

The Thin Blue Line: The Strategic Role of the Australian Federal Police

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The Australian Federal Police (AFP) is Australia's national policing agency, enforcing Commonwealth criminal law and protecting Commonwealth interests from crime, both within Australia and abroad. The AFP is also Australia's international law enforcement and policing representative, and it is the chief source of advice to the Australian Government on policing issues. The AFP has a range of networks in place with other agencies, both nationally and internationally, and is undertaking some unique contributions to regional stability and security through its international liaison network, its deployments in disrupted states in the region, its support for regional counter-terrorism, and its leadership and innovation in many fields of contemporary policing. However, its resources are stretched thinly and it needs to build up its human resources and capabilities if it is to fulfil the high community expectations it enjoys.

Each year at Christmas, our national leaders remind us to remember the men and women of the Australian Defence Force (ADF), and their families, as they serve overseas in difficult and dangerous assignments undertaken in support of the government's contribution to the wars in Iraq and Afghanistan; peacekeeping roles in East Timor, the Solomon Islands and elsewhere; in protecting our vital maritime interests, or in providing the aerial surveillance and transportation to support our defence strategies. The ADF is rightly held in very high regard and is one of the national icons that help to identify us as Australians.

However, what is not so well recognised, is that at any time there are another 300-500 Australian also serving overseas in the most challenging, difficult and sometimes dangerous assignments. If they wear uniforms, these people have blue shirts rather than green; they may be armed or unarmed; they may not necessarily be deployed in large military-style units, but in very small numbers; but their "enemies" are also real, and their roles are also of great national importance. Such may be the role of officers working in Myanmar, Colombia or Afghanistan on illicit drug matters; teams working in support of Indonesian or Philippine Police on counter-terrorist operations in the region; forensic science and disaster victim identification; policing and capacity building in disrupted states, such as East Timor or the Solomon Islands; training regional and extra-regional police in sophisticated investigation and counter-terrorist techniques; providing air security officers on selected national and international flights; operating at the leading edge of the investigation of cybercrime and technology-enabled crime; maintaining a widespread and effective police liaison network; and so on. This is but a small representation of the international roles now being undertaken by the Australian Federal Police (AFP), also including some State and Territory

Police seconded to the AFP. And this does not even touch on the AFP role in Australia. As a small organisation, the AFP makes a considerable contribution to Australia's security and policing interests, but this contribution does not appear to be recognised by the majority of Australians, or most of their political leaders. The purpose of this paper is to discuss some of the current roles of the AFP and to identify some areas where additional support from government would make these roles more manageable.

AFP Roles and Capabilities

The AFP is part of the Commonwealth Attorney-General's portfolio, and along with its partner agency, the Australian Customs Service, answers directly to the Minister for Justice and Customs. Specifically:

- The AFP Investigates crime with a national focus including terrorism, illicit drug importation, tax and welfare fraud, people smuggling and the domestic and international exploitation of women and children.
- AFP members also have a role in protecting Australian High Office Holders, visiting Heads of State and selected national establishments and infrastructure.
- In the Australian Capital Territory and Australia's external territories, the AFP provides community policing services with ranks and titles relating to community policing roles.
- Nationally, the AFP is based in each state capital and sworn officers are known as Federal Agents.
- Internationally, the AFP has liaison roles conferring with foreign police forces about criminal matters likely to affect Australia. In a number of overseas trouble spots, the AFP provides uniformed officers for peacekeeping and capacity-building activities.
- The AFP hosts the Australian High Tech Crime Centre (AHTCC),¹ which combats serious and complex high tech crimes beyond the capability of a single jurisdiction.²

In addition, the following major functions are also performed by the AFP:³

¹ The AHTCC is now being transitioned into the AFP as a fully integrated business unit as opposed to a common police service. This will allow the AFP to take the AHTCC forward in a more efficient manner for the betterment of all jurisdictions.

² Australian Federal Police: *Annual Report 2005-06*, Canberra, 2006, p. xi. See also Section 8 of the *Australian Federal Police Act, 1979*.

³ Based on Australian Federal Police, *op. cit.*, and discussions with the AFP Senior Executive.

