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**CIVILIAN POLICE IN
UNITED NATIONS PEACE OPERATIONS**



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Civilian Police in United Nations Peace Operations Some Lessons from Recent Australian Experience

John McFarlane and William Maley

In spite of the importance of the role of Civilian Police (CivPol) in peacekeeping operations, the United Nations and other international bodies have yet to develop the doctrine, provide the resources, deliver the infrastructure and integrate the efforts of police and military peacekeepers with the political efforts to achieve a sustainable civil society in a broken state. With the breakdown of the state in a number of regions, international order will require greater priority to be given to the requirements and delivery of CivPol peace operations in broken states so that those states can be rebuilt, supported by a transparent and accountable criminal justice system, without having to rely on military or other coercive means to survive.

This paper explores the implications for CivPol of state disruption, fragmentation and breakdown, drawing on lessons learned from the deployment of Australian Federal Police during the 1999 UNAMET mission and other police peace operations overseas. The fundamental differences between the roles of police and the military are examined and the contribution which CivPol officers can make in rebuilding broken states through the re-establishment of civil society and the rule of law are discussed.

The demise of the Cold War, the onset of globalisation, and massive developments in technology, communications and international transportation have had a profound effect on the political, economic, military, environmental and societal issues which previously contributed to security and stability in the Asia–Pacific region. However, although the threat of nuclear war has diminished, at both the international and regional levels the security environment is anything but stable. Issues such as the nuclear tests on the Indian sub-continent, serious tensions in the Taiwan Straits and South China Sea, the Asian financial crisis, the proliferation of weapons of mass destruction (including the use of sarin gas by a religious cult in Japan in 1995), the Southeast Asian haze problems of 1997, the mass migration of people (internally and externally), the spread of AIDS and other pandemics. Closer to home, the violence associated with the demise of the Suharto regime in Indonesia, the tragedy of East Timor, the unresolved crisis on Bougainville, the Sandline crisis in 1997, major law and order problems in Papua New Guinea, interethnic violence in the Solomon Islands, and allegations of massive money laundering of Russian money through certain South Pacific island countries, all serve to demonstrate that our region is anything but stable and pacific.¹

The situation in East Timor has dominated Australian foreign policy thinking over the last two years, and complicated Australia's relations with Indonesia for much longer than that.² It will take a considerable time for East Timor to stand on its own feet – long after the United Nations peacekeeping forces have been withdrawn. The East Timorese leadership has to establish the political, economic and security measures to enable it to survive as an independent state, and it will be some time before the thousands of East Timorese who were forcibly removed to West Timor or other parts of Indonesia after the act of self-determination will be able to return home. The East Timorese infrastructure has to be rebuilt from scratch, and this will involve long-term commitments from the United Nations, the international aid agencies, non-governmental agencies and others willing to support this fledgling nation. The process is already proving a complex and challenging one for the international community.³ However, it is very unlikely that East Timor will be unique: the portents are not good in West Papua,⁴ Ambon, the Moluccas, Papua New Guinea and the Solomon Islands, all of which are very much within Australia's immediate neighbourhood. A serious breakdown in the stability of any of these countries

could involve additional Australian military peacekeeping or police peace operations.

Our aim in this paper is a specific one: to explore the implications, for UN Civilian Police (CivPol) operations, of state disruption, fragmentation, and breakdown, drawing on the lessons learned from the deployment of Australian Federal Police to East Timor during the 1999 UNAMET⁵ mission, and other police peace operations overseas. This exercise is important for two reasons. First, CivPol are separated from their personal support networks, and forced to cope with problems that may be unfamiliar and unpleasant. Any lessons which can minimise the dangers and discomforts associated with such deployments are therefore important to note. Second, the *Report of the Panel on United Nations Peace Operations* chaired by Under-Secretary-General Lakhdar Brahimi ('The Brahimi Report') has recently set out a series of important recommendations with respect to Civilian Police operations. The Panel encourages member states to 'establish a national pool of Civilian Police officers that would be ready for deployment to United Nations peace operations on short notice'; to 'enter into regional training partnerships for Civilian Police in the respective national pools in order to promote a common level of preparedness'; and to create 'a revolving on-call list of about 100 police officers and related experts ... to be available on seven days' notice with teams trained to create the Civilian Police component of a new peacekeeping operation'.⁶ The roles which Civilian Police can and should play in peacekeeping are beginning to receive the attention they deserve, and the Australian experience can augment lessons learned from other UN operations.⁷

STATE FRAGMENTATION

In recent years, the process of state fragmentation has been the subject of serious scholarly attention, driven by the sense that state sovereignty is eroding.⁸ Other players – such as multinational corporations – are becoming more important and these could erode the common weal responsibility, thereby hastening the demise of state power, as we now know it. We cannot predict what governments will operate in future, nor what resources they will control.

The typical pattern of state disintegration involves several clearly identifiable steps. First, is an increase in instability and in governance problems. Second, are threats to state sovereignty and the state's monopoly over the legitimate exercise of force.⁹ Third, the state

is increasingly unable to perform the basic functions expected of a sovereign state. Fourth, threats surface to the control of the political elite and, in some circumstances, the advantages they have derived from corruption, nepotism and crony capitalism. Fifth, this may lead to greater repression of the population by the political elite, exercised through the police, the military, other security forces (including government-controlled militia groups), the criminal justice system and the manipulation of the media. Sixth, severe economic problems develop, leading to a serious increase in unemployment, poverty, hunger and malnutrition, criminality and public order incidents (including 'scape-goating', interethnic violence and ethnic cleansing), human rights violations and the effective collapse of state authority, which may in turn result in international concern and pressures for intervention.

In a stable state, 'state authority is acquired through a capacity to legitimize the exercise of power', with the police as 'the conduit through which the exercise of coercive power and authority is channeled'. Policing 'is not only derived from state developments and processes, but ... also mirrors them'. A police system is 'an organization made up of groups and individuals, existing for a specific purpose, employing systems of structured activity with an identifiable boundary', designed to maintain civil order. Civil order is a key concept for all police studies.¹⁰

However, states face significant disruption when they can no longer discharge basic functions, whether through a loss of income or through a legitimacy crisis. Where authority, law and political order have fragmented, diverse actors vie for power. From the policing perspective, this is likely to lead to an increase in repression, with the police and the military demonstrating the fears held by the regime. In comparison with the military, the police are regarded as 'poor cousins'. However, much policing in developing countries is paramilitary. The distinction between insurgency and riot control is blurred, especially in urban areas. A police force notorious for corruption, greed, weakness or partiality is seen as part of the problem by most of the population. As a result, the police system may be bypassed, leading to vigilantism or the use of militia groups or foreign mercenaries. The proper role and functions of the police are largely ignored. Policing in many developing countries is characterised by low status, paramilitarism and the propensity for violence.

Conflict is always present during state fragmentation, resulting in a blurring between political conflict and crime, and in alternative forms of power structures. The military tends to retain its cohesiveness, but the police may not, due to their close links with the regime. This can give rise to shadowy, nocturnal groups under the patronage of senior military or police officers filling the power vacuum. These groups may then be used to conduct extrajudicial killings, kidnappings, robberies, pay-back attacks or other criminal activities generally beyond the capacity of the conventional police to handle. The police organisation, policies and operational capabilities are related to the nature of the regime. The police 'provide symbolic and actual evidence of the power and authority of a regime, as well as reflecting its concerns and weaknesses'. Policing 'mirrors governance, at the same time as governance reflects policing'.¹¹

Policing can affect the political process by determining who can participate in the political process via the decision as to 'whom to arrest or detain'. The police perform a greater political role during periods of fragmentation. They can also regulate the competitive political process, defending (or abandoning) regimes from (or to) attack. Police can 'covertly monitor or manipulate political groups', leading to the abuse of power and brutalisation. Police violence probably exists in inverse proportion to the fragmentation of State structures. Police can also 'advocate policy inside or outside government', and 'provide material aid to regimes'.¹² The police possess the force, local knowledge, intelligence and communication networks which can be exploited as long as the regime is able to give directions. Yet it is also worth noting that generally, police do not precipitate coups. The objective of any United Nations or other international peacekeeping is to reestablish a stable, civil – hopefully democratic – society, in which citizens can go about their normal activities without fear of violence, repression, starvation or serious threats to their health.¹³ In Cambodia, not only did the state collapse, but the visual signs of order were also destroyed – the police, the courts and the gaols.

The United Nations or other international body (such as NATO) which accepts the responsibility to intervene in a fragmented state to reestablish stability has a range of capabilities at its disposal, including military peacekeeping and police peace operation – supported by the political, electoral and aid sectors, as well as non-governmental organisations (NGOs).¹⁴ The

response to the problems of fragmented states may include bilateral expressions of concern at developments, offers of assistance, and mediation to support conflict resolution; multilateral concern, possibly leading to debate in regional fora or the United Nations; and consideration at the United Nations Security Council level of options for intervention under powers conferred in Chapters VI or VII of the United Nations Charter.¹⁵ The options available to the United Nations in such circumstances include economic sanctions, the provision of observers, peace monitors, and the like; and the introduction of peacekeeping forces (military and/or police)¹⁶ as well as intervention by peacemaking forces (military). Normally, stability is established in disrupted States through military peacekeeping operations, supported, as appropriate, by Civilian Police, but once relative stability is reestablished and the reconstruction phase of civil order and institutional development has commenced, the importance of reestablishing the rule of law is

paramount. This is where the Civilian Police role becomes so important.

Unfortunately, however, many people at the United Nations, international and national levels confuse the roles of the military and Civilian Police because they do not understand – or have overlooked – the fundamental differences between the role of the police and that of the military, at least in democratic States. While each entails use of the powers of the state, the differences between the two are profound. It is to these distinctions that we now turn. It cannot be understated that there are times when the military have the only role – neutralising armed conflict and providing a secure environment is the role of the military operation. Once the environment is stabilised, CivPol can begin their part of the operation. It must be stressed that police have no role in a war zone and have no particular role to play in settling armed conflict within this context.

POLICE AND MILITARY ROLES

Both the military and the Civilian Police have important roles to perform in peacekeeping, but it is important to understand that they are *different* and *complementary*, and that a stable and sustained resolution of the problems of a fragmented state will

not be achieved unless there is an appropriate contribution by *both* the military and police, each operating in its specialist role. The following table may help to demonstrate the distinction between the two roles:¹⁷

	Police	Military
Activities		
Principal purpose	Law enforcement Crime prevention	Combat deterrence
Objective	Justice	Victory/political aim
Focus	Law and order. Internal	Security. External
Activity	Constant	Preparatory. Periodic
Relevant law	Domestic law	Law of armed conflict
Constitution	Instrument of law No political interference	Instrument of policy Political control
Accountability	Domestic courts Rule of law	Chain of command Executive government
Procedures	Gather evidence Need for proof	Limited information Decisions under uncertainty
Use of force	Minimum	Graduated

Individual		
Responsibility	Individual 'Office of Constable'	Primarily a member of a unit
Duty	To the law/judiciary	To the state/monarch
Knowledge	Law	Lethal force
Unlawful orders	Uphold the law	Refuse unlawful order
Status	Citizen with special powers	Citizen with no special powers
Service	Voluntary	Voluntary or conscripted
Career	Starts 'on the beat'	Soldier or officer entry
Organisation		
Control	Local/central	Central
Structure	Hierarchical	Strongly hierarchical
Personnel	Uniformed/non-uniformed	Uniformed
Origins	Emerged in the 19 th Century	17 th Century and earlier
Public	Direct relationship Practical cooperation	Desire for general support Public esteem
Mobility	Limited	Part of core function

Policing is predicated on the attributes of non-negotiable force and discretion. The routines of all policing, especially at the operational level, are characterised by discretion – the use of discretion being an important key to policing. Discretion marks a very important difference between the police and military roles.¹⁸

POLICE PEACE OPERATIONS

In brief, the Civilian Police role in a fragmented state includes the following: (a) providing a stable and secure environment; (b) assisting in dismantling the old instruments of repression; (c) establishing and maintaining a law enforcement and criminal investigation capability; (d) selecting and training new members of an indigenous police force, which will ultimately take over the law enforcement role from UN Civilian Police; (e) undertaking investigations and collecting evidence appropriate to the prosecution of alleged serious violations of human rights;¹⁹ (f) assisting in reestablishing the criminal justice system and civil administration, including the court system and the gaols; and (g) confidence building with the civil community by operating impartially to enforce the law.

It is *critical* that Civilian Police not be withdrawn before these objectives are largely achieved, or there

is every chance that the state will again fragment, requiring further UN or international intervention. In addition to the above, as Caslen has cogently argued with respect to Haiti, police peace operations also contribute in the areas of justice, the economy, and politics.²⁰

In the justice sector, the aim is 'to treat citizens and institutions equally under the law',²¹ and through the courts, police and civil service, to engender a respect for the rule of law. The reality for some time will be that there will be gaol breaks, officials will be bribed, and due process will be nearly non-existent. Two problems arise with foreign aid in the criminal justice sector. First, 'judicial reform critically lags behind police and security reform'. Second, the 'international community must design these programs and integrate them with the local government, without being too conditional'.²²

In the economic sector, the country must survive economically for democracy to succeed, but foreign capital may be needed to overcome a shortage of domestic savings. Massive poverty must often be addressed. Institutional reform is needed, not just aid. The Bretton Woods institutions (the International Monetary Fund and the World Bank) typically encourage private initiative, deregulation of the economy, and liberalisation of trade. The key point

from a police point of view is that such processes of economic change create both winners and losers, and for both, there may be powerful temptations to engage in criminal activities.

In the political sector, there will be international pressure for accountability; for freedom of speech and the press, respect for minority rights and a culture of peaceful elite competition; for 'the people' to become active players and leaders; for the development of a sound electoral process; for legitimate mechanisms for the voicing of opposition; for program flexibility and integration; and for the dignity, sovereignty and needs of the developing country to be respected. None of this is straightforward. At its most basic level, democracy requires that the ruled have the opportunity to change their rulers without bloodshed. This, however, requires the development and institutionalisation of a complex set of rules and practices, often in the face of threats from those whose short-term interests would best be advanced by the unravelling of a democratisation process. Time is vital to such processes; unfortunately, it is also the ultimate scarce commodity.²³

POLICE–MILITARY RELATIONS

No matter how well trained and professional they may be, military police are not appropriate for a civilian policing role. The role of the military police—for which they are trained—is to enforce law and discipline within the military. Traditionally, police are intended to be used to intervene to prevent a breach of the law, whereas the military are designated not to be deployed, but to be kept in reserve as a last resort to enforce national policy when all else fails. In a democratic society, the police 'police' a community 'by consent', not by force.²⁴ Many states will not accept a foreign military component on their own territory, even under a United Nations mandate, whereas they may well be prepared to accept an unarmed international police presence. Police operate best in a peacekeeping context when there is a military security back-up, infrastructure and logistics to rely on. The police should *not* take part in the conduct of hostilities.²⁵

Although it is important for the United Nations peacekeeping forces to operate under a unified command, it is equally vital to separate the military peacekeeping role from the Civilian Police peace operations role. At the practical level, police tend to live and work in urban environments and are generally not as familiar as the military with operating in non-

urban conditions. On the other hand, at least as far as Australia is concerned, our military personnel are more familiar with operating in remote or jungle environments than in urban areas.

Military deployments, planned by the Department of Defence, are subject to extensive contingency planning, based on long-standing intelligence assessments and specific training. They are also well equipped, employ excellent communications and rely on good reconnaissance and advanced deployments. On the other hand, the experience in Australia so far is that an inter-departmental committee undertakes planning for the deployment of police on peace operations, chaired by the Department of the Prime Minister and Cabinet (DPMC) or the Department of Foreign Affairs and Trade (DFAT), in which the Australian Federal Police is just another member. Such arrangements are less well practised; there is less contingency planning experience in this area; peace operations are only one of a range of police functions, therefore training in peace operations is limited; the equipment available may be limited to personal issue kit, and the day-to-day pressures on police services result in few people being available for immediate deployment. There is no fat in the police community, particularly at the federal level, so regardless of the importance of the peace operations role from a national perspective, this is yet another demanding task which has to be responded to. In spite of these considerations, since 1960 there have been seventeen United Nations-sanctioned police peace operations, and Australia has participated in many of them.

THE AUSTRALIAN FEDERAL POLICE AND PEACE OPERATIONS²⁶

The most significant recent peace operation for the Australian Federal Police was of course the commitment to serve in East Timor. The decision to commit the Australian Federal Police to East Timor was made during the meeting between the Australian Prime Minister and the former Indonesian President in Bali on 27 April 1999. It appears that neither the Minister for Justice nor the Commissioner of the Australian Federal Police was consulted prior to this commitment being made. Under the agreement of 5 May 1999 between the Governments of Indonesia and Portugal, the responsibility for the security and safety of United Nations staff (including unarmed Civilian Police) in the period leading up to the act of self-determination remained with the Indonesian Police (PolRI) and military (TNI). The roles of the Civilian

Police in East Timor for the UNAMET period leading up to the act of self-determination (30 August 1999) were limited to advising the Indonesian Police during the operational phase of the popular consultation, and to supervising the escort of ballot boxes to and from the polling stations. In other words, *prior to the act of self-determination, the Civilian Police had no law enforcement role.*²⁷

The role of Civilian Police in East Timor in the period following the act of self-determination (and the subsequent withdrawal of Indonesian forces) falls within the broader remit of UNTAET:²⁸ (a) to provide security and maintain law and order throughout the territory of East Timor; (b) to establish an effective administration; (c) to assist in the development of civil and social services; (d) to ensure the coordination and delivery of humanitarian assistance, rehabilitation and development assistance; (e) to support capacity-building for self-government; and (f) to assist in the establishment of conditions for sustainable development. It is important to note that in performing these duties, Australian Federal Police personnel can draw on skills developed in operations elsewhere: in Cyprus (1964–present), Namibia (1989), Thailand (1988–1991), Cambodia (1992–1993), Somalia (1993–1995), Mozambique (1994), South Africa (1994), Haiti (1994), and Bougainville (1997–present).²⁹

SELECTION OF AUSTRALIAN FEDERAL POLICE AND OTHER AUSTRALIAN POLICE FOR CIVILIAN POLICE OPERATIONS

On 28 October 1998, the UN asked countries contributing to peacekeeping operations to send no Civilian Police officers or military observers under the age of twenty-five years, and to send troops over age twenty-one, and never under eighteen. The objective was to ensure that only ‘experienced, mature and well-trained’ people would serve as peacekeepers.³⁰

The current selection criteria for Australian Federal Police members (and other Australian police) serving on Civilian Police duties in East Timor are that the person concerned be currently appointed as a police member under the *Australian Federal Police Act 1979* and have a demonstrated capacity to perform the duties; have a knowledge of the United Nations’ role in East Timor; have the demonstrated ability to exercise self-discipline, and a willingness to accept a military-style working and living environment; have knowledge of the ethnic culture relevant to East Timor and a sound knowledge of the history surrounding the United

Nations commitment; have the demonstrated ability to be culturally aware and tolerant and sensitive in dealing with difference; and be aware of the requirement to adhere to, and implement, UNTAET directives, orders and procedures. In addition, the following are mandatory: (a) basic motor vehicle maintenance skills; (b) map reading skills; (c) a current driver’s licence; (d) four-wheel drive skills; and (e) a firearms permit. First aid qualifications are desirable, as is demonstrated knowledge of Occupational Health and Safety policy and procedures, and a demonstrated commitment to the principles of equity and diversity.

WHY UNARMED CIVILIAN POLICE?

It is the view of both the United Nations and the Australian Federal Police that police on peace operations should be unarmed and independent when performing their role. While this view may lead to concern for the safety of members, we maintain that an unarmed presence has the greatest chance of success in gaining the respect of the local community.³¹ The influence and effectiveness of Civilian Police is based on moral authority rather than the threat of force. This is even more important when the threat by the militias in East Timor to regard armed police officers as targets is taken into account. The basic issue is, would being armed enhance the performance of Civilian Police officers or would it rather cause additional risks and only hinder them in the discharge of their duties?

An armed police presence in a fragmented state such as East Timor, not only threatens the combatants in any conflict, but also serves to instill a belief in the general population that the use of firearms in a Civilian Police environment is a necessary law and order tool. This may serve to undermine confidence building measures undertaken by Civilian Police. This, in turn, may run counter to the entire post-conflict rebuilding process for which the United Nations mission is responsible. The fact that the police (in blue) do not carry firearms, whereas the military (in green) do, also helps to underline the importance of the new civil structure not having to rely on military power to maintain itself in power. Civilian Police should *not* be seen as a threat by the local community.

The use of force, and in particular firearms, presents difficult legal consequences which are not generally addressed in United Nations Mandates or Status of Forces Agreements. For example, if an armed Civilian Police officer discharged a firearm causing injury or death, what authority has jurisdiction? The

international composition of Civilian Police leads to varying national standards and regulations in the use of firearms. Most contributing countries have adopted the United Nations covenant requiring the minimum use of force by police officers, which really amounts to the use of a firearm only to protect one's own life or that of another person in imminent danger. However, police from some countries have a much wider interpretation of the use of firearms, and this could have a serious impact on the overall objective of the mission.

It was the unanimous view of all the Australian Federal Police officers in the UNAMET detachment that the decision not to have firearms was the correct one. Australian Federal Police and State/Territory police members were deployed unarmed to Haiti (which was not a United Nations operation), but the United States, which was in charge of the operation, authorised members to be armed, and equipped members during pre-deployment training and briefings. Firearms were available to CivPol in East Timor, although during UNAMET they were held in safe storage in Darwin. Members on current deployments to East Timor now carry firearms and have done so since the end of the second contingent.

COMMENTS BY AUSTRALIAN FEDERAL POLICE OFFICERS ON PEACE OPERATIONS³²

I will never forget that without that group and their willingness, or rather determination, to hold on in a desperate and dangerous situation, the United Nations may have withdrawn and the popular consultation process been placed in jeopardy.

[Senator the Hon. Amanda Vanstone, Minister for Justice and Customs, referring to the Australian Federal Police UNAMET Detachment, 1999].

To provide background for the preparation of this paper, a number of Australian Federal Police officers (including the Police Psychologist) were interviewed. These officers had served in a wide variety of Australian Federal Police peace operations overseas, including Cyprus, Cambodia, Somalia, Mozambique, Haiti and Bougainville. Many of their comments could be regarded as anecdotal and subjective, but they are particularly pertinent to future United Nations Civilian Police deployments which are very likely to involve the Australian Federal Police and other Australian police. As a political satirist once observed, the plural of anecdote is data. Without necessarily endorsing all

the comments, we offer a digest of them under various headings as a contribution to the lesson-learning process.

PLANNING FOR PEACE OPERATIONS

The military often undertake contingency planning for peacekeeping operations six to nine months in advance, but civilians (including CivPol) tend to be deployed in haste a few days after a Security Council Resolution has been adopted. Civilian Police deployment plans should be made well in advance of deployment, in anticipation of the requirement. Whilst unpredictable and sudden situations can arise, CivPol deployment plans are made when there is a reasonable likelihood that a police commitment will be required. Using personnel previously experienced in peace operations to make up the first detachment buys time to train 'fresh' members for future detachments.

CivPol deployments and strategies should be made with full understanding of the police role generally, and especially the CivPol role in a fractured state. With the passage of time, policy makers in this area are becoming more familiar with the complexities and unique challenges of police peace operations.

THE ROLES OF CIVILIAN POLICE

Police are accustomed to operating in small numbers with very limited support. The police team structure is somewhat *ad hoc*, but police are used to working independently. A police officer is used to using his/her discretion – such as whether or not to arrest – and then taking the full personal responsibility for his or her actions, even if that action is contrary to the views of a more senior officer.

Civilian Police officers are normally unarmed (as they should be), and in this way they contribute to confidence building and trust. For example, in Cambodia during the UNTAC mission, members of the Australian Federal Police detachment were never threatened by the Khmer Rouge soldiers amongst whom they lived, and whom they later trained (along with members of the other two Cambodian factions) as local policemen. Male and female Civilian Police officers can be deployed on an equal footing in any situation. This sends a very positive message to the local population.

Police should not be used in enforcement operations sanctioned under Chapter VII of the United Nations

Charter, except to assist in the investigation of human rights abuses. Civilian police work well with other civilian organisations, including the United Nations administration, aid agencies and NGOs. The visibility of the Civilian Police role sends the correct message for the local people planning a future civilian administration.

SUPPORT FROM THE PARENT POLICE SERVICE

A number of questions were raised in this area. How well is the Parent Police Service (PPS) equipped to provide infrastructure support for the Civilian Police deployment? Are police peace operations regarded as 'core business' for the PPS? If so, is the organisational structure and doctrine to support such operations appropriately developed? Does the PPS have a peace operations doctrine? How do members of the PPS regard their colleagues carrying out peace operations: as mercenaries or missionaries? Are the conditions for peace operations service established and consistent? Are the officers representing the PPS at interdepartmental and international meetings concerning peace operations of sufficient experience and seniority to ensure that the Civilian Police 'line' is properly presented?

SELECTION OF CIVILIAN POLICE OFFICERS

A range of factors should govern selection of personnel. These include good leadership; prior experience in similar operations overseas, if possible; high order negotiation skills; 'visionary' thinking – there is little initiative displayed by the United Nations in its police peace operations role;³³ a capacity to work with officers with different professional backgrounds; and consciousness that in their Civilian Police role they are working, in the first instance, for the United Nations, rather than for Australia or their own Police Service.

CIVILIAN POLICE INITIATIVES

Civilian Police officers from all the various national detachments generally worked well together, even though there were significant cultural and professional differences between them. This was particularly the case in East Timor when there was a program of extremely useful and relevant pre-deployment training in Darwin, based on the types of scenarios likely to be faced by Civilian Police officers immediately on their

arrival in East Timor. This training, which was conducted by the Australian Federal Police and an excellent team of consultants, was regarded by all who undertook the training as invaluable.

As many police came into the profession after having already obtained some other technical or professional skills (such as electrician, plumber, soldier, or accountant), these skills could be very effectively harnessed in support of peace operations. For example, in Thmar Puok, Cambodia, the Civilian Police detachment (comprising Australian Federal Police plus police from Germany and Tunisia) supervised and assisted in building the police station, accommodation blocks, training classrooms, parade ground and an obstacle course for the training of local police (from each of the three factions). Each officer donated US\$1000 of his salary for these projects, as well as purchasing sweets, paper and pencils for the local school children (through whom they were eventually able to gain the trust and friendship of the parents). In all, 480 local police were trained before the Australian Federal Police withdrew, and the project appears to have been sustained to the present day.³⁴

Australian Federal Police officers in Cambodia also gave English lessons to the local people in their own time, and this contributed substantially to building trust and friendship.

When the Australian Federal Police were deployed to Thmar Puok there were no courts, no lawyers and no prisons. In fact, there was no law to enforce, so the Officer-in-Charge wrote, and obtained approval for, a simple legal code, based on that applied in the refugee camps on the Thai border. This was applied, and accepted by the local people, with the approval of the United Nations.³⁵ A basic Australian Federal Police concept for rebuilding the rule of law and public confidence in fractured States (like Cambodia and East Timor) is to develop a small, well-policed area within a secure perimeter, and then gradually expand the perimeter. This approach works as well in an area subject to serious criminality as it does to a chaotic traffic situation, as was demonstrated in both Cambodia and East Timor.

When a Civilian Police deployment is made to a fractured State where there is no law, the United Nations should have on hand a simple 'model law' which could be imposed (or adapted, as appropriate) so that both Civilian Police and the local population understand what is expected of them. Even in the most

disrupted State, the local people do not want lawlessness and would prefer to know 'what the rules are'. Eventually, the local people should be encouraged to take responsibility for their own law enforcement.

Civilian Police always try to maintain their neutrality, and are usually seen as non-threatening by all sides. In Cambodia, this enabled them to work effectively with all the political factions without any threats or violence, and in East Timor, Civilian Police were able to go where the military would not have been able to go without substantial support, because in the main Civilian Police were trusted.

CIVILIAN POLICE PROBLEMS

The infrastructure support that moves with 3000 soldiers just is not there for police who serve in small teams all around the island, often in isolated circumstances. The conditions for each of our contingents have been rough to say the least.

[Senator the Hon. Amanda Vanstone, Minister for Justice and Customs, referring to Civilian Police operations in East Timor.]

There needs to be greater quality control of the police selected for peace operations; international standards need to be set, and the performance of detachments deployed in such operations should be subject to efficiency audit.

Unlike in Cambodia and Haiti, in Mozambique and East Timor all national detachments were split up and mixed with other nationalities, although it was usual for at least two from each nationality to be deployed to a post. Sometimes this led to cultural and professional problems. For example, some officers from conservative backgrounds had difficulty working with female CivPol officers. There is a need to spend some time briefing all CivPol officers on the cultural issues, prior to deployment.

When the 2nd Detachment arrived in East Timor in September 1999, there was no law and order in East Timor. All but five PolRI officers had been withdrawn from East Timor, so from 9 September to 28 October (when UNTAET was established), the only law applicable was Indonesian law, enforced by INTERFET military police. Civilian Police advised the military police until 28 October, when they were given their own charter.

Drawing Civilian Police officers from such a range of countries gave rise to significant language – and,

therefore, communication – problems. Some officers from non-English speaking countries had great difficulty communicating with the rest of the Civilian Police detachment, and others – generally young officers – who did speak English, did not have the necessary policing skills. There were some problems integrating the work of Civilian Police officers coming from a wide range of national criminal justice systems. Some Civilian Police officers could not drive, had only rudimentary policing skills, or were military police rather than Civilian Police officers. Australian Civilian Police officers were often regarded as brash, bold and impatient: the 'let's do it!' syndrome. Sometimes this did not go down well with the traditionalists and bureaucrats, but overall the Australians were well respected and liked, and they regarded their overseas deployments as a valuable personal and career development opportunity.

Overall in East Timor, Civilian Police performed very well, sometimes in exceptionally difficult and dangerous circumstances. They faced considerable personal risk and witnessed a great deal of violence and trauma. There was some criticism of the United Nations staff over the decision to evacuate the United Nations compound. However, this criticism occurred in very emotional and difficult circumstances in which very delicate negotiations were being undertaken with PolRI, TNI and the militia to secure the safe evacuation of the United Nations and locally engaged staff, and it was simply not possible to communicate with all the Civilian Police members on the background to the decision.³⁶ The problem here was not with decisions 'on the ground', but with the wider structure of a mission in which there was no neutral United Nations security force to deter or confront the kind of violence which the militias unleashed. Nonetheless, some Civilian Police officers understandably became emotionally involved in the situation.

Concern was expressed on a number of occasions about the sustainability of the training of local police given by Civilian Police officers. It was considered that Civilian Police officers should remain in the country for training and advisory purposes until the local police force could stand on its own feet.

Most Civilian Police detachments are poorly selected, trained and equipped, and deployed with very little knowledge of either the country to which they are going, or the political situation behind the disruption in the country, or the United Nations doctrine to be implemented. (In Cambodia there was conflict between

the locals and one Civilian Police detachment as to who was going to run the local brothels.) This is not the case with the Australian detachments, which are generally very well briefed and prepared, although, even in this case, more priority should be given to equipping the officers. There was no reconnaissance visit to East Timor prior to the deployment of the UNAMET detachment, so most of the officers had no idea what equipment they would need, although as previously noted, the pre-embarkation training given to Australian Civilian Police officers was of a very high standard.

Very little high-level intelligence is available to Civilian Police detachments in the field, and this made the Civilian Police role more difficult in critical times, and added to the physical risks involved. Furthermore, in some deployments, there was a lack of close coordination between the United Nations political and electoral officers, Civilian Police, the military, and aid workers. This resulted in too many agendas and a lack of a consistent aim, which sometimes resulted in confused Civilian Police tasking.

In East Timor there was no Status of Forces Agreement and no Memorandum of Understanding between PolRI and Civilian Police. It was not until 9 August 1999 – the month of the Consultation – that a working agreement was entered into between the Commissioner UNAMET CivPol and Colonel Timbul Silaen for the regional police for East Timor. The fact that Civilian Police relied on PolRI and TNI to provide their basic protection during the UNAMET period added to the tensions between the United Nations and Indonesian sides. In East Timor during the UNAMET period, some United Nations officers, and many of the NGO representatives, were seen as supportive of East Timorese independence. This added to the tensions with the Indonesians and made the Civilian Police role harder to perform.

Some Australian Federal Police members have been disappointed with their reception since returning to Australia. The view is that although there was recognition of the role of Civilian Police during the UNAMET period, since the INTERFET³⁷ military deployment, Civilian Police have been forgotten. One Civilian Police member expressed disappointment that there is very little recognition of the Civilian Police role in the Australian War Memorial, in spite of the fact that three Australian Civilian Police officers have been killed in Cyprus.

Despite the best efforts of Australian Federal Police Headquarters, the pace of events and the widespread deployment of Civilian Police officers in a fragmented State like East Timor meant that difficulties were sometimes experienced in keeping the families as informed as they wished as to where and how their loved ones were. This added to the trauma experienced by some of the families, particularly at the time of the evacuation from East Timor.

COMMENTS ON THE UNITED NATIONS

Many Civilian Police officers considered that the United Nations is too remote, too bureaucratic, and lacks vision and coordination. The lack of delegation of decision-making at the local level results in inertia. Even medical and disciplinary evacuations had to be referred to New York. There is too much reliance on decision-making in New York, where the relevant officers do not have detailed information on local circumstances. It appears that this restraint does not apply to military peacekeeping deployments, who, for practical purposes, remain under their own chain of command.

The United Nations needs to lift its game in this area, particularly in relation to the selection, training and deployment of police in peace operations. What is often forgotten is that poor performance by police in peace operations can have a multiplier effect, with 'good' police having to shoulder an excessive workload in order to cover for the poor performance of some of their colleagues.

A frequently-expressed criticism of the United Nations was that the best way to solve a problem (for example food or accommodation) was simply to 'throw money at it', rather than address the longer-term issues. As far as the East Timor detachment was concerned, virtually nothing could be bought locally, or in Darwin. If the required equipment was already in the United Nations store in Brindisi, Italy, it had to be ordered from there, even if this involved a delay of several weeks. In cases where essential equipment was required, such as generators, this delay had a very adverse effect on the members waiting for the equipment. Without electricity, fresh food could not be stored, and radios could not be used. It would be better if the United Nations could locate an Asian warehouse in Darwin, or somewhere more convenient than Italy. In the absence of any morgue facilities in Dili, if the United Nations had allowed refrigerator

trucks to be brought to East Timor on HMAS Jervis Bay, deteriorating bodies awaiting forensic examination could have been kept refrigerated.

There was a marked disparity in living standards between many of the United Nations officials and the local people in the Dili area. Many United Nations and other staff (but not the Civilian Police officers) lived in a floating hotel in Dili Harbour, which was off-limits to East Timorese, whereas many poor, hungry and traumatised locals lived rough in Dili. This did nothing to endear the United Nations to the local people. Simple solutions, such as bring up a large number of caravans from Darwin, could have somewhat alleviated this disparity.

It is now United Nations policy that all Civilian Police detachments will be multinational. No national detachments with designated sectors will be employed in future. Apparently this is an attempt to balance the quality of the available Civilian Police officers. Yet the United Nations apparently worked on the understanding that where there were shortfalls in equipment, Australia would 'chip in'. This may have worked with the military, but it did not work with Civilian Police, who had very few resources.

LAW AND ORDER

Public order is critical in a fragmented State. Civilian Police can make a substantial contribution in operations under Chapter VI of the United Nations Charter by assisting in rebuilding the criminal justice system: the local police, local law, the courts and the prison system. In East Timor, since 28 October 1999, the Civilian Police have had the sole responsibility for law enforcement, but they operate under Indonesian law until such time as a new legal system is authorised. The local citizens want law and order, and due process when they are offended against. The powers of entry and arrest must be clearly explained, courts reestablished and the confidence of the people in the criminal justice system obtained. These are tasks of great complexity.

After a honeymoon period in which the UNAMET Civilian Police detachment could do no wrong, the UNTAET Civilian Police detachment, having the prime responsibility for maintaining law and order, has come in for criticism from some of the local people. The local people are suffering from 'crisis fatigue' and just want life to return to normal. However, there is a disparity of living standards in East Timor between

the United Nations staff, those East Timorese with jobs, and 'really poor people'. Against this background, many young men have become alienated from their families and villages, and are unemployed, homeless, hungry and poor. Some of these people have formed street gangs, loosely connected with Falintil, in order to survive and plunder.

Amongst these frustrated youths, and many other East Timorese, there is criticism of the slow pace of reconstruction and the reestablishment of services: expectations of a quick recovery have been dashed and disillusionment has set in. There is an angry reaction to the total destruction of East Timor and suspect former members of the militias are targeted for retribution. There is a reaction against the culture of dependency—that is, frustration over the fact that they can do so little about the present situation. East Timor has missed a whole season of agriculture due to the security situation. There is a marked disparity between the living conditions of the people (including the East Timorese) in the towns and those in some of the rural areas where a United Nations presence and services have yet to be established. With very little to do, boredom has set in and in such circumstances, the young get into mischief.

Whilst not being responsible for this situation, the UNTAET Civilian Police detachment is seen by some as 'an organ of repression' similar to PolRI in the previous regime. It is understandable that this feeling has had a demoralising impact on some members of Civilian Police.

CIVILIAN POLICE RELATIONS WITH THE MILITARY

Overall, relations between the Civilian Police and the military, at least at the individual level, were good. The military were regarded as very professional and focused, but there were still problems, some of which are mentioned below.

In the initial stages of any peacekeeping operation, the military have the main carriage of the task, with responsibility being gradually handed over to the civil authority. In Cyprus, the role of Civilian Police is to keep the peace between the Greek and Turkish civilian communities, whereas the military role is to deal with opposing military forces and to support Civilian Police should civil disturbances deteriorate into violence.³⁸ Although the components of a peacekeeping mission are supposed to be complementary, they are often

placed within a hierarchy in which it is common for the military to take the lead role. The military tend to take this supremacy for granted and, therefore, find it extremely difficult to relinquish control and accept Civilian Police primacy. Better understanding of the cultural differences between the police and the military, together with some standardisation of equipment and procedures (such as communications) would reduce these difficulties. In comparison with the military, the police are individually empowered.

Military units are invariably far larger numerically than police units, with only the leadership of the military having the authority to decide on independence of action. On the other hand, with Civilian Police it is common for teams to be very small, to have junior leadership and for national detachments to be dispersed. Civilian Police members tend to be attuned to local cultural sensitivities because their role places them close to the community. This is a characteristic that Military Observers also develop, but it may be less highly developed in the ordinary military hierarchy. There may be scope for fruitful cooperation between CivPol and the military in this area.

Communication style is often a cause of friction between Civilian Police and the military. Military communications tend to be delivered in an authoritative manner, with little debate or clarification. As most military organisations work in this way, this communications system works well, even in a multinational force. However, when the military use this style of communication with civilians, including the police, problems can arise. Police communications tend to be less authoritative, with more negotiation and a greater two-way flow of information. This style appears to frustrate the military, as it can appear to be too indecisive and long-winded. However, as police operate in a more independent environment, they have more experience at dealing with members of the community – both victims and offenders – and often in traumatic circumstances. The police may have highly developed negotiation skills which can be put to good use in reducing tension or resolving delicate situations. This characteristic is rarely recognised by the military, which tends to be more demanding and aggressive.

Both the military and civilian components would benefit from a clearer demarcation of responsibilities, and from developing the flexibility to request the other component's help where appropriate. Training on how each other works, the appreciation of diversity,

including the strengths and weaknesses of each approach, should lead to better relationships and true cooperation. There also needs to be more communication on the politics behind the role of each component: such knowledge would help adaptation to understanding and supporting each other's mandate within the mission.

In East Timor the ability of the Military Liaison Officers (MLOs) to bring order and structure to a chaotic situation was greatly appreciated. On the other hand, dogmatic adherence to the military way of doing things created some difficulties. The two different communication styles contributed to tensions, but police negotiation approaches helped defuse these tensions.

Civilian Police were sometimes equated with the military police, who are generally regarded as being at the lower end of the military hierarchy. In some developing countries the military police are feared as the most brutal instrument of the regime. Another problem in working with the military police is that the military police are usually attached to subordinate units, so there is little coordination of their activities and the information they obtain sometimes takes a long time to reach Civilian Police. CivPol are particularly alert to the importance of the proper collection of forensic evidence relating to human rights violations. It would have been better if CivPol had been given the authority, from the start of the INTERFET period, to conduct investigations into these alleged violations, and had been properly equipped to do so.

At least in the early days of INTERFET, many of the Civilian Police felt that they were not treated with the respect they deserved. This caused some resentment and friction, although this diminished over time. The military tend to be more rank-conscious than the police. They are more command conscious and they are sometimes reluctant to accept advice from a more junior police officer. They generally do not understand the concept of 'the Office of Constable' and what this means in police decision-making. Some military members inappropriately regard the police as 'dressed-up civilians'. Civilian Police members should *never* be given military ranks: it would be far better to have no ranks than to confuse the police role with that of the military.

The military can experience difficulty in crowd control. Some soldiers have difficulty with the use of minimum

force, and this tended to be demonstrated on television in the form of very aggressive actions by Australian soldiers, particularly in the early days of INTERFET. This was sometimes characterised in terms of the military's adopting a strongly anti-Indonesian posture, which, while understandable in the circumstances, may have compromised their neutrality.

Civilian Police contact with the United Nations in New York is through the Australian Military Adviser. Whilst not criticising the performance of the Military Adviser, there was strong preference expressed for locating a police officer as an additional adviser in New York, so that the operational and cultural problems would be better understood by all concerned.

RELATIONS WITH THE INDONESIAN NATIONAL POLICE (POLRI)

Normally, Civilian Police officers would not move without an escort from PolRI or the TNI. Even in the evacuation phase, although there were rogue PolRI members, generally the PolRI officers tried to do 'the right thing'. Most PolRI members never felt at ease with the role they were required to perform and there was a fair bit of 'manoeuvring' about the way they performed their duties. Overall, relations between the Civilian Police and PolRI were very good, and on many occasions, PolRI officers went out of their way to help or look after the Civilian Police members. PolRI was quite a professional organisation, but during the UNAMET period they were sandwiched between the TNI/militia and the United Nations – a difficult place to be.

Relations with the Police Mobile Brigade (BRIMOB) were also good and on at least one occasion, BRIMOB intervened to save Civilian Police officers from militia violence. In Maubissa, Civilian Police and BRIMOB played volleyball regularly together and a good spirit prevailed. Unlike the TNI, PolRI was not well-equipped and, in particular, they lacked transport, which severely limited their role to protect Civilian Police. There were a number of East Timorese police in PolRI, both regulars and auxiliaries. Most of these people were supporters of the independence movement but could not show it. Some spoke very freely to CivPol when other PolRI officers were not present. After the ballot on 30 August, most of the East Timorese police were disarmed and it is feared that a number were subsequently killed. Some of the East Timorese police were well educated former priests. According to one

Australian Federal Police officer, they were 'nice, smart guys'.

HUMAN RIGHTS ISSUES

During the UNAMET period, Civilian Police had to work in an environment in which there were no forensic scientists and no morgues, so conditions were very primitive and this made the investigation of human rights cases very difficult. When bodies were discovered, Civilian Police tended to leave them where they were (unless they were unburied or in a well), take statements, secure the evidence, arrange for the protection of the gravesite, and await the arrival of the forensic experts.

In all, there were probably some 3000–4000 people slaughtered. The local people know where the graves are and the circumstances behind the killings, but many of these witnesses have been taken to West Timor.

MILITIA ACTIVITIES

The militias were a constant potential threat to Civilian Police. Usually, most of the militia members were well known to the local people, and many locals had been forced to join. The actual number of violent militia activists was very small, but they were extremely active. It was widely believed that the various militias were very closely linked with the TNI, and operated with their support.

As an example of their destructiveness, about half of the 280 vehicles³⁹ provided to UNAMET were 'trashed' or stolen in the time between the evacuation and the arrival of INTERFET. Of the remaining vehicles, many were badly vandalised with windows or lights broken. As a result, night mobile patrols had to be undertaken using torches to light up the road ahead. Oecussi was a very dangerous place because of its isolation and proximity to the Indonesian border. One officer expressed the view that Oecussi was the one place in East Timor where it would be justified to issue the Civilian Police with firearms for self-protection.

Most Indonesians, including PolRI members, were genuinely surprised with the outcome of the ballot. They had believed the Indonesian propaganda which stated that the outcome would be a resounding vote for autonomy within the Indonesian Republic. For this reason, in the immediate aftermath of announcing the results of the ballot, the main targets for the militias

were the locally-engaged electoral officers, a number of whom were murdered. In most locations, it appeared that PolRI/BRIMOB and Civilian Police were able to work together to protect the locally-engaged staff and the ballot boxes. Many of the locally-engaged electoral officers were university students from Dili.

In one post, Maubissa, relations between the local militia (Mahidi) and the Council for the National Resistance of Timor (CNRT), the political wing of Falintil, were quite cordial prior to the ballot, thanks largely to excellent negotiations conducted by a Malaysian Civilian Police officer. The worst incident around the time of the ballot was the massacre of people in the church at Suai. The UNAMET electoral officers and Civilian Police had encouraged the people to stay in the church for protection at the time of the vote, but many of these people were massacred when the Civilian Police were evacuated. The militia attempted to prevent the UNAMET evacuation from some areas, and a great deal of equipment and personal papers were left behind in the urgency of getting out safely. In East Timor, the local priests played a critical role in the ballot exercise, and this is why some of them became prime targets for the militias.

EVACUATION FROM THE UNITED NATIONS COMPOUND IN DILI

Clearly, the whole scenario surrounding the evacuation of the United Nations and locally-engaged staff from the compound in Dili from 6–14 September 1999 was very traumatic. A large number of locally-engaged East Timorese staff and others were injured climbing into the United Nations compound when the TNI/militia opened fire on them, and many people appear to have been killed when they tried to escape up the hill behind the compound. The situation was an exceedingly dangerous and wrenching one, and no one who was there would be likely to have been unaffected by the situation.

When the evacuation was finally ordered, there was resistance on the part of some of the CivPol members who thought that they were breaking a promise given to the local people that the United Nations would not abandon them. There was criticism of this decision, but those who felt this way were probably unaware of the delicate negotiations which were being undertaken to ensure safe passage of the United Nations and locally-engaged staff. There really was no practical

alternative, but many people were angry with the decision at the time. Apart from the question of physical safety in the face of TNI/militia violence, there were serious health and hygiene problems with so many people crowded into the compound.

RECONSTRUCTING A FRAGMENTED STATE

The local people may not understand the subtleties of fraud and white collar crime, or the philosophy behind modern policing, but they have had direct experience of rape, theft, arson and murder. Where no other law exists (as was the case in Cambodia) there is a need for a simple United Nations legal package which proscribes these crimes in a way which the local people can understand and view with confidence. It would not be appropriate simply to transpose Australian law and policing practices to a fragmented state like East Timor. The reconstitution of the criminal justice system must take into account local cultures and experiences.

Australian Federal Police members and other CivPol officers are currently conducting training for East Timorese people seeking to join the indigenous police force. Vetting is undertaken with respect to former PolRI members applying to join the East Timor Police, using the records still available as well as community consultation.

Civilian Police can contribute in a significant way to changing the political environment in a state like East Timor, to move it away from a military towards a civilian political system, as in most democracies. This is one reason why peacekeeping should *not* be seen solely as a military operation. To do so misses the whole point of developing a sustainable democracy in a fragmented state like Cambodia or East Timor. Being a neutral, non-threatening entity, Civilian Police can move freely between all the parties involved in the political conflict and assist in building confidence and trust.

THE TRAUMAS SUFFERED BY CIVILIAN POLICE OFFICERS

For the UNAMET detachment, there was a feeling of absolute helplessness and powerlessness in the face of violence from which neither the PolRI nor TNI could or would protect them. There was a feeling of great insecurity in very unusual and dangerous

circumstances, with only a police force of unknown reliability for backup. This situation was totally alien to the normal assurance of support, even in the most difficult and dangerous situations, as a police officer in Australia. Basically, there was no fallback position from the circumstances in which they found themselves. Some officers who were Vietnam veterans relived some of their old traumas, made worse by the fact that they did not have the bravado and mutual support of being in a cohesive military unit to see them through the crisis.⁴⁰ They witnessed some dreadful atrocities for which they were powerless to intervene – totally contrary to all their previous police training and experience. They also experienced very unpleasant, long-drawn-out traumas, like the exhumation of many bodies in a gravesite or from down a well.

There were many health problems, compounded by extreme fatigue. Most officers worked very long hours and there was no ‘down time’ to recover. In the initial phases boredom was also a problem. With no electricity, there were no reading lights, no radio, no television and no refrigeration, so the officers tended to go to sleep with the sunset and return to work with the dawn. It was very difficult to live in a community where so many of the population were also terrified and traumatised. As there was no defined beginning or end to the commitment (very much like the Vietnam syndrome), some officers feel that their task has not been completed. This may result in some loss of objectivity, introversion, and some difficulty in re-establishing relationships within their families.

There was great loss of professional pride in having to be evacuated from the United Nations compound in Dili, particularly when the United Nations gave undertakings to the locally-engaged staff that they would not be deserted. Some officers felt as if they were ‘traitors’ and suffered from ‘survivor guilt’. Some have become obsessed with Timor and will take a long time to get over the experience.

For the UNTAET detachment, there was a huge disparity between the working and living conditions for Civilian Police and the military. Not only did this materialise in terms of mutual support, equipment, communications and transport, but the PR image of

the military dwarfed that of the Civilian Police. There was a very distinct ‘1st Eleven v. 2nd Eleven’ feeling amongst the Civilian Police members.

Some members of the UNTAET detachment were very upset with their loss of popularity and confidence with the local population, for the reasons given above—it made them question whether the commitment was really worth it.

CONCLUSION

With the strong possibility that there will be further requirements for Australia to respond with peacekeeping commitments in the Asia–Pacific region, it is essential that the difference between military peacekeeping and police peace operations be clearly understood both at the United Nations and national levels. At this stage there is no such understanding, with the result that police peace operations are often neglected, in comparison with the military peacekeeping role. This applies particularly in relation to doctrine, United Nations administration, equipment and personnel issues, including public recognition of the role Civilian Police members perform. We hope that discussion of the Brahimi Report will help overcome this neglect.

However, in rebuilding a fragmented state, the reconstitution of the rule of law and the criminal justice sector is probably the single most critical issue in reestablishing and sustaining the state. This will probably require a Civilian Police policing, training, advisory or human rights investigative presence long after the military peacekeepers have been withdrawn. The effective integration of these efforts with United Nations and other international initiatives, aid projects and the work of NGOs will determine, to a large extent, whether the progress made in reconstituting a fractured state will be sustainable. It will also determine whether that state will adopt a democratic system, supported by a transparent and accountable criminal justice system, or whether it will rely on military and other coercive measures to maintain itself in power. It is in this area that Civilian Police have a truly vital role to perform.

APPENDIX I

The following tables, developed by Hills, help to identify some of the key functions and roles associated with civil policing in different sociopolitical contexts:

THE POLICING OF FRAGMENTING STATES: A SPECTRUM OF LEVELS OF FUNCTION AND ROLE⁴¹

PHASE	FUNCTION	ROLE
Strong Central Government	<ul style="list-style-type: none"> Enforcement and maintenance of civil order Regime representation Regulatory activities 	<ul style="list-style-type: none"> National public police performing conventional duties
Fragmentation	<ul style="list-style-type: none"> Functions limited by absence of single civil order Authority and power devolve to regions 	<ul style="list-style-type: none"> Formal police force replaced by informal localised policing provided by other suppliers (e.g. militia, mosques, security companies)
Collapse	<ul style="list-style-type: none"> Formal police system either ceases to exist or its existing functions are shaped by military goals 	<ul style="list-style-type: none"> Localised policing provided by various (armed) groups

SPECTRUM OF LEVELS OF LEVELS OF FORMAL POLICING FUNCTIONS AND ROLES IN RELATION TO THE STATE⁴²

PHASE	POLICE SYSTEM Police Organisation	POLICE SYSTEM Policing Activity	FUNCTION	ROLE
Post Colonial	<ul style="list-style-type: none"> National Force derived from colonial models 	<ul style="list-style-type: none"> Localisation Rural/urban split Recruitment ethnicised 	<ul style="list-style-type: none"> Law and order enforcement Paramilitary support Regime representation 	<ul style="list-style-type: none"> Regulatory (e.g. border and traffic control)
Fragile	<ul style="list-style-type: none"> Visible coercive agent 	<ul style="list-style-type: none"> Rural/urban split Recruitment ethnicised 	<ul style="list-style-type: none"> Order enforcement Paramilitary support Regime representation 	<ul style="list-style-type: none"> Inconsistent patterns of activity

PHASE	POLICE SYSTEM Police Organisation	POLICE SYSTEM Policing Activity	FUNCTION	ROLE
Fragmenting	<ul style="list-style-type: none"> Loss of central control and formal infrastructure 	<ul style="list-style-type: none"> Selfish Survival activities only 	<ul style="list-style-type: none"> Repression 	<ul style="list-style-type: none"> Roles may be maintained by smaller units
Fragmented	<ul style="list-style-type: none"> System fragmented 	<ul style="list-style-type: none"> Security privatised 	<ul style="list-style-type: none"> No formal functions 	<ul style="list-style-type: none"> Security maintained by a range of armed groups
Conflict	<ul style="list-style-type: none"> State policing suspended 	<ul style="list-style-type: none"> Remaining activities suspended 		
Collapsed	<ul style="list-style-type: none"> Power vacuum 			<ul style="list-style-type: none"> Regulation and security provided by private suppliers (e.g. militias or vigilantes)
Reconstruction	<ul style="list-style-type: none"> New civilian national force 	<ul style="list-style-type: none"> Bureaucratic practices (e.g. criminal records) 	<ul style="list-style-type: none"> Law and order enforcement Paramilitary operations Regime representation 	<ul style="list-style-type: none"> Regulatory activities

APPENDIX 2

AWARDS AND DECORATIONS FOR AUSTRALIAN FEDERAL POLICE OFFICERS IN EAST TIMOR DURING THE UNAMET PERIOD

ORDER OF AUSTRALIA (AO)

For distinguished service as the Commissioner of the Civilian Police Contingent of the United Nations Assistance Mission in East Timor overseeing security of the consultation ballot.

Alan James Mills, AM, APM

BRAVERY MEDAL (BM)

For an act of bravery in hazardous circumstances.

On the afternoon of 11 August 1999 in Viqueque, East Timor, Federal Agent McEwan was serving with the United Nations Assistance Mission in East Timor when he participated in the rescue of an Indonesian police officer who was being attacked by pro-independence East Timorese villagers.

Federal Agent Paul Alexander McEwan

GROUP BRAVERY CITATION

For a collective act of bravery, by a group of persons in extraordinary circumstances, that is considered worthy of recognition.

Members of the 1st Australian Federal Police serving with the United Nations Assistance Mission in East Timor in 1999.

A contingent of 52 members of the Australian Federal Police (AFP) served with the United Nations Assistance Mission to East Timor (UNAMET) from 11 June 1999 to 14 September 1999. Their mission was to liaise with and advise the Indonesian Police on security matters related to the conduct of a referendum scheduled for 30 August that would determine the political future of East Timor. Their mission also required them to supervise the delivery of the ballot papers and ballot boxes to the various polling sites throughout East Timor and their return to the counting centre in Dili at the end of polling.

On their arrival in East Timor, members of the AFP contingent were deployed in teams to nine provinces, namely Liquica, Maliana, Suai, Ermera, Bacau/Manatuto, Alieu, Lospalos, Ambeno and the Dili

Regional Headquarters area. In many of these areas the local infrastructure was poor to non-existent. In their assigned locations they remained isolated, unarmed and vulnerable to ambush and hostile action by local militias opposed to the ballot.

The commencement of voter registration on 6 August led to an increase in militia activity against the local population. Members of the contingent in the nine locations were also subject to various forms of intimidation ranging from physical acts of violence often occasioning bodily harm, being fired upon, death threats and hostile propaganda. Their efforts to maintain order were often hampered and undermined by the Indonesian Police and military sympathizers of the pro-integration militias.

Following the ballot on 30 August, acts of violence by pro-integration militias against the civilian population escalated dramatically. There were many reported killings and East Timor was quickly engulfed in civil strife. In some areas the local Police commander informed UNAMET that their safety could no longer be guaranteed. In the ensuing turmoil the protection of the civilian population became the primary mission of UNAMET.

Despite the threat to their safety, members of UNAMET offered protection and refuge to sections of the local population targeted by the pro-integration militias. Members of UNAMET also mounted patrols into the surrounding areas to publicise a United Nations presence as well as give the local population early warning of militia attack. The policing actions of UNAMET helped reduce fear and tension throughout East Timor.

In carrying out their policing functions members of UNAMET often placed their own lives at significant risk.

Duty in the Liquica region

Sergeant Sharon Lee McCarthy
Sergeant Paul Christopher Mulqueoney
Sergeant John Keith Randall

Duty in the Maliana region

Superintendent Phillip John Hutson
Sergeant Craig Lovell Mann
Sergeant David Harry Savage

Duty in the Suai region

Sergeant Shaun Barry Bennetts
Sergeant Sean Paul Dunne
Sergeant Martin Christopher Hess
Sergeant Sandra Lee Hoffschildt
Sergeant Peter Francis Holder
Sergeant Christopher William Meagher
Sergeant Irene Elizabeth Menhinnitt
Senior Sergeant Ian Francis Whyte

Duty in the Ermera region

Sergeant Donald Richard Barnby
Superintendent Geoffrey Alan Hazel, APM
Sergeant Philip Anthony Hunter
Sergeant Max William Knoth
Sergeant Paul John Morris
Sergeant Brett Robert Swan
Sergeant John Peter Tanti
Sergeant Peter Ian Watt

Duty in the Lospalos region

Sergeant Aaron Marcus Crabtree
Sergeant David Charles Hall
Sergeant Raymond Charles Johnson
Senior Sergeant Brad Thomas McMeeking

Duty in the Dili region

Sergeant David Richard Boston
Sergeant Neil Roald Burnage
Sergeant Kevin Brett Burrell
Commander Anthony Kevin Curtis
Sergeant Kate Louise Ferry
Detective Sergeant Robert Gilliland
Superintendent Darryl John Gossip
Sergeant Robert John Hunter
Sergeant Thomas Nicholas O'Brien
Superintendent Stephen Granado Polden, APM
Sergeant Wayne Thomas Sievers

Duty in the Bacau/Manatuto region

Sergeant David John Bachi
Sergeant Christopher Mathew Cooper
Sergeant Gregory James Corin
Sergeant Veronica Josephine Elton
Sergeant Anthony Graham Fowler
Sergeant Fiona Jamieson
Sergeant Allen Raymond Le Lievre
Sergeant Paul Alexander McEwan, BM
Sergeant Ian Ross Standish
Sergeant Alfred Noel Turketo

Duty in the Aileu region

Sergeant Kendelle Meredith Clark
Sergeant Andrew Charles Eacott
Sergeant Terence Robert Parker

Duty in the Ambeno region

Sergeant Andrew David Clarke
Sergeant Brendon Ronald Withers

ABBREVIATIONS

AFP	Australian Federal Police	HMAS	Her Majesty's Australian Ship
AIDS	Acquired Immune Deficiency Syndrome	INTERFET	International Force in East Timor
ASEAN	Association of South East Asian Nations	MLO	Military Liaison Officer
BRIMOB	<i>Brigade Mobil</i> : (Indonesian Police) Mobile Brigade	NATO	North Atlantic Treaty Organisation
CivPol	Civilian Police	NGO	Non-Government Organisation
CNRT	<i>Concelho Nacional da Resistancia Timorensis</i> : Council for the National Resistance of Timor (political wing of <i>Falintil</i>)	PolRI	<i>Polisi Republik Indonesia</i>
DFAT	(Australian) Department of Foreign Affairs and Trade	PPS	Parent Police Service
DPA	(United Nations) Department of Political Affairs	PR	Public Relations
DPKO	(United Nations) Department of Peace Keeping Operations	TNI	<i>Tentara Nasional Indonesia</i>
DPMC	(Australian) Department of the Prime Minister and Cabinet	UN	United Nations
Falintil	<i>Forças Armadas de Libertação Nacional de Timor Leste</i> : Armed Forces for the National Liberation of East Timor (Military wing of the CNRT).	UNAMET	United Nations Assistance Mission in East Timor
		UNFICYP	United Nations Force in Cyprus
		UNTAC	United Nations Temporary Authority in Cambodia
		UNTAET	United Nations Transitional Administration in East Timor
		US	United States

NOTES

- ¹ For more extensive discussion of these themes, see Abdul Razak Baginda and Anthony Bergin (eds), *Asia-Pacific's Security Dilemma: Multilateral Relations Amidst Political, Social and Economic Changes* (London: ASEAN Academic Press, 1998); William T. Tow, Ramesh Thakur and In-taek Hyun (eds), *Asia's Emerging Regional Order: Reconciling Traditional and Human Security* (Tokyo: United Nations University Press, 2000).
- ² See Wendy Way (ed.), *Australia and the Indonesian Incorporation of Portuguese Timor 1974–1976* (Melbourne: Melbourne University Press, 2000); Desmond Ball and Hamish McDonald, *Death in Balibo, Lies in Canberra* (Sydney: Allen & Unwin, 2000); Damien Kingsbury (ed.), *Guns and Ballot Boxes: East Timor's Vote for Independence* (Melbourne: Monash Asia Institute, 2000); William Maley, 'Australia and the East Timor Crisis: Some Critical Comments', *Australian Journal of International Affairs*, vol. 54, no.2, July 2000, pp.151–161.
- ³ See Jarat Chopra, 'The UN's Kingdom of East Timor', *Survival*, vol.42, no.3, Autumn 2000, pp.27–39.
- ⁴ The population of West Papua is about 2.5 million of which approximately one million are 'transmigrants' from the rest of the Indonesian archipelago, especially Java and Suluwesi. See Ben Bohane, 'The Next East Timor', *Australian Magazine*, 19–20 February 2000, pp.24–27.
- ⁵ UNAMET was the United Nations Assistance Mission in East Timor. UNAMET was established on 11 June 1999 and was terminated in East Timor on 25 October 1999.
- ⁶ *Report of the Panel on United Nations Peace Operations* (New York: United Nations, A/55/305; S/2000/809, 21 August 2000) para.126.
- ⁷ For other comparative perspectives, see Duncan Chappell and John Evans, 'The Role, Preparation and Performance of Civilian Police in United Nations Peacekeeping Operations', *Criminal Law Forum*, vol.10, 1999, pp.171–271; Chuck Call and Michael Barnett, 'Looking for a Few Good Cops: Peacekeeping, Peacebuilding, and CIVPOL', *International Peacekeeping*, vol.6, no.4, Winter 1999, pp.43–68.
- ⁸ See I. William Zartman (ed.), *Collapsed States: The Disintegration and Restoration of Legitimate Authority* (Boulder: Lynne Rienner, 1995). On sovereignty, see Robert H. Jackson, *Quasi-states: Sovereignty, International Relations and the Third World* (Cambridge: Cambridge University Press, 1990); Joseph A. Camilleri and Jim Falk, *The End of Sovereignty? The Politics of a Shrinking and Fragmenting World* (Aldershot: Edward Elgar, 1992); Daniel Philpott, 'Sovereignty: An Introduction and Brief History', *Journal of International Affairs*, vol. 48, no. 2, Winter 1995, pp. 353–368; Michael Barnett, 'The New United Nations Politics of Peace: From Juridical Sovereignty to Empirical Sovereignty', *Global Governance*, vol. 1, no. 1, Winter 1995, pp. 79–97; Michael Ross Fowler and Julie Marie Bunck, 'What Constitutes the Sovereign State?', *Review of International Studies*, vol. 22, no. 4, October 1996, pp. 381–404; Øyvind Østerud, 'The Narrow Gate: Entry to the Club of Sovereign States', *Review of International Studies*, vol. 23, no. 2, April 1997, pp. 167–184; Samuel M. Makinda, 'Sovereignty and Global Security', *Security Dialogue*, vol.29, no.3, September 1998, pp.281–92; Stephen D. Krasner, *Sovereignty: Organized Hypocrisy* (Princeton: Princeton University Press, 1999); Martin van Creveld, *The Rise and Decline of the State* (Cambridge: Cambridge University Press, 1999).
- ⁹ See Max Weber, *Economy and Society: An Outline of Interpretive Sociology* (Berkeley & Los Angeles: University of California Press, 1978) Vol. I, p.56.
- ¹⁰ A.E. Hills, 'The Policing of Fragmenting States', *Low Intensity Conflict and Law Enforcement*, vol.5, no. 3, Winter 1996, pp.334–354 at pp.334–335. For some historical background, see L.J. Hume, *Bentham and Bureaucracy* (Cambridge: Cambridge University Press, 1981), pp.33–34.
- ¹¹ Hills, 'The Policing of Fragmenting States', p.339.
- ¹² Ibid.
- ¹³ For further information on UN peacekeeping in its various forms, see Arthur Lee Burns and Nina Heathcote, *Peacekeeping by UN Forces: From Suez to the Congo* (New York: Praeger, 1963); Rosalyn Higgins, *United Nations Peacekeeping: Documents and Commentary* (Oxford: Oxford University Press, 1969–1981), Vols.I–IV; Alan James, *The Politics of Peacekeeping* (London: Chatto & Windus, 1969); Indarjit Rikhye, *The Theory and Practice of Peacekeeping* (London: C. Hurst & Co., 1984); *The Blue Helmets: A Review of United Nations Peace-keeping* (New York: Department of Public Information, United Nations,

- 1990); Alan James, *Peacekeeping in International Politics* (London: Macmillan, 1990); A.B. Fetherston, *Towards a Theory of United Nations Peacekeeping* (London: Macmillan, 1994); Paul F. Diehl, *International Peacekeeping* (Baltimore: The Johns Hopkins University Press, 1994); Donald C.F. Daniel and Bradd C. Hayes (eds), *Beyond Traditional Peacekeeping* (New York: St Martin's Press, 1995); Steven R. Ratner, *The New UN Peacekeeping: Building Peace in Lands of Conflict after the Cold War* (New York: St Martin's Press, 1995); Ramesh Thakur and Carlyle A. Thayer (eds), *A Crisis of Expectations: UN Peacekeeping in the 1990s* (Boulder: Westview Press, 1995); Michael W. Doyle, Ian Johnstone, and Robert C. Orr (eds), *Keeping the Peace: Multilateral UN Operations in Cambodia and El Salvador* (Cambridge: Cambridge University Press, 1997); Jarat Chopra (ed.), *The Politics of Peace-Maintenance* (Boulder: Lynne Rienner, 1998); and Jarat Chopra, *Peace-Maintenance: The Evolution of International Political Authority* (London: Routledge, 1999).
- 14 Thomas G. Weiss, *Military–Civilian Interactions: Intervening in Humanitarian Crises* (Lanham: Rowman & Littlefield, 1999).
- 15 Chapter VI of the UN Charter allows the Security Council to call on members to settle a dispute by peaceful means. Under *this* Chapter, peacekeepers can only be introduced into a member state's territory with the concurrence of that member (as was the case in East Timor). Chapter VII provides the Security Council with extensive powers to authorise the use of armed force against a member state for the purpose of maintaining international peace and security. Member states are compelled to comply with decisions of the Security Council, and action can be taken in violation of their sovereignty if they do not. Such was the case following the 1991 invasion of Kuwait by Iraq.
- 16 Unfortunately, at the United Nations Secretariat in New York, there is a division of responsibility for the control of United Nations-sanctioned military peacekeeping and police peace operations. Military peacekeeping is administered by the Department of Peace Keeping Operations (DPKO), whereas police peace operations are generally administered by the Department of Political Affairs (DPA), each headed by an Under-Secretary-General. It appears that there is a lack of coordination and sometimes conflict between these two Departments that detracts from the efficiency and cohesion of the United Nations' efforts in fragmented states.
- 17 John McFarlane, 'Enforcing Laws: Is there a Growing Role for the Military?', in *Australian Security in a New Era: Reform or Revolution?* (Canberra: Australian Defence Studies Centre, Special Report no.5, 1998), pp.36–45. The valuable contribution of Associate Professor Hugh Smith of the School of Politics, University College, University of New South Wales, Australian Defence Force Academy, in developing this table is gratefully acknowledged. This table relates primarily to 'Western-style' policing: in many developing countries or countries in transition, the demarcation between the military and police roles is much less clearly defined.
- 18 Hills, 'The Policing of Fragmenting States'.
- 19 As at November 1999, the UN did not have the specific authority to investigate atrocities in West Timor, where a gravesite containing 26 bodies was discovered.
- 20 See Robert L. Caslen, Jr., 'Sustaining Democracy in Haiti: Challenges for the United States and International Community', *Low Intensity Conflict and Law Enforcement*, vol.5, no.2, Autumn 1996, pp.149–164.
- 21 Caslen, 'Sustaining Democracy in Haiti', p.153.
- 22 Caslen, 'Sustaining Democracy in Haiti', p.154.
- 23 On the complexity of democratisation processes, see Guillermo O'Donnell and Philippe C. Schmitter, *Transitions from Authoritarian Rule: Tentative Conclusions about Uncertain Democracies* (Baltimore: The Johns Hopkins University Press, 1986); Giuseppe DiPalma, *To Craft Democracies: An Essay on Democratic Transitions* (Berkeley & Los Angeles: University of California Press, 1990); Samuel P. Huntington, *The Third Wave: Democratization in the Late Twentieth Century* (Norman: University of Oklahoma Press, 1991); Juan J. Linz and Alfred Stepan, *Problems of Democratic Transition and Consolidation: Southern Europe, South America, and Post-Communist Europe* (Baltimore: The Johns Hopkins University Press, 1996); Gretchen Casper and Michelle M. Taylor, *Negotiating Democracy: Transitions from Authoritarian Rule* (Pittsburgh: University of Pittsburgh Press, 1996); Larry Diamond, *Developing Democracy: Toward Consolidation* (Baltimore: The Johns Hopkins University Press, 1999); Jack Snyder, *From Voting to Violence: Democratization and Nationalist Conflict* (New York: W.W. Norton & Co., 2000).
- 24 See, for example, Sir Robert Mark: *In the Office of Constable*. (London: Collins, 1978).
- 25 In Somalia, the military continued offensive operations against any armed entity. This policy made it more difficult for civilian police to achieve their objectives.

- ²⁶ The information contained in this section of the paper is based on voluntary, personal and semi-structured interviews with 20 Australian Federal Police officers in February and March 2000. In addition, one of the authors attended a collective debrief of members of the 1st Detachment to East Timor. These officers – male and female – included commissioned officers, non-commissioned officers and constables. The officers interviewed had served in one or more of the following overseas commitments: Cyprus, Thailand, Cambodia, Somalia, Mozambique, Haiti, Bougainville and East Timor. Some of the Australian Federal Police Headquarters staff responsible for their deployment, training, welfare and administration were also interviewed.
- ²⁷ For a detailed discussion of the 5 May 1999 agreements, see William Maley, 'The UN and East Timor', *Pacifica Review*, vol.12, no.1, February 2000, pp.63–76 at pp.70–72.
- ²⁸ The United Nations Transitional Administration in East Timor (UNTAET) was established in response to UN Security Council Resolution 1272 of 25 October 1999.
- ²⁹ For discussion of the lessons of some of these commitments, see Peter McAuley, 'civilian police and Peacekeeping: Challenges in the 1990s', in Hugh Smith (ed.), *Peacekeeping: Challenges for the Future* (Canberra: Australian Defence Studies Centre, 1993) pp.33–40; Joint Standing Committee on Foreign Affairs, Defence and Trade, *Australia's Participation in Peacekeeping* (Canberra: Australian Government Publishing Service, 1994) pp.89–102.
- ³⁰ *Britannica Book of the Year 1999*, p.387.
- ³¹ In East Timor, prior to the act of self-determination, the responsibility for security, law and order rested firmly with the Indonesian National Police, and the foreign civilian police were effectively in East Timor by invitation. After the popular ballot, and the Indonesian withdrawal, the civilian police were allowed to be armed where the assessment of risk to their safety was high. Generally, however, the presence of armed police tends to escalate a potentially violent situation.
- ³² For an interesting account of the civilian police role in East Timor, refer to the Australian Federal Police publication *Australian Federal Police in East Timor*, available from Australian Federal Police Media and Public Relations, PO Box 401, Canberra ACT 2601.
- ³³ Where good ideas are put up to the United Nations in relation to police peace operations, they will generally be accepted, if only because the United Nations doctrine in this area is so poorly developed.
- ³⁴ One of the authors (Professor Maley) visited Thmar Puok during the 1993 Cambodian election in the company of the UNTAC Chief Electoral Officer, Professor Reginald Austin. While the security situation in the wider area was far from satisfactory, it was striking that in Thmar Puok, families of diverse political affiliations had queued to exercise their right to vote. This remarkable outcome certainly owed a great deal to the atmosphere created by the Australians' philosophy of policing.
- ³⁵ This simple legal code was subsequently published by the United Nations and used in training other CivPol detachments.
- ³⁶ CivPol Commissioner Alan Mills was the last civilian police officer to leave Dili in the UNAMET evacuation.
- ³⁷ The International Force East Timor (INTERFET), under Australian command, was deployed in East Timor from 20 September 1999 to 23 February 2000.
- ³⁸ On the UNFICYP mission, see David Morris, 'Keeping but Not Making Peace: The UN Peacekeeping Force in Cyprus', in Kevin Clements and Robin Ward (eds), *Building International Community: Cooperating for Peace Case Studies* (Sydney: Allen & Unwin, 1994) pp.273–279.
- ³⁹ Mainly Land Rover Discovery 4WD vehicles, manufactured in Japan.
- ⁴⁰ On the importance of such ties of solidarity, see M.W. Jackson, 'All Against All', *Journal of Political and Military Sociology*, vol.13, no.1, 1985, pp.125–132.
- ⁴¹ Hills, 'The Policing of Fragmenting States', p. 353.
- ⁴² *Ibid*, p. 354.