COMMONWEALTH OF AUSTRALIA

Official Committee Hansard

SENATE

STANDING COMMITTEE ON FOREIGN AFFAIRS, DEFENCE AND TRADE

Reference: Australia's involvement in peacekeeping operations

THURSDAY, 13 SEPTEMBER 2007

CANBERRA

BY AUTHORITY OF THE SENATE

INTERNET

The Proof and Official Hansard transcripts of Senate committee hearings, some House of Representatives committee hearings and some joint committee hearings are available on the Internet. Some House of Representatives committees and some joint committees make available only Official Hansard transcripts.

The Internet address is: **http://www.aph.gov.au/hansard**

To search the parliamentary database, go to:
http://parlinfoweb.aph.gov.au

SENATE STANDING COMMITTEE ON

FOREIGN AFFAIRS, DEFENCE AND TRADE

Thursday, 13 September 2007

Members: Senator Payne *(Chair)*, Senator Hutchins *(Deputy Chair)*, Senators Mark Bishop, Cormann, Forshaw, Hogg, Sandy Macdonald and Trood

Participating members: Senators Adams, Allison, Bartlett, Bernardi, Birmingham, Boswell, Boyce, Bob Brown, Carol Brown, George Campbell, Carr, Chapman, Conroy, Crossin, Eggleston, Chris Evans, Faulkner, Fielding, Fierravanti-Wells, Fifield, Fisher, Heffernan, Hurley, Joyce, Kemp, Kirk, Lightfoot, Ludwig, Lundy, Ian Macdonald, Marshall, McGauran, Mason, Milne, Nash, Nettle, Parry, Polley, Robert Ray, Scullion, Siewert, Sterle, Stott Despoja, Watson, Webber and Wortley

Senators in attendance: Senators Mark Bishop, Cormann, Forshaw, Hogg, Sandy Macdonald, Payne and Trood

Terms of reference for the inquiry:

To inquire into and report on:

The changing nature of Australia's involvement in peacekeeping operations and the implications for the Australian Defence Force, AusAID, the Department of Foreign Affairs and Trade and the Australian Federal Police and other departments and agencies likely to be called on to assist a peacekeeping operation, with particular reference to:

a. the policy framework, procedures and protocols that govern the Government's decision to participate in a peacekeeping operation, for determining the conditions of engagement and for ceasing to participate;

b. the training and preparedness of Australians likely to participate in a peacekeeping operation;

c. the coordination of Australia's contribution to a peacekeeping operation among Australian agencies and also with the United Nations and other relevant countries; and

d. lessons learnt from recent participation in peacekeeping operations that would assist government to prepare for future operations.

WITNESSES

Committee met at 4.08 pm

BLISS, Mr Michael Edward, Director, International Law Section, Department of Foreign Affairs and Trade

CHAN, Ms Michelle, Assistant Secretary, South-East Asia (South) and Regional Issues Branch, Department of Foreign Affairs and Trade

EDWARDS, Mr Bruce Kevin Jeffrey, Executive Officer, Solomon Islands Section, Pacific Islands Branch, Pacific Division, Department of Foreign Affairs and Trade

FEAKES, Mr Richard, Director, Solomon Islands Section, Pacific Islands Branch, Pacific Division, Department of Foreign Affairs and Trade

FOLEY, Mr Paul, Assistant Secretary, Middle East and Africa Branch, Department of Foreign Affairs and Trade

LOCHRIN, Mr Adrian Robert, Acting Assistant Secretary, Strategic Affairs Branch, Department of Foreign Affairs and Trade

POTTS, Mr Michael John, First Assistant Secretary, International Organisations and Legal Division, Department of Foreign Affairs and Trade

CHAIR (Senator Payne)—Good afternoon. I declare open this meeting of the Senate Standing Committee on Foreign Affairs, Defence and Trade, which is inquiring into Australia's involvement in peacekeeping. These are public proceedings, although the committee may agree to a request to have evidence heard in camera or may determine that certain evidence should be heard in camera. I remind all witnesses that, in giving evidence to the committee, they are protected by parliamentary privilege. It is unlawful for anyone to threaten or disadvantage a witness on account of evidence given to a committee, and such action may be treated by the Senate as a contempt. It is also a contempt to give false or misleading evidence to a committee.

If a witness objects to answering a question the witness should state the ground upon which the objection is taken and the committee will determine whether it will insist on an answer, having regard to the ground which is claimed. If the committee determines to insist on an answer, a witness may request that the answer be given in camera. Such a request may also be made at any other time.

The Senate has resolved that an officer of a department of the Commonwealth or of a state shall not be asked to give opinions on matters of policy and shall be given reasonable opportunity to refer questions asked of the officer to superior officers or to a minister. This resolution prohibits only questions asking for opinions on matters of policy and does not preclude questions asking for explanation of policies or factual questions about when and how policies were adopted. I remind you that any claim that it would be contrary to the public interest to answer a question is one which must be made by a minister and should be accompanied by a statement setting out the basis for the claim.

I would like to thank you, Mr Potts, for the responses to the questions on notice provided to the committee, for which we are grateful. Would you like to say anything by way of an opening statement before we go to questions?

Mr Potts—No, we have no opening statement.

CHAIR—All right. Thank you. Mr Potts, I think the place we would like to start is on one of the issues which we were pursuing in July. At that stage there was discussion of a potential African Union-UN operation in Darfur, but at that stage there had been no formal request made for any Australian involvement, because there had not been a passing of the resolution by the Security Council. Now that has progressed, can you advise the committee whether there has been a formal request made for Australian participation?

Mr Potts—I will ask Mr Foley to answer that.

Mr Foley—As you would be aware, there has been a series of United Nations Security Council resolutions aimed at improving the peacekeeping outcomes in Darfur, with the most recent one the passing of UNSCR 1769 on 31 July. That set up the hybrid AU-UN peacekeeping operation in Darfur—UNAMID—although that built on earlier efforts to boost the AU operation through UN support. As part of that process, Australia, like other members of the UN, was asked to consider whether it could contribute. In June, as part of that earlier process, we made an offer that was subsequently reiterated to the UN to make available a team of health professionals to conduct an assessment of the health support requirements for the UN force. As part of the dialogue that has gone on in New York between our mission there and DPKO, the UN has advised that it has no current requirements in that area.

Australia is always looking for ways to do more in Darfur and Sudan and will continue to do so. We have a good record in terms of the contributions of humanitarian aid—$71 million since 2004 and $11 million to neighbouring countries—and, also, as you would be aware, ADF and AFP contributions to the UN mission in Sudan, which oversees the north-south comprehensive peace agreement.

CHAIR—Thank you very much. Does anyone have any questions on Darfur?

Senator HOGG—In another section of your submission under the heading 'Ceasing to participate', it says:

One of the primary considerations of the Australian Government for involvement in peacekeeping operations is whether there is a clear mandate and achievable goals.

With respect to Darfur, obviously it is not the mandate in question; is it the achievable goals that become the difficulty or are there other issues that need to be taken into consideration, as you have said? Is it just that goals cannot be achieved that stops operations in areas such as Darfur?

Mr Foley—Are you asking: is that preventing a larger Australian contribution?

Senator HOGG—Yes.

Mr Foley—No, that is not the case. 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. UNAMID has quite a robust mandate, a chapter 7 mandate, and I think there are good expectations that it will lead to improved peacekeeping outcomes in Darfur.

Senator FORSHAW—I know that I am getting to a policy area and that that might be difficult. Where you have an area like Darfur, the primary approach has been a local, regionally based one—that is, from the African states. Do we ever consider our contribution in the light of the approach adopted by other countries to their participation? I am trying to be very delicate and diplomatic. In other words, are there theatres of operations that we would never consider being involved in for any number of reasons?

Mr Foley—I think any request for contributions is decided by the government on its merits according to the particular case at the time.

Mr Potts—To amplify that, there are a whole range of factors the government takes into account. One would be: if we were to go into a particular force, who would be in there with us and what would be their capabilities? We would be looking at the mandate. As Senator Hogg alluded to earlier, we would be looking at the exit strategy and so on. So there are a whole mix of factors.