Table 1: AFP Staff

Business Area	Number	Recruits in Training
International and National Operations	2453	92
ACT Policing	799	
Protective Service Officers	1296	88
State Police attached to the International Deployment Group (115)/Airport Uniform Policing (100)/National Offices Joint Counter-Terrorist Teams (2)	215	
Sub-Total	4763	180
Enabling Services (includes ACT Policing recruits)	1338 ⁴	28
Total AFP + State Police	6101⁵	208

Source: Australian Federal Police Evidence before the Senate Legal and Constitutional Affairs Committee, May 2007.

- Criminal intelligence functions, including strategic criminal intelligence dissemination to government and maintaining the Transnational Crime Coordination Centre;
- Border and international functions, including operations to deal with illicit drugs, people smuggling or child sex tourism;
- Economic operations, including serious and complex fraud, money laundering, proceeds of crime, or identity crime;
- Special operations, including corruption and bribery, environmental crime, intellectual property crime, war crimes, the Online Child Sexual Exploitation Team, external territories policing, family law, the National Missing Persons Coordination Centre, national surveillance teams, the Australian High Tech Crime Centre, and assisting the Australian Government and other government agencies;

⁴ In the same evidence before the Senate Legal and Constitutional Affairs Committee, the AFP stated that the increase of non-sworn staff levels within the AFP has been very important. It has:

- freed sworn officers from undertaking non-policing work;
- more than doubled the AFP intelligence capacity from 126 at July 1998 to over 400 at 02 May 2007, with further recruitment planned;
- increased forensic and technical services personnel from 96 at 01 July 2000 to 334 at 02 May 2007, with further planned recruitment; and
- introduced necessary specialist skills into investigative teams involved in the areas of high tech and computer crime, and in complex financial matters.

⁵ Allowing for additional recruitment and forecast separations, by the end of the 2006/2007 Financial Year the total "headcount" of the AFP should rise to 6345. This figure is estimated to rise to 6825 by the end of the 2007/2008 Financial Year.

- Protection services, including close personal protection and witness protection;
- Guarding and security services, such as Protective Service operations and aviation law enforcement, including the Unified Policing Model⁶ and Air Security Officers.

To undertake these tasks, as at 2 May 2007 the AFP staffing situation was as summarized in Table 1.

ACT POLICING

The policing of the Australian Capital Territory (ACT) has been provided by the AFP since its establishment in October 1979. Under a system of five year Policing Agreements between the Commonwealth and ACT Governments, the AFP provides community policing to the ACT.⁷ Following a Joint Study into ACT Policing, a new Policing Agreement was signed in June 2006. Under this Agreement, ACT Policing is directly accountable to the ACT Minister for Police and Emergency Services for the achievement of the policing outcome and delivery of outputs as defined in the annual Purchase Agreement for police services.⁸

The view has been expressed by some observers of the AFP that an ACT Police Service should be re-established outside the command structure of the AFP. Professor David Biles, Chairman of the ACT Police Consultative Board, cites the fact that the ACT Chief Police Officer is simultaneously responsible both to the ACT Minister for Police and Emergency Services and to the Commissioner of the AFP, who, in turn, is accountable to the Commonwealth Government.⁹ Biles would favour a “gradual transition” from the present arrangements to an independent ACT Police Service, beginning with a declaration that the Chief Police Officer would be completely detached from the AFP for the period of his/her appointment.¹⁰

⁶ The UPM was introduced in response to the 2005 *Independent Report of Airport Security and Policing for the Government of Australia* (the Review by Rt. Hon. Sir John Wheeler). This involves a unified policing model at Australia’s eleven designated airports to provide a more coordinated and substantial approach to criminality and protective security at major airports, underpinned by more robust multi-agency intelligence capabilities. It involves the participation of Commonwealth, state and territory police, intelligence and other agencies. See Australian Federal Police, *op. cit.*, pp. 71-74.

⁷ This business unit of the AFP is known as ACT Policing. Obviously, as Canberra is the national capital, the Commonwealth Government retains a very significant interest in ACT Policing.

⁸ Australian Federal Police, *op. cit.*, p. 148.

⁹ The occasional conflicts of interest between the Commonwealth and ACT Governments can make the role of the CPO politically sensitive. However, there is no evidence that Commonwealth/ACT tensions were a significant issue in the untimely death of the previous CPO, Assistant Commissioner Audrey Fagan, on 20 April this year.

¹⁰ David Biles, ‘Caught between policing two worlds’, *The Australian*, 21 May 2007, p. 8.

