multilateral frameworks to permit the more effective exchange of information in relation to fisheries and maritime law enforcement.<sup>15</sup> These challenges are acknowledged in the Pacific Plan

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12 Pacific Islands Forum Secretariat, Thirty-fifth Pacific Islands Forum, *Forum Communiqué*, Item 27; Thirty-fourth Pacific Islands Forum, *Forum Communiqué*, Item 24, [http://www.forumsec.org/\\_resources/article/files/2003%20Communique.pdf](http://www.forumsec.org/_resources/article/files/2003%20Communique.pdf) (accessed 18 February 2008).

13 Opening address to the Forum Regional Security Committee Meeting, <http://www.forumsec.org.fj/pages.cfm/newsroom/speeches/2009-1/sg-tuiloma-neroni-slade-frsc-meeting-opening-address.html> (accessed 14 September 2009).

14 *Submission 68*, pp. 10, 15.

15 AusAID, *Valuing Pacific fish*, <http://www.ausaid.gov.au/publications/pdf/fisheries.pdf>, p. 10 (accessed 10 September).

which gives priority to developing and implementing strategies and associated legislation for maritime and aviation security and surveillance.<sup>16</sup> As suggested in the previous chapter, licensed distant fishing vessels must be registered with the FFA.

6.18 Established in 2005, the WCPFC was initiated by members of the FFA and developed in association with distant water fishing nations.<sup>17</sup> The WCPFC provides for the establishment of monitoring, control and surveillance measures that enforce the application of conservation and management measures for fisheries in the region.<sup>18</sup> The WCPFC has had some success prosecuting the illegal and under-reported fishing which occurs in their EEZs.<sup>19</sup> Since 2007, the WCPFC has operated an Illegal, Unreported and Unregulated (IUU) Vessel List. This is the only publicly available information on unauthorised vessels fishing in the EEZs.<sup>20</sup>

6.19 The following table provides a record of unauthorised vessels identified in EEZs, 2007–2008.

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- 16 The Pacific Plan: For Strengthening Regional Cooperation and Integration, p. 7, [http://www.forumsec.org/UserFiles/File/Pacific\\_Plan\\_Nov\\_2007\\_version.pdf](http://www.forumsec.org/UserFiles/File/Pacific_Plan_Nov_2007_version.pdf) (accessed 13 July 2009). It is based in Honiara, and comprises 17 member governments. It was established in August 1979 to help countries manage their fishery resources that fall within their EEZs. The founding document of the Agency is the South Pacific Forum Fisheries Agency Convention. The Forum Fisheries Committee meets annually to consider regional policies and the budget and work program of the Agency. More information about the FFA is available at: <http://www.daff.gov.au/fisheries/international/multilateral/forum> (accessed 29 January 2009).
- 17 *Submission 42*, p. 12.
- 18 The WCPFC was established by the Convention for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (WCPFC Convention) which entered into force in 2004. Members of the WCPFC include: Australia, China, Canada, Cook Islands, European Community, Federated States of Micronesia, Fiji, France, Japan, Kiribati, Korea, Republic of Marshall Islands, Nauru, New Zealand, Niue, Palau, Papua New Guinea, Philippines, Samoa, Solomon Islands, Chinese Taipei, Tonga, Tuvalu, United States of America and Vanuatu, see: [http://www.un.org/Depts/los/convention\\_agreements/reviewconf/wcpfc\\_reviewconference.pdf](http://www.un.org/Depts/los/convention_agreements/reviewconf/wcpfc_reviewconference.pdf) and the Department of Agriculture, Forestry and Fisheries <http://www.daff.gov.au/fisheries/international/wcpfc>, (accessed 29 January 2009).
- 19 DFAT, *Submission 68*, p. 10. The Secretariat of the Pacific Community (SPC) is another intergovernmental organisation that provides technical assistance, policy advice, training and research services which may relate to matters of border or maritime security. See Secretariat of the Pacific Community, <http://www.spc.int/corp/> (accessed 23 September 2009).
- 20 DAFF, answers to questions taken on notice 2, 20 November 2008.

**Table 6.1. Vessels nominated by Pacific island states for inclusion in the WCPFC's Illegal, Unreported and Unregulated Vessel List in 2007 and 2008<sup>21</sup>**

Vessel Name	Vessel Flag	Offence
Yin Chen No.1	Chinese Taipei	Fishing illegally inside Cook Islands' EEZ
Athena F	Venezuela	Suspected of fishing illegally inside Cook Islands' EEZ
Jinn Feng Tsair No. 1	Chinese Taipei	Breach of licensing condition inside Federated States of Micronesia
Daneila F	Venezuela	Fishing illegally inside French Polynesia's EEZ
Chu Huai No. 638	Chinese Taipei	Fishing illegally inside Tonga's EEZ
Ugavi	Ecuador	Fishing illegally inside Cook Islands' EEZ
Buena Suerte J-107, J-53, J-96, J-116, J-107c	PNG (Philippines nationality)	Breach of PNG fishing license conditions (5 vessels)

6.20 Recently there have also been examples of compensation being paid for EEZ violations. In December 2008, it was reported that the Taiwanese owners of a vessel, who were prosecuted for illegal fishing in Tongan waters in January 2008, paid 500,000 Tonga *Pa'anga* (approximately \$367,471) to the Tongan Government. Tonga's bid for compensation had been supported by the FFA.<sup>22</sup> In October 2008, it was reported that a Japanese vessel was fined Solomon Islands \$2.1million (approximately \$450,000) for breaching its fishing license conditions. The vessel was found to have transshipped at sea on two separate occasions and failed to supply fishing records to the Solomon Islands' Ministry of Fisheries and Marine Resources.<sup>23</sup>

### **Australia's efforts to enhance fisheries compliance**

6.21 AusAID explained to the committee that most of Australia's efforts to assist Pacific island states enhance fisheries compliance takes place through funding to the Secretariat of the Pacific Community (which has a maritime resources division), the FAA and the WCPFC.<sup>24</sup> Outside of these contributions to regional organisations, Australia also works with a number of national fishing authorities including Kiribati

21 DAFF, answers to questions taken on notice 2, 20 November 2008.

22 'Fishermen pay \$500,000 penalty for illegal fishing in Tongan waters', *Matangi Tonga*, 18 December 2008. Taiwan responded by suspending the fishing licence of the vessel for three months and the fishing licence of the captain for six months.

23 'Japan Fishing Boat Fined', *Solomon Times Online*, 3 October 2008, <http://www.solomontimes.com/news.aspx?nwID=2743> (accessed 4 February 2009).

24 *Committee Hansard*, 12 March 2009, p. 36. This includes \$9.7 million annual funding to the SPC and \$2.3 million to the FAA, AusAID, *Submission 65*, p. 21.

and Nauru. Some of this work focuses on the administration, application and collection of licences.<sup>25</sup>

6.22 ACIAR informed the committee of work it had been doing to increase Pacific capacity to engage in international fora. Funded by AusAID and the Foreign Fisheries Agency, ACIAR commissioned a study and discussed it with a range of parties, including DFAT, AusAID and the Forum Fisheries Agency. According to ACIAR:

We hired some experts in Pacific islands fisheries matters to consider the issue of capacity and what gaps existed that were inhibiting the ability of the Pacific island countries to engage effectively in international fora and to also manage their domestic fisheries, as well as manage fleets from other countries that engage in fishing activities within areas under their jurisdiction, specifically within their exclusive economic zones. That study identified a range of gaps that needed to be filled.<sup>26</sup>

6.23 The AFP also contributes to improving fisheries compliance in Solomon Islands through assisting Solomon Islands Police Force develop maritime capability through allowing them to use two small vessels, currently owned by the AFP.<sup>27</sup>

## **Defence Cooperation Program**

6.24 The Defence Cooperation Program (DCP) provides a range of capacity-building, training and infrastructure projects to assist Pacific island states improve their security. In the 2008–09 financial year, the DCP provided \$51.11 million in regional assistance. The bulk of this assistance was directed towards the Pacific Patrol Boat Program.<sup>28</sup>

6.25 As suggested in Volume I, the 21-year-old Pacific Patrol Boat Program (PPBP) forms an important part of Australia's endeavours to help Pacific island states improve their maritime security. The PPBP seeks to build capacity in quarantine enforcement, search and rescue, disaster relief, medical evacuation and general police work. It also provides Pacific island states with an independent capability to monitor and manage maritime resources. At the Pacific Islands Forum Plenary Opening Ceremony, in Cairns in August 2009, Prime Minister Rudd stated:

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25 *Committee Hansard*, 12 March 2009, p. 37.

26 *Committee Hansard*, 20 November 2008, p. 57.

27 *Committee Hansard*, 21 November 2008, p. 78.

28 The DCP engages 11 Pacific Islands Forum states: Papua New Guinea, Solomon Islands, Tonga, Samoa, Vanuatu, Palau, Republic of the Marshall Islands, Federated States of Micronesia, Tuvalu, Kiribati and the Cook Islands. Where nations do not have a dedicated military organisation, the DCP is directed towards their security and police forces. There are four priority states: PNG, Tonga, Solomon Islands and Vanuatu. Air Commodore Jones explained how Defence conducts annual talks to determine DCP priorities and partner countries' aspirations and expectations regarding the program, *Committee Hansard*, 19 June 2009, p. 24. PNG receives the largest share of DCP funds—\$13.4 million. Australia's DCP with Fiji was suspended following the 2006 coup.

Australia is committed to assisting Pacific island countries protect their fisheries—a vital resource for the region—combating transnational crime and strengthening their maritime security.

As part of Australia's ongoing commitment, Australia will provide continued support for the Pacific Patrol Boat Program and in consultation with our Pacific partners work towards a new maritime security program to follow it.<sup>29</sup>

6.26 As noted above, the PPBP represents a significant proportion of the DCP for Pacific island states. For seven of them—the Federated States of Micronesia, Republic of Marshall Islands, Palau, Kiribati, Samoa, Cook Islands and Tuvalu—the PPBP is Australia's only form of Defence engagement. The portion of the DCP spent in these countries is therefore 100 percent. For other Pacific Defence relationships, the PPBP is one part of a broader Defence cooperation program, with proportions as follows:

**Table 6. 2 PPBP as percentage of DCP<sup>30</sup>**

Nation	Percentage of the DCP that relates to the PPBP
Papua New Guinea	22 %
Solomon Islands	63 %
Vanuatu	50 %
Tonga	34 %
Fiji	Relationship currently suspended

6.27 DFAT described the PPBP as 'the centrepiece of Australia's Defence engagement with the Pacific'.<sup>31</sup> Such a claim is supported by statements made in the Defence White Paper which restated Australia's commitment 'to enhance the capacity of regional countries to enforce their sovereignty, protect their resources and counter transnational crime':

For over 20 years, the Pacific Patrol Boat Program, and other measures designed to assist in the development of maritime security capacity, have been a feature of our Defence cooperation in the Pacific. Our aim has been to assist our neighbours to develop the capacity to protect their maritime resources and enforce sovereignty. The Government has directed Defence, the Department of Foreign Affairs and Trade and other Australian Government agencies to develop an approach to regional maritime security

29 Prime Minister Kevin Rudd, 'Remarks at the Pacific Islands Forum Plenary Opening Ceremony', Cairns, <http://www.pmf.gov.au/node/6091> (accessed 1 September 2009).

30 Department of Defence, 'Defence Cooperation and Patrol Boats', answers to questions taken on notice 3, 19 June 2009.

31 *Submission 68*, p. 27.

that reflects Australia's commitment to assisting our neighbours in these areas in future.<sup>32</sup>

6.28 Under the PPBP, Australia has donated 22 Pacific Class Patrol Boats to 12 Pacific island countries.<sup>33</sup>

6.29 In June 2009, Defence informed the committee that the program was now fully funded and had been allocated \$427 million to see it through to 2028 when the last boat would reach the end of its life.<sup>34</sup> In 2008–2009, the direct expenditure on the PPBP was expected to be \$28.5 million.<sup>35</sup> Defence has budgeted \$36.5 million for the PPBP in 2009–10. The \$36.5 million budgeted for 2009–10 is an increase of \$8 million from the previous year and largely due to the accelerated Life Extension Program (LEP) which is anticipated to be completed by 2011. The LEP will result in an almost doubling of the number of patrol boats undergoing major works this financial year. According to Brigadier Andrew Nikolić, the Pacific patrol boats are halfway through their life extension refits, with the first of the 22 boats not due to reach the end of its extended design life until 2017–2018.<sup>36</sup> Defence spending on the PPBP will be around \$40 million per annum in 2010–11 and 2011–12, as the LEP peaks. Spending from 2012–13 will reduce to around \$30 million, progressively decline over the remaining life of the program.<sup>37</sup>

6.30 The PPBP is supported by 30 RAN maritime surveillance and technical advisers who are currently working in-country.<sup>38</sup> Defence has an Australian Navy maritime surveillance adviser and one or two technical advisers in each country supported by the program.<sup>39</sup> Australia also provides logistic support, spare parts and expertise to repair the vessels and train for all patrol boat crews.<sup>40</sup>

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32 Australian Government, Department of Defence, *Defending Australia in the Asia Pacific Century: Force 2030*, pp. 98–99.

33 *Committee Hansard*, 21 November 2009, p. 92.

34 *Committee Hansard*, 19 June 2009, p. 20.

35 *Submission 18*, p. 2.

36 *Committee Hansard*, 19 June 2009, p. 21.

37 Department of Defence, 'Funding for PBPP', answers to questions taken on notice 1, 19 June 2009.

38 The committee notes that on 17 September 2008, Defence Minister Joel Fitzgibbon and his French counterpart, Mr Hervé Morin, announced that an agreement is being negotiated to increase Australia and France's defence ties in the South Pacific. Australia will have greater access to the French base in New Caledonia and the two countries will cooperate on training, joint exercises, maritime surveillance and in their support of regional defence and police forces.

39 *Committee Hansard*, 19 June 2009, p. 20.