Senator FORSHAW—Yes, and a lot of those considerations obviously would be the focus of the defence department. Why I asked the question—and I am trying to be delicate about it—is that we have a view, and I think it is one that is shared right across the political spectrum, that Australia needs to be pre-eminent in these sorts of operations within our own region, the Pacific particularly. We still have to go through the normal processes of whether there is a request and whether it is from the UN, other countries in the region or the country itself. I am wondering whether a better approach internationally, and one that the UN could be looking at as well, would be to establish peacekeeping forces or peacekeeping groups of countries that focus more regionally, rather than what we have at the moment. We are and have been historically involved in many missions all around the world, as we know, and we have done them very well, but is that sort of thinking outdated and does there need to be a regionally based approach? I am looking at the foreign affairs, diplomatic focus rather than at the military capacity.

Mr Potts—I understand where you are coming from.

Senator FORSHAW—I think you do.

Mr Potts—I do not think there is a sort of one size fits all, but in some ways it is probably fair to say, when you look at Darfur and the hybrid force, that it is going to be preponderantly an African force. The same probably applies to MONUC, the operation in Congo. The commanders of both of them will probably be Africans, for example. So that may well suit Africa, especially as there are some relatively heavy hitters in terms of military forces—the Nigerians, for example—who can contribute significantly. In other continents you probably have more of a case-by-case basis, although it is probably fair to say that in our own very near region, on the whole, we have been at least a core contributor to each of the peacekeeping operations.

Senator FORSHAW—We are aware—we have canvassed this—that there are positives and negatives. On the one hand, you understand the region better, but then there is also the problem of Big Brother. You know that some of those countries might look upon us, or look upon another country in that region, as a former colonial power. Years ago the French used to have a major role in similar sorts of operations in North Africa. I am not sure that they do any more. I do not know; you might tell me. In some of the major catastrophes where genocide has occurred we are seeing that the countries within the region—I do not want to go back and name them—have had some spectacular failures. Even though it was felt at the time that the Europeans were best equipped to handle Central Europe and Bosnia and Kosovo, major impasses were created, and we saw what happened. It has been suggested, at least, that that is certainly an issue that is going to be faced in Darfur as well. I suppose I am trying to see where the line of thinking is going within the foreign affairs community about whether there are different ways to overcome those problems.

Mr Potts—I do not think there is a consistent pattern, in many ways. Even if you look at the operations close to home—the first INTERFET, for example—while it was Australian led, it had 20-plus contingents from a whole range of countries, and they were not by any means regional. We had Jordan and Malaysia from the region and some Latin American countries as well. Even in Africa, where the Congolese and Sudanese operations are going to have a strongly African flavour, that is a relatively new development, I think, in terms of African participation in peacekeeping. So I think you are seeing a bit of an evolution.

Senator FORSHAW—Those ones are UN mandated?

Mr Potts—Those two are.

Senator FORSHAW—That is all I had on Darfur. Some of these issues arise again in relation to other parts of the world, but thank you for that.

CHAIR—They do.

Senator TROOD—Perhaps this is for you, Mr Potts, but whoever is appropriate may answer. We have had quite a lot of evidence from various sources in relation to this inquiry regarding the creation of some kind of independent unit. It has been variously described as a centre of excellence, a think tank or a place where we might repose the nation's expertise in relation to peacekeeping. It would have a range of functions—training, developing research capability, engaging with the United Nations and with other similar bodies and institutes overseas, et cetera—depending on who was putting the proposition to us. It is variously formulated, as I see it.

I would be interested to know the department's response to that proposal. I notice, in the written answer you gave to question 5, where a proposition like that was put, you have explained—not incorrectly, obviously—that there are a range of strategic oversight mechanisms, et cetera. I do not think that addresses the substance of this particular proposal, which goes beyond the formal agency-coordinating mechanisms. It is a different kind of exercise in trying to establish national expertise with regard to peacekeeping. Could you elaborate on your answer and address more directly that proposition about what we will perhaps call a 'centre of excellence', please.

Mr Potts—As a preamble, it is probably worth saying that the involvement of DFAT in peacekeeping tends to be, first of all, at the instigation of an activity, when we look to see whether we will go in, provide advice and so on and work with other departments on that. Then, with the initial deployment, we tend to monitor, especially if we have a diplomatic mission in the country, how that deployment is going and so on. What we do not have—although there are some exceptions to this—is a day-to-day involvement with the peacekeeping operation on the ground in the sense that we do not generally have personnel as part of the peacekeeping force. There are exceptions. Bougainville, for example, had civilian monitors and with some of our deployments we also tend to have a foreign affairs adviser. Mr Foley, in fact, was the force adviser in East Timor quite recently. But, that said, our expertise really is more on the diplomatic and policy sides rather than the peacekeeping operational side.

We tend to take the view—and that is probably why the answer focused very much on the sort of policy mechanisms—that those processes work well. We are heavily involved in them, they are well established and they produce good results. I think it is fair to say that we are always open to new ideas and proposals, but the important thing for DFAT is flexibility because no two situations are exactly the same. We are not saying that the adoption of one or other of these proposals which are floating around for a centre of excellence necessarily limits flexibility, but what we would not want is for a centre like that to produce a doctrine which was so defined that it led to a lack of flexibility. So that is our general approach to the proposals. Generally, from a DFAT perspective, we think the policy coordination mechanisms work well. We are certainly open to new ideas but we would want to have flexibility in the way we could have input into peacekeeping operation and development.

Senator TROOD—I think that is a virtue and I agree with that proposition, given the different natures of the peacekeeping operations which are being undertaken around the world. I do not feel the need to defend these proposals particularly, but my sense is that it is not intended that they become part of a formal element in the policy-making process. It is intended that it will be a centre which develops ideas broadly about peacekeeping. I think that anxiety you may have is probably not going to be pushed too much in that area.

In that context, do you have any particular views about the range of expertise that exists in Australia about peacekeeping? We are receiving evidence later in the afternoon from some researchers at ANU. One of their propositions is that there may be some value in trying to develop a register or a list of the people who have expertise in peacekeeping operations. This would be in relation to all of the kinds of activities which are now involved in reconstruction efforts. So it is not narrow peacekeeping of the fifties or sixties variety but peacekeeping in the broadest definition of that word. Two questions arise out of this: first of all, are you aware of an agency that might be able to put its hands quickly on a range of expertise that might exist or is DFAT able to? That is to say: somewhere in the annals of DFAT or some other agency, do we have a kind of list? If we do that is gratifying. If we do not, would that be of value to DFAT? Would that be an idea that is worth pursuing, in your view?

Mr Potts—Are we aware of the range of expertise? I think in the broad we are. That has been fortified by the experience that we have had in the last 10 years in peacekeeping. If you look at the broad definition that you were alluding to, we, and particularly AusAID as well as part of the broad of foreign affairs portfolio, have got pretty good access to that range of expertise, particularly in questions of nation building. From the DFAT perspective, what is probably not as

visible to us is the range of expertise on the harder edged side of peacekeeping but we would have confidence in the way that the ADF and the AFP in particular can access that expertise. Many of the practitioners involved on that side of the house are former members themselves or have very good links.

Senator TROOD—We took evidence from Professor David Horner and his group who are writing a history of Australian peacekeeping over 60-odd years. One of the things that struck me in their evidence to the committee was the way in which the tempo of peacekeeping activities had increased over this period of time and the increasing complexity of them. They were not just about inserting troops or police into simple situations—not simple in one sense, like Cyprus, but they were becoming increasingly more complex in regards to nation building and the like. In particular, they put the proposition to us that the demands that were being made on Australia in this regard had increased notably in the last 10 to 15 years or so. There had been an accretion of solutions to the problems with which we were being presented.

What they also said, which struck me quite forcefully, was that, granted that most of these exercises had been well-managed—as you said in your remarks and repeated this afternoon, there has been good coordination between various agencies and the task had been done in an exemplary fashion—there did not seem to be any occasion when anybody within Defence or anywhere else had sat down and done a comprehensive review of the likely demands that are going to be made on Australia and perhaps the international community more generally about peacekeeping in the future and what the implications of those demands might be for a country like Australia, the region and elsewhere. There are questions like what demands might be made in relation to force structures, reconstruction efforts, decision-making and processes. I suppose my question is twofold in that respect. Firstly, has DFAT ever sat down and undertaken that kind of broad strategic thinking exercise and, if it has not, is it planning to do so at any stage in the near future?

