

Operating in a foreign policy space



Commissioner Mick Keelty

Commissioner Mick Keelty addressed the National Press Club on 11 October 2006. He outlined some of the challenges facing the AFP in relation to international deployments and counter terrorism. An edited version of the speech follows.

Earlier this year I asked the Secretary of the Department of Foreign Affairs and Trade to address our Senior Executive. In his address, Michael L'Estrange made the observation that the AFP now finds itself operating in a foreign policy space.

While it might seem at first blush to be 'the bleeding obvious' – there are significant implications for the AFP in the growth and performance of our new role.

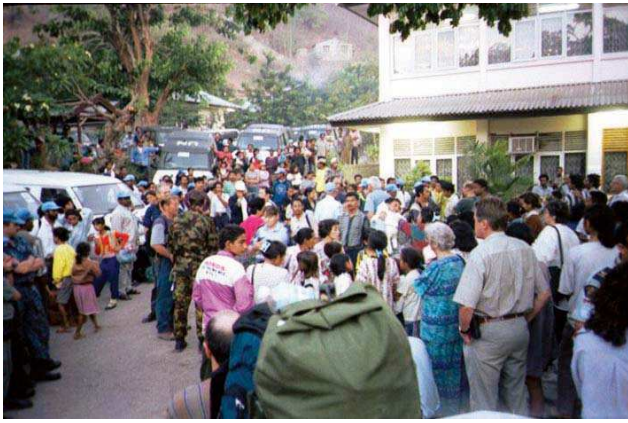
Establishing law and order in these 'imperfectly governed democracies' is a frustrating yet challenging job for the AFP and it has also made the practical issues such as workforce planning for us very much more difficult.

Policing a new paradigm

The broadly applicable 'principles of policing' – however we want to define them – are enduring and have universal application – at least in 'Western Liberal Democracies'.

The founder of modern policing, Sir Robert Peel, said that police seek and preserve public favour not by catering to public opinion but by constantly demonstrating absolute impartial service to the law. This still stands as the touchstone of police operations today.

The joint first Commissioner of Police of London, Sir Richard Mayne wrote in 1829 that 'the primary object of an efficient police is the prevention of crime; the next, is the detection and punishment of offenders'.



The AFP first went into East Timor in 1999 to assist supervise East Timor's ballot for independence.

But are these maxims relevant to today's policing environment – especially in its evolution in Australia?

The AFP has been steeped in the Western tradition of impartiality and the prevention of crime, but is that best suited to the conduct of international peacekeeping operations in morally ambiguous circumstances? In many cases, police in these situations are forced to operate and cooperate with governments and individuals who are either corrupt, or involved in illegal or immoral activities. This can be a confronting and disheartening experience for those police officers involved, and it can have ramifications both for the success of the mission and for the perspective of those individual police officers involved.

There are three broad, challenging issues relevant to this area of police and peacekeeping activity, namely:

- the Political Challenge
- the Legacy Challenge and
- the Cultural Challenge.

The Political Challenge

Much has been written about the fundamental change in the nature and scope of peacekeeping operations over the past 20 years. More particularly, how the function of policing began to augment, and later almost supplant the role of the military in peacekeeping operations.

I recently met with the head of the United Nations (UN) Police

Peacekeeping operations in New York, Mark Kroeker, and it is clear that the trend is likely to continue right around the world. For us, the Australian Government has committed itself to assisting communities in our region and beyond. This does represent a political challenge – even though government appears to have rejected the overall concept of an Australian 'gendarmierie' [military police] – the AFP needs to grapple with what it means to be a 'pseudo-gendarmierie'.

This is reminiscent of the first deployments of Australian police to East Timor in 1999. I recall the argument being put forward to the Government that we wanted to send the AFP to East Timor unarmed. To a government sensitive to the risk and responsibility associated with such offshore deployments and the extant environments with militia groups and others roaming quite openly with a variety of weapons both modern and hand made, our request to go unarmed would have seemed extraordinary.

After all, why are police who conduct domestic policing functions here in Australia armed?