However, on 18 June 2007, the ACT Minister for Police and Emergency Services confirmed that the ACT Government “has no intention of having its own separate police service”, adding that under this arrangement the ACT Government

benefits from a broad range of expertise through having access to the wider AFP ... and achieving economies of scale relevant to such infrastructure as forensic services and IT support.¹¹

The ACT Policing component is important to the AFP, not only because it provides opportunities for its members to achieve experience in the whole range of community policing skills, but also because it provides the policing service for the national capital, with its unique security, diplomatic and political implications. By giving officers expertise in the ACT, national and international roles, AFP officers—who are generally very well qualified—can become highly experienced in a broad range of policing and other skills. Such experience is required to meet the special challenges of service in the International Deployment Group (IDG), international police liaison, the counter-terrorist role, investigating complex technology-enabled crime and frauds, and many of the other unique tasks which AFP officers are called upon to perform, including contributing to policing the Northern Territory aboriginal communities. However, without being linked to ACT Policing, the AFP would run the risk of being typecast—at least by the other Australian police services—as simply an FBI-type investigative service.¹² The AFP has moved far beyond that. The AFP’s role in policing the national capital and its unique community is, and will remain, a crucial component of the AFP’s tasks.

COUNTER-TERRORISM

Counter-terrorism is the AFP’s highest priority, and this is reflected in the allocation of resources to this task, both nationally and internationally. At the national level, 12 Joint Counter-Terrorism Teams, involving the AFP, state and territory police, have been established throughout Australia and work in close collaboration with the Australian Intelligence Community to ensure that “information, methodology, skills and expertise are coordinated in the fight against terrorism.”¹³ The AFP also maintains a Family Investigative Liaison Officer Program to support Australian victims of terrorist incidents and major disasters, and their families.

At the international level, the AFP’s International Network maintains counter-terrorist advisors in London, Washington and the Philippines. In addition, the

¹¹ ‘ACT Government Confident in Policing Arrangements’, *ACT Government Media Release*, 18 June 2007.

¹² Commissioner Keelty has assisted in identifying the AFP as a police force rather than an investigative service by ensuring that most sworn members have uniforms and wear them regularly.

¹³ Australian Federal Police, *op. cit.*, p. 25.

AFP's Jakarta Operations Centre, which began operations following the Bali bombing of 2002, has continued to provide ongoing assistance to the Indonesian National Police (INP) in a number of areas. The INP has now arrested and charged well over 200 people in connection with terrorist offences, including a number of prominent *Jemaah Islamiyah* activists, and many weapons and a large amount of explosives have been recovered. In relation to the government's "Fighting Terrorism at its Source" initiative, since early 2005, the AFP has participated in a bilateral team in the Philippines, known as the Joint Counter-Terrorism Operations Post, and a multinational team in Indonesia known as the Multi-national Operations Support Team. These initiatives are in addition to the role of the Jakarta Centre for Law Enforcement Cooperation (JCLEC), which conducts courses for law enforcement officers in the region on topics such as investigations management, criminal intelligence, forensics, financial investigations and communications, with the emphasis on transnational crime and terrorism. The close relationship between the AFP and the INP, in particular, has been of substantial benefit to both countries.

In addition to the above, the AFP has established a Counter-Terrorism Offshore Rapid Response capability which, upon request, can support regional partners seeking law enforcement assistance in countering terrorism, especially in areas such as disaster victim identification, crime scene forensics, post-bomb blast analysis, financial investigations, intelligence and technical support. This initiative also provides the AFP with the ability to support, participate in, and learn from, investigations outside Australia's immediate geographic region, e.g. the United Kingdom and Sri Lanka.¹⁴

The recent case involving the arrest of Dr Mohamed Haneef, a Gold Coast doctor related to two terrorist suspects allegedly involved in attempted bombings in London and Glasgow on 28-30 June 2007,¹⁵ gave rise to some sharp criticism of the AFP's handling of the matter. Whilst it is obvious that some mistakes were made, it is not clear how much of the "blame" is attributable to the AFP.¹⁶ On the public record, the case against Haneef was

¹⁴ Ibid., p. 26.

¹⁵ Kafeel Ahmed and Dr Sabeel Ahmed. On 3 August 2007 Kafeel Ahmed, an engineer from Bangalore, succumbed to the serious burns he sustained in the incident at Glasgow Airport on 30 June 2007. Due to his injuries, he was never charged. Sabeel Ahmed was charged with withholding information that could have prevented a terrorist attack. It was Sabeel Ahmed who was arrested in Liverpool in possession of the mobile SIM card which previously belonged to Dr Haneef.