Mr Potts—I think it is fair to say that DFAT has an over-the-horizon capability, particularly through our global affairs branch, which tends to look at particular situations aside from the day-to-day flow of events. So it tends to look at either a particular theme or at a particular range of countries to get a sense, looking five to 10 years out, of what the likely outcome is going to be. We have done a considerable amount of work and that work has also been done with AusAID in terms of fragile states. It is fair to say that we have got a reasonable sense of which particular states bear closer examination. What we do not do, something that I know Professor Horner is interested in, is drilling down to exactly how dire a situation would be, what sort of scenarios are likely and what sort of force structure would then be required. I think that it is beyond our remit, but we do have a proactive wish to look out ahead and to see what countries are likely to give rise to difficult situations which might call for an emergency response of some sort. AusAID also does it on the humanitarian side of things.

Senator TROOD—I agree that forced structure is not something that you would want to be undertaking, nor I suspect would defence be pleased about you exploring that possibility in any way. Are you aware of whether or not the global issues branch has done any work in this area at all?

Mr Potts—I have only been back about six months, so I cannot speak for them. They have been in existence for over a good two years, so I cannot give you an answer on that.

CHAIR—I want to pursue some questions on matters around RAMSI. The committee found our interaction with the ANAO audit team leaders in our hearing recently quite valuable. An interesting aspect of the engagement between government departments and activities as complex as RAMSI is that they bring issues to light. There are a couple of themes which seem to have come together in this process. One is ANAO's audit observation that, for example, the Australian Federal Police—that was their specific reference, but I think it is more broad than that—need to focus on short-term as well as medium-term capacity building given the political risks that are associated with RAMSI domestically in the Solomon Islands. How do you deal with an environment like that, in terms of Australia's engagement, and is there any role for DFAT in working through those processes for all of the agencies which are involved to balance between long-term outcomes and short-term priorities particularly? We also received observations from people such as Michael Wesley, who, in a recent article he wrote on the South Pacific in commenting on RAMSI, said:

> It was hoped that placing experienced Australian public servants within the bureaucracy would not only impart administrative skills and culture, but would also lead to enduring institutional links. Because of enduring problems with public service recruitment in the Solomon Islands, Australian officials initially intended as advisers often found they had no counterparts in the Solomon Islands public service, and had to slot into line roles instead.

It seems that there needs to be a fluidity in the approach that we take to that. I think that, when you move through those lines, they come together at the point of how you manage these processes. Are there any observations you would like to make on that?

Mr Potts—Yes, there are. I agree that there is a role for DFAT. In fact, I think it is essential that there be a DFAT role in looking at how an operation like RAMSI deploys in practice. There are very good reasons for that. When you have problems, particularly in short-term capability, that give rise to imbalances in the original concept of RAMSI, clearly there could be a political reaction in the Solomon Islands. At the end of the day, DFAT has to manage the whole political relationship in the Solomons. That is why the special coordinator is from DFAT. That is why we lead whole-of-government processes on the ground in the Solomons. And that is why we are very anxious to stay engaged with agencies on the ground—that is, not just the AFP and AusAID but the agencies that are also deploying the public servants, such as Treasury and so on. I think there are always problems. Particularly in a fragile environment like the Solomons but perhaps even in larger countries—I am thinking of Papua New Guinea—when you have a deployment of expertise you have this problem of displacing or turning advisers into in-line people almost by default. It is not something we would want to do without at least knowing it is happening and then assessing the implications. The practical on-the-ground problems of making an assistance mission like RAMSI part of the rebuilding process are what DFAT would want to play an integral and day-to-day role in.

CHAIR—We have received about 40 submissions to this inquiry. The committee has already explored on the public record some of the NGO submissions with the NGOs. There are some very interesting observations about how, in their experience, particularly in terms of the civilian contributions that we make in many cases, they think we could just slightly shift our attitude, our approach and our behaviour. The committee may be minded to take up many of the recommendations—I do not know; we are not at that point yet. In this inquiry—and I run the risk of asking, 'Does the department take the Senate committee seriously,' and then not liking the answer—there has been a very serious effort to put some very, I think, innovative ideas out there

and to raise some very genuine concerns. Does your organisation and the department broadly, and in specific areas of the department which have regional responsibility, look at those, generally speaking, and consider them or would they only take those up or examine them if they came with the force of a recommendation by a committee inquiry?

Mr Potts—No. I think we are more open-minded than was perhaps implied in the question.

CHAIR—No—I was not implying that you were closed minded. I was seriously inquiring about the process within the department. I am your greatest fan, Mr Potts. You do not have to worry about me.

Mr Potts—Thank you. I am very pleased to hear that. I do not think that the department has any doctrinal problem in looking at proposals from NGOs. There are NGOs and there are NGOs, in many ways, and I think that some have worked successfully in the field. People, particularly at regional posts, would know well and would be inclined to say: 'There's a good idea. Let's see if we can integrate it.' There are probably others that we would be less inclined to embrace. That is natural. I do not know that I can say more than that.

CHAIR—That addresses the issues I was generally raising with you.

Senator FORSHAW—There was evidence the other day about the establishment of a force or a service. What was the name of that? I cannot recall. We had some evidence—

Senator HOGG—The United Nations.

Senator FORSHAW—Yes. It was about the establishment of some UN permanent peacekeeping force. Do you know what I am talking about? I cannot remember the acronym for it. It was mentioned when we were having discussions with the AFP and others the other day. Could you comment on that?

CHAIR—Do you mean the UN emergency peace service that the UN Association of Australia were talking about?

Senator FORSHAW—Yes.

CHAIR—That would be a standing force based on the concept of R2P.

Senator FORSHAW—That is it, exactly. I apologise that I cannot remember all the acronyms.

Mr Potts—There have been a number of variants of this, but the essential idea is that you would have a fairly large, dedicated force of troops who are actually earmarked or, in some cases, perhaps even garrisoned together and ready for immediate deployment and so on. I have seen variants of it. The idea has not really gained much traction over the years, mainly because of the practical difficulties. Regarding which countries, let me just give two or three—

Senator FORSHAW—Is it being seriously promoted by countries, the UN or—

Mr Potts—Not generally by countries but by people. There is a group of eminent people at the moment who have a proposal which is being shopped around. There are several difficulties. Firstly, what sort of mandate would it have, given that there is a range of situations that it would face? Secondly, would countries contribute to a force when it might not be able to be deployed? You would have your forces perhaps sitting idle or whatever. Thirdly, most but not all countries do not want their troops deployed without some ability to say, 'Not to this country or to that country.' There is the element of national command and so on. Fourthly, there is financing. So the traction tends to break apart once you start looking at these practical problems. In theory, of course, it does not look like a bad proposition to have a force you can move in more or less straightaway. I was going to say it is ideal but, in a sense in the current environment, it is utopian. I think all of these proposals are worthy in many respects but have just broken down because of those difficulties.

Senator FORSHAW—The chair just reminded me that it was raised the other day in connection with the development of the responsibility to protect doctrine that on the one hand is put up as a new principle but on the other reflects what historically people have longed for, which is that you could prevent civilian populations being tragically killed in genocide or whatever. Could you comment a little on the responsibility to protect doctrine in terms of what the department and the Australian government are doing? What contribution are we making to that debate?

Mr Potts—I think the adoption at the millennium summit of the responsibility to protect as part of the outcomes document was a very significant step forward. There is no doubt about that. Even more important was the fact that it was adopted by consensus. The following year it was enshrined by reference in a Security Council resolution as well. So the good news is that ostensibly there is an international consensus for the concept. Where things still need to develop is: how do you operationalise it, particularly on the preventative side? I think the international community these days is not bad at reacting to difficult political humanitarian situations, although it can be slow as in Darfur and you would always want improvement in terms of rebuilding. The novelty of R2P is very much on the preventative side, and I suppose that is also where Darfur may have exposed the weaknesses as well. It was clear that the situation was developing there, and the international community was constrained by essentially state sovereignty. While the adoption of it was very much an achievement, operationalising it is going to be very much a challenge. Mr Bliss, who has been involved in this, probably has some comments to add.