40 *Committee Hansard*, 19 June 2009, p. 23.





*Solomon Islands police and Australian navy officer (image courtesy of Defence).*

6.31 In states without a dedicated military organisation, Defence interacts with local police forces. Air Commodore Anthony Jones explained:

The patrol boat program was initially provided to give these nations the ability to protect their exclusive economic zones. Prior to that date, most of them did not have any patrolling capacity or ability to get out to the 200-mile limit and actually patrol or protect their fisheries, in particular. Many of those nations, prior to that point, had no patrol boat capabilities, so they were learning their skills, if you like, on these boats from the ground up. The patrol boat program has provided training and support since its inception to increase the capabilities and skills of the maritime wings, involved in the patrol boat program, of both the military and police.<sup>41</sup>

6.32 Earlier in the chapter the committee noted comments by the Jane's Information Group on the limitations of the PPBP in PNG identifying the problems related to their cost, maintenance and reach. These comments were reinforced in a recent ASPI publication which noted that the program cannot operate without Australia's support and that the vessels are falling well short of their capacity for days at sea.<sup>42</sup> These shortcomings were reiterated by Defence. Brigadier Nikolić identified numerous factors that had contributed to reducing the effectiveness of the PPBP:

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<sup>41</sup> *Committee Hansard*, 19 June 2009, p. 21.

<sup>42</sup> 'Australia and the Pacific: Rising to the challenge', Australian Strategic Policy Institute, March 2008, vol. 12, p. 62.



Crewing, operating and maintaining the boats is a recipient nation responsibility that is difficult for most Pacific Island states to achieve, predominantly due to funding constraints. The rising cost of fuel, for example, varies greatly between the countries, and this has increased dependence on Australia for financial supplementation.<sup>43</sup>

6.33 Air Commodore Jones also raised concerns about the cost of fuel and the ability of recipient governments to support the program. He explained that the boats average around 36 days a year on patrol out of an average of 55 days a year at sea for the vessels. According to the Air Commodore, Defence would be looking for 'at least 100 days a year to effectively patrol the EEZs of these countries'.<sup>44</sup> Even so, he indicated one or two patrol boats 'is not really the most effective way of guarding against illegal fishing or illegal activities'.<sup>45</sup> The table on the following page summarises sea days for 2008 and the first half of 2009. It shows clearly that in many cases the number of days spent on patrol falls far short of expectations. There was no data available for Fiji following the suspension of the program.

6.34 The costs of running the program are significant and Defence advised that the rising cost of fuel throughout 2008 meant that each day at sea could cost up to \$10,000 per boat per sea day.<sup>46</sup> This was also identified in the Jane's security assessment for PNG noted above. Defence reviews the performance of the program in each nation annually and examines days at sea, training, maintenance and logistical support. Following these reviews Defence adjust their cooperation to assist where necessary.<sup>47</sup>

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43 *Committee Hansard*, 21 November 2008, p. 87.

44 *Committee Hansard*, 19 June 2009, p. 22.

45 *Committee Hansard*, 19 June 2009, p. 22.

46 *Submission 18*, p. 3.

47 *Committee Hansard*, 19 June 2009, p. 29.

**Table 6.3 PBPP sea days for 2008 and first half of 2009**

Boat Name	Country	Patrol		SAR/Medivac		Gov/VIP		Other		Total	
		2009	2008	2009	2008	2009	2008	2009	2008	2009	2008
TE KUKUPA	Cook Islands	29	59	0	0	0	10	9	4	38	73
TEANOAI*	Kiribati	33	22	0	0	0	3	10	7	43	32
LOMOR*	Marshall Islands	23	21	0	13	7	22	0	0	30	56
REMELIHK*	Palau	8	45	0	0	0	3	2	1	10	49
NAFANUA*	Samoa	9	30	5	1	0	8	4	4	18	43
TE MATAILI	Tuvalu	31	28	1	4.5	11	5.5	0	0.5	43	38.5
TUKURO*	Vanuatu	8	31	0	3	24	19	2	0	34	53
AUKI	Solomon Islands	12	42	0	6	1	0	17	4	30	52
LATA	Solomon Islands	10	65	3	0	14	5	4	9	31	79
Solomon Islands Total		22	107	3	0	15	5	21	13	61	131
INDEPENDENCE	FSM	38	79	3	2	0	1	19	5	60	87
MICRONESIA	FSM	0	28	0	0	6	4	16	6	22	38
PALIKIR*	FSM	28	73	0	4	0	30	0	3	28	110
FSM Total		64	180	3	6	6	35	35	14	108	235
NEIAFU	Tonga	0	0	0	0	7	0	12	0	19	0
PANGAI	Tonga	0	34	0	0	0	20	0	1	0	55
SAVEA	Tonga	3	18	2	1	0	20	2	18	7	57
Tonga Total		3	52	2	1	7	40	14	19	26	112
MORESBY	PNG	23	16	0	3	0	0	9	28	32	47
DREGER	PNG	38	13	0	0	4	3	18	10	60	26
SEADLER	PNG	0	24	0	2	0	0	6	23	6	49
RABAU	PNG	0	0	0	0	0	0	6	1	6	1
PNG Total		61	53	0	5	4	3	39	62	104	123

**\*Notes:**

- Kiribati–RKS TEANOI underwent a LEP in mid 2008, reducing the number of sea days.
- Samoa–MV NAFANUA underwent biennial slipping in late 2008, reducing the number of sea days.
- Vanuatu–the Police Commissioner used RVS TUKURO for non patrol duties and did not replace the fuel used, resulting in DCP stopping provision of fuel for 6 months and affecting patrol days.
- RMI–LOMOR underwent a LEP in late 2008, and was unserviceable for two months in early 2009.
- FSM–MICRONESIA has been undergoing LEP since April 2009, and has not conducted patrols.
- Cook Islands–TE KUKUPA underwent biennial slipping in 2008, reducing the number of sea days.
- Tuvalu–HMTSS TE MATAILI underwent biennial slipping in late 2008, reducing its time at sea.
- Palau–Critical defect in REMELIHK has precluded normal operations since mid-March 09.
- The PBPP with Fiji has been suspended.

***Aerial surveillance***

6.35 Australia recently sought to improve the quality of information available on fishing activity and vehicle movements through an aerial surveillance pilot project.<sup>48</sup> This, in part, was to test the veracity of claims made by some distant fishing nations, that their fish catch is drawn from the high seas when it was suspected that it had been

fished from within EEZs. Supplementary funding of \$500,000 was given to the FFA to develop a Regional Monitoring, Control and Surveillance Strategy. As part of this process, the FFA conducted a trial to assess the viability of using aerial surveillance resources and systems to enhance maritime surveillance activities in the southwest Pacific.

6.36 The FAA contracted aerial surveillance equipment and personnel from an Australian commercial surveillance provider, Surveillance Australia. The aircraft used for the trial was a Reims-Cessna F406 twin turboprop aircraft fitted with a range of surveillance equipment and it was operated from Rabaul, Papua New Guinea.

6.37 A recent audit and assessment process found:

- that the aircraft and systems were highly suitable;
- the aircraft and systems were interoperable with systems used by the Pacific Class Patrol Boats; and
- the pilot provided cost-effective surveillance.

6.38 The key drawback was the transit cost to more distant areas in the Pacific and that the Reims-Cessna F406 would be limited to mid-range distances. The recommendations that arose from the trial were that:

1. The concept of using commercial aircraft for maritime surveillance be accepted as a viable option of some areas in the southwest Pacific.
2. The Reims-Cessna F406 aircraft be considered suitable for inshore and mid-range surveillance operations in relatively close proximity to Australia (i.e. PNG, Solomon Islands, Vanuatu) due to potential transit costs.
3. A second, comprehensive trial be conducted in 2009 using aircraft more suitable for working over longer distances and in remote operating areas to further test the concept of commercial aerial surveillance for the region.

AusAID reported that the trial clearly supported the concept of using purpose-fitted commercial aircraft for maritime surveillance.<sup>49</sup>

### ***Committee view***

6.39 The committee is encouraged by the FFA's plan to develop a Regional Monitoring, Control and Surveillance Strategy and believes that such a strategy has the potential to provide a critical surveillance capability, particularly if it is interoperable with the PPBP vessels. The committee believes that this interoperability is essential.

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49 AusAID, answers to questions taken on notice 3(a), 12 March 2009.

6.40 The committee supports the PPBP and its intention to give Pacific island states a critical surveillance capability that would allow them to monitor independently and manage maritime resources. The committee recognises that the program also assists in areas such as disaster relief, quarantine, and search and rescue. While the committee considers that it is important that the PPBP continue, it is concerned with the number of days these vessels spend at sea. The committee is concerned with this underutilisation and believes that it demonstrates a significant capacity limitation. Even when states are provided with the vessels to improve their maritime and border security, they simply do not have the financial, technological and human capacity to use them to their potential. The committee is strongly of the view that other donors should be encouraged to support the program even to the extent of providing fuel and funding maintenance. Indeed, the committee can see great advantage in developing a regional approach to maintaining and developing this program further. The committee therefore encourages Defence to continue to work with bilateral partners to determine how the Pacific Patrol Boat Program can provide a more effective maritime surveillance capability.

### **Recommendation 3**

**6.41 The committee notes that the *Defence White Paper 2009* indicates that Australian government departments are developing a framework for enhancing regional maritime security. The committee sees potential for other donors to make a valuable contribution in this area. It therefore recommends that, in developing this framework, these departments consider the advantages of elevating the Pacific Boat Patrol Program into a regional initiative, supported by the Pacific Islands Forum and other donors.**

### **Improving maritime surveillance**

6.42 Regulation and management of borders is limited by the fact that most states do not have a dedicated naval organisation. It is also constrained by the size of their regional maritime administrations. Across the Pacific, maritime administrations typically range in size from two to ten professionals. Australia, by comparison, has about 256 employees in its Maritime Safety Authority (with 202 Canberra based and 54 in regional offices).<sup>50</sup>

6.43 It would appear that any sustained improvements in the area of maritime surveillance will depend on data collection and analysis, information sharing and response coordination. The committee notes that in a recent ASPI report, Dr Sam Bateman and Dr Anthony Bergin suggested that there is insufficient information

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50 Commonwealth of Australia, *Pacific Economic Survey 2008: Connecting the region*, Canberra, 2008, p. 78; Australian Maritime Safety Authority, *Annual Report 2007–2008*, <http://www.amsa.gov.au/about%5Famsa/corporate%5Finformation/annual%5Freports/2007%2D2008/our%5Fpeople.pdf> (accessed 30 October 2009).

sharing and little integration of maritime security-related data in the region.<sup>51</sup> In that report, they recommended establishing a Regional Maritime Coordination Centre (RMCC):

A regional maritime surveillance and enforcement regime is required that reflects a whole of region and a whole of government surveillance concept to overcome the current segmented approach with regional maritime security spread between functions and agencies both regionally and nationally.<sup>52</sup>

6.44 The proposed RMCC would collect, fuse and analyse all sources of data; manage and schedule regional air and surface assets; receive bids for surveillance time from regional countries; provide recommendations for action to individual countries; coordinate response from regional or national assets; coordinate funding from aid donors plus national contributions; and liaise with national 'points of contact'. The proposed RMCC would have two branches: a centre that would support operations, including brokering information sharing and acting as the joint coordination centre for multilateral operations; and a management group that would develop strategy, provide training, maintain a register of qualified surveillance operators, and 'maintain reporting links to Forum Regional Security Committee'. It would also maintain treaties, agreements and meetings and analyse information.<sup>53</sup> Resources would be managed through a tiered approach, with some assets remaining under national control 'but air surveillance and offshore response capabilities should be provided regionally'. The RMCC would have both coastal (response) and ocean going (patrol) vessels.<sup>54</sup> Policy direction would come from the Forum Leaders through the Forum Secretariat and the Forum Regional Security Committee. The report suggests that this 'supra-national enforcement responsibility...is no doubt a big step for sovereignty-protective PICs [Pacific Island Countries]'.<sup>55</sup>

6.45 The committee sees merit in this suggestion and considers that the proposed centre could incorporate other capacities such as an Automatic Identification Systems (AIS). The Department of Infrastructure, Transport, Regional Development and Local Government explained to the committee how port security and maritime identification systems could be enhanced through an AIS:

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51 'Australia and the Pacific: Rising to the challenge', Australian Strategic Policy Institute, March 2008, vol. 12, p. 66.

52 'Australia and the Pacific: Rising to the challenge', Australian Strategic Policy Institute, March 2008, vol. 12, p. 67.

53 'Australia and the Pacific: Rising to the challenge', Australian Strategic Policy Institute, March 2008, vol. 12, p. 68.

54 'Australia and the Pacific: Rising to the challenge', Australian Strategic Policy Institute, March 2008, vol. 12, p. 70.

55 'Australia and the Pacific: Rising to the challenge', Australian Strategic Policy Institute, March 2008, vol. 12, p. 71. They also suggest, 'The legal frameworks for maritime law enforcement must be widened to include all possible crimes at seas and not just be focused on illegal fishing'.

One of the key directions at the moment in the maritime side is what they call AIS, automatic identification systems. I am aware that Border Protection Command, who is leading some of that effort in Australia, has had some initial conversations in the region about our capacity to share information about where ships are in the region. The value of that for us in Australia, of course, is that there are whole categories of vessels moving around the region and then onto the Australian coast that we would certainly like to be more aware of. In return, we can make the countries more aware of it. Having listened to queries about illegal forestry and those sorts of things—a lot of that is going out by ship—a capacity to manage the maritime domain better is about an assertion of national sovereignty. Certainly, automatic identification systems are one issue that is relevant in this context.<sup>56</sup>

6.46 DFAT has outlined the need for a 'new multilateral Pacific umbrella treaty-level agreement', patterned on the Niue Treaty Subsidiary Agreement model:

This mechanism to protect regional fisheries would provide for the exchange of law enforcement data, cross-vesting of law enforcement powers and the use of fisheries data for other law enforcement issues.<sup>57</sup>

6.47 In the following chapter, the committee also outlines the similarity between this proposal and the work being undertaken by the Pacific Transnational Crime Network (PTCN).