¹⁶ See George Williams, 'Dodgy outcome demands review', *The Australian*, 1 August 2007, p. 14; Jack Waterford, 'Deep harm in Haneef wreck', *The Canberra Times*, 1 August 2007, p. 19; Sally Neighbour, 'Police chief on the back foot', *The Weekend Australian*, 4-5 August 2007, p. 22; but also see Paul Kelly, 'Crisis of Trust', *The Weekend Australian*, 4-5 August 2007, p. 19. It appears that at least one of the errors—that relating to the location of the SIM card originally said to have been found in the vehicle used in the attempted bombing in Glasgow—was the responsibility of an overseas service. It later emerged that the British police had contacted

weak, but AFP Commissioner Mick Keelty warned from the beginning that Haneef was entitled to the presumption of innocence, and that the case would be determined by the courts rather than the press. Obviously there was considerable political and media interest in the case, with senior Ministers involved in giving a running commentary on the progress of the investigations. As some key elements of the case were exposed through leaks attributable to the defence team and Haneef languished in detention without charge, the pressure on the police to “put up or shut up” became intense.¹⁷ However, investigations are still ongoing and the case is complicated by the international connections (including the time zones involved), the huge volume of material—including foreign language material—which had to be examined, and the application of recently-introduced counter-terrorist laws.¹⁸ All three factors are also likely to figure prominently in future terrorism investigations.

INTERNATIONAL LIAISON

The AFP has a very large and effective international liaison network with 86 officers located in 33 locations in 27 countries, mainly in our immediate region, but also in locations of critical interest from the drug perspective, such as Colombia, Myanmar and Afghanistan. Recognising the importance of Asian organised crime in our region and to deepen and widen the law enforcement engagement with China and Vietnam, consideration is being given to the feasibility of establishing new liaison posts in Vientiane, Shanghai and Kunming to enhance the existing posts in Beijing, Guangzhou, Hong Kong, Hanoi, Ho Chi Minh City, Phnom Penh, Bangkok, Chiang Mai and Yangon. Similarly, reflecting the importance of South Asia, in addition to the existing post in Islamabad, it is proposed that new posts will be established in New Delhi and Dacca and a feasibility study is being undertaken for a post in Colombo. In addition, consideration is also being given to the need to open posts in Moscow, Lagos, Tokyo¹⁹ and Nuku'alofa. Although costly both in financial and manpower terms, the expansion of the AFP's International Liaison Network is of substantial benefit to Australia and many of the law enforcement agencies with which the AFP is associated in the region. This network not only provides an excellent criminal intelligence

Sabeel Ahmed's mother about the SIM card Haneef had given to Sabeel prior to his departure for Australia. In response to this contact, on 2 July, prior to his attempted departure for India, Haneef tried on four occasions to contact the British police officer, whose details were given to Sabeel's mother, but without success. Hedley Thomas, 'Haneef admits second reason behind decision to flee', *The Australian*, 6 August 2007, pp. 1, 6.

¹⁷ It should be remembered that under the JCCT arrangements, both the AFP and the Queensland Police Service were extensively involved in the Haneef investigation.

¹⁸ Commissioner Keelty revealed that one of the team involved in the case dropped dead while on duty on 16 July, the day that the Minister cancelled Haneef's visa. Ross Peake, 'Authorities play blame game as terror charges dropped', *The Canberra Times*, 28 July 2007, p. B3.

¹⁹ As part of the bilateral Security Treaty signed between Australia and Japan, the AFP also signed a memorandum of understanding with the Japanese National Police Agency covering such issues as cooperation on forensic and technical issues, and peacekeeping.

feed, based on mutually beneficial liaison with local law enforcement agencies, but it also builds peer relationships and trust, and facilitates the selection of local officers to attend Australian-sponsored training courses.

In addition to the formal liaison posts, the AFP has established ten Transnational Crime Units in countries as diverse as Cambodia, Tonga and Colombia.²⁰ Included in this number is the JCLEC, and the Pacific Transnational Crime Coordination Centre in Suva, Fiji.²¹ The AFP initiatives in this area are coordinated with similar initiatives by the New Zealand Police in the South Pacific; the French authorities in the French Pacific territories; and the United States Pacific Command Joint Task Force West in Hawaii, which has established liaison links with a number of countries in Micronesia.²²

The AFP's International Liaison Network complements its counter-terrorist arrangements in the region, as well as the policing and capacity building role of the IDG. Taken together, these arrangements represent a substantial investment of police resources and effort, not only in the immediate region, but on a global scale. Few countries have established the range of criminal intelligence and police liaison capabilities, backed up by counter-terrorist teams working with local police and policing and capacity building in disrupted states on a bilateral, multilateral or United Nations mission basis. By any measure this is a substantial achievement.²³

Closely related to the AFP's international interests is its Management of Serious Crime (MOSC) Course, which has been conducted since 1991 with more than 875 graduates so far having successfully completed the program. The MOSC graduates have come from the AFP, all Australian police services, various overseas law enforcement organisations, and other

²⁰ A new Transnational Crime Unit has recently been opened in Kupung, West Timor.

²¹ AFP participation in the PTCCC has been suspended due to the military coup in Fiji in December 2006. Nevertheless, prior to then, the PTCCC had a number of notable successes, including Operation *Deva/Outrigger*, which involved the investigation and disruption of a huge methamphetamine factory in Suva, run by a Chinese organised crime syndicate with connections back to Malaysia and China.

²² In addition to the police liaison networks in the South Pacific, the Australian Customs Service is a member of the Oceania Customs Organisation, which maintains customs links with 23 countries in the Asia-Pacific region. See <<http://www.customs.gov.au/webdata/miniSites/nov99/page19.htm>> [Accessed 14 August 2007].

²³ The value of the AFP's Overseas Liaison Network was dramatically demonstrated in relation to an Australian citizen who recently visited Mali in an internet bride scam. The victim arrived in Mali on 27 July 2007 to meet his supposed bride and collect a dowry of \$100,000 in gold. However, on his arrival he was kidnapped by a gang, beaten, stripped and had his cash and credit cards taken, with the threat that unless he paid a \$100,000 ransom, his limbs would be hacked off with a machete. However, on 9 August the AFP persuaded the kidnappers that there was money to be collected by their captive from the Canadian Embassy, which represents Australia's interests in Mali. The victim was rescued when he was released to collect the money from the embassy. Steve Larkin, 'Scam victim lucky to be alive', *Sydney Morning Herald*, 13 August 2007, <<http://www.smh.com.au/news/world/scam-victim-lucky-to-be-alive/2007/08/12/1186857348148.html>> [Accessed 14 August 2007.]

external agencies. The objective of MOSC is to enhance the investigation management skills of senior investigators when dealing with serious crime investigations. The program has evolved and is recognised internationally as one of the most prestigious investigations management training programs. MOSC now conducts three programs each year in Australia, as well as two international programs in Singapore and Indonesia. In November this year, MOSC will be conducted in China for the first time.

The value MOSC programs bring to international law enforcement is immense. The benefit of solid professional and personal friendships formed during the MOSC programs was clearly demonstrated in the aftermath of the first Bali bombing in 2002. The Indonesian police commander in charge of that investigation, Inspector General Drs I Madi Pastika, was a graduate of MOSC-5 in 1993, at which time one of his closest colleagues was Mick Keelty, now Commissioner of the AFP. MOSC will continue to evolve, with the cooperation of other Australian and international police agencies, to ensure that the program continues to focus attention on contemporary investigation management best practices covering both transnational crime and terrorism.

INTERNATIONAL DEPLOYMENT GROUP

The AFP (and previously the Commonwealth Police) has been involved in peacekeeping and capacity building operations since 1964. In that period, some 15 missions have been undertaken or are continuing in countries as widely dispersed as Cyprus to Cambodia, Haiti to Sudan and the Solomon Islands to East Timor. In February 2004, the IDG was established with an establishment of 550 personnel (sworn and unsworn), and a budget of about \$1 billion over five years. It was created to provide a formal capacity for the Commonwealth Government to deploy police offshore with the objective of contributing to regional and international stability and security through the delivery of law enforcement interventions and capacity building programs.²⁴ Since then, approval has now been given to increase the size of the IDG to 1200, including an Operational Response Group of 205 officers.²⁵

In recent years, priority has been placed on deployments in Australia's immediate region, mