

Chapter 4

Policy frameworks and mandates

4.1 In this chapter, the committee considers the key factors that influence Australia's decision to contribute to a peacekeeping mission and their implications for future decisions. The committee starts by looking at the broader context of Australia's international reputation before considering in greater detail the importance of Australia's national security interests. It then examines some of the more practical factors identified as critical to the success of a mission, such as the adequacy and appropriateness of a mission's mandate, and how they influence the Australian Government's decision to contribute to that mission.

4.2 In subsequent chapters, the committee continues its consideration of key factors that influence the decision on a proposed peacekeeping operation, including the humanitarian imperative, the legal underpinnings of the mission, the level of force protection and exit strategy.

Australia's foreign policy interests

4.3 The Australian Government recognises that the country's international reputation is an important factor when deciding to contribute to a peacekeeping operation.¹ It has indicated that it is guided by whether an Australian role would advance the country's national security and global interests.²

4.4 DFAT explained the connection between Australia's international reputation and its participation in a peacekeeping operation. It noted that the commitment of Australian forces to UN missions enhances Australia's international reputation and hence increases the country's potential to influence matters of concern to Australia that are before the international community. DFAT stated:

Australian participation in peacekeeping operations not in our immediate region has helped demonstrate our commitment to international peace and stability and strengthened Australia's credentials as a responsible member of the international community. Australia's involvement in peacekeeping operations also increases our ability to influence the broader international security agenda and enhances our international reputation and credibility. Australia's substantial involvement in the UN missions in East Timor for example, has strengthened our ability to influence the UN Security Council on issues which affect our region. In both multilateral and bilateral fora,

1 See for example, Department of Foreign Affairs and Trade, *Submission 18* to the Senate Standing Committee on Foreign Affairs, Defence and Trade's inquiry into Australia's public diplomacy, p. 8; Commonwealth of Australia, *In the National Interest: Australia's Foreign and Trade Policy White Paper*, 1997, paragraph 25, p. 13.

2 Commonwealth of Australia, *Advancing the National Interest*, Australia's Foreign and Trade Policy White Paper, 2003, p. 46.

DFAT emphasises and relies upon Australia's excellent reputation as a contributor to, and participant in, peacekeeping. This track record enables Australia to exert a (considerable) degree of influence in debates on peacekeeping generally.³

4.5 In its submission, the Cyprus High Commission noted the recognition Australia attracts through its involvement in peacekeeping operations. It acknowledged Australia's long association with UN missions in Cyprus, stating that its contribution had been of great value in the peace process and that its continuation was 'greatly appreciated not only by Cyprus but also by the international community'. It added:

The fact that it gives Australia an opportunity to play a constructive role in a European theatre, can also be viewed as a positive element in its relations with Europe. It also gives Australia the opportunity to continue its constructive role within the UN framework as a compassionate, concerned world citizen.⁴

4.6 In their submissions to the inquiry, the governments of Canada and the United States of America also acknowledged Australia as an important partner in peacekeeping operations.⁵

Australia's security interests

4.7 The Australian Government has clearly stated that defence of the country and its direct approaches are Australia's most important long-term strategic objectives.⁶ It recognises that concerns about protecting Australia's national interests would heighten if the potential for instability and conflict arose in a neighbouring country.

4.8 The former Prime Minister, John Howard, underscored the need to become involved in peacekeeping operations in the region, such as the International Stabilisation Force (ISF) in Timor-Leste, because 'the world we live in is one where the problems of weak and fragile states, especially ones on our doorstep, can very quickly become our problems'.⁷ The current government similarly recognises the link between Australia's commitment to peacekeeping operations in the immediate region and the country's security interests. It cited the 'crucial stabilisation and support roles' performed by the ADF and the AFP in East Timor and Solomon Islands.⁸ Before becoming prime minister, Mr Kevin Rudd, stated that Australia 'must be prepared to

3 Department of Foreign Affairs and Trade, *Submission 15*, p. 4. See also the Prime Minister, the Hon John Howard MP, *House Hansard*, 25 May 2006, p. 63.

4 *Submission 35*, p. 3.

5 *Submissions 36* and *37*.