### **Efforts to combat smuggling**

6.48 As suggested above, archipelago states, spread over a vast area, can face significant obstacles when it comes to border security. These obstacles are often amplified by significant capacity constraints which limit the ability of states to police borders and regulate the movement of people and goods. States need to develop their capacities to regulate the movement of air and sea through developing effective customs and quarantine while simultaneously maintaining immigration and border management systems to assist with identity management and document and data analysis.

6.49 Evidence contained in the previous chapter suggested that the Pacific Ocean is used for the transshipment of illicit drugs and weapons, and that states are vulnerable to such activity because they frequently have weak surveillance capacity, limited border management at ports and airports and underdeveloped legislative and/or law enforcement systems.<sup>58</sup> The Pacific Islands Forum Secretariat informed the committee that customs and border agencies across the Pacific could be improved to tackle

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56 *Committee Hansard*, 20 November 2008, p. 80.

57 *Submission 68*, p. 29.

58 For comments on port security see the Department of Infrastructure, Transport, Regional Development and Local Government, *Committee Hansard*, 20 November 2008, p. 81; DFAT, *Submission 68*, p. 15.

malpractice and corrupt behaviour.<sup>59</sup> DFAT also suggested that 'The success of border management systems at ports and airports remains patchy'.<sup>60</sup>

6.50 The Pacific Islands Forum Secretariat has identified the need for the region to work together to deal with smuggling:

Maritime security not only for fisheries purposes but also for the interdiction of contraband and the protection of borders is a key priority in a region where the ocean is basically one of our interlocking and most compelling avenues for partnership between the countries. We are an island area and, basically, the seas of the Pacific are where a lot of our trade and interaction take place.<sup>61</sup>

### *Customs*

6.51 In order to assist with the administration of customs throughout the region, and strengthen the integrity and accountability of customs institutions, the Pacific Islands Forum has established the Oceania Customs Organisation (OCO). The OCO brings together 23 customs administrations of Oceania (Australasia, Melanesia, Micronesia and Polynesia) and seeks to improve the efficiency and effectiveness of their customs administrations.<sup>62</sup> The OCO is currently completing a regional legislative template for customs administrations. In June 2009, Secretary General Slade stated:

The next step is for the Secretariat and the Oceania Customs Organisation to work together with national Customs Administrations and Attorneys-General in adapting this Model Law. It is hoped that through this exercise the adapted customs legislative framework will suit the national legal infrastructure and take into account resource implications.<sup>63</sup>

6.52 While Australia contributes to improving the capacity of customs activities across the Pacific through its participation in the OCO, Australia's work is focused on PNG and Solomon Islands, countries that are deemed to have a 'shared border' with Australia. Activities focus on managing risks to Australia and building the capacity of partner countries' customs service.<sup>64</sup> Customs is involved in numerous border security programs with PNG, these include:

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59 *Committee Hansard*, 19 June 2009, p. 11.

60 DFAT, *Submission 68*, p. 15.

61 *Committee Hansard*, 19 June 2009, p. 8.

62 Oceania Customs Organisation, <http://www.ocossec.org/index.html> (accessed 9 April 2009).

63 Secretary General Tuiloma Neroni Slade, Forum Regional Security Committee Meeting, 4–5 June 2009, <http://www.forumsec.org.fj/pages.cfm/newsroom/speeches/2009-1/sg-tuiloma-neroni-slade-frsc-meeting-opening-address.html> (accessed 23 September 2009).

64 *Committee Hansard*, 21 November 2008, p. 56.

- PNG–Australian Customs Border Security Project (BSP), a Customs-to-Customs partnership aimed at improving PNG Customs border management and enforcement capabilities;
- PNG and Australian Customs Twinning Scheme (PACTS), an AusAID-funded project of reciprocal officer placement;
- Re-establishing the Australia–PNG Joint Cross Border Patrols.<sup>65</sup>

6.53 In 2007, the Attorney-General's Department established the South Pacific Precursor Control Forum (SPPCF) to help build the capacity of the legal and policy sector in Pacific island states to deal with drug-related security challenges, in particular, the manufacture and transshipment of amphetamine-type stimulants and their precursor chemicals. In September 2008, ten member countries agreed to four priority areas for future work: awareness raising, information sharing, legislative reform and provision of technical assistance. The Attorney General's Department has also recently assisted the Pacific Islands Forum Secretariat in the development of its Model Illicit Drug Control Bill.<sup>66</sup>

#### *Committee view*

6.54 The committee can see virtue in the creation of a Regional Maritime Coordination Centre (RMCC) but it is concerned about the capacity of Pacific island states to maintain such a centre. It is also concerned with the potential for duplication of surveillance initiatives. In the following chapter, the committee considers the work done by the Pacific Transnational Crime Network (PTCN) and acknowledges comments by the AFP that suggest that they are exploring interoperability between the PTCN and the Pacific Patrol Boat Program. The committee believes that it is possible that the surveillance, analysis and coordination function that is proposed for the RMCC could potentially be undertaken by the PTCN.

#### **Recommendation 4**

**6.55 The committee has noted the limited maritime surveillance capability of Pacific island states. It therefore recommends that the Australian Government give specific attention to the way the region could improve information sharing and develop a 'supra-national' enforcement capability through, for example, the proposal for a Regional Maritime Coordination Centre. In so doing, the committee suggests that the government give particular attention to the ability of states to maintain and contribute to such a facility, as well as the importance of avoiding duplication in Australia's security assistance initiatives.**

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65 *Submission 40*, p. 10.

66 *Submission 40*, p. 7 and the Pacific Islands Law Officers' Network, [http://www.pilonsec.org/www/pilon/pilon.nsf/Page/PacificLawandJusticeNews\\_June-November2008News](http://www.pilonsec.org/www/pilon/pilon.nsf/Page/PacificLawandJusticeNews_June-November2008News) (accessed 11 March 2009).



# Chapter 7

## Addressing complex crime

7.1 For states struggling to deal with law and order at the community level, transnational criminal activity presents a significant series of challenges. As crime becomes more complex, states are required to develop new and increasingly sophisticated tracking and surveillance capabilities. This chapter examines the capacity of Pacific island states to manage the threat of complex transnational crimes such as money laundering and terrorism, before considering what the region is doing to build this capacity. Finally, in turning to the matter of cooperation and data and information sharing, the committee examines the efforts of the AFP, through the Pacific Transnational Crime Network, to improve intelligence sharing and coordination throughout the region.

7.2 The committee has already noted the various capacity constraints that reduce the ability of states to deal with transnational crime, and how bureaucracies and law enforcement agencies struggle to deliver services that require both technical skills and advanced technology. Dealing with highly organised and well-funded crime places even greater demands on the limited physical and human resources of law and order agencies in the region. The Pacific Islands Forum Secretariat suggested that because of capacity constraints, Pacific island states find it difficult to keep pace with transnational criminal activity:

Transnational organised crime has adapted faster and more efficiently than law enforcement and arguably continues to do so. They network more effectively and they trust and share more easily. The domestic response however, of legislation and law and order institutions is slow and the international response is even slower.<sup>1</sup>

7.3 As the AFP suggested, 'As crimes become more complex, the level of capacity to deal with them diminishes and a greater level of support is needed'.<sup>2</sup>

7.4 Of all the challenges faced in relation to combating transnational crime, the Pacific Islands Forum Regional Security Committee identified the limited capacity of states to share information as the greatest challenge:

The biggest impediment to effective law enforcement is communication and collaboration between law enforcement agencies. For too long, law enforcement agencies have been working in isolation from each other and with anecdotal information. No law enforcement agency is able to

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1 *Submission 69*, p. 22.

2 Australian Federal Police, answers to questions taken on notice, 8 September 2009.

effectively address criminal activity by itself; hence the need for better and stronger collaboration among agencies.<sup>3</sup>

7.5 Because transnational crime is, by definition, not contained to one state—and no single law enforcement agency is able to effectively address transnational criminal activity—it is critical that Pacific island states improve their coordination and cooperation. Ideally, any improvement in intelligence gathering and analysis in individual states must be supported by data and information sharing throughout the region.

### **Anti-money laundering and counter-financing of terrorism**

7.6 As suggested in Chapter 5, evidence received by the committee suggested that Pacific island states are vulnerable to money laundering and terrorism financing. The Asia/Pacific Group on Money Laundering (APG) is an international organisation which plays a key role in supporting the regional development of Financial Intelligence Units (FIUs). It also provides research and analysis on money laundering and terrorism financing trends and coordinates technical assistance and training.<sup>4</sup> The APG consists of 39 members and a number of international and regional observers, including the United Nations, International Monetary Fund, World Bank, Asian Development Bank and the Egmont Group of Financial Intelligence Units.<sup>5</sup> Members from the Pacific include: Cook Islands, Fiji, the Marshall Islands, Nauru, Niue, Palau, Samoa, Solomon Islands, Tonga and Vanuatu. PNG is a Priority Observer, and Kiribati is an Observer. The Australian Transaction Reports and Analysis Centre (AUSTRAC), Australia's anti-money laundering and counter-terrorism financing regulator and specialist FIU, is taking an active role in supporting PNG through the APG membership process.<sup>6</sup> Australia is the permanent co-chair to APG, a position held by the Australian Federal Police Commissioner.<sup>7</sup>

7.7 The APG is closely affiliated with the Financial Action Task Force (FATF), an international body whose purpose is to develop and promote national and international policies to combat money laundering and terrorist financing. All APG members commit to implement the FATF international standards referred to as the 40+9 Recommendations.<sup>8</sup> The Attorney-General's Department informed the

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3 Opening Address by Mr Tuiloma Neroni Slade, Secretary General, Pacific Islands Forum Secretariat, Forum Regional Security Committee Meeting, 4–5 June 2009.

4 *Submission 45*, p. 5.

5 An international group comprising 108 financial intelligence units.

6 Somewhat confusingly, while Attorney-General's refer to 'counter-financing of terrorism' or CFT, AUSTRAC refer to counter-terrorism financing, or CTF. This usage should be standardised and CFT would appear a more logical expression.

7 AUSTRAC, *Submission 45*, p. 5.

8 See APG website: <http://www.apgml.org/default.aspx> (accessed 29 September 2009).

committee that no country, including Australia, is scoring 100 per cent compliance against those standards but that this is an evolving process.<sup>9</sup>

### *Australian initiatives*

7.8 In recent years, Australia has committed substantial resources to assisting Pacific island states deal with anti-money laundering and counter-financing of terrorism (AML/CFT), through systems assisting with the collection and analysis of suspicious financial activity. This work is undertaken by the Attorney-General's Department and AUSTRAC.

7.9 The Attorney-General's Department has an Anti-Money Laundering Assistance Team (AMLAT) of seven technical advisors that assists 14 Pacific island states implement anti-money laundering/ counter-financing of terrorism arrangements. These advisers provide technical assistance to FIUs, and assist police investigators, customs officials, prosecutors and judges. The committee notes that AMLAT has developed useful technical assistance programs which include providing Pacific prosecutors with short-term placements with the Director of Public Prosecutions and the mentoring of police in the Cook Islands and Fiji on the investigations of financial crimes.<sup>10</sup>

7.10 AUSTRAC has assisted Pacific island states establish FIUs and has assisted them with training in the reporting of suspicious transactions. This has given states the capacity to record cross-border movement of currency, transactions above a threshold amounts and other suspicious activities. AUSTRAC offered the following description of the role of FIUs:

FIUs are responsible for receiving, analysing, and disseminating suspicious transaction reports and details of large transactions to the competent authorities (such as law enforcement and anticorruption agencies). By collecting and analysing transaction reports, FIUs provide critical information that assists in detecting criminal activity. Conversely, a lack of access to financial intelligence can dramatically slow investigations and limit the capacity for law enforcement to detect, investigate and disrupt crime.<sup>11</sup>

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9 *Committee Hansard*, 21 November 2008, p. 54.

10 Attorney-General's Department and Australian Customs Service, *Submission 40*, p. 6.

11 *Submission 45*, p. 2. *A Pacific engaged* reported that many countries of the Pacific were now in the process of implementing anti-money laundering and counter terrorism programs but lacked Financial Intelligence Units (FIUs) to facilitate the exchange of financial intelligence. The committee therefore recommended that the government: '...provide dedicated additional funds to Austrac to enable the agency to strengthen its support for Pacific Island efforts to address money laundering and terrorist financing'. Senate Standing Committee on Foreign Affairs, Defence and Trade, *A Pacific engaged: Australia's relations with Papua New Guinea and the island states of the south-west Pacific*, August 2003, p. xxix.

7.11 All members of the Pacific Islands Forum have passed legislation to deal with anti-money laundering and counter terrorism financing. AMLAT is also involved in reviewing the AML/CFT legislation that Pacific island states have introduced. Many, however, struggle to enforce the legislation.<sup>12</sup> Attorney-General's has also appointed a 'mentor' who assists Pacific states with investigations and prosecutions.<sup>13</sup>

7.12 Since 2004, AUSTRAC has assisted six Pacific states establish FIUs: Cook Islands, Samoa, Tonga, Vanuatu, Palau and Solomon Islands, and are currently working on establishing a FIU in PNG.<sup>14</sup> Australia has assisted Pacific island states with developing their capacity through developing a database application support project or the FIU-in-a-box. The FIU-in-a-box system is an application designed to assist developing FIUs in the collection, storage, analysis and dissemination of financial intelligence. AUSTRAC explained:

We developed a microcosm of our technical solutions, our database, and put that into what we call a 'black box', so that it cannot be pulled apart and broken, and provided that to a number of the nations in the Pacific. We found that we had to do some more work with the Cook Islands because of the quantity of information that they were getting and the type of information that they were getting. We found that, with Fiji being a larger nation, we needed to develop a larger system for them. We have done all of that work. We have put those programs into place. We have trained the people using those programs.<sup>15</sup>

7.13 The FIU-in-a-box system has been one of the more significant advances in the area and the Egmont Group of FIUs is considering the application of FIU-in-a-box globally.<sup>16</sup>

7.14 Because the technical expertise may not be readily available in the Pacific, AUSTRAC have also been involved in training officers in analytical techniques that will assist with the use of the FIUs.<sup>17</sup>

### ***Continuity of funding***

7.15 When AUSTRAC appeared before the committee, it explained that some of the funding for its activities in the Pacific is non-recurrent and delivered through the

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12 In its submission, AUSTRAC cited the joint Pacific Anti-Money Laundering project/IMF/Commonwealth Secretariat regional workshop (December 2007) where it was reported that most Pacific island states have a jurisdictional or legislative framework for regulating and reporting money laundering activities, but struggle to enforce or implement these, *Submission 45*, pp. 4–5.

13 *Committee Hansard*, 21 November 2008, p. 51.

14 *Submission 45*, p. 4.

15 *Committee Hansard*, 21 November 2008, pp. 44–45.

16 AUSTRAC, *Annual Report 2005–6*, p. 74.

17 *Committee Hansard*, 21 November 2008, p. 45.

Pacific Governance Support Program, which is a specific program of AusAID. AUSTRAC further explained, 'We have again submitted a proposal for funding through that program, and we are awaiting the outcome of that process'.<sup>18</sup>

7.16 The committee also acknowledges evidence given by the Department of Infrastructure, Transport, Regional Development and Local Government about non-recurrent funding:

Currently, the restrictive conditions of annual funding programs and the lengthy application process prohibit meeting resource needs. A more flexible aid program, reinforced by proactive initiatives (as opposed to reactive responses) would address needs effectively with a relatively small amount of funding.<sup>19</sup>

7.17 As noted in Volume I, the committee raised concerns about non-recurrent funding through the Pacific Governance Support Program (PGSP) with AusAID. AusAID acknowledged that non-recurrent funding for these projects 'undermines the partnership objectives' and does not give sufficient certainty to program operators. Explaining that 'multiyear funding would alleviate some of the limitations on the scheme', AusAID informed the committee that they are 'looking at opening up all grants (under the PGSP) to a multiyear basis to give them certainty'.<sup>20</sup>

## **Recommendation 5**

**7.18 The committee repeats its recommendation from Volume I (recommendation 14) that the Australian Government provide for longer-term funding for projects that are to span a number of years, as distinct from year-to-year funding approvals. This would provide greater certainty for AUSTRAC projects in the region.**

## **Pacific Transnational Crime Network**

7.19 As outlined above, the Pacific Islands Forum has identified the capacity of states to share information on transnational criminal activity as the greatest challenge. To assist states coordinate their efforts to fight transnational crime, Australia has helped establish the Pacific Transnational Crime Network (PTNC). The AFP described the PTNC as a 'proactive, tactical transnational criminal intelligence network for Pacific law enforcement agencies'.<sup>21</sup> In evidence provided to the committee, the AFP explained that the initiative establishes a core group of police, immigration and customs officials:

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18 *Committee Hansard*, 21 November 2008, p. 45.

19 *Submission 43*, p. 6.

20 *Committee Hansard*, 12 March 2009, pp. 11, 12.

21 *Submission 62*, p. 12.

...housing them in a quarantined piece of infrastructure with secure communications, intelligence analysis capability and modern police training to address those crime threats.<sup>22</sup>

7.20 The network connects Transnational Crime Units (TCUs) which have been established in different Pacific island countries.

7.21 The AFP has assisted in the establishment of TCUs in Fiji (2002), Samoa and Tonga (2003), Vanuatu and Papua New Guinea (2004). These TCUs are established within their existing policing organisations.<sup>23</sup> In April 2008, a sixth TCU was opened. A joint initiative between Australia, the United States and the Federated States of Micronesia (FSM), the AFP provided the FSM TCU with \$300,000 worth of equipment and support, including a new vehicle, intelligence training and an AFP advisor for the first 12 months.<sup>24</sup> All TCUs have received training and development to enhance their interoperability, including intelligence, investigations, operational security and specialist training.<sup>25</sup>

7.22 The TCUs feed into a central coordination centre, the Pacific Transnational Crime Coordination Centre (PTCCC) which is based in Samoa and has one AFP advisor attached to it.<sup>26</sup> The PTCCC analyses criminal intelligence data in the Pacific region and coordinates law enforcement intelligence provided by the network of TCUs and regional law enforcement agencies. It provides a central point for the exchange of criminal intelligence, not only between Pacific nations, but also the wider international law enforcement community.<sup>27</sup> The AFP also advised the committee that it is looking to expand the capacity of the PTCN to include the PPBP and information sharing on illegal fishing activity.

...collect and coordinate intelligence on illegal fishing activity, especially in terms of organised crime involvement and coordinating that information with the Pacific Patrol Boat Program so that we can better assist them in their planning, patrolling and interdiction efforts.<sup>28</sup>

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22 *Committee Hansard*, 21 November 2008, p. 70.

23 *Submission 62*, p. 12.

24 AFP media release, 'Joining together to fight crime in the Pacific', 24 April 2008, [http://www.afp.gov.au/media\\_releases/national/2008/joining\\_together\\_to\\_fight\\_crime\\_in\\_the\\_pacific](http://www.afp.gov.au/media_releases/national/2008/joining_together_to_fight_crime_in_the_pacific) (accessed 29 September 2009).

25 *Submission 62*, pp. 11–12.

26 *Submission 62*, p. 12.

27 The PTCCC was first opened in Fiji in 2004, bringing together law enforcement, customs and immigration agencies from across the Pacific. In 2008, the PTCCC was moved from Suva to Apia, Samoa. Minister for Home Affairs, Bob Debus, 'Pacific Crime Coordination Centre Opens in Samoa', [http://www.ag.gov.au/www/ministers/ministerdebus.nsf/Page/MediaReleases\\_2008\\_Secondquarter\\_10June2008-PacificCrimeCoordinationCentreopensinSamoa](http://www.ag.gov.au/www/ministers/ministerdebus.nsf/Page/MediaReleases_2008_Secondquarter_10June2008-PacificCrimeCoordinationCentreopensinSamoa) (accessed 23 February 2009).

28 *Committee Hansard*, 21 November 2008, p. 79.

7.23 The TCUs and the PTCCC are supported by regional police training initiatives and liaison between Australian and Pacific police. They have been responsible for several drug seizures in the Pacific.<sup>29</sup> The AFP claims that the establishment of the PTCN 'has significantly improved and enhanced relationships across Pacific law enforcement agencies resulting in a greater exchange and sharing of law enforcement intelligence'.<sup>30</sup>

### *Committee view*

7.24 While some Pacific island states have a reputation for lacking accountability when it comes to money laundering and offshore banking, efforts by the Australian Government and the Pacific Islands Forum Secretariat have helped to create or strengthen legislation to address money laundering. The Australian effort to establish financial intelligence units across the Pacific has improved monitoring and regulatory capacity. The committee acknowledges the success that the Attorney-General's Department and AUSTRAC have had in developing FIUs and their important work training Pacific officers in analysis. The committee believes that it is important that there is continuity of funding for these programs and that training be expanded to include maintenance, technical assistance and other forms of follow-up support. The committee acknowledges the benefit of ongoing technical training becoming supplemented with legal training that would assist states in their capacity to prosecute offenders who have breached anti-money laundering and counter-terrorism financing legislation.

7.25 This chapter has also noted that the limited capacity of Pacific island states to monitor activity and share information makes them vulnerable to transnational organised crime. However, because transnational crime, by definition, crosses borders, no law enforcement agency is able to effectively address transnational criminal activity by itself. Therefore, it is critical that Pacific island states improve coordination and cooperation on such issues. As suggested in the discussion on maritime security, the committee believes that cooperation and data and information sharing is critical to combating transnational criminal activity. The committee acknowledges the effort of the AFP, through the Pacific Transnational Crime Network, to improve intelligence sharing and coordination.

7.26 In this chapter, the committee noted the work done by AUSTRAC and the Attorney-General's Department to establish Financial Intelligence Units (FIUs) in six Pacific island states. It also noted the work undertaken by the AFP to establish Transnational Crime Units (TCUs) in six states. The committee has already expressed concerns about the potential for overlap or duplication between various security-related initiatives. Based on the evidence it received, the committee sees that there is

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29 Susan Windybank, 'The Illegal Pacific, Part 1: Organised Crime', *Policy*, vol. 24, no. 1, Winter 2008, [http://www.cis.org.au/policy/winter08/windybank\\_winter08.html](http://www.cis.org.au/policy/winter08/windybank_winter08.html) (accessed 24 November 2009).

30 *Submission 62*, p. 12.

an opportunity, at least in Samoa, Tonga and Vanuatu (where there are both FIUs and TCUs) to integrate them. The committee considers it important to ensure that there is no unnecessary duplication of programs and that the endeavours of intelligence gathering units are coordinated in terms of their objectives, their information sharing and their delivery.

### **Recommendation 6**

**7.27 The committee recommends that the relevant Australian government agencies (Attorney-General's, AUSTRAC and AFP) investigate ways to eliminate overlap and duplication in delivering their responses to combat transnational crime. In particular, the committee recommends that the Australian Government examine the possibility of integrating existing initiatives to deal with transnational crime, such as the Financial Intelligence Units and Transnational Crime Units.**



## Chapter 8

### **Vulnerability to natural disasters and the potential impacts of climate change**

8.1 Volume I of this report drew attention to Pacific islands states' vulnerability to natural disasters, suggesting that many Pacific island states are subjected to periodic disruption, and in some cases widespread devastation, from natural disasters. The small size and remoteness of Pacific island states makes them particularly vulnerable to the effects of extreme weather, including cyclones, earthquakes, tsunamis, tidal waves, floods and droughts.<sup>1</sup> Cyclones, which are especially damaging to low-lying atoll, are the most prominent and wide-spread natural disaster in the Pacific.<sup>2</sup> The recent 8.3 magnitude Pacific earthquake, which was followed by tsunamis that affected Samoa and Tonga in September 2009, is another reminder of the vulnerability of low lying islands states. In this instance, coastal inundation resulted in approximately 150 deaths and the destruction of thousands of homes.<sup>3</sup>

8.2 Volume I also cited studies identifying how the lower lying small island states are among the most vulnerable countries to the adverse effects of climate change. It cited the Garnaut Climate Change Review that suggested that small rises in sea level have been associated with saline intrusion into gardens and household water supplies. It also provided examples of village communities that have been displaced as a result of the destruction caused by king tides.

8.3 This chapter examines the security implications of both natural disasters and climate change. It begins by examining the nature of these threats before turning to examine the capacity of states to deal with these challenges. In so doing, it explores what Australia is doing to assist Pacific island states respond to natural disasters through the Asia Pacific Civil–Military Centre for Excellence and the Deployable Civilian Capacity.

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1 See for example, Ministerial Conference on Environment and Development in Asia and the Pacific 2000, 'Review of the state of the environment of the pacific islands', Kitakyushu, Japan 31 August–5 September 2000.

2 According to a 2006 study by the World Bank, since 1950, natural disasters have affected more than 3.4 million people and caused 1,747 reported fatalities in the Pacific islands region, *Not if but when, adapting to natural hazards in the Pacific Islands Region*, 2006, p. 1.

3 At the Pacific Island Leaders Forum 2009, Prime Minister Kevin Rudd, suggested that given that 50 per cent of the populations of the Pacific Island countries lie within 1.5 kilometres of their coastlines 'the effect of coastal inundation is potentially huge', 'Transcript of address at the close of the Pacific Islands Forum', Cairns, 7 August 2009, <http://www.pm.gov.au/node/6115> (accessed 19 October 2009).

## Responding to natural disasters

8.4 In identifying the limited capacity of Papua New Guinea to respond to natural disasters, the High Commissioner to PNG, Mr Chris Moraitis, noted three recent events: the Oro diaster of 2007, where approximately 100 people were killed by floods; the king tide which destroyed homes and flooded businesses in dozens of villages and towns in northern PNG in December 2008; and the mudslide that killed at least 10 people at the Barrick goldmine in December 2008.<sup>4</sup> When asked about PNG's capacity to respond to natural disasters, Mr Moraitis claimed that 'the natural disaster system requires a lot of work and assistance'. Speaking of the king tides that affected PNG in early 2009, Mr Moraitis suggested that disaster relief in PNG is hampered by remoteness and difficult terrain, poor access to affected areas, poor roads and infrastructure and fragile communications:

They hit parts of Papua New Guinea and obviously the critical time is the first 24 hours. You hear various rumours—2,000 villagers have been affected or 200, and what do you mean by 'affected'? It was hard to discern what had happened in [New Ireland and Manus]...On one island, Tench Island, people had to be evacuated. Fortuitously, there was a PNGDF vessel in Kavieng, which was deployed to help them. We had a C130 doing training up there at the time, and we diverted that to a real-life scenario: delivering humanitarian aid in Kavieng and in Manus. But information is a problem.<sup>5</sup>

8.5 The Department of Defence informed the committee that Pacific island states are constrained in their ability to deal with natural disasters as they have 'poorly developed security structures and emergency response mechanisms'.<sup>6</sup> Recent events in the Pacific, such as the tsunami that affected Samoa and Tonga, further highlight how the emergency response and recovery of Pacific island states is exacerbated by remoteness, poor communications, and in some instances, inadequate warning systems to alert people to get to higher ground. Because of these constraints, DFAT suggested that Pacific island states and the international community look to Australia to 'take the lead' in assisting Pacific states manage the affects of natural disasters.<sup>7</sup>

8.6 Since the Indian Ocean tsunami of 2004, there has been heightened awareness of the region's exposure to the affects of earthquake and tsunami. The Pacific is supported by the Hawaii-based Pacific Tsunami Warning Centre (PTWC) which monitors seismological and tidal stations throughout the Pacific and provides tsunami

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4 *Committee Hansard*, 19 March 2009, p. 14.

5 *Committee Hansard*, 19 March 2009, p. 14.

6 *Submission 18*, p. 1. Mr Moraitis explained that PNG does have a National Disaster Centre, which coordinates disaster responses, and that Australia works with the Centre in times of need.

7 *Committee Hansard*, 21 November 2008, p. 3.

warning information to national authorities throughout the Pacific.<sup>8</sup> However, in the case of the September 2009 Pacific earthquake, Samoa's proximity to the epicentre of the quake significantly reduced the alert time. Media reports suggested that the earthquake struck 190 kilometres southwest of American Samoa at 6.48am Samoan time and by the time the alert was issued from Hawaii, 18 minutes later, the tsunami had already reached Samoa.<sup>9</sup>

8.7 The Aitutaki Declaration on Regional Security Cooperation (1997) seeks to enhance regional cooperation specifically in relation to environmental disasters and transnational crime issues. The committee notes that following the Indian Ocean Tsunami of 2004, Pacific Island Leaders endorsed the Pacific Regional Framework for Action for Building the Resilience of Nations and Communities to Disasters, 2005–2015. They called upon regional organisations to assist member countries develop and implement national action plans consistent with this framework. The Pacific Plan (2005) also acknowledges the need to develop and implement policies and plans for the mitigation and management of natural disasters.<sup>10</sup>

8.8 Following the Indian Ocean tsunami, the Australia Government provided funding of \$68.9 million over four years to upgrade the Australian Tsunami Alert System to an operational early warning system.<sup>11</sup> The Australian Tsunami Warning System (ATWS) is a national effort involving the Australian Bureau of Meteorology, Geoscience Australia and Emergency Management Australia to provide a comprehensive tsunami warning system capable of delivering timely and effective tsunami warnings to the Australian population by 2009. The project also supports international efforts to establish an Indian Ocean tsunami warning system, and contributes to the facilitation of tsunami warnings for the southwest Pacific.<sup>12</sup> Part of the funding is being utilised to provide technical assistance to help build the capacity of scientists, technicians, and emergency managers in the southwest Pacific. The ATWS has also produced tsunami awareness materials for the Australian population through: warning signs, emergency preparedness, community awareness publications, action plans and hazard disaster reduction. The committee also notes at the 2005

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8 The PTWC is comprised of 26 participating international Member States which include Australia, New Zealand, Fiji, the Cook Islands and Western Samoa. 'Tsunami Warning System', <http://www.geophys.washington.edu/tsunami/general/warning/warning.html> (accessed 15 April 2009).

9 Adam Morton, 'No time to alert islands of danger', *Age*, 1 October 2009.

10 The Pacific Plan: For Strengthening Regional Cooperation and Integration, p. 7, [http://www.forumsec.org/UserFiles/File/Pacific\\_Plan\\_Nov\\_2007\\_version.pdf](http://www.forumsec.org/UserFiles/File/Pacific_Plan_Nov_2007_version.pdf) (accessed 13 July 2009).

11 Australian Tsunami Warning System, [http://www.ema.gov.au/www/emaweb/emaweb.nsf/Page/FundingandGrants\\_Projects\\_Australia\\_nTsunamiWarningSystem](http://www.ema.gov.au/www/emaweb/emaweb.nsf/Page/FundingandGrants_Projects_Australia_nTsunamiWarningSystem) (accessed 6 October 2009).

12 See [http://www.bom.gov.au/tsunami/about\\_atws.shtml](http://www.bom.gov.au/tsunami/about_atws.shtml) (accessed 15 April 2009).

Pacific Forum in Madang, Australia announced an additional \$2 million to assist with natural disaster preparedness and response in the region.<sup>13</sup>

8.9 The committee draws attention to evidence taken by the House of Representatives Standing Committee on Climate Change, Water, Environment and the Arts. It noted that the Remote Indigenous Communities Advisory Committee had set a number of strategic objectives in helping remote communities manage the effects of extreme weather. A number of these objectives could well inform Australia's policy on emergency and disaster relief assistance to the region particularly in minimising the damaging effects. The objectives include developing knowledge and skills to enhance emergency management and building the capacity of communities to improve safety through sustainable emergency management.<sup>14</sup>

8.10 In the following section, the committee examines Australia's capacity to respond to natural disasters that may afflict PNG and the southwest Pacific.

### **Developing an integrated response capacity**

8.11 As noted above, Pacific island states are constrained in their ability to deal with natural disasters; they have poorly developed emergency response mechanisms and still look to Australia in times of need for assistance in responding to natural disasters. In Chapter 4, the committee considered the Asia Pacific Civil–Military Centre of Excellence and outlined the way that it integrates defence and civilian agencies that specialise in law enforcement, development assistance, humanitarian relief, health, correctional services, and municipal services (such as water and infrastructure), education, and political and administrative governance. The centre seeks to improve the effectiveness of Australian civilian and military collaboration to prevent, mitigate and respond to conflicts and natural disasters in the Asia–Pacific region.<sup>15</sup>

8.12 In addition to the initiative of the Centre for Excellence, the Australian Government has recently announced that it would develop a rapid deployment corps of civilian experts to assist in international disaster relief, stabilisation and post-conflict reconstruction efforts. The committee heard that an inter-agency task force has been formed, led by AusAID, but involving representatives from the Department of Defence, the AFP, the Department of the Prime Minister and Cabinet, the Australian Government Solicitor and the Attorney-General's Department. The Centre

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13 Pacific Islands Forum 2005, *Forum Communiqué*, Item 24, p. 5.

14 House of Representatives Standing Committee on Climate Change, Water, Environment and the Arts, *Managing our coastal zone in a changing climate: The time to act is now*, October 2009, paragraph 3.131.

15 Australian Government, Department of Defence, *Defending Australia in the Asia Pacific Century: Force 2030*, pp. 23, 54. Another important role for the Centre of Excellence is to enhance Defence's interoperability and coordination with the Australian Federal Police. The White Paper also acknowledges that Defence forces must be deployed in support of regional humanitarian assistance and disaster relief.

of Excellence is separately providing support to this initiative in terms of expert advice. The Deployable Civilian Capacity (DCC) will enable:

...rapid and early delivery of stabilisation and recovery assistance to countries that experience conflict or natural disaster. The program will be sufficiently adaptable to allow Australia to tailor its response to a particular event or emergency and will improve Australia's integration into multilateral reconstruction and stabilisation operations.<sup>16</sup>



*Preparing for the cyclone season and planning disaster management (image courtesy AusAID).*

8.13 It is intended that the DCC will build on Australia's experiences in East Timor and Solomon Islands. In cooperation with other agencies, AusAID will identify, train, rapidly deploy and sustain civilian technical expertise in a range of situations and environments. Civilians will be selected for their expertise and drawn from within Commonwealth, state and local governments and from the non-government and private sector.<sup>17</sup> AusAID informed the committee that the initiative is still in the policy formation phase but that it will rest within AusAID and will become part of AusAID's normal deployment architecture. Further:

16 *Committee Hansard*, 19 June 2009, p. 25. \$1.5 million of funding for the task force had been provided in the 2008–09 Budget, *Committee Hansard*, 19 June 2009, p. 43.

17 AusAID, 'Developing a Deployable Civilian Capacity for Australia', [http://www.ausaid.gov.au/hottopics/topic.cfm?ID=4340\\_2958\\_671\\_9343\\_142](http://www.ausaid.gov.au/hottopics/topic.cfm?ID=4340_2958_671_9343_142) (accessed 3 September 2009).

What it will be designed to do is provide technical experts for post-conflict and post-disaster environments to start the stabilisation and reconstruction phase—if you like, the rebuilding phase—immediately after the conflict or crisis...this will be another arm to provide financial experts to go in and start talking with the host government about how they can quickly start restructuring their institutions. We could be providing judges, for instance, or we could be providing financial experts.<sup>18</sup>

8.14 It is intended that the DCC will complement the Centre of Excellence and will work towards integrating Australia's response to events such as RAMSI, the Australian-led peace enforcement mission in Timor-Leste, the Bali bombings or other humanitarian disasters such as the 2004 tsunami, the floods caused by cyclone Guba in PNG in 2007 and the tsunami that affected Samoa in 2009. Deployed civilians will work alongside ADF and AFP, the UN or civilians experts from other countries.<sup>19</sup>

8.15 At the East Asian Summit, held in Thailand in October 2009, Prime Minister Kevin Rudd further outlined the initiative, suggesting it would include a new registry of civilian experts including people with medical, engineering and constructions experience. The registry would include 500 people, and \$52 million has been made available to support the initiative. It is expected to be fully operational by 2011.<sup>20</sup>

8.16 Examples of principal areas of technical expertise required for the Australian Civilian Corps include: security, justice and reconciliation, machinery of government, essential services, economic stability, community and social capacity building and operational management. Specialists will remain in their regular employment until accepting a deployment; when deployed, specialists will be engaged as Commonwealth employees.<sup>21</sup>

### ***Committee view***

8.17 The recent natural disasters in the region act as a reminder that it is essential that Pacific states do as much as they can to prevent or reduce the effects of such disasters. In Volume I, the committee noted that the natural environment can be made more robust, for example, by preserving mangroves as a way of protecting against coastal erosion and through protecting forests and coastal ecosystems. This is also true of the physical environment where it may be possible to build resilience in housing and critical infrastructure. As far as is possible, assistance should focus on

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18 *Committee Hansard*, 19 June 2009, pp. 39–40.

19 AusAID, 'New Australian Civilian Corps to assist in disaster and conflict zones', [http://www.ausaid.gov.au/hottopics/topic.cfm?ID=7115\\_4988\\_8043\\_4374\\_974](http://www.ausaid.gov.au/hottopics/topic.cfm?ID=7115_4988_8043_4374_974) (accessed 27 October 2009).

20 AusAID, 'New Australian Civilian Corps to assist in disaster and conflict zones', [http://www.ausaid.gov.au/hottopics/topic.cfm?ID=7115\\_4988\\_8043\\_4374\\_974](http://www.ausaid.gov.au/hottopics/topic.cfm?ID=7115_4988_8043_4374_974) (accessed 27 October 2009).

21 AusAID, 'What is the Australian Civilian Corps?' <http://www.ausaid.gov.au/acc/> (accessed 27 October 2009).



preventative as well as reactive strategies. Improving public awareness about the behaviour of tsunamis and earth movements is also important in reducing the loss of life.

8.18 The committee welcomes the development of initiatives to assist Australia respond to crises in the region such as the Asia Pacific Civil–Military Centre for Excellence and the Deployable Civilian Capacity. Yet, in continuing with the themes of interaction and coordination raised throughout this report, the committee would like to see a close relationship develop between these initiatives. The committee considers it imperative that the Centre of Excellence and the DCC represent an integrated and coordinated national approach and a coherent whole-of-government and civilian response, to conflict and disaster management.

8.19 In addition to these initiatives, the committee has also considered the AFP and their training facility at Majura and bilateral capacity building projects that are undertaken by the AFP, through the Policing Partnerships for Development, and by the ADF through the Defence Cooperation Program. Again, the committee would like to see more interaction between these initiatives and a clearer and more integrated whole-of-government vision. The committee has previously made a series of recommendations aimed at improving AFP-Defence pre-deployment training and interoperability in its report into Australia's involvement in peacekeeping operations.<sup>22</sup>

8.20 Because the DCC is still being developed by an inter-agency task force, the committee received limited information about how it would operate into the future. While the committee supports the initiative, it is also mindful of the many difficulties providing assistance in conflict, post-conflict and emergency situations, such as the limited capacity of Pacific island countries to organise and manage donor assistance. The committee's findings from its peacekeeping inquiry and those contained in Volume I of this current inquiry suggest strongly that the DCC must be an integral part of the range of agencies engaged in providing assistance to the region. Further, that it should be closely associated with the work of key institutions, such as the Centre of Excellence, in building regional capacity to manage crises or emergencies including promoting better cooperation and coordination between donors (see Recommendation 22 in Volume I).

## **Recommendation 7**

**8.21 The committee recommends that the Australian Government, through the Asia Pacific Civil–Military Centre of Excellence and the Deployable Civilian Capacity (DCC) give priority to assisting Pacific island states develop their emergency response capacity. Experts from the Centre of Excellence, and attached to the DCC, could raise awareness of tsunami and cyclone behaviour, assist develop emergency response plans and work with Pacific Islanders to develop more resilient critical infrastructure.**

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22 See Senate Standing Committee on Foreign Affairs, Defence and Trade, *Australia's involvement in peacekeeping operations*, August 2008, Recommendation 10, p 157.

## Recommendation 8

**8.22 The committee recommends that as the Asia Pacific Civil–Military Centre for Excellence and the Deployable Civilian Capacity (DCC) develop, the Australian Government take steps to ensure that they operate as an integrated and coordinated whole-of-government and civilian response to conflict and disaster management.**

## Potential impacts of climate change

8.23 A number of witnesses also highlighted concerns about the damaging effects of changes in climate in the Pacific region. The attachment to AusAID's submission, *Pacific Economic Survey 2008*, stated that climate change is 'the biggest long-term threat' facing the region:

The most recent assessment by the International Panel on Climate Change (IPCC, 2007) highlighted the special vulnerability of small island states to climate change, including changing rainfall patterns and temperature increases, the potential for an increase in extreme weather events, and, in the longer term, rising sea levels.<sup>23</sup>

8.24 This was reiterated at the Fortieth Pacific Islands Forum Meeting in Cairns, August 2009, where leaders identified climate change as 'the great challenge of our time' and adopted the Pacific Leaders Call for Action on Climate Change.<sup>24</sup>

8.25 While the region may emit very low levels of CO<sub>2</sub>, Pacific island states are extremely vulnerable to the effects of climate change.<sup>25</sup> In fact, nations of the Pacific islands are among the nations most vulnerable. Pacific island states, especially the low

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23 *Pacific Economic Survey 2008: connecting the region*, p. 4.  
[http://www.ausaid.gov.au/publications/pdf/pacific\\_economic\\_survey08.pdf](http://www.ausaid.gov.au/publications/pdf/pacific_economic_survey08.pdf) (accessed 16 October 2009).

24 Fortieth Pacific Islands Forum Meeting, Forum Communiqué, paragraph 4,  
<http://www.forumsec.org.fj/pages.cfm/newsroom/press-statements/2009/final-communique-of-40th-pacific-islands-forum-cairns.html> (accessed 29 September 2009).

25 The Department of Climate Change noted that Pacific island states contribute 0.04 per cent of the total global emissions. *Submission 71*, p. 4. According to 2005 figures listing total global greenhouse gas emissions, Pacific island nations were ranked as extremely low emitters of CO<sub>2</sub>. Of the 186 nations listed, Pacific island states were ranked accordingly: *Papua New Guinea* 126 (with 0.01% of total world emissions); *Fiji* 142 (with 0.00% of world total emissions); *Solomon islands* 173 (with 0.00% of world total emissions); *Samoa* 174 (with 0.00% of world total emissions); *Nauru* 175 (with 0.00% of world total emissions); *Tonga* 178 (with 0.00% of world total emissions); *Palau* 179 (with 0.00% of world total emissions); *Vanuatu* 182 (with 0.00% of world total emissions); *Cook islands* 184 (with 0.00% of world total emissions); *Kiribati* 185 (with 0.00% of world total emissions); *Niue* 186 (with 0.00% of world total emissions). Data from other Pacific island states was unavailable. Ranked by tonnes of CO<sub>2</sub> emitted per person, states were rated as follows: *Papua New Guinea* 147, *Fiji* 114, *Solomon Islands* 157, *Samoa* 144, *Nauru* 35, *Tonga* 135, *Palau* 69, *Vanuatu* 155, *Cook Islands* 95, *Kiribati* 163, *Niue* 121. World Resources Institute, Climate Analysis Indicators Tool (CAIT) Version 6.0, 2009.



lying atolls, are vulnerable to the effects of climate change, including rising sea levels and more extreme weather events.<sup>26</sup> The Prime Minister of Samoa, the Honourable Tuila'epa Lupesoliai Sailele Malielegaoi recently stated:

Climate change is not a future phenomenon. It is real and already occurring in Pacific countries and low-lying islands elsewhere. It is no longer a question of when, but rather the severity of the magnitude of the impacts and the full cost to society...Sadly, the human and financial costs will be borne disproportionately by small island developing states.<sup>27</sup>

8.26 The direct impact of climate change for Pacific island states include: temperature rise, rainfall decline, changes in the ocean temperature, coral bleaching and acidification, loss of territory from sea-level rise, salt water intrusion and reduced water supply. The climate sensitive areas that will be affected include: agriculture and subsistence living, infrastructure, transport and health as well as ecosystems that are critical to both fishing and tourism. New pests and invasive species may also be introduced and will affect food security.<sup>28</sup> (CSIRO also suggested that Australian territories such as Saibai Island in the Torres Strait are at 'extreme risk of inundation, complete loss of traditional cultural heritage, of territory and of island-based livelihoods'.<sup>29</sup>) Rising temperatures will also increase vector-borne diseases such as malaria and dengue fever, diseases which would have significant ramifications for Pacific island health sectors.

8.27 The smallness of Pacific island states increases their exposure to external hazards and undermines their capacity to deal with them. Poverty and disadvantage also increase vulnerability. The poor are more likely to live in areas that are vulnerable to natural disasters and often lack the capacity to cope. The Department of Climate Change (DCC) submitted:

Pacific Island Countries are comprised of low-lying coral atolls and reef and volcanic islands. The limited size, physical infrastructure, low adaptive capacity and isolation of these countries increase their susceptibility to natural disasters and particularly increase their vulnerability to the impacts of climate change. The projected impacts of climate change have the potential to exacerbate existing challenges in Pacific Island Countries particularly the pursuit of sustainable development due to the environmental, social and economic implications of these impacts.<sup>30</sup>

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26 Prime Minister Kevin Rudd, 'Transcript of address at the close of the Pacific Islands Forum', Cairns, 7 August 2009 <http://www.pm.gov.au/node/6115> (accessed 19 October 2009).

27 The Honourable Tuila'epa Lupesoliai Sailele Malielegaoi, Prime Minister of the Independent State of Samoa, Sixty-Fourth Session of the United Nations General Assembly, 26 September 2009 (accessed 7 October 2009).

28 For example, since 1994 Samoa's Taro crop has been decimated by a fungal blight which has decimated plants. Taro was Samoa's largest export, generating more than half of all export revenue in 1993 but since 1994 taro exports have accounted for less than 1% of export revenue.

29 *Submission 50*, p. 8.

30 *Submission 71*, p. 2.

8.28 In a recent submission to the Secretary General of the United Nations, Kiribati made clear the security implications of climate change. Claiming that water security was at the heart of all of Kiribati's challenges, the submission identified the way the nation's water security has been affected by climate change. It mentioned: drought; rising sea levels and salt water intrusion; the affect of coastal erosion on existing water catchments; higher air temperatures leading to increased evaporation; coastal flooding and the effects of sea water flowing into inland natural ponds and leaving salt deposits in the soil. Water shortages have also been exacerbated by infrastructure problems. In most of the southern islands, for example, the solar pump water systems are inoperable due to problems with servicing and maintenance.<sup>31</sup>

8.29 The Kiribati submission outlines the way water scarcity affects social stability and may ultimately lead to conflict. In one instance, neighbouring villages on the islands of Onotoa and Tabiteua have marked their borders and prevented outsiders from drawing water from their community wells. In another, the government has decided against installing reverse osmosis devices in meeting halls and churches on the island of Aranuka for fear of creating local disputes.<sup>32</sup> Scarcity of fresh water has also caused disputes between land owners. On the island of Tabiteuea, there have been suggestions that if landowners, who live near local water supply, fail to assist in a project to build a seawall, they will have their lands taken away from them. The submission also draws a connection between drought, rising sea levels, salt water inundation and the affects on food security.<sup>33</sup>

### *International responses to climate change*

8.30 While some security challenges can largely be addressed by unilateral state action, others, like climate change, require broader regional or multilateral action. In 1992, most countries of the world joined the international treaty known as the UN Framework Convention on Climate Change 1992 (UNFCCC), a precursor to the Kyoto Protocol.<sup>34</sup> During 2007, the UNFCCC convened a series of workshops on adaptation on small island states. The priority projects identified by the UNFCCC

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31 UN Department of Economic and Social Affairs, Climate change and its possible security implications, 'Security implications of climate change in Kiribati', August 2009, [http://www.un.org/esa/dsd/resources/res\\_pdfs/ga-64/cc-inputs/Kiribati\\_CCIS.pdf](http://www.un.org/esa/dsd/resources/res_pdfs/ga-64/cc-inputs/Kiribati_CCIS.pdf), p. 3 (accessed 7 October 2009).

32 UN Department of Economic and Social Affairs, Climate change and its possible security implications, 'Security implications of climate change in Kiribati', August 2009, [http://www.un.org/esa/dsd/resources/res\\_pdfs/ga-64/cc-inputs/Kiribati\\_CCIS.pdf](http://www.un.org/esa/dsd/resources/res_pdfs/ga-64/cc-inputs/Kiribati_CCIS.pdf), p. 4 (accessed 7 October 2009).

33 UN Department of Economic and Social Affairs, Climate change and its possible security implications, 'Security implications of climate change in Kiribati', August 2009, [http://www.un.org/esa/dsd/resources/res\\_pdfs/ga-64/cc-inputs/Kiribati\\_CCIS.pdf](http://www.un.org/esa/dsd/resources/res_pdfs/ga-64/cc-inputs/Kiribati_CCIS.pdf), p. 6 (accessed 7 October 2009).

34 The UNFCCC did not contain any targets for reducing GHG emissions. By contrast, the major feature of the Kyoto Protocol is that it sets binding targets for 37 industrialised countries and the European community.

adaptation process were: water management; increasing crop diversity; the introduction of more tolerant crops; coast zone development; reforestation; planting mangroves, vegetation buffers and establishing flood shelters; integrating climate change programs into development assistance; and increasing Pacific representation at official and multilateral organisations.

8.31 The UN has also established a National Adaptation Programme of Action (NAPA) to assist underdeveloped countries identify the urgent and immediate threats from climate change. NAPA agreements are specifically designed to develop a plan of action for those nations that have the least capacity to deal with the impact of climate change.<sup>35</sup> States receive funding from the Global Environment Facility (GEF) to develop their adaptation programme which assists states develop their resilience and capacity to adapt to climate variability and extremes. Five NAPAs have been completed for Pacific island states: Kiribati, Samoa, Tuvalu, Solomon Islands and Vanuatu.

### *Niue Declaration on Climate Change*

8.32 During the 39th Pacific Leaders' Forum in Niue in August 2008, Pacific island leaders reaffirmed their commitment to addressing climate change. Their declaration identified a framework for Action on Climate Change which placed emphasis on the need to develop Pacific-tailored approaches. These included:

- Committing the members of the Pacific Islands Forum to continue to advocate and support the recognition, in all international fora, of the urgent social, economic and security threats caused by the adverse impacts of climate change and sea level rise to our territorial integrity and continued existence as viable dynamic communities; and of the potential for climate change to impact on intranational and international security;
- Strengthening meteorological services, consolidating and distributing information on climate change, strengthening adaptation and mitigation measures, and increasing Pacific island countries' capacity to manage their engagement in the United Nations Framework Convention on Climate Change;
- Encouraging the Pacific's development partners to increase their technical and financial support for climate change action on adaptation, mitigation and, if necessary, relocation; and
- Encouraging development partners to increase investment in and support for Pacific Island Countries' efforts to move towards alternative and renewable

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35 National Adaptation Programme of Action, <http://www.napa-pana.org/> (accessed 16 February 2009).

energy sources, which reduce the emissions of our region and improve energy efficiency, as well as help to address the growing unaffordability of fuel.<sup>36</sup>

8.33 While the agreement included a commitment to reduce emissions through developing renewable energy supply, the agreement promotes strategies for adaptation over strategies of mitigation. Because Pacific island states emit so little greenhouse gas and because the effects of climate change are already being felt, adaptation becomes the priority response.

8.34 Adaptation costs will be high in small Pacific island states and large amounts of capital will be required to boost their adaptive capacities. The Lowy Institute for International Policy submitted:

Increased investment by Pacific Island governments in adaptation measures funded from national budgets, the Global Environment Facility, AusAID and other donor initiatives will help mitigate negative effects of climate change. Adaptation measures include improved land management techniques, greater use of water tanks and solar energy, coastal conservation, mangrove protection and innovative recycling techniques.<sup>37</sup>

8.35 The 13th Conference of Parties to the UNFCCC, which was held in Bali in December 2007, established an Adaptation Fund for developing countries to enable them to undertake various projects to cope with the impacts of climate change.

### ***Persons displaced by climate change***

8.36 Numerous submitters to the inquiry expressed concern about 'climate change refugees' and the possibility that individuals, communities or even entire states may need to be relocated as a result of climate change. The AFP suggested:

The controversial topic of global warming (both ongoing drought and rising sea levels) is of interest to law enforcement organisations as an issue now (in Tuvalu and to some extent, Kiribati) and for the region in the future in terms of the pressure that might be applied should a need to relocate individuals or whole communities eventuate.<sup>38</sup>

8.37 CSIRO identified the impact of climate change on regional security with the potential for mass movement of environmental refugees around the region which, they point out, if unplanned 'will lead to great tensions and potential border security and even open conflict concerns'.<sup>39</sup>

8.38 In a recent address to the UN, the President of the Republic of Kiribati stated:

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36 Pacific Islands Forum Secretariat, <http://www.forumsec.org.fj/pages.cfm/newsroom/press-statements/2008/forum-leaders-endorse-niue-declaration-on-climate-change.html?printerfriendly=true> (accessed 16 February 2009).

37 *Submission 14*, pp. 4–5.

38 *Submission 62*, p. 7. Also see ACFID, *Submission 49*, p. 2.

39 *Submission 50*, p. 8.

I have been advocating a combination of pragmatic adaptation strategies for my people. It is our overwhelming desire to maintain our homeland and our sovereignty. However, with the inevitable decline in the ability of our islands to support life, let alone increasing populations, due to rising sea levels, we must also provide opportunities for those of our people who wish to migrate to do so on merit and with dignity. Our approaches will be time relevant, responding to the different levels of threat and impacts of climate change on our islands and our people at a given point in time.<sup>40</sup>

8.39 Associate Professor Jane McAdam, from the University of New South Wales, offered the following assessment of the seriousness of the threat facing nations like Kiribati and Tuvalu:

I think it is a very, very serious threat based on rising sea levels and the scientific projections. Of course, the difficulty is knowing quite when the impacts of those rising sea levels and the knock-on effects that they have are going to reach a tipping point where people are forced to move. We have already got a situation of people moving from outer-lying islands towards the capitals in both of those countries, so there is already some form of internal movement. But there is not much scope for people to move to higher ground. In fact, there is no scope for people to relocate to higher areas. So ultimately—and whether that is in 50 years or 200 years, we do not quite know—it will become necessary for people to relocate altogether.<sup>41</sup>

8.40 Beyond this, it is not so much a matter of when land becomes submerged but when land becomes unproductive, when people are no longer able to grow crops or when communities are at risk of increased cases of malaria.

8.41 There is currently no international legal structure that has been devised to protect Pacific islanders displaced by climate change. Associate Professor McAdam suggested that there remained a question of how this would be dealt with in terms of law and policy. Currently, these people do not meet the definition of a refugee under the 1951 refugee convention.<sup>42</sup>

8.42 Claiming that the only viable future for the people of low-lying atoll states like Kiribati and Tuvalu lies in migration, the Lowy Institute for International Policy recommended that Australia develop 'a staged migration strategy for small island states threatened by climate change or long-term viability':

In the first instance, increased numbers of scholarships should be made available to citizens of Kiribati and Tuvalu to study in Australia, with a provision that they be permitted to seek employment in Australia on

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40 Statement by His Excellency Anote Tong, President of the Republic of Kiribati, General Debate of the 64th United Nations General Assembly, 25 September 2009, [http://www.un.org/ga/64/generaldebate/pdf/KI\\_en.pdf](http://www.un.org/ga/64/generaldebate/pdf/KI_en.pdf) (accessed 7 October 2009).

41 *Committee Hansard*, 24 March 2009, p. 38.

42 *Committee Hansard*, 24 March 2009, p. 39.

successful completion of their studies. On obtaining full-time employment, they should be eligible for resident visas and fast tracked family reunion visas.

This approach would have the advantage of providing incentives for young people to study in Australia, encourage an ordered and voluntary rather than forced migration process from Kiribati and Tuvalu, and ultimately lessen pressures on aid and on the welfare system in Australia. Both countries should also be encouraged to use their trust funds to support the capacity of their citizens to integrate into Australian society through education, training and welfare. Offering access to a staged migration process now gives Kiribati and Tuvalu opportunities to plan future development more effectively and seek further migration options in other countries based on the Australian model.<sup>43</sup>

8.43 This would suggest that it is important that countries of the region develop policy responses and mitigation strategies for persons displaced by climate change.

### **Australian responses to climate change**

8.44 The 2008 Port Moresby Declaration, which announced Australia's commitment to 'a new era of cooperation with the island nations of the Pacific', offers the following assessment of the challenge of climate change:

Australia and the Pacific island nations face a common challenge in climate change. Many of our Pacific neighbours, especially low lying atolls, are particularly vulnerable to the effects of climate change, including devastation from more frequent and severe extreme weather events.<sup>44</sup>

8.45 The Australian Government recognises that Pacific island states are particularly susceptible to the effects of climate change. The government also acknowledges that the institutional capacity of Pacific island states to mitigate or adapt to the effects of climate change and to respond to natural disasters is generally poor. The Department of Climate Change is responsible for developing Australia's Pacific climate change policies and strategies in consultation with AusAID and DFAT. The DCC advocates a strategy of cost-effective mitigation of climate change and adaptation to its impacts.<sup>45</sup>

8.46 Much of Australia's climate change support for Pacific island states focuses on adaptation. At the 39th Pacific Leaders' Forum in Niue (2008), the Australian Government earmarked \$150 million over three years to help develop 'adaptive strategies' in the Pacific. Australia is supporting some mitigation actions through its \$1.5 million Renewable Energy and Energy Efficiency Partnership Project.

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43 *Submission 14*, pp. 4–5.

44 Port Moresby Declaration, <http://www.ausaid.gov.au/country/PortMorDec.cfm> (accessed 5 November 2009).

45 *Submission 71*.



Previously, at the Pacific Islands Forum in Madang, 2005, Australia contributed \$6 million for monitoring sea levels across the south Pacific.

### ***Climate Change and the PPDs***

8.47 Improving the capacity of Pacific island states to mitigate and adapt to the effects of climate change has been incorporated into the four bilateral partnership agreements: PNG, Solomon Islands, Kiribati and Samoa. Addressing the causes and mitigating the impacts of climate change is nominated as a 'future priority outcome' in the PPD with PNG. The PPD with Solomon Islands identifies addressing climate change adaptation and disaster risk mitigation issues as a 'future priority outcome' which may be included in the partnership.

8.48 The PPD with Kiribati, one of the nations most vulnerable to the effects of climate change, includes the commitment from the Government of Kiribati to the Government of Australia to develop climate change strategies on mitigation, adaptation and relocation (through upskilling and securing overseas employment opportunities). Kiribati's efforts to improve its readiness to deal with the impact of climate change and sea level rise is nominated as a further priority area which may receive Australian support. The PPD with Kiribati also refers to Australia's Pacific Climate Changes Strategy for Kiribati but does not elaborate.

8.49 More substantially, the PPD with Samoa identifies climate change as a 'priority outcome', including a joint commitment to:

- Monitor the impacts of climate change on health, agriculture and food security;
- Develop adaptation measures for vulnerable communities, including coastal infrastructure and development of early warning systems;
- Develop viable options for clean and renewable energy.

8.50 A number of the priority outcomes which may be included in the partnerships in the future could involve: addressing the capacity to mitigate and adapt to the effects of climate change; and strengthening the capacity of states to respond to natural disasters and climate change.

### ***Committee view***

8.51 Throughout the second part of this chapter, the committee noted the potential for the effects of climate change to destabilise Pacific communities and identified the security implications of resource scarcity and access to clean water. These are serious concerns and Australia will need to continue to work with Pacific island states to assist them adapt to environmental change.

## **Recommendation 9**

**8.52** The committee reiterates the recommendation made in Volume I (recommendation 3), that the Australian Government ensure that environmental matters including climate change be integrated more effectively throughout its aid program to the Pacific.



## Chapter 9

### Conclusion—Partnerships for Security

9.1 In this volume, the committee underlined the findings in Volume I which stressed the importance of building the self sufficiency and resilience of Pacific island states so that they are able to take advantage of trade opportunities and deliver essential services. It stressed the need to develop more robust policing and regulatory capacities to deal with breakdowns in law and order and demonstrated the importance of building regional cooperation to deal with major disturbances. The committee also identified the need to develop communities that are better able to withstand the adverse effects of natural disasters and climate change. In so doing, the committee has reemphasised the findings of its report into peacekeeping that it is critical that Pacific island states, and donor partners alike, understand that the most important task is to address the root causes of conflict.

9.2 Both volumes of the report have made clear that the Pacific Partnerships for Development (PPDs) present a significant opportunity for Australia to contribute to improving the economic and security status of Pacific island states. The committee has already stressed the need to establish links between the separate priorities in PPDs. This should extend to the security sector where there are many opportunities to better integrate security priorities into the PPDs.

9.3 While the PPDs may have a strategy regarding the reform of policing and law and the justice sector, few of the immediate outcome priorities are focused on traditional security concerns. The only PPD that directly addresses justice sector development is that signed with Samoa. The agreement addresses human resource constraints among government legal services and supports a proposed Law Reform Commission in order to improve Samoa's 'rule of law score in World Bank Governance Indicators'.<sup>1</sup> The law and order and justice sector is also addressed in the PPD with Nauru but as an enabling outcome to assist achieve development outcomes. The Australia–Nauru PPD notes that the absence of a law and justice sector strategy constrains Australia's ability to provide assistance to Nauru. However, it also notes that the AFP and the Attorney-General's Department are expected to lead development in this sector under their existing bilateral and regional programs.<sup>2</sup> The PPDs with

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1 AusAID, Samoa–Australia Partnership for Development, <http://www.ausaid.gov.au/country/partnership/samoa.cfm> (accessed 9 October 2009).

2 AusAID, Nauru–Australia Partnership for Development, [http://www.ausaid.gov.au/hottopics/pdf/Australia\\_Nauru\\_Partnership\\_for\\_Development.pdf](http://www.ausaid.gov.au/hottopics/pdf/Australia_Nauru_Partnership_for_Development.pdf) (accessed 9 October 2009).

Vanuatu and PNG note policing and law and justice sector reform as potential future priority outcomes.<sup>3</sup>

9.4 The committee notes that at the Pacific Islands Forum meeting in Cairns, in August 2009, Prime Minister Kevin Rudd announced bilateral Partnerships for Security with Pacific Island countries. The Forum Communiqué states:

Leaders welcomed Australia's initiative to develop, in close consultation with Pacific Island countries, bilateral Partnerships for Security with Pacific Island countries as a complement to Australia's successful bilateral Partnerships for Development. They agreed that such Security Partnerships could streamline, consolidate and strengthen existing bilateral security cooperation between Australia and Pacific Island countries. They underlined that negotiation of the proposed partnerships would be based on mutual agreement, reflect the needs and priorities of each partner and take account of the capacity and resources of both parties.<sup>4</sup>

9.5 Beyond this statement, the committee has received little evidence about the character of these Security Partnerships. When Defence was asked about the nature of these partnerships at the recent Supplementary Estimates hearings, in October 2009, it was limited in the amount of detail it could provide.<sup>5</sup>

9.6 While these Partnerships for Security are still in their initial or developmental stages, the committee considers that they represent a significant opportunity to address some of the challenges outlined in this volume. The committee therefore recommends that when developing the partnerships the government consider the concerns raised by the committee throughout this report.

## **Recommendation 10**

**9.7 The committee recommends that in developing its Pacific Partnerships for Development and Partnerships for Security, the Australian Government ensure that the link between development and security is strong. Moreover, it recommends that close attention be given to developing Partnerships for Security which:**

- **enhance the level of cooperation, collaboration, coordination and interoperability between Australia's various security-related initiatives;**

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3 AusAID, Vanuatu–Australia Partnership for Development, [http://www.aisaid.gov.au/hottopics/pdf/Australia\\_Vanuatu\\_Partnership\\_for\\_Development.pdf](http://www.aisaid.gov.au/hottopics/pdf/Australia_Vanuatu_Partnership_for_Development.pdf) and Papua New Guinea–Australia Partnership for Development, [http://www.aisaid.gov.au/hottopics/pdf/Australia\\_PNG\\_Partnership\\_for\\_Development.pdf](http://www.aisaid.gov.au/hottopics/pdf/Australia_PNG_Partnership_for_Development.pdf) (accessed 9 October 2009).

4 2009 Forum Communiqué, Cairns Australia, paragraph 58: [http://www.forumsec.org.fj/\\_resources/article/files/Final\\_2009\\_Forum\\_Communique.pdf](http://www.forumsec.org.fj/_resources/article/files/Final_2009_Forum_Communique.pdf) (accessed 26 October 2009).

5 *Committee Hansard*, Supplementary Estimates, Department of Defence, 21 October 2009, p. 73.

- **work with bilateral partners to develop security assistance that is appropriate to Pacific nations' level of development and commensurate with their technical and material capacity; and**
- **complement the work of regional organisations and become instrumental in forging much closer cooperation and coordination with other donors to the region.**

9.8 Recognition of the following issues is essential to the process of developing the Partnerships for Security.

***Coordinating Australia's security-related initiatives through:***

- Identifying the link between development and security, making clear the relationship between the PPDs and the Partnerships for Security. Moreover, as noted in Volume I, the PPDs should also be instrumental in forging much closer cooperation and coordination with other donors to the region.
- Enhancing cooperation, collaboration and coordination between Australia's various security-related initiatives in the Pacific. It is imperative that the Partnerships for Security enhance, not duplicate, current assistance. At a number of points throughout this report, the committee identified potential overlap between initiatives established to deal with transnational crime and suggested that the endeavours of intelligence gathering units be coordinated in terms of their objectives, their information sharing and their delivery. More specifically, the partnerships should establish links between the existing Pacific Policing Development Program and the Defence Cooperation Program and the Pacific Patrol Boat Program, the Pacific Transnational Crime Network and Financial Intelligence Units. The committee has also suggested that Australia enhance the integration, cooperation and coordination of its recent initiatives to deal with significant breakdowns in law and disaster management across the Pacific.
- Enhancing connectivity and interoperability between Australia's various security-related initiatives in the Pacific. The committee is encouraged by efforts such as the Regional Monitoring, Control and Surveillance Strategy which seeks to achieve interoperability with PPBP vessels. The committee also noted the initiatives currently in operation to assist Pacific island states enhance their interoperability, such as the Pacific Transnational Crime Network. This will allow for improved information sharing across the Pacific. Enhancing interoperability must be a priority for all new security-related programs.

***Working with bilateral partners through:***

- Developing security assistance that is appropriate to nations' level of development. The committee recalls comments made by the AFP's Assistant Commissioner Frank Prendergast, outlined in Chapter 3, that '...there is no

point building a First World police force in a country that just does not have the budget to sustain that'.<sup>6</sup> Considering some of the observations that have been made throughout this report about the lack of technical and material capacity in the Pacific, the committee is concerned that some of the initiatives that have been developed to assist deal with transnational crime cannot be sustainably managed by Pacific island states and that states will continue to rely upon donors to fund their operation. The committee also believes that it is difficult for smaller Pacific island states to maintain relations with the large number of organisations, agencies and commissions listed above.

- Improving information sharing between Pacific island states. The committee has noted the need for better information sharing between Pacific island states in their attempt to combat transnational crime and illegal fishing. The committee noted comments from the Pacific Islands Forum Regional Security Committee which points to information and communication as the biggest impediment to effective law enforcement in the Pacific.<sup>7</sup>

***Complementing the work of regional organisations and international donors through:***

- Developing security partnerships to support and complement the work of regional organisations such as Pacific Islands Forum Security Program, the Forum Fisheries Agency, the Western and Central Pacific Fisheries Commission and the Oceanic Customs Organisation. Overlap and duplication with these organisations and other international donors should be avoided.

SENATOR RUSSELL TROOD  
CHAIR

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6 *Committee Hansard*, 21 November 2008, p. 74.

7 Pacific Islands Forum Secretariat, Opening Address by Mr Tuiloma Neroni Slade, Secretary General, Pacific Islands Forum Secretariat, Forum Regional Security Committee Meeting, 4–5 June 2009.

*Public submissions and related material listed in appendices 1–3 were tabled on 19 November 2009 with Volume I—Economic challenges facing Papua New Guinea and the island states of the southwest Pacific.*

## Appendix 1

### Public submissions

- 1 Sydney Centre for International Law—The University of Sydney
- 2 Mr Satish Chand
- 3 Professor Clive Moore CSI and Mr Keith Jackson AM
- 4 Commonwealth Ombudsman
- 5 National Harvest Labour Information Service
- 6 University of Queensland's Consortium on Community Building and Responsible Resource Development
- 7 Government of Japan—Ambassador of Japan
- 8 Department of Broadband, Communications & the Digital Economy
- 9 Sunraysia Citrus Growers Inc.
- 10 Australian Services Union (ASU); Community and Public Sector Union (CPSU); Communications, Electrical and Plumbing Union (CEPU)
- 11 The Centre for Independent Studies (CIS)
- 12 Australian Fair Trade and Investment Network (AFTINET)
- 13 Recruitment and Consulting Services Association (RCSA) Australia & New Zealand
- 14 Lowy Institute for International Policy
- 15 Australian Manufacturing Workers' Union (AMWU)
- 16 AID/WATCH
- 17 Liquor, Hospitality and Miscellaneous Union (LHMU)
- 18 Department of Defence
- 19 Sunraysia Mallee Economic Development Board
- 20 Institute of International Trade, The University of Adelaide
- 21 Mr John Millett
- 22 Mr Nigel Phair
- 23 Dr Robert Ayson
- 24 Dr Max Quanchi
- 25 Mr Bob Breen
- 26 Oxfam Australia
- 27 Australian Prudential Regulation Authority (APRA)
- 28 Government of Fiji—High Commissioner for the Republic of the Fiji Islands
- 29 Australian Chamber of Commerce and Industry

- 30 Australian Nursing Federation
- 31 Pacific Asia Tourism Pty Ltd
- 32 Australian National Audit Office (ANAO)
- 33 Australian Industry Group (Ai Group)
- 34 Esso Australia Pty Ltd
- 35 Northern Territory Government
- 36 Department of Immigration and Citizenship
- 37 ACT Government
- 38 Confidential
- 39 Dr R A Herr OAM
- 39A Dr R A Herr OAM
- 40 Attorney-General's Department and Australian Customs Service
- 41 Qantas Airways Limited
- 42 Department of Agriculture, Fisheries and Forestry
- 42A Department of Agriculture, Fisheries and Forestry
- 43 Department of Infrastructure, Transport, Regional Development and Local Government
- 44 Palms Australia
- 45 Australian Transaction Reports and Analysis Centre (AUSTRAC)
- 46 Australian Nuclear Science and Technology Organisation (ANSTO)
- 47 World Vision Australia
- 48 Professor Helen Ware
- 49 Australian Council for International Development (ACFID)
- 50 CSIRO
- 51 Australia and New Zealand Banking Group (ANZ)
- 52 Maritime Union of Australia
- 53 The Foundation for Development Cooperation
- 53A The Foundation for Development Cooperation
- 54 Mr Geoffrey Beecroft
- 55 Construction, Forestry, Mining & Energy Union of Australia (CFMEU)
- 56 State Society and Governance in Melanesia Program—The Australian National University
- 57 TAFE Directors Australia
- 58 Australia Fiji Business Council
- 59 Department of the Treasury
- 60 Australia Pacific Islands Business Council
- 61 Austrade
- 62 Australian Federal Police (AFP)
- 63 ITS Global

- 64 Department of Education, Employment and Workplace Relations
- 65 Australian Agency for International Development (AusAID)
- 66 Credit Union Foundation Australia
- 67 Australian Centre for International Agricultural Research (ACIAR)
- 68 Department of Foreign Affairs and Trade
- 69 Pacific Islands Forum Secretariat
- 70 Australia Papua New Guinea Business Council
- 71 Department of Climate Change





## Appendix 2

### Public hearings and witnesses

**Thursday, 25 September 2008—Canberra**

**Australian High Commissioner to Tonga**

His Excellency Mr Bruce Hunt

**Thursday, 20 November 2008—Canberra**

**Austrade**

Mr Pat Stortz, Manager, South-East Asia, South Asia and Pacific Unit

**Australian Centre for International Agricultural Research**

Dr Simon Hearn, Senior Adviser

Dr Gamini Keerthisinghe, Regional Coordinator for Papua New Guinea, and Research Program Manager, Soil Management and Crop Nutrition

Mr Barney Smith, Regional Coordinator for Pacific Islands, and Research Program Manager, Fisheries

**Department of Agriculture, Fisheries and Forestry**

Dr John Kalish, General Manager, International Fisheries, Trade and Market Access Division

Mr Paul Ross, General Manager, Bilateral Trade (Americas, South-East Asia, Subcontinent, New Zealand and the Pacific), Trade and Market Access Division

Mr John Talbot, General Manager, Forestry, Climate Change Division

Ms Anna Willock, Manager, Regional Fisheries Management Organisations, Trade and Market Access Division

**Department of Broadband, Communications and the Digital Economy**

Mr Colin Lawrence Oliver, Assistant Secretary, International Branch

Mr Brenton Thomas, Assistant Secretary, Network Operations and Spectrum Branch

**Department of Education, Employment and Workplace Relations**

Mr Graham Carters, Deputy Secretary, Employment and Strategic Policy

Ms Louise McSorley, Manager, Migration Branch

Ms Jane Press, Director, Migration Policy and Analysis Section

**Department of Infrastructure, Transport, Regional Development and Local Government**

Mr Mike Ford, General Manager, Aviation Safety, Aviation and Airports

Mr Andrew Tongue, Deputy Secretary

**Department of the Treasury**

Mr Michael Anderson, Manager, Pacific Unit, Pacific and Assistance Division  
Mr John Burch, Manager, Papua New Guinea Unit, Pacific and Assistance Division  
Mr Dan Devlin, Assistant Pacific Manager, Pacific and Assistance Division  
Mr Thomas Mahony, Member, Pacific Unit Team, Pacific and Assistance Division  
Mr Neil Motteram, General Manager, Pacific and Assistance Division

**Friday, 21 November 2008—Canberra****Attorney-General's Department**

Ms Lucinda Atkinson, Director, Pacific Section, International Assistance and Treaties Branch  
Mr Steven Marshall, Assistant Secretary, International Assistance and Treaties Branch  
Mr Nick Morgan, Director, Anti-Money Laundering Assistance Team  
Ms Gemma Smyth, Acting Director, Illicit Drugs Section, National Law Enforcement Policy Branch

**Australian Customs Service**

Mr Lee Gordon, Director, International Programs  
Ms Sachi Wimmer, National Manager, International

**Australian Federal Police**

Dr Tony Murney, Manager, International Deployment Group  
Commander Paul Osborne, Manager, International Network, Australian Federal Police  
Assistant Commissioner Frank Prendergast, National Manager, International Deployment Group, Australian Federal Police

**Australian Transaction Reports and Analysis Centre**

Mr Peter Clark, General Manager, Gambling, Money Services and International  
Mr Neil Jensen, Chief Executive Officer

**Department of Defence**

Brigadier Andrew Nikolić, Acting First Assistant Secretary, Regional Engagement

**Department of Foreign Affairs and Trade**

Mr Patrick Cole, Assistant Secretary, Pacific Partnerships Taskforce, Pacific Division  
Dr Claus Dirnberger, Executive Officer, Pacific Regional Section, Pacific Regional and New Zealand Branch  
Ms Sarah Hooper, Director, Solomon Islands Section, Pacific Division  
Mr Martin Anthony (Tony) Huber, Acting Assistant Secretary, Pacific Islands Branch, Pacific Division, Department of Foreign Affairs and Trade  
Mr Rick Nimmo, Director, Pacific Partnerships Taskforce  
Mr Richard Rowe, First Assistant Secretary, Pacific Division  
Ms Corinne Tomkinson, Director, Pacific Projects  
Mr Geoffrey Tooth, Assistant Secretary, Papua New Guinea and Fiji Branch

**Department of Immigration and Citizenship**

Ms Malissa Dryden, Acting Assistant Secretary, International Cooperation Branch,  
Refugee, Humanitarian and International Division

Mr Todd Frew, First Assistant Secretary, Border Security Division

Ms Elizabeth Beate Hoffman, Acting Assistant Secretary, Special Labour Market  
Initiatives Branch, Migration and Visa Policy Division

Mr Kruno Kukoc, Principal Adviser, Migration Strategies, Migration and Visa Policy  
Division

**Thursday, 12 March 2009—Canberra****AusAID**

Mrs Margaret Callan, Assistant Director General, Papua New Guinea Branch

Mr Bruce Davis, Director General

Dr Jane Lake, Adviser, Assistant Director General, Pacific

Mr Robert William Tranter, Assistant Director General, Pacific

**Thursday, 19 March 2009—Canberra****Australian High Commissioner to Papua New Guinea**

His Excellency Mr Chris Moraitis

**Tuesday, 24 March 2009—Sydney****ANZ Banking Group Ltd**

Mr Garry Tunstall, Chief Executive Officer, Pacific North West Region

**Australian Industry Group**

Mr Anthony Melville, Director, Public Affairs and Government Relations

**Centre for Independent Studies**

Emeritus Professor Helen Hughes, Senior Fellow

**Lowy Institute for International Policy**

Mr Fergus Edward Hanson, Research Associate

Ms Jennifer Hayward-Jones, Program Director, Myer Foundation Melanesia Program

**Qantas Airways**

Mr David Neill Callaghan, Manager, Government and International Relations

Mr Grant Raymond Lilly, Regional General Manager, New Zealand and Pacific  
Islands

**University of New South Wales, International Law Programs**

Associate Professor Jane McAdam, Director

**University of Sydney, Faculty of Law**

Dr Ben Saul, Director

**Wednesday, 25 March 2009—Sydney**

**Australian Fair Trade and Investment Network**

Dr Patricia Ranald, Co-convenor

**Australia Fiji Business Council**

Mr Brian Francis Anderson, President

Mr Francis Alric Yourn, Executive Director

**Australia Pacific Islands Business Council**

Mr Francis Alric Yourn, Executive Director

Mr Reginald Gordon Hodgson, Executive Member and Treasurer

**Australia Papua New Guinea Business Council**

Mr Ian Chatfield Clarke, President

Mr Francis Alric Yourn, Executive Director

**Australian Prudential Regulation Authority**

Mr Chris Gaskell, Head International Relations

**Maritime Union of Australia**

Mr Paddy Crumlin, National Secretary

Mr Rod Pickette, Policy Executive Officer, Maritime Union of Australia

Ms Zoe Reynolds, Media and Communications Officer

**Palms Australia**

Mr Brendan Joyce, Assistant Director

**Institute for International Trade, University of Adelaide**

Mr Jim Redden, Senior Lecturer and Director of Programs (Pacific)

**Thursday, 26 March 2009—Brisbane**

**Esso Highlands Ltd**

Mr Peter M Graham, Managing Director

**ExxonMobil Australia Pty Ltd**

Mrs Trisha M Perkins, Public Affairs Manager

**Foundation for Development Cooperation**

Dr Vladimir Pacheco, Senior Training Coordination and Research Fellow

**Pacific Asia Tourism Pty Ltd**

Mr Steven Arthur Noakes, Director

Professor Clive Robert Moore (private capacity)

Dr Alan Maxwell Quanchi (private capacity)

**Thursday, 18 June 2009—Canberra—private meeting**

**Australian High Commissioner to Fiji**

His Excellency Mr James Francis Batley

**Friday, 19 June 2009—Canberra**

**AusAID**

Ms Juliette Brassington, Director, Melanesia Section, Pacific Branch

Ms Margaret Callan, Assistant Director General, Papua New Guinea Branch

Mr John Davidson, Assistant Director General, Office of Development Effectiveness

Mr Robert Jackson, Assistant Director General, Deployable Civilian Capacity Group

Dr Jane Lake, Assistant Director General, Pacific Branch

Mr Tony Liston, Director, Partnerships and Incentives, Pacific Branch

Mr Robert Tranter, Assistant Director General, Pacific Branch

**Department of Defence**

Mr Ben Coleman, Acting First Assistant Secretary, Strategic Policy Division

Air Commodore Anthony Jones, Director-General, Pacific and East Timor,  
International Policy Division

**Pacific Islands Forum Secretariat**

Mr Sanjesh Naidu, Economic Advisor

Mr Rick Nimmo, Director, Political Governance and Security Program

Mr Feleti Penitala Teo, Deputy Secretary General (Acting Secretary General)

Mr Edward Vrkic, Executive Officer, Pacific Plan Office

**Centre for Democratic Institutions, Australian National University**

Professor Benjamin Reilly, Director



## Appendix 3

### **Additional information, tabled documents and answers to questions on notice**

#### **Additional information**

Dr Max Quanchi - A National Strategy for the Study of the Pacific

His Excellency Mr James Batley, Summary of points of private meeting, 18 June 2009

#### **Tabled documents**

##### ***21 November 2008***

Department of Infrastructure, Transport, Regional Development and Local Government—*Air Services Arrangements* between Australia and Papua New Guinea and the island states of the southwest Pacific.

Australian Federal Police—*Rule of Law and Government Effectiveness 2002 to 2007 Pacific Island Forum Member Countries*.

Australian Transaction Reports and Analysis Centre (Austrac)—*Opening statement*.

##### ***19 June 2009***

Pacific Islands Forum Secretariat—*Opening statement*.

Department of Defence—Statement on the Asia Pacific Civil–Military Centre of Excellence.

#### **Answers to questions on notice and additional information**

##### ***20 November 2008***

- Department of Agriculture, Fisheries and Forestry
- Department of Broadband, Communication and the Digital Economy
- Department of Education, Employment and Workplace Relations
- Department of Infrastructure, Transport, Regional Development and Local Government
- Department of Infrastructure, Transport, Regional Development and Local Government—answer provided by AusAID
- Department of the Treasury

##### ***21 November 2008***

- Attorney General's Department and Australian Customs Service
- Australian Federal Police
- Department of Australian Transaction Reports and Analysis Centre
- Department of Defence
- Department of Immigration and Citizenship
- Department of Foreign Affairs, Defence and Trade

***12 March 2009***

- AusAID

***19 June 2009***

- AusAID
- Department of Defence

**Answers to written questions on notice**

***8 September 2009***

- Australian Federal Police