Mr Bliss—I might pick up on that idea of how we operationalise it. We were very pleased that the Security Council in April last year acknowledged the principle in general terms in resolution 1674 of protection of civilians in armed conflict. It picked up for the first time the world summit outcome on responsibility to protect and enshrined it in a Security Council resolution. Later that year, in August, the council applied it to the situation in Darfur in resolution 1706. That was the first time it had been specifically used, if you like, to frame the debate for the Security Council. The high-level assessment mission appointed by the Security Council then in March this year used the terminology of responsibility to protect in stating that the government of Sudan had not done enough and not lived up to its responsibilities. I think we are seeing slowly but surely a use of the concept to change the terms of the debate in the Security Council and more broadly, and that is something we very much welcome.

Senator FORSHAW—Are there any other conflicts, potential conflict situations or situations of potential substantial harm to civilian populations that are being looked at in the context of that doctrine? If there are, name them.

Mr Potts—We would always be looking at the Congo. There is a substantial force there at the moment, but that force has been heavily pressed from time to time. That would be the one that most obviously comes to my mind.

Senator FORSHAW—I am hesitant, but I will take the risk. I was thinking of maybe countries like Zimbabwe or Sri Lanka—Sri Lanka maybe not so much, but Zimbabwe. If you read the reports, there are grave fears of, at some point in time, a potential collapse of the civil system or the government, or at least very repressive actions taken against the civilian population, as well as humanitarian issues—that is, food shortages, economic collapse and so on.

Mr Potts—It is clearly on the public record how seriously we as a government—and many others as well—are taking Zimbabwe. There is no doubt of that. Mr Foley might have—

Senator FORSHAW—I suppose the fear is that, if something happens, somebody one day will say, 'Why didn't we have a look at the responsibility-to-protect doctrine, and why weren't we able to take action?'

Mr Foley—I think Zimbabwe is more a case of good old-fashioned bad governance rather than any sort of genocidal intent to destroy populations. There are a reasonable number of humanitarian operations already going on in Zimbabwe through agencies like the WFP. There is also, I guess, a natural escape valve for Zimbabwe, in that people just leave. They go over the border to South Africa.

Senator FORSHAW—And then they get picked up and taken back, don't they?

Mr Foley—They push some of them back, but I think the number of Zimbabweans in South Africa is very substantial. While not claiming to be an expert on R2P, I do not think Zimbabwe quite fits within that.

Mr Potts—No, it is not genocide.

Senator FORSHAW—I appreciate what you are saying. It is just that sometimes in these situations—and God forbid that it happens—a few years later, if the governance structure breaks down then it is ripe for various tribal warlord tensions to break out. That has been the history in a number of the places that you mentioned earlier.

Mr Potts—One of the key features of the responsibility to protect is normally that the country situation needs to be on the UN Security Council agenda, and of course Zimbabwe is not, for reasons that I think we all understand.

Senator FORSHAW—Thank you.

CHAIR—I just want to ask a couple of questions on Security Council resolution 1325 and on some of the issues that have been raised with us through the inquiry process. I have obviously

seen—and we have discussed this before, I think—Ambassador Hill's statement from October 2006 on women, peace and security. When we talked to AusAID about the impact of the resolution in terms of Australia's approach, they indicated in response to a written question on notice that 'a strategy for advancing the position of women in government in the Solomon Islands, as part of the RAMSI Machinery of Government program', had been developed. The response stated:

By supporting women to gain positions of decision-making power RAMSI seeks to ensure that women are well-placed to contribute effectively to conflict prevention and peace consolidation strategies.

That sounds good, but it does not really give us an idea of what that strategy has actually resulted in in terms of the number of women who may now be in significant decision-making positions. Can you give us any indication of what we have achieved in that process and in other countries where we have a similar sort of engagement? Could you perhaps do similarly for Timor Leste? I must say that, through our discussions with both the police and the Defence Force, I have not been particularly compelled by the power of the responses I have received from the various government agencies about the approach they are taking on resolution 1325. Certainly the words are there, but the evidence is perhaps not leaping over the table at us, so I would be interested in DFAT's perspective on how this is actually working for Australia.

Mr Potts—I can speak only for DFAT, and that is in a sense to say that we are at best a bit player in this compared to some of the other agencies. Essentially, when you are talking about the participation of women in peacekeeping, it generally goes down to the providers of the peacekeepers, and generally that is not us. Where we have been able to have an impact, of course, is where we have deployed civilian monitors. We have generally tried to have a good gender balance in those. I think I mentioned at the last session the peace-monitoring group on Bougainville.

CHAIR—On Bougainville, yes.

Mr Potts—That, I think, was where women's participation among the peacekeepers was not only important numerically but also important in bringing good results on the ground. I do not think the Bougainvilleans had expected that some of the peacekeepers would be women. Some of the former guerrillas, I think, were surprised at it and a little bit querulous at first, but the Bougainvillean women were very responsive. It formed an opportunity for a second channel, in a sense, into Bougainvillean opinion. But I think that is probably about as far as I can go in terms of DFAT's ability to translate this resolution into action.

CHAIR—But, even if on notice, can you provide us with advice about the numbers that we may or may not have achieved by the implementation of the strategies that AusAID tell us about—

Mr Potts—Yes.

CHAIR—and about what has happened in the Solomon Islands public sector in particular? Is there a gender unit or group within RAMSI?

Mr Potts—I see that Mr Edwards has the requisite knowledge, which I lack.

Mr Edwards—With specific reference to the increased level of participation of women at the higher levels of decision making in government, whilst RAMSI would not take credit entirely, it has provided that support across the machinery of government program. The numbers have increased in the permanent secretary ranks from one woman serving as a permanent secretary back in 2003 to five in such positions currently. As I say, RAMSI would not take credit for that increase, but I think it is demonstrative of the increased participation of women throughout the public service. Also at the middle-ranking levels, through the Institute of Public Administration and Management, which has been revitalised as part of the machinery of government program, we are seeing anecdotally many more women coming through the recruitment processes and being posted to those new positions. When I say 'new positions', they are positions that were not filled previously but that, as part of that revitalisation of the public service, are now being filled.

CHAIR—Does RAMSI have a gender unit or a gender focus group within its organisation? There is one in East Timor, which I think came out of UNTAET in the first instance.

Mr Edwards—Gender is a cross-cutting issue, of course, as you would know, throughout AusAID's programs.

CHAIR—I think this is working towards a no, Mr Edwards, but thank you. That is all I needed to know. Senator Trood, are you going to be brief?

Senator TROOD—Of course, always!

CHAIR—No, that is not true—but on this occasion?

Senator TROOD—I will be on this occasion, Chair. Mr Potts, the joint declaration with the Japanese on security that was signed earlier in the year, I think, has included within it some proposals in relation to peacekeeping activities. Can you outline to the committee what is proposed in relation to that degree of cooperation at the moment? Are there fleshed out plans as to how that arrangement and cooperation might proceed?

Mr Potts—I would prefer to take that on notice, I think, unless Mr Lochrin has details. It is handled in another area of the department, although there has been some consultation, but I do not want to misspeak myself on this one. It is an important issue, and I would like to get it right.

Senator TROOD—I would be grateful if you would take that on notice. General Ford came before the committee and gave us some evidence. The proposition he put to us was that Australia should think seriously about civilians and military people involved in peacekeeping operations getting some experience of the leadership courses provided by the United Nations. I am wondering whether that is usually a course that DFAT takes with regard to its officers before they are sent overseas. Is it typical or usual for you to send officers to those courses, and do you have any figures you might be able to provide to us on the number of people who have participated in them?

Mr Potts—I do not think it is usual but I can certainly take it on notice and give you a better statement of the numbers involved and so on.

CHAIR—Mr Potts, I thank you and your officers very much for attending this afternoon and for your provision of answers to written questions on notice, which were helpful to the committee in terms of preparing for today.

[5.04 pm]

BRAITHWAITE, Professor John, Centre for International Governance and Justice, Regulatory Institutions Network, Australian National University

CHARLESWORTH, Professor Hilary, Director, Centre for International Governance and Justice, Regulatory Institutions Network, Australian National University

FARRALL, Dr Jeremy Matam, Research Fellow, Centre for International Governance and Justice, Regulatory Institutions Network, Australian National University

CHAIR—Welcome. I understand that a copy of today's opening statement has been provided to you. Do you have any questions regarding that document?

Prof. Charlesworth—No. May I just explain that our colleague John Braithwaite is coming from the conference on peacekeeping. He was required to be there, so he will be here a little bit late.

CHAIR—Thank you. We have before us your submission, which has been numbered 29 and is a public document. Do you need to make any amendments or alterations to that?

Dr Farrall—No.

CHAIR—I invite you to make an opening statement, after which we will proceed to questions.

Dr Farrall—The ANU Centre for International Governance and Justice was established last year. It aims to develop regulatory theory in the context of peacekeeping and peacebuilding. Our research projects focus both on empirical questions such as 'What works and what fails in peacekeeping and peacebuilding?' and on the role that international law can play in strengthening the development of democracy after conflict. The centre is currently conducting two major projects on peacekeeping and peacebuilding. Both are Federation Fellowship projects supported by the Australian Research Council. Both are in their initial stages.

The first project, led by Professor Hilary Charlesworth, is called Building Democracy and Justice after Conflict. This project will advance new ways of thinking about building the structures for democracy and justice after conflict. It will develop new theoretical models to ground international norms about post-conflict governance and justice, as well as practical proposals to implement them.

The second project, led by Professor John Braithwaite, is called Peacebuilding and Responsive Governance. This project will explore what works in peacebuilding and how international peacebuilding and international law can contribute to justice and human development after conflict. This ambitious project, which involves extensive periods of field research, will cover up to 48 country cases. Each case will also stand alone as a contextually rich account of the successes and failures of peacebuilding in that particular nation.

Our submission for this inquiry addresses sections (b) and (c) of the terms of reference, concerning the training and preparedness of Australians likely to participate in a peacekeeping operation, and the coordination of Australia's contribution to a peacekeeping operation. Australia has played a prominent role in supporting peacekeeping operations through military and police force deployments. A large part of this inquiry has focused, quite justifiably, on how to improve and enhance Australia's participation in such military and policing activities. However, we join a number of other submissions in emphasising that there is also a critical need to focus greater strategic attention upon enhancing Australia's contribution to civilian components of peacekeeping.

The evolution of complex, multidimensional UN peacekeeping operations means that contemporary UN peace operations now assume a wide variety of civilian responsibilities. This is a point that has been made clear throughout the committee's hearings. These responsibilities include the implementation of a peace agreement; the maintenance of stability through military and police interventions; the disarmament, demobilisation and reintegration of former combatants; the return of refugees and internally displaced persons to their homes; the delivery of humanitarian services to those in need; the restructuring and reform of local armed forces and police; the strengthening of court and judicial systems and prison facilities; the promotion and protection of human rights; the conduct and monitoring of elections; and the promotion of development and economic reconstruction—to name but a few of these civilian responsibilities.

Australians can thus play a range of civilian roles in support of UN peacekeeping. Yet Australian civilians who participate in UN peacekeeping operations are rarely involved on the basis of formal deployment by Australian authorities. They tend to find civilian peacekeeping opportunities at their own initiative and to draw upon their own varied personal experience and training in relevant fields. We believe that Australia could improve and enhance the contribution of its nationals to civilian peacekeeping by providing more strategic support to those nationals who are likely to be deployed on peacekeeping operations as civilians.

Our submission outlines some general recommendations for enhancing Australia's civilian contribution to peacekeeping. We would like to highlight three of these recommendations today. First, we believe an audit should be conducted of Australia's human resources in civilian peacekeeping. Australia could compile a roster of Australian experts, both practitioners and academics, who stand ready for deployments or secondments to undertake civilian peacekeeping activities. Particular attention could be placed upon identifying civilian nationals who are currently serving or have recently served in peacekeeping and peacebuilding contexts.

Second, there should be greater support for specialised civilian peacekeeping training. Australia should pay greater strategic attention to the training and development of nationals involved in civilian peacekeeping. One possibility, which has been mentioned by a number of other submissions, would be to establish a centre of excellence in Australia for civilian peacekeeping. If opened up to regional nationals, the institute could also play a positive role in developing the human resources capacity of countries in our region.

Finally, there should be an increase in the practice of deploying Australian officials on short-term peacekeeping secondments. Many peacekeeping operations operate with substantial civilian vacancy rates caused by a combination of time-consuming recruitment processes and poor retention rates due to the hardships of post-conflict environments. I served in the United Nations

Mission in Liberia. It was a constant battle to fill all of the civilian roles there. In fact, there was often a 33 per cent vacancy rate caused by natural attrition and people tending to serve on average about seven months. Australia could think creatively about assisting the UN to fill this gap through the short-term deployment of Australian nationals to fill the temporary needs created by these vacancies. This would have the dual benefit of constituting a major Australian contribution to peacekeeping and of broadening the Australian human resource base in civilian peacekeeping. We would now welcome the committee's questions. We hope that our colleague Professor Braithwaite will be here shortly. He is involved in a conference on peacekeeping at the Australian War Memorial.

CHAIR—Thank you very much, Dr Farrall. If Professor Braithwaite can join us that will be great. I will start by raising a couple of issues. I think that the suggestion that you make in your submission of an audit of Australia's human resources in civilian peacekeeping is a very interesting one, one which I am sure the committee will be interested to consider in more detail. If we are going to do that, you might give some more thought to the best way to go about doing that. Do you place an ad in the *Australian* or do you do it more methodically through the academic community or the NGO community? I will leave that standing for your contemplation.

You refer in your recommendations to a centre of excellence for civilian peacekeeping. I can tell you that if we get any sort of centre of excellence for peacekeeping we are going to have to put everyone in together; we are not going to be able to draw lines in the sand in terms of different centres of excellence. What we have been very interested to see is the contribution, for example, of Major General Tim Ford, particularly his suggestions and the way that they have developed some impetus—I would not call it a head of steam—in the process of our discussions. And he is not the only one, as you note. So we think there is some room in which to move there. I am hoping that you would consider a broad based centre of excellence for peacekeeping—or think tank or whatever particular noun is chosen to describe it—as acceptable, notwithstanding your emphasis on civilian peacekeeping issues.

Dr Farrall—Yes, I would. Would you like me to respond to both of those issues?

CHAIR—Sure.

Dr Farrall—I will take the centre of excellence question first. Yes, I fully believe that it should not be restricted to the civilian dimension. But I think it is really important to emphasise the civilian dimension. There are already a number of centres which focus on the military and policing dimension, so this would be something new. I fear that if it is not emphasised then it might be swamped by the emphasis on the military and the police, so it should be a very clear component of a centre of excellence. I have had the opportunity to read a copy of the oral presentations by Major General Ford and Major General Smith of Austcare. I would say that we at the centre would agree very much with the main points that have been made by both of their submissions.

CHAIR—In relation to the audit question, do you want to say something?

Dr Farrall—I have been thinking about this a little. It would probably be best undertaken by an Australian government department, and I am thinking in particular of the Department of Foreign Affairs and Trade because it is best placed. When thinking in particular about UN

peacekeeping operations, the department is best placed to get access to the information. At the UN Mission in Liberia, regular situation reports are sent to headquarters in New York. There are daily, weekly and monthly situation reports. In the weekly reports, there is always a breakdown of the personnel currently serving with the mission. That is broken down in terms of military personnel, civilian police personnel, international professional civilian personnel and also United Nations volunteers. There is also a breakdown by nationality. That would be a very easy place to begin to find out how many Australians are serving on peacekeeping operations at the moment.

Each UN peace operation has to submit these reports. In any one week, you would be able to get a breakdown of the nationalities. The Department of Foreign Affairs and Trade would be able to access that information through its mission in New York. As far as UN peace operations are concerned, it would immediately give us a picture of how many Australians are involved and what their roles are in those missions. That could be done very simply.

Prof. Charlesworth—On a more historical level, our research group has tried to interview many Australian peacekeepers and has developed an informal database; it is obviously not a complete database. There are a number of research groups around Australia that now have pretty good links with quite a range of Australians. To get the word out, obviously there would have to be some type of audit—one could do an audit of numbers. To get contact details, I think you would need to contact people to see if they were willing to give them. I am conscious of three different research groups that have access to different groups of peacekeepers in various missions. You would need a coordinating agency, but there are a range of groups with very good links.

CHAIR—I am mindful of the ARLC's report on privacy measures. We would have to be very careful not to transgress those requirements. Finally from me at this stage, when you talk about the deployment of Australian officials on short-term secondments, we have more evidence than you can jump over suggesting that we do not do enough of the long term—almost the immersion approach, which runs counter to the suggestion of short-term engagement. Whilst I understand exactly the exigencies which would lead you to say, 'Maybe this is a solution,' we have heard criticism from submitters that, if you do not put someone in for X number of years or a year and a half or whatever it might be, it is not long enough, you are not serious enough and you are not doing a proper enough job. So I am mindful of that as well.

Dr Farrall—In terms of individuals being deployed or the peace operation as a whole?

CHAIR—Both.

Dr Farrall—I would tend to agree with that argument. What I am identifying here is a gap where there is a need for civilian expertise. This is something that could be done as a short-term gap filler, and it would give those individuals the expertise that they might then draw on if they were going on longer deployments subsequently.

CHAIR—It may just be that it is harder to find people who want to go to Liberia than other places.

Dr Farrall—That is quite true.

CHAIR—Not that I have had the pleasure; it is always an opportunity.

Senator HOGG—One issue I want to address arose out of your opening statement. You spoke about—I presume in respect of civilians—poor retention rates in some places. Is that common? Can you give us some sort of idea of what causes the retention rates to vary? Is it the global positioning? Is it the nature of the difficulty itself? What is it? Is it families back home? How do the vacancy rates that you refer to affect the delivery of the peacekeeping arrangement that might be in place?

Dr Farrall—My comments here are derived from my personal experience in Liberia. Each mission will be quite different. A number of colleagues in Liberia, who have served on many other missions with the UN in East Timor, Sierra Leone and Bosnia, say that Liberia is one of the most difficult missions they have ever served on. That would be for a number of reasons. The infrastructure there has been so devastated that there was very little in the way of recreational activities and very few outlets for unwinding in off-hours. The work rhythm there was quite extreme, which I imagine would be the case in many peacekeeping operations as well, but it seemed that Liberia had particularly difficult conditions. There were all sorts of diseases there, so there were regular deaths in the mission from malaria or other sorts of horrible diseases. I think it is a particular animal, but—

Senator HOGG—That raises question: if those are the sorts of conditions confronting people, why would they go into that situation in the first place? No matter how noble the cause might be, it must deter a large range of people. Therefore, how does one overcome that sort of difficulty? It might be easier in some places because of sanitation reasons or health reasons. I just cannot see how we can overcome those difficulties.

Dr Farrall—I think it is a very good question. One of the problems, as I see it, is that the recruitment process that takes place at the United Nations headquarters is quite time consuming. I recall hearing the statistic that it takes somewhere between four to six months to recruit someone and place them on a mission. So I imagine the substantial vacancy rate problem would not be confined to the Liberian example; I imagine that it would be the case for a number of missions, even where the conditions are not so hard. But, in terms of attracting people to go and serve in such hard conditions, there are very few peacekeeping operations that have conditions of paradise.

Senator HOGG—I accept that.

Dr Farrall—I guess that the opportunities that an individual can have on these missions are rare. You are given quite a high degree of responsibility that you might not encounter in your career back in Australia. The opportunity I had of flying around Liberia on election day and seeing how excited the Liberian people were to be casting their vote and exercising democracy was priceless. I think you will always find many people who will be willing to go and serve and to have that experience. I think it is just a matter of identifying those people and improving the recruitment processes.

Senator HOGG—How then does one fill the vacancy rate in Liberia? How does one address that from a nation such as ours?

Dr Farrall—I was identifying here what I see as an opportunity for Australia to gain peacekeeping experience for our nationals in short-term deployments. I do not see my role as looking at how we improve the recruitment processes in the United Nations.

Senator HOGG—The question then is: how do we participate?

Dr Farrall—I think, if it is something that we believe is a good idea, it is just a matter of creating those relationships with the United Nations through our mission in New York and saying, 'We have this pool of qualified people who have either recently served on a peacekeeping operation or are currently working within the Australian Public Service and we could provide two, three or however many experts in these particular fields.' It would be a matter of having a roster ourselves of what expertise we have and of making that available.

Senator HOGG—When you say 'maintaining a pool', what do you mean? Who would maintain it? Is it purely a list that is maintained on a computer somewhere or is there actually some sort of repository where these people are being upgraded in their skills or are working on some other projects such that they can be plucked out of there and put into the vacancies that occur, or are we looking at people who have gone back into the academic world or the business community or wherever else being tapped on the shoulder and told, 'Look, we've a real problem here in Liberia; we need you to go.' What are you actually advocating?

Dr Farrall—I think the centre of excellence, if one were to be created, could be the central focal point for maintaining this roster or database of Australians with recent or current experience who might be willing to serve on a short-term secondment. That might be one logical place that could undertake that sort of activity.

Senator HOGG—It just seems to me what you are talking about now is a very specific group of people with very specific skills, and highly skilled at that, able to respond rapidly because, if that is not the case, then you have the same difficulties in trying to train them up. You need to equip them with the skills so they can then move on—is that a correct assessment?

Dr Farrall—Yes, that is quite correct.

Senator HOGG—You are looking at a very specialised group. The military equivalent would be the SAS. They would almost be the SAS of peacekeeping in the sense that they would be highly skilled, highly trained, highly motivated and poised at any stage ready to respond to what are deficiencies in peacekeeping operations on a worldwide basis.

Dr Farrall—You are quite right. These are highly qualified people, but there are already many such Australians who have gained wonderful experience in peacekeeping operations around the world. I would be very interested to see the results of this audit that I am proposing because I think we would be quite surprised at how many well-qualified Australians there are out there with great experience.

Senator HOGG—So you are saying that the skills are there, but we have lost the people because they have just merged back into the broader community and really it is a matter of identifying these people to be accessed.

Dr Farrall—I guess what I am saying is that we just do not know, and it would be very good to know exactly what resources we have at our disposal.

Senator HOGG—Do you have a guesstimate of just how big this pool is that you are talking about? If one is going to undertake a survey—and there are costs and resources associated with it—are we chasing after something that we might not be able to find and identify, or is it something that will be readily identifiable and also of a reasonable critical mass such that it will be a resource that can be used in the future?

Dr Farrall—You have asked me to guesstimate. Unscientifically, I would say it would be at least in the hundreds, if not more. As I mentioned earlier, it would be quite an easy thing to identify how many Australians—without going into privacy issues—are currently serving on UN peace operations. I imagine that would be in the hundreds. My guess would be 200 or 300.

Senator HOGG—So it would therefore be a reasonably easy task, one would think, for someone such as DFAT or whoever is appointed to undertake this exercise to identify and get some sort of profile of this group. Is there a sufficient critical mass to respond to the needs that might occur in, say, Liberia, where there is a 33 per cent shortage, or is that just going to be a mere drop in the ocean compared to the resources that are really required?

Dr Farrall—I have two responses. The first is that you may see the exercise we are talking about of identifying people who are serving on peacekeeping operations at the moment as a drop in the ocean if it is only a couple of hundred people but, over time, we would build up those numbers. Already there have been hundreds who have served before who are not currently serving, so the numbers will be bigger than just that drop in the ocean.

Secondly, I think any improvement or contribution that we make to Liberia, even if it is one officer for a six-month secondment, will be very much welcomed by that mission. Thinking in terms of, say, filling that 33 per cent is obviously unrealistic because there are questions of geographical distribution of staff. Swamping a mission with Australians might not be as welcomed by the mission as one or two short-term secondments.

Prof. Charlesworth—There is the idea of some sort of reserve in the sense of one has an army reserve of people who are a cadre that can be called on. I think it was not to sort of plug all the holes in the UN system, but just that this might be a particularly Australian thing that could be done. It is obviously short-term and not perfect. But the idea of the reserve might be one image that could help that.

CHAIR—Professor Charlesworth, do you know whether any other country has done a similar sort of exercise in terms of defining their list of available practitioners with expertise in civilian peacekeeping?

Prof. Charlesworth—I am not aware of it. Somebody in the room is aware of it and you will be getting a submission from that person. I am personally not aware of it, but obviously—

Dr Farrall—Just on the basis of reading through some of the submissions that have been made to date, I saw reference to a peacekeeping centre of excellence in Germany that I believe has some sort of a roster.

CHAIR—Indeed, and we have discussed three of those—at least three—through that process.

Dr Farrall—So I imagine there might be workable precedents.

Senator TROOD—I turn to this matter of short-term secondment, which has been extensively explored. Your proposition is that we already have a great deal of this expertise and it is not so much that we could go out and train people for this particular purpose—although that could be a consequence of building up expertise over time. So your proposition to us is that there are already a large number of people with the kinds of skills and experience which could be used in this fashion. Is that correct?

Dr Farrall—That is correct, yes. Obviously, I am also advocating that we build up that pool of people through training and strengthening our support.

Senator TROOD—You did not mention this in your opening statement. I am interested in this proposition that you have put in your written submission with regard to strengthening the rule of law. I notice from some of your writing, Dr Farrall, that you are making a distinction between institutions and what I take to be political culture, in which institutions are nested. You are suggesting that, whilst UN activities place a lot of emphasis on building up institutions, political institutions—parliaments and presumably responsible agencies and things of that kind, electoral systems presumably—these only work when they are in the context of a thriving political culture which allows them to work and which recognises the importance of the rule of law. I take it that that is where you are coming from. Please correct me if I am not correct in saying that.

Dr Farrall—That is correct.

Senator TROOD—Could you just expand on this idea that you think there is a deficiency here? Can you also perhaps extend your mind to whether or not you have investigated or looked at the way in which Australian operations may have addressed that question in places like the Solomons and Timor? I realise that your projects are not specific to Australia; they are more general in nature. But if you have any expertise in that area I would be grateful if you would share it with us.

Dr Farrall—Of course.

Senator TROOD—Any one of the three of you.

Dr Farrall—Yes, and I would encourage my colleagues to jump in here as well. The argument I am making in the issues paper, which is attached as part of our submission, is that the orthodoxy, if you like, of strengthening the rule of law in peace operations is to focus on building or rebuilding rule of law institutions—the police, the courts, human rights institutions and so on. My argument is that that is all well and good and that is something that is essential in terms of building or rebuilding the rule of law, but that there is a real danger that, if these institutions are set up according to foreign models and supported by foreign actors, when the international community withdraws, as it must one day do, these institutions may implode. So there is a real need to ground these rule of law initiatives in the local context, in the local cultures and to try and get real ownership amongst local actors. That is really where my

argument is leading. I am not saying nothing has been done on that front already but rather that more could and should be done.

Senator TROOD—So we do not do enough of that in the exercises that the UN has been undertaking?

Dr Farrall—That is my personal opinion.

Senator TROOD—Do you have any particular experience of Australia's operations in Timor or the Solomons in that respect?

Dr Farrall—I do not have personal experience in those theatres, but perhaps I might ask Professor Braithwaite to comment here.

Prof. Braithwaite—The case studies in our region which Australia has been involved in are very different. We should be studying them carefully because they are so different and there are different outcomes. The outcomes in terms of the strength of the judicial system are very positive in the Solomons. The interesting thing is that, when you compare the peacebuilding cases which Australia has been involved in, they all have their positives and their negatives. In the case of the Solomons, the positives would be that the central banking institutions work terrifically well under indigenous leaderships. The courts also work terrifically well. The prosecution and defence part of the system works very well. That is not the case in Timor.

Bougainville is a different case again. A lot of very formal thinkers about the rule of law would think of Bougainville as a highly problematic case, but I am fairly optimistic about Bougainville. Bougainville is so different from the Solomons, where a formal prosecutorial rule of law model is what RAMSI has gone with. In the Bougainville case, the formal system was destroyed by the conflict. The one prison they had has burnt down, and still the first brick has not been re-laid to rebuild a decade on. They have managed without a prison.

They have built the police service. The largely New Zealand international leadership on the ground at the moment is more important than Australia's. It is a village community policing model whereby part-time police are trained by the New Zealand police in each village. This has some interesting positives in terms of problems like domestic violence. In a village society, if you have got the police in the village as opposed to them being in a police station in the city, they hear the domestic violence and have greater capabilities of responding in that regard. There is an interesting connection between rule of law as an objective and reconciliation as an objective in peacebuilding.

The philosophy of the Bougainvillean leadership from President Kabui down has been one of: 'We'll take our time. Reconciliation and building institutions will be a slow process but we won't destroy any of the things we've got. We'll build upon what we've got.' This includes a lot of indigenous stuff—traditional ways of doing reconciliation rather than formal courtroom processing of most of their problems.

Senator TROOD—If that need exists, the question is: how do you intrude it into the process? Have you turned your mind to whether or not this kind of capability can be built up, for example, in a centre of excellence? Could training activity of that kind take place here so that Australians

or anybody else from around the region or from anywhere else could gain that capability? Or is this an exercise which requires, in the case of Bougainville or the Solomon Islands, people to go there and participate in that kind of activity? How do we address the problem that you have identified as being of major concern here?

Prof. Braithwaite—I am wanting to think of both Bougainville and the Solomon Islands as limited success stories for Australia and the rest of the region in that sense. They have gone down very different paths. The success story, particularly in Bougainville, has been about listening to Bougainvilleans.

So the Bougainville political and justice system leadership have chosen to go down that informal reconciliation route. It is more of a restorative justice route, if you like. That has worked well and has connected to their traditions of doing justice. The reconciliation stuff was rather more corrupted in the Solomons case. Thugs were using their traditions to try to get compensation payouts, which was sort of a monetarising of traditional, customary reconciliation, so that maybe the more formal rule of law path in the Solomons was the right way to go. So it was one of those areas where we perhaps did better than in some areas because we were listening rather than having some template for the right way to do rule of law capacity development throughout the region.

Senator TROOD—Everybody has said, Professor Braithwaite, that almost all of these missions are so different from one another that creating templates and models and applying them or hoping that you can apply them in circumstances almost always fails. One of the requirements for these kinds of operations and the preparations for them is that there be an almost infinite flexibility. There may be some common principles that work across various examples, but unless we have flexibility in relation to personnel expertise and time as well then none of it is going to work.

Prof. Braithwaite—We also have some implicit inflexibilities. I think of the whole idea of transitional justice in those terms. The justice thing after conflict is something that happens in a few years of transition where we decide which bad guys will go to jail, which ones will get amnesties and which ones we will look the other way for. What is interesting about the experience that we have let happen in Bougainville, for example, is that they do not really have a truth and reconciliation commission debate there but ultimately they need reconciliation with Port Moresby, particularly thinking about how their autonomy/independence vote will go some years ahead.

It is possible to think about the Bougainville experience in terms of quite a radical rethinking of rule of law and justice paradigms post conflict. But instead of having a truth and reconciliation commission as in the CAVR in Timor or the one in South Africa, in which they have two or three years to complete it, rather do the bottom-up reconciliation where villages reconcile with each other and then build up, perhaps more than a decade on, ultimately to a truth and reconciliation commission which could even be thought of as a permanent national institution in a war-torn country. So you are giving victims decades, if that is what they need, to finally deal with their healing and speak their truth to the commission. Ultimately, when all of the victims and perpetrators have died out, the commission could become a museum. That would be an example of being really much more flexible than we are at the moment. That would imply that even to have category of transitional justice is a bit inflexible.

Senator TROOD—Presumably these are the kinds of ideas that a centre of excellence might debate and explore as being needed in response to different kinds of peacekeeping, peacebuilding and nation-building exercises.

Prof. Braithwaite—That is very much on our agenda in our Centre of Excellence on Policing and Security.

Prof. Charlesworth—To add to what John has said, I also found that you get quite different views on these things depending on who you speak to. If you speak to women, you sometimes get quite a different perspective. Of course, it depends on who the peacekeepers' interlocutors are; which group are you speaking to, to work out what people want? The ANU ran a conference in Bougainville at the end of June. We organised it but no Australians spoke; it was just for Bougainvilleans to speak at. I was quite struck by the difference between some of the women's attitudes to reconciliation and justice compared to those of some of the male leadership. President Kabui, for example, opened the conference by emphasising reconciliation and saying how wonderful it had been, whereas some of the women who spoke said the reconciliation process has not delivered much and some of them, not all, were more equivocal about it. So the complexity of some of the views on these things is very interesting. That is to add a footnote to what John said.

Senator TROOD—Finally, the work you are doing seems to have an underlying assumption—it probably has many underlying assumptions but this is one that occurs to me—that these kinds of exercises that Australia and other countries are undertaking around the world are likely to increase in number over the next few years so that the kind of investment that is being made in relation to peacebuilding and peacekeeping is justified by virtue of what you see in the future as an increasingly challenging kind of environment, perhaps largely in the Pacific but not necessarily there but more widely. Is that a fair proposition that you can see these challenges ahead making increasing demands on Australia in particular?

Prof. Braithwaite—My feeling is that there should be more investment in this kind of activity. One of the things that is often said, and it was said today at the history of peacekeeping conference, is that World Bank studies show that 44 per cent—I think that is the percentage—of conflicts that have had peacekeeping operations within five years have got another conflict. So that sounds like evidence of failure but, as a criminologist, it is a bit like saying that a very large percentage of criminals that the police arrest perpetrate crime again. That is not a scientifically satisfactory way of assessing whether the investment in having a police service or a UN peacekeeping operation is a good investment. The way to do it is to compare cases where you have peacekeeping operations and where you do not have them, and whether the peace lasts for more years with them than without them. That systematic evidence with as many controls that can be put in the analysis as possible—if you look at the 124 armed conflicts around the world since the end of World War II, as Doyle and Sambanis did in their 2006 book—shows that having a peacekeeping operation, if it is a multidimensional one that addresses the development aspects rather than being a minimalist one that just patrols a border or a simple truce—more a Cyprus kind of arrangement—is predictive of success, longer peace, fewer subsequent deaths, as is UN involvement in endorsing the operation.

Senator TROOD—Just in relation to that final remark, is it a proposition you seek to press that peacekeeping is desirably an activity undertaken under US auspices or is that—

Prof. Braithwaite—UN. The empirical result is: US-led dominated operations tend to have a lower success rate and UN involvement is a positive statistically. We do not really understand why there is that overall statistical result, but that is what the Doyle and Sambanis study shows.

Senator HOGG—On that 44 per cent result that you spoke about: how does one set an exit strategy in respect of a peacekeeping operation, if what you say is correct—and I am using it in the broadest terms if I am reading that in the correct way—that there is a 44 per cent failure rate after five years? How does one set an exit strategy at the start? What are achievable goals? I noticed in the DFAT submission that they were talking about, for example, for Bougainville, the truce-monitoring group and its successors—successors to the peace-monitoring group—focused from the outset on creating a context within which Bougainvillean factions and communities could work together to create a lasting peace. That sounds very nice and that is the goal, but is it achievable? In the context that you have related to us, 44 per cent seems to be their failure rate. So how does one not get oneself involved in something that is just going to cascade into the future—that is, where you think you have achievable goals and an achievable outcome but, five years down the track, you find you are really repeating the same steps that you started out with?

Prof. Braithwaite—Again, I guess it is a bit like dealing with our own crime problems on the streets: there are more and less effective things that we do. In the Bougainville case—

Senator HOGG—Sorry—does it mean that the definition is poor, in the first instance, of what we believe are achievable goals?

Prof. Braithwaite—It might mean that we need to adapt our goals as we learn, through experience in that place, which are the realistic goals that we set upfront and which are the unrealistic ones. Sometimes, as in a case like Bougainville, you can exceed some of your hopes and say, 'We have achieved that one a bit early', and start moving them up. But I guess the short answer is: we need to set exit decisions carefully and more patiently than we used to. We used to be too impatient in them. I think that is one thing we have learned in recent times, with Timor being one of the cases that is cited.

Senator HOGG—What do you mean by 'impatient'?

Prof. Braithwaite—Those in the UN systems who pay the bills say, 'Well, okay, we will grudgingly go into this one, but we will only fund it for six months and that's it.' That kind of attitude is not very smart if you have to come back two years later and spend five times as much.

Senator HOGG—That gets back to the issue that I was trying to raise, about the need to define reasonably well in the first instance the outcomes and the goals that you are trying to achieve and to not be overly optimistic about what those outcomes might be. It seems to me that there needs to be a process throughout of testing to see whether those goals are being achieved.

Prof. Braithwaite—Yes.

Senator HOGG—If all of that is happening, are we not testing the steps towards achieving the goals that are outlined? Is not enough research being done and not enough feedback being given to see that the actual long-term goals are being achieved? Are we, therefore, missing out

all around, because we are just putting on bandaid after bandaid after bandaid to achieve what we need to achieve? Is that a reasonable assessment?

Prof. Braithwaite—Yes, I think it is.

Senator HOGG—Then, if that is a reasonable assessment, how does one put in place a plan that everyone can agree upon, given that there is a diverse range of resources involved—from NGOs and departments such as DFAT, AusAID, Defence and so on—to ensure that there is a cohesive plan that takes into account all the various contributors, to see that the goals are achievable and that they are enmeshed so that they are not operating separately and acting, in some cases, I would suspect, at odds with each other? How does one do this? Or is there no panacea?

Prof. Braithwaite—Governance is harder these days than it used to be. I remember, 20-odd years ago, coming along to committee meetings like this and hearing government departments talking about the strategic plan that the department—say, the health department—had developed to improve the health of Australia. Twenty years ago that way of thinking about good governance made more sense. But these days we live in a more complex world—a world where good governance is networked governance—and what is true of Australia is even more true of a post-conflict peacebuilding context. So what the professions are doing is important. If we are talking about the rule of law, the way the legal profession will be setting their strategic objectives has got to be taken into account by the peacekeeping strategic planners.

Your point about the NGOs goes to the nub of it in a way. We know that when there is effective engagement with NGOs internationally and domestically, you get a more effective linkage between the security side of peacebuilding and the development side. But the NGOs are not on the ground when the bullets are still being fired. The NGOs come later. So they develop their visions over time and they have to be networked into a growth in how we think about what we can and cannot accomplish here, which is going to be different a year in from what it is at the very beginning. At the very beginning it will be people in this building, for example, who will be deciding what our objectives are, but, a year on, they should be listening to very different kinds of people from the people in this building if it is an Australian-led operation.

Senator HOGG—Does the capacity currently exist to take in the changing personality of the operation? Will people take into account that it is different 12 months in, it is different two years in and it is different five years in? Is that capacity already there or is it something we are still striving to achieve?

Prof. Braithwaite—We have not done well enough in that regard but we are getting better at it.

Senator HOGG—What will make us even better? What can be done to contribute to it?

Prof. Braithwaite—I think producing evaluation research, as you have suggested, is one of those things. A centre of excellence in peacekeeping, which others have been talking about, is another way of generating the kind of reflection that is needed. And then there is better engagement with our partners in the region.

CHAIR—There was the ANAO's report on the AFP's involvement in RAMSI in particular, which went from stage to stage. The identified challenges for the AFP in, for example, shifting between stage 2 and stage 3 of RAMSI—which were quite clear stages in their own right—keeping up with the shifting of stages, keeping the training of staff up with the shifting stages, getting the deployment routine right and those sorts of things. What we found when we were talking to the ANAO at the hearing last week was that they have identified some really interesting areas—which you have been discussing with Senator Hogg. The AFP, having had that done for them—but I think they also recognised it themselves; it is not like they are incapable of doing that—now see where those changes need to be made. I think that has been a very constructive process—not one with which this committee has previously engaged but one which I in particular found very valuable. I felt terribly sorry for the ANAO officers at the end because we had so many questions for them, but it was very useful.

That basically brings us to the end of this evening's proceedings. This has been another very useful session for the committee. I thank Dr Farrall, Professor Charlesworth and Professor Braithwaite very much for joining us. I know you have had a very full program with the conference. For all attending this afternoon, unless extraordinary circumstances intervene, I expect this to be the last public hearing for the committee's inquiry into Australia's involvement in peacekeeping operations. I would like to thank all those witnesses who have appeared over quite a considerable period of time and those who have provided very useful submissions to the committee for the purpose of assisting our deliberations. We look forward to producing what we hope will be a constructive report in this area. I declare this hearing of the Senate Standing Committee on Foreign Affairs, Defence and Trade adjourned.

Committee adjourned at 5.59 pm