6 Commonwealth of Australia, *Defence 2000: Our Future Defence Force*, 2000, p. x.

7 Prime Minister, the Hon John Howard MP, *House Hansard*, 25 May 2006, p. 63.

8 Governor-General's Speech, 12 February 2008.

participate in coalitions of allies and friends to secure our regional interests'.⁹ DFAT also noted that Australia's contribution to peacekeeping is 'more likely to be substantial when such operations occur in our region'.¹⁰

4.9 Submitters to the inquiry readily acknowledged the contribution that Australia has made to peacekeeping operations since its first involvement in 1947.¹¹ They also shared the view that Australia should continue to have a significant role in peacekeeping operations, especially in the region, to promote Australia's national interests and security.¹² The Returned and Services League of Australia (RSL) and Austcare were among the many witnesses who suggested that it is in Australia's national interest to remain proactive in all aspects of national security including peacekeeping in all its manifestations.¹³ The RSL said:

Peace keeping is an integral part of Australia's contribution to the global effort to reduce tension. It is also part of the national contribution to the work of the United Nations.¹⁴

4.10 DFAT is primarily responsible for assessing the importance to Australia's national interests of being involved in a peacekeeping operation.¹⁵ In consultation with other agencies, it provides advice to the government on this matter. With Defence, it also considers a proposed operation in light of Australia's security concerns. The committee notes, however, DFAT's observation on measuring the advantages that accrue by contributing to a peacekeeping operation:

The cost-benefit of Australia's participation in peacekeeping operations is not easy to calculate. The benefits are usually security and foreign policy related, and difficult to quantify. The costs on the other hand can be measured easily.¹⁶

4.11 Without doubt, promoting and maintaining a politically and economically stable neighbourhood is a top priority for Australia's security and a key factor

9 Mr Kevin Rudd MP, Speech to the Australian Strategic Policy Institute, 9 August 2007.

10 *Submission 15*, p. 3.

11 The Good Offices Commission was established in 1947 to assist in the delineation and supervision of the ceasefire and repatriation of Dutch forces to the Netherlands. It became the UN Commission for Indonesia (UNCI) in 1949.

12 See for example, Austcare, *Submission 11*, p. 9.

13 Austcare, *Submission 11*, p. 2.

14 *Submission 9*, p. 1.

15 *Submission 15*, paragraph 10.

16 *Submission 15*, p. 11.

influencing the government's attitude to a proposed regional peacekeeping operation.¹⁷ Thus, the decision whether or not to participate in a peacekeeping operation is taken within the broad policy framework of Australia's national interests—how the operation relates to Australia's foreign policy and security interests and the likely implications for Australia's international standing.¹⁸

4.12 Even so, peacekeeping operations can be costly and dangerous undertakings with the risk of failure a real prospect.¹⁹ Before committing to an operation, the government must, within the broad policy framework of Australia's national interests, take account of important practical considerations. The following section looks firstly at the growing complexity of peacekeeping operations and the implications that this has for the decision to contribute to a mission. It acknowledges the vital importance of a mission's mandate to any consideration given to a proposed peacekeeping operation.

Mission mandate—the ideal

4.13 A UN resolution establishing a peacekeeping operation contains the mission's mandate which is the UN's request or direction for action in regard to the mission. A mandate stipulates the objectives, responsibilities and functions of the mission and may determine matters such as the duration of the mission, the size and composition of the deployment. The resolution, particularly the mandate, is central to any consideration of whether or not to contribute to the mission.

4.14 As noted in Chapter 2, the growing complexity of peacekeeping operations and the failures of some operations during the 1990s prompted reviews of UN missions. A number of major studies have considered and made recommendations on how to improve the effectiveness of UN peacekeeping operations. They looked closely at the drafting, shape and contents of mandates. The Brahimi Report gave particular attention to the broadening mandates of peacekeeping operations.²⁰

17 Australia's stated strategic objectives are to: foster the security of Australia's immediate neighbourhood; work with others to promote stability and cooperation in Southeast Asia; and contribute in appropriate ways to maintaining strategic stability in the wider Asia Pacific region. See Commonwealth of Australia, *Defence 2000: Our Future Defence Force*, 2000, p. x. The White Paper on Australian overseas aid recognised that Australia's peace and security is inextricably linked to that of its neighbours and cited the Regional Assistance Mission to Solomon Islands (RAMSI), the conflict resolution and post-conflict reconstruction in Bougainville and the aid given to East Timor in its transition to independence as significant achievements in Australia's aid programs. AusAID, White Paper, *Australian Aid: Promoting Growth and Stability*, section 1.2.

18 Department of Foreign Affairs and Trade, *Submission 15*, paragraph 8.

19 See for example, UN General Assembly, Report of the Secretary-General, *Implementation of the recommendations of the Special Committee on Peacekeeping Operations*, A/61/668, 13 February 2007, paragraphs 9–10.

20 In 2000, the Secretary-General convened a panel on United Nations Peace Operations to assess the UN's ability to conduct peace operations effectively and 'to present a clear set of specific, concrete and practical recommendations' to assist the UN to improve its capacity.

4.15 In Australia, commentators and various institutions have also looked critically at mandates. Three previous parliamentary inquiries considered and made recommendations related to Australia's decision to participate in peacekeeping operations and the mandates under which they operate.

4.16 Evidence presented to this committee forms part of this continuing process of review of peacekeeping operations and builds on the findings of international studies such as the Brahimi Report and the previous Australian parliamentary inquiries. Taken collectively, these studies represent a substantial body of analysis on the effectiveness of peacekeeping operations. They highlight the central importance of a mandate to the success of a peacekeeping operation and identify what they regard as fundamental elements of a mandate.²¹ In particular, they argue that mandates should have clearly stated and achievable goals based on an assessment and understanding of risks, including the worst case scenario. They also recognise that a proposed deployment as detailed in a mandate should have:

- a proper legal framework or footing with the recognised authority to deploy the operation;²²
- adequate resources to meet the objectives—the proposed force to have the capacity and capability to fulfil its tasks as set out in the mandate, and sufficient financial resources available to implement the mandate;²³ and
- a level of commitment that can be sustained in order to achieve the stated objectives.

Mission mandate—the reality

4.17 The Security Council responded positively to the findings of the Brahimi Report relating to mandates. For example, in October 2000, it affirmed its determination to strengthen UN peacekeeping operations by adopting clearly defined, credible, achievable and appropriate mandates.²⁴

4.18 The committee notes, however, that the call is not new for a peacekeeping mandate to have clearly stated and achievable objectives and to meet other fundamental requirements such as sustainable commitment and adequate resources. In 1992, the then Secretary-General of the UN reported that 'the established principles

21 See for example, Brahimi Report, paragraph 6(b).

22 See for example, Brahimi Report, paragraphs 58 and 64.

23 See for example, Brahimi Report, paragraphs 58–64; and United Nations Association of Australia, *Submission 3*, p. 24.

24 UN General Assembly, *Report of the Secretary-General on the implementation of the report of the Panel on United Nations peace operations*, A/55/502, 20 October 2000, paragraph 37, p. 8. See also UN Security Council, Resolution 1318, S/RES/1318 (2000), 7 September 2000, section III, p. 2; UN Security Council, Statement by the President of the Security Council, S/PRST/2004/16, 17 May 2004, p. 2; UN General Assembly, *Report of the Special Committee on Peacekeeping Operations and its Working Group*, A/59/19/Rev.1, 2005, paragraph 34, p. 6.

and practices of peacekeeping have responded to new demands of recent years, and the basic conditions for success remain unchanged'. He then identified these basic conditions which included: a clear and practicable mandate; the cooperation of the Security Council; the readiness of Member States to contribute the personnel required and adequate financial and logistic support.²⁵ Thus, it would appear that recent reviews, including those of the parliamentary committees, have tended to repeat, as though newly discovered, the same principles and key factors identified years earlier as critical to the success of a mission. Indeed, some of these principles, such as clear objectives, commitment to the operation and adequate resources and funds, appear self-evident.

4.19 The committee accepts that it is important to recognise these fundamental requirements for a peacekeeping operation when considering a proposed mission but, if all has been said before, it is imperative to understand why these well-established principles do not always translate into action.

4.20 In 2004, Under-Secretary-General, Dr Shashi Tharoor observed that the UN was not perfect: that it is 'at its best a mirror of the world'. He added that it 'reflects our divisions and disagreements as well as our hopes and convictions'.²⁶ The Brahimi Report noted the connection between the compromises required to reach consensus on a peacekeeping operation and the ambiguity and lack of specificity in a mandate.²⁷ Similarly, the University of Queensland Social Research Centre observed that 'mandates given for operations are the products of political deliberation and compromise, and the result is that they are frequently vague'.²⁸ Other commentators have likewise referred to political expediency rather than the adherence to universal principles as factors influencing the shape and content of mandates.²⁹ Clearly, the 1992 statement by the Secretary-General, the findings of a number of recent reports on the effectiveness of peacekeeping operations and the evidence before this committee suggest that the lessons from previous experiences in peacekeeping operations have not always been learnt. The many reports recite, with minor variations, the familiar list of 'common sense' lessons that the UN should already know. Sergio Vieira de Mello,

25 UN General Assembly and Security Council, Report of the Secretary-General, *An Agenda for Peace: Preventive diplomacy, peacemaking and peace-keeping*, A/47/277-S/24111, 17 June 1992, paragraph 50.

26 Shashi Tharoor, 'Is the United Nations Still Relevant?', Speech, Asia Society, Hong Kong, 14 June 2004, <http://www.asiasociety.org/speeches/tharoor04.html> (accessed 18 December 2007).

27 Brahimi Report, paragraph 56.

28 The University of Queensland Social Research Centre, *Framework for Performance Indicators in Australian Federal Police (AFP) Peace Operations*, Final Report, prepared for the Australian Federal Police, October 2006, Section 1.3, p. 3 (provided by AFP, answer to question on notice 2, 25 July 2007).

29 Roland Rich, 'Crafting Security Council Mandates', The Centre for Democratic Institutions, p. 13, <http://polsc.anu.edu.au/rich%20paper.rtf> (accessed 23 July 2008).

former Special Representative of the Secretary-General and head of the Transitional Administration in East Timor, remarked in 2000:

To date the UN, like many other large bureaucracies has proved more adept at repeating mistakes, than at learning lessons.³⁰

4.21 The weight of opinion indicates that political compromises in the Security Council may produce a mandate that does not fully adhere to the fundamental principles and practices recognised as necessary for a successful peacekeeping operation. Thus, the Australian Government needs to examine a peacekeeping operation's mandate carefully to ensure that it meets fundamental requirements and, if not, whether and under what conditions Australia should commit personnel to the mission.

Other key factors considered by government

4.22 All relevant government agencies presented evidence on the factors they take into account when assessing a proposed peacekeeping operation. For example, DFAT stated categorically that a number of complex considerations inform the decision to contribute to a peacekeeping operation, including the objectives of the mission and how effective the mission would be in achieving them.³¹ Resources and commitment to the proposed mission are also considered. DFAT informed the committee:

One of the primary considerations of the Australian Government for involvement in peacekeeping operations is whether there is a clear mandate and achievable goals. For UN operations, consideration is also given to the prospect for a satisfactory outcome given the UN resource commitment and the political situation in the country affected.³²

4.23 Similarly, Defence explained that it considers, and makes its own independent assessment of, whether the mission can be accomplished within the time frame and with the available forces. Lt Gen Gillespie noted that if the UN has not made some details of the operation clear, such as whether they want peace enforcers not peacemakers, Defence would formulate advice to government on these matters, including the anticipated time frame for the operation.³³ This information feeds into the department's advice to government 'about the likelihood of the UN achieving [the mission's objective] in the timeframe that they are either saying or have not specifically stated'.³⁴

30 Sergio Vieira de Mello, 'How Not to Run a Country: Lessons for the UN from Kosovo and East Timor', unpublished paper, June 2000.

31 *Submission 15*, paragraph 8.

32 *Submission 15*, p. 5.

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

34 *Committee Hansard*, 24 July 2007, p. 18.

4.24 The 2000 Defence White Paper provides greater detail on the factors that guide Defence's assessment of whether Australia should commit forces to operations. These are consistent with the factors identified earlier as fundamental to the success of a mission, and include:

- the nature and extent of Australia's interests, including strategic, political, humanitarian and alliance issues;
- whether the mission has a clear mandate, goals and end-point;
- whether the mission's goals are achievable in all the circumstances and with the resources available;
- the extent of international support for the mission;
- costs of Australian participation, including the effect on the ADF's capacity to perform other tasks;
- training and other benefits to the ADF;
- risks to personnel; and
- consequences for Australia's wider interests and international relationships.³⁵

4.25 Clearly, there is a mix of factors influencing an agency's advice on whether to commit to, or how best to contribute to, a proposed mission. Agencies consider these factors concurrently, including the important practical factors of Australia's capacity or capability to contribute.³⁶ The AFP explained:

...once a likely contribution to an operation receives broad policy support, a thorough initial analysis is necessary against current and projected commitments. The results of these analyses determine the preconditions that would make a commitment viable and lead to development of an operational concept to address government objectives. This process enables the AFP to articulate to government what is seen as the necessary strategies required for entry and the steps involved for achievement of success.³⁷

4.26 Lt Gen Gillespie outlined how Defence prepares itself to make an informed assessment of its capability to meet the demands of a proposed peacekeeping operation. He told the committee that the Chief of the Defence Force is advised on a weekly basis regarding the capability of the ADF for potential trouble spots 'if they were to arise in the next month window, two-month window or six-month window'. Lt Gen Gillespie explained:

...we will be telling...what assets we have got, where they are, how far away they are from potential flashpoints, how quickly they could be turned around and whether they are in maintenance...So we have...a process in place where we can continually advise the government on what we can do

35 Commonwealth of Australia, *Defence 2000: Our Future Defence Force*, paragraph 6.18.

36 *Committee Hansard*, 24 July 2007, p. 5.

37 *Submission 28*, p. 9.

in a concurrency sense and so that we remain postured for eventualities in our region in a certain time frame.³⁸

4.27 He added that sometimes Defence needs to reassess activities 'so that we know exactly where and what time frame we have available for certain assets'.³⁹ According to Lt Gen Gillespie, all three services have 'people prepared and ready to go at certain levels' of notices to move. He noted that, in Autumn 2006, Defence 'saw the potential for issues' in Timor-Leste, so it brought additional units to shortened degrees of notice. Their training was increased and focused on what might come up in order to have troops when the need arose.⁴⁰

4.28 In some cases, Australia does not have the resources or capability that the UN requests. With regard to sending forces to Darfur in September 2007 and the practical matter of resources, Mr Paul Foley, DFAT, explained:

The reason Australia is unable, at this time and for this particular operation, to make a larger contribution is simply the ADF's current operational commitments across a range of peacekeeping and other operations.⁴¹

4.29 The government also takes account of the capabilities of participating members and the readiness, compatibility and complementarity of their forces.⁴² The deployment of the ISF to Timor-Leste in 2006 provides an example of some of these more pragmatic and technical factors that the government weighed up before it decided to accept the invitation from the Government of Timor-Leste to participate in a mission. These factors also shaped the government's decision on how to structure the operation in order to restore calm to the country. According to Defence:

ADF troops were not deployed under the UN mission because Australia believed that an Australian-led international security force (ISF) was best placed to provide the necessary military support for the UN and the East Timorese Government to ensure peace and stability.⁴³

4.30 It explained that there were a number of advantages associated with deploying separately as the ISF, which included being a force that was:

38 *Committee Hansard*, 24 July 2007, p. 7.

39 *Committee Hansard*, 24 July 2007, p. 7.

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

41 *Committee Hansard*, 13 September 2007, p. 3. On 30 March the Prime Minister, the Hon Kevin Rudd MP, in response to the Secretary-General's request, indicated that 'a commitment of military officers up to a threshold of nine military officers will be made available to assist' with UNAMID in Darfur. Prime Minister of Australia, Press Conference, United Nations, New York, 30 March 2008. See also Prime Minister, the Hon Kevin Rudd MP, 'Australia to contribute to Darfur Peace Process', Media Release, 8 June 2008.

42 See for example, *Committee Hansard*, 13 September 2007, p. 3.

43 Department of Defence, answer to question on notice W4, 24 July 2007.

- flexible, with organic air mobility which could, at short notice, be reinforced to meet unexpected circumstances;
- familiar with the environment and the tasks with proven command and control arrangements; and
- able to focus on security issues which then allowed the UN to focus its contribution where its expertise is most needed, such as in the area of nation building.⁴⁴

4.31 It also identified the disadvantages of deploying separately as the ISF, including that:

- the majority of the operation's costs were incurred by Australia; and
- the non-UN operational structure was less attractive to some potential coalition partners.⁴⁵

4.32 The decision to lead the ISF shows that the government considered the type of mission, the capabilities available and how Australia could best use its forces to serve the needs of the peacekeeping operation. As well as matching Australia's capabilities with the circumstances on the ground, Australia also took account of the financial and political costs associated with the contribution.

Committee view

4.33 The political compromises made in the Security Council in order to arrive at a final decision about a peacekeeping operation highlight the need for Australia to examine an operation's mandate thoroughly. This scrutiny includes whether the mandate satisfies basic requirements such as having objectives that are clear and achievable. The expanding scope of mandates, as discussed in Chapter 2, also requires close consideration from an Australian perspective particularly to determine what Australian personnel are being asked to do as part of a peacekeeping coalition. Where Australia takes the lead in proposing a regional mission, it needs to consider these factors when consulting and negotiating with the host country and other potential partners on the terms of the mandate.

4.34 When considering a peacekeeping mandate, the Australian Government has indicated that it is aware and takes account of these fundamental requirements. Even so, the committee feels obliged, as have many other previous reviews, to underline, in the form of a recommendation, the importance of adhering strictly to these principles.

44 Department of Defence, answer to question on notice W4, 24 July 2007

45 Department of Defence, answer to question on notice W4, 24 July 2007.

Recommendation 1

4.35 The committee recommends that, before the Australian Government commits personnel to a peacekeeping operation, it is satisfied that the mandate has:

- **clearly stated and achievable goals based on an assessment and understanding of risks, including the worst case scenario;**
- **a level of commitment that can be sustained throughout the life of the mission in order to achieve the stated objectives; and**
- **adequate resources to meet the objectives—the proposed force to have the capacity and capability to fulfil its tasks as set out in the mandate, and sufficient financial resources available to implement the mandate.**

4.36 Furthermore, where Australia is taking a key or lead role in the proposed mission, the committee recommends that the Government of Australia ensure the terms of the mandate strictly meet these fundamental requirements. This should be done in consultation with the host country, the UN and potential partners.

4.37 The committee makes recommendations regarding a peacekeeping operation's legal framework, force protection and exit strategy in following chapters.

4.38 The 2000 Defence White Paper sets down clearly the factors Defence regards as important when considering a proposed peacekeeping operation. Today's peacekeeping operations, however, involve a number of government agencies. To date, there is not a policy document presenting a whole-of-government approach to peacekeeping operations, including the factors that shape the government's decision on Australia's involvement in such missions. The committee therefore suggests that a white paper on peacekeeping would bring together in one document a coherent explanation of the whole-of-government policy on Australia's participation in peacekeeping operations. The argument for producing such a major policy document is developed throughout this report leading to a recommendation at paragraph 24.48.

Conclusion

4.39 The Australian Government recognises that engagement in international peacekeeping operations is an important means of building Australia's international reputation as a responsible international citizen and enhancing the country's national security.⁴⁶ Within this framework of Australia's national interests, there are other important factors that influence the decision to participate in a proposed peacekeeping operation.

4.40 The evidence before the committee makes clear that the government carefully considers many aspects of a proposed peacekeeping operation in order to ascertain the

46 See for example, Commonwealth of Australia, *In the National Interest: Australia's Foreign and Trade Policy White Paper*, 1997, paragraph 25, p. 13.

likelihood of its success and the broader implications for Australia should it contribute to the mission. The committee has taken this opportunity to re-state the importance of recognising key 'common sense' factors critical to the success of an operation. These include the objectives of the mission, whether they are clearly defined, achievable under the conditions set down in the mandate, and the extent to which Australia has the capacity and resources to commit forces.

4.41 The committee notes, however, the growing complexity of peacekeeping operations, the changing expectations of peacekeeping missions and Australia's active involvement in non-UN regional operations. In light of these developments, the committee believes that some matters warrant greater attention. In the following chapters, the committee examines four additional key considerations in the decision to commit personnel to a peacekeeping operation—the humanitarian imperative, the legal framework of the mission, the level of force protection and, finally, the exit strategy.