The dilemma seems even more bewildering when you see images of our police up there today who have with them the most modern arms. The answer lies in the operating environment. If my opinion counts for anything, and recognising that I am not considered a traditional 'public servant' by many in this city, I think one of the

strengths of the Government has been the creation of the National Security Committee of Cabinet where issues such as the arming of police in offshore deployments can be debated between officials and the inner Cabinet.

While I understand that a similar structure existed under some previous Labor governments I can only speak from experience and observe that for me as Commissioner, this has been a very effective way to deal with policy making. History will record whether the challenges facing us today are greater or equal to those of the past. The point is that we are facing more constant, more diverse and more challenging policy decisions in the past seven years than we have for a very long time.

Which brings me back to the 'pseudo-gendarmierie' and the requirements for the AFP to be deployed as 'peace keeper' but also as quasi 'peace maker'.

The difference may at first appear to be subtle but the reality is something else. It is true to say that we do have Special Weapons and Operations style teams in Australia. They have various names in each of the jurisdiction. But sending police into a foreign land to make peace is very different role to the one we performed in the past. On this point, I think we need to have it clear in our own minds whether we are engaging in these interventions out of a genuine attempt to build better community or are we more concerned about our own national security that we are about

form of self preservation, or, is it a combination of both?

In July 2003, I was present in Townsville where the send off for the Pacific Island Forum Police and Military Forces was taking place. I recall saying at the time that the measure of our success in this operation will be measured by the 'people of the Solomon Islands who we hope will say that they are better off as a result of the intervention'. I think that is important that we maintain our focus on the community's measure of our performance. But, if we are to consider that the offshore deployments are as much to do with our own security than the changing nature of the threat, and the complexity associated with the notion of national security, then we must accept that police have found themselves in a role formerly, and almost solely, occupied by the military.

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As American National Security analyst Lieutenant Colonel Ralph Peters noted, "Soldiers are brilliantly prepared to defeat other soldiers". He goes on to say, "the enemies we are likely to face... will not be 'soldiers', "with the discipline and professionalism with which that word implies in the West, but 'warriors' – erratic primitives of shifting allegiance, habitually let to violence, with no stake in civil order". Add to this the cultural mix of wontok [shared obligations] and imperfectly governed democracies and you soon recognise that these are very, very different challenges.

Bernard Miyet, a former Under-Secretary-General for Peacekeeping Operations in the UN took this one step further as far back as 1998 and said, "the use of police in peacekeeping represents a vital, new dimension of our efforts to respond effectively to complex problems posed by civil conflict".

Here is the rub. Since policing commenced in Australia over 200 years ago, we have evolved along the Westminster System that sees a separation between the Executive and Police. Police represent the community and must remain apolitical. The founder of modern policing, Sir Robert Peel pointed out that the only difference between police and the community is that the police get paid to protect the community. If a government wishes to intervene in the issues of another State, it has traditionally been achieved through the deployment of a military force to deliver on the Government's objective. Sometimes there is agreement about such deployments, but often there is not and hence the application of lethal force.

Riots in Honiara in April 2006 led to the destruction of property, but no lives were lost due in part to the earlier police campaign that removed firearms from the community.





The invitation from the Indonesian National Police to the AFP to participate in the investigation into the 2002 bombings in Bali was a result of a long developing professional relationship between the two organisations.

countries exemplifies the difficulties we face, but should also assure our resolve to support the criminal justice system.

A topic not openly discussed but I think worthy of private contemplation at least is, 'who is behind these issues?'

Who organised the charter flight last Saturday to spirit Moti [suspended Solomons Attorney-General Julian Moti] away from PNG.

Who paid for the charter? Who is supporting the continued corruption in these countries?

What if Moti was not a politician? What if he was accused of another type of crime? Albeit that it would be hard to imagine a more deplorable crime than the one alleged.

What if he was not a person who was a politician and in fact was a person who committed a terrorist activity?

So policing in this space is politically challenging but I think there is a balance achieved between how we are carrying out our functions and how the impartiality of policing is maintained. Above all, there is a need to support the criminal justice system because, provided it too has not been corrupted, it remains the last bulwark against anarchy.

The Challenge of Legacy

One of the most significant challenges confronting the AFP is the need to ensure that it has the ability, processes, and doctrine to enable it to succeed in the various peacekeeping or law

In 1985, Hugh Collins noted: "Australia's interests and identity cannot be enclosed within a consistent set of boundaries... Its future and its fate lie in the complex network of global interdependence... This gives the country a high stake in defining these international conditions, but also means that changes in international norms and transnational regimes will have direct impact on domestic politics".

A defence force can be, and is, deployed by government without necessarily affecting its political standing, but taking on these new roles for us means weaving a course through the politics in order to keep our apolitical character. The situation is exacerbated when one observes recent developments between our government, and the governments of Papua and New Guinea, and the Solomon Islands. I am not going to comment on the politics of that situation, but our interest is in upholding the criminal justice system. If the criminal justice system is corrupted or otherwise interfered with, a community is left with few options. The least desirable of those options is to take the law into their own hands.

We have seen some extraordinary events since the election of the current Solomon Islands Government. Riots which were strategically aimed at damaging certain elements of the Honiara community were professionally

and responsibly handled by both the Regional Assistance Mission to the Solomon Islands (RAMSI) and the Royal Solomon Islands Police.

Having travelled there immediately after the riots the conclusion that we were lucky not to have suffered any loss of life is compelling. The restraint of the police and the personal courage displayed by them is a story that has not yet been fully told. Had it not been for the removal of more than 3700 weapons by RAMSI in its early phases, then in my view the fatalities would have been significant. I am sensitive to that situation, given that one of our officers had already been murdered. I will have more to say once the judicial process in the Solomon Islands is complete, but one has to question the wisdom of appointing a person alleged to have instigated those riots as the new Police Minister. But that is the reality of these environments in which we operate. The call for a judicial inquiry into the riots by the Solomon Islands Government should silence any critic of the AFP who thought we were being precious when we were adamant about having immunity from prosecution as part of the conditions applying to our earlier deployments to Papua New Guinea where we no longer serve.

The lack of support for the extradition of a fugitive Australian citizen from the leadership of some of our neighbouring

enforcement roles assigned to it by the Government.

Our objectives in these missions can be broadly described in four different tasks:

- the provision of basic law enforcement and public order for an interim period
- the reconstitution of indigenous police forces
- the monitoring and mentoring of local police units and
- re-establishing and reforming the judicial and penal systems as well as the legal code.

At the outset I think it is important when discussing the Challenge of Legacy to let you know that we have not left this until now to think

term regional conflicts are resolved and move to a “peacekeeping” stage, civilian police will be required. Regions such as Afghanistan, Iraq and Kashmir are all potentially new requirements for civilian peacekeeping operations. While there is currently no ‘police peacekeeping’ response to the Israeli-Palestinian conflict (beyond civilian observers in Hebron) the issue is periodically mooted.

If any of these Middle East countries were to become fully developed police peacekeeping operations, there would be a significant increase global demand for the skills. I am not at all suggesting that the Australian Government would commit itself to police peacekeeping

intra-state conflicts, engendered a requirement to help rebuild or reform indigenous criminal justice systems. From January 1989 until August 2000, the UN launched peacekeeping operations in 21 different locations, of which 14 have involved police in some capacity. These missions (listed in chronological order) took place in Namibia, Angola, El Salvador, Western Sahara, Cambodia, the former Yugoslavia, Somalia, Mozambique, Haiti, Rwanda, Guatemala, the Central African Republic, East Timor and Sierra Leone.

In short, we are talking about significant and continuous demand for policing skills around the globe.

Prior to the creation of the IDG, the AFP had been called upon to assist in ad hoc missions conducted largely under the auspice of the UN. The AFP had served in Cyprus, Somalia, Mozambique, Haiti and Cambodia. Today, we have about 700 staff performing duties either domestically with the IDG or offshore in The Sudan, Jordan, Cyprus, Timor-Leste and the Solomon Islands. Following the recent announcement by the Government, that figure will grow to 1200 before the end of 2008. Australia is leading the way here.

My discussions recently with the US think tank the Center for Strategic and International Studies (CSIS) based in Washington confirm this, but numbers are just one part of the equation. We have to ensure that we are sending the right people with the right skills to do

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about. Eighteen months ago we commissioned a three-year joint study, *Policing the Neighbourhood* by Flinders University and the ANU to examine the effectiveness of our work in the International Deployment Group (IDG).

The demand for peacekeepers, both military and civilian police has been constant over the past 15 years, but trend in the last eight years has been for a significant increase in the demand for UN civilian police peacekeeping operations. The UN reports that as long-

roles in these countries, but someone will have to do it.

The current number of civilian police peacekeepers deployed in UN Missions worldwide is about 7500. The past and current levels of demand give confidence to an expectation that the level of civilian police peacekeeping operations will continue at least at the current level and in fact, will increase over the next 10 years.

The contemporary era of peace operations, dealing principally with



AFP Detective Sergeant Dee Quigley (back row, second from the left) with other international trainers provided to the Jordan International Police Training Center as part of the cooperative program to train the Iraqi Police.

the job. We also need to ensure that, where appropriate, we are influencing decision making to work towards making a discernable difference in the countries in which we operate and that we do get it right.

For example, in a frankly critical article in the Australian Army Journal entitled *Helping a Friend* lamented what he saw as some of the major failings of the Participating Police Force (PPF) in RAMSI. He said, "The PPF did not fully grasp the concept of an operation with multiple tasks as part of a wider campaign plan. As a result, the police approach led to many short-notice requests for military support, and the inability to prioritise tasks to achieve a particular outcome and a tendency to take inadequate force protection measures".

He went on to say, "the police approach was characterised by compartmentalised activity – an approach that was further exacerbated by the existence of different threat assessment methodologies. The PPF's lack of an overall campaign plan made it difficult to ensure that military activities supported the civil authority in an efficient manner – for instance, during the process of making arrests of suspected criminals".

These are controversial statements, and the article has been the subject of much critical comment. However, even if only some of these and similar observations are accurate, the AFP needs to redouble its efforts to ensure that the systems,

the processes and, more importantly the doctrine, underpinning future operations by the IDG are adequate.

The AFP and the Australian Defence Force are working towards an effective policy on interoperability and there are many positive aspects of the work undertaken thus far. The Australian community and indeed, the region has and is benefiting from a greater cohesion and understanding between the two entities. The fact that so much of the Australian taxpayer's dollars are spent on this area means that it is incumbent upon the leadership to ensure a seamless approach to these interoperability deployments, and the news is not all bad. In a doctoral study on Australian police peacekeeping, R.J. O'Brien summarises why police can be so effective in situations like these..."where civil as well as human rights are not always respected, where the reign of terror is a recent memory ... The presence of an impartial police unit can reduce the sense of insecurity that obstructs any degree of reconciliation. The policeman is far better equipped both mentally and by training, to fill the psychological vacuum, than is the soldier, because he's dealing with a community problem that he has met many times in a different setting in his own home police force".

Looking from a different angle, Griffith University Academic, Lorraine Mazerolle has written and spoken about the "four Deficits of Policing in Australia". One of these deficits relates to, "an unhealthy social

distance between the police and the communities that they serve". The legacy challenge is how will we manage those deficiencies that exist now, if indeed they do, and how will we ensure that they are not magnified through overseas operations.

I have to say though, my own experience is quite different. I believe, the Australian police officer who serves in one of these missions comes back to their domestic role with a much greater understanding of community policing, has a greater cultural awareness and is much more appreciative of the facilities and technology that policing in Australia sometimes takes for granted.

For me personally, a much greater legacy will be left if we get the formula right in these overseas interventions. We need to build the capacity of the domestic agency to a point where both our governments and theirs, can turn their mind to the sustainable economic futures that these locations do not have. We need to efficiently and effectively establish a secure environment that is sustainable over the longer term so that better health, better education, more jobs and growing economies can result.

Some of my colleagues outside of policing assure me that I will not experience this in my lifetime. Recent events in our region must give them some succour to that proposition but if I thought otherwise, I guess I would not have been a police officer in the first place.

The Challenge of Culture

The Challenge of Culture refers to the difficulties associated with re-focusing policing onto an international task, when they may be more comfortable working in a domestic, community oriented environment. For the AFP it has also meant the blending of a number of different State and Territory police cultures to work as one Australian Police.

Clearly we need to work as one Australian police deployment in order to both complete the objectives set for us by the Australian Government but secondly, to provide consistency in approach when working offshore.

This was highlighted during the recent disturbances in Timor-Leste. One of the downsides of the UN capacity-building models in Timor-Leste was that a multi national approach had been used to train and develop in what was the world's newest police organisation. Clearly, that has not worked. Nor are we likely to see overnight successes achieved with the arrival this week of 186 police from Bangladesh to work for the UN in Timor-Leste.

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At least the training and development of the Police Nationale Timor-Leste will now be conducted on a bi-lateral basis using Australian police but the

challenge in Timor-Leste remains an enormous one.

As I mentioned earlier, this situation in offshore deployments is made even more complicated when the mission involves police working within a morally ambiguous and even corrupt environment without recourse to the use of Australian laws and notions of justice. The success of the mission will depend on police being able to successfully steer through the shoals of this type of environment to enable them to produce an overall outcome.

This may not be as complex as it first appears. It could be argued that basic notions of policing are relevant no matter where members of the AFP might be deployed in peacekeeping operations.

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The AFP's own website lists some of the outcomes from the seminal review into United Nations Peace Operations, the *Brahimi Report*, particularly as they apply to the use of civilian police. The report notes that, from a doctrinal perspective, the functions of police are to:

- uphold the rule of law
- uphold respect for human rights

- help communities coming out of a conflict to achieve national reconciliation
- consolidate disarmament
- demobilise and re-integrate
- fund 'quick impact projects' that make a real difference to the lives of the people in the mission area and
- better integration of public policy in support of governance institutions.

Many of these are, quite clearly, functions which would be relevant in an Australian context as well as during peacekeeping operations. Despite this, there is still a Cultural Challenge to ensure that police are able to uphold basic values, apply these in a sensible context while deployed, and then understand the differences in an Australian context.

The biggest challenge for the AFP in this regard is to ensure that all AFP members have: an incredibly clear and focused understanding of the basic tenets of policing; a deep knowledge of the principles underpinning the profession of policing; a comprehensive understanding of the AFP's stated values, and, most importantly, the ability to apply all of this knowledge in an appropriate cultural framework.



An historic meeting took place between the Royal Malaysian Police and the Myanmar Police Force on 20 November as a result of an initiative developed by AFP senior liaison officers from Bangkok, Kuala Lumpur and Rangoon posts.

professionally and apolitically with a focus on cultural understanding.

Another example is the relationship between the AFP and the police in Burma. While internationally different countries have a different posture on Burma, we have worked with the Myanmar National Police for nearly a decade. The reason is simple. No relationship with the police of Burma would mean no relationship with the country in our region responsible for 90 per cent of heroin that was coming to our shores. It is the source region for the exponential growth in methamphetamine production. Working with them on narcotic investigations has allowed a mature relationship to develop which in turn will mutually assist both agencies when it comes to other forms of transnational crime such as terrorism.

Terrorism

The final area of discussion when talking about the separation of powers in the new environment in which the AFP finds itself is, terrorism. I do not intend to refer to any of the matters that are currently before Australian Courts.

Thirteen years ago as a student at the FBI's National Academy I studied the Theory and Politics of Terrorism. I think that the definition of terrorism we used at that time still holds true today.

The FBI definition was "The unlawful use of force or violence against persons or property to intimidate or coerce a government, the civilian population, or

One of the preliminary findings of the joint Flinders University and ANU Study has been for the AFP to increase its focus on cultural training and indoctrination during the preparation courses prior to deployment.

As an aside, we recognised early in the life of the IDG that as we trained and deployed Pacific Island police for peacekeeping missions there were other cultural concerns to be considered. One of these is HIV/AIDS. The AFP along with the New Zealand Police and Fiji Police have been leading an HIV/AIDS project among Pacific island Police organisations recognising firstly, that the AIDS epidemic is spreading in some of the participating countries in our region but also, that there is significant permanent damage that can be caused to small Pacific Island communities should AIDS be introduced as a result of Police having worked offshore.

Returning to the theme of this presentation, the military strategist, Carl von Clausewitz noted that the military and it follows that war, is a direct extension of policy and politics. In fact, one of his more famous statements was that, "war is the continuation of policy by other means". Accordingly, operating in imperfectly governed democracies with ambiguous governance could be considered as a foreign policy price

that police must pay to become the new deployable arm of Australian Government policy.

The Cultural Challenge for the AFP will be to cooperate in this area while remaining true to our essential nature. The equity and dividend that I spoke about in the Challenge of Legacy will be reduced if our police do not discern the differences between the two operating environments. Former Governor-General, Paul Hasluck pointed out that the aim of policy has consistently been to "make Australian decisions to meet Australian needs and interests".

Understanding and adjusting to the Cultural Challenge has held the AFP in good stead in the past. The best example I can give is the inclusion of the AFP in the investigation with the Indonesian National Police into the Bali and Jakarta bombings in recent years. While not obvious to all, the relationship between the AFP and the INP had been built over a decade prior to the bombings.

Our ability to work with the Indonesians through difficult Defence and Government relationships over the past seven years is proof positive that there is a significant dividend for Australian interests when, as police, we operate

any segment thereof, in furtherance of political or social objectives”.

The point I want to make here is that terrorism is inherently political and that brings with it a dimension to criminal proceedings that would not normally be the case.

Just as with my earlier discussion, the challenge for us, and any law enforcement agency, is to maintain the apolitical character of policing while at the same time dealing with the issues at hand.

It follows then that the AFP has had to ensure that we act according to law with impartiality. But because the issues are inextricably linked to political positions and policy there will always be the temptation to try and view the actions of the AFP to be politically motivated or driven. I can assure you that this has never been the case and I can equally assure you that I see no signs of that changing.

I have raised the subject of the media's treatment of terrorism matters both here in my previous address to the Press Club and again in my more recent address to the Australian Press Council.

I repeat for what it is worth that if terrorism is the most serious crime that we and our partner agencies investigate, then the last thing we want to do is jeopardise any prosecutions. That is why we seldom comment on these matters. But that has not stopped legal representatives from rhetoric and hyperbole that needs to be considered

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in context. We will use the criminal justice system to prosecute our charges; we will not use the media. For us there is no such thing as a 'trophy', we are simply interested in our role in the administration of justice.

While I suspect my call will fall yet again on deaf ears, I think the media has an enormous responsibility in regard to how it portrays terrorism. The object of terrorism after all is to "kill one and frighten ten thousand". The media would do well to ensure that it does not propagate the terrorist mantra in pursuit of sensational headlines.

The reporting in the last few days [during October 2006] of the supposed threat against the English and Australian cricket teams is a classic example. Making headlines out of supposition or propaganda not only fuels fear but there can be unforeseen consequences such as an economic loss that will actually indeed achieve the terrorists' objectives anyway. We should not ignite the curiosity of those marginally interested in terrorism nor should we send the community into a state of fear from carrying out their everyday activities including going to the cricket!

The more experience we have had in analysing world events and with the advent of home-grown terrorists, that

is, those people who hitherto have not come to the notice of police or intelligence agencies, it is important to understand that by improper treatment of suspects or improper presentation of operational outcomes either by us or the media, may encourage others to embrace the ideals of a terrorist.

I am sure that neither you nor I would want that.

In conclusion, the AFP recognises that it is now faced with a different set of challenges than in the past and recognises that we are operating in a 'foreign policy' as well as a 'political' space.

In my view, we need to adjust our thinking about the separation of powers to the degree that we maintain impartiality, and we remain apolitical, but at the same time deliver on the Government's needs and expectations in regard to foreign policy.

After all, the Government too is working in different space, but that is the way of the globalised world. We will do what we can to assist the Government to protect the quality of life of our Australian people while at the same time hopefully delivering benefits to policing organisations and other communities throughout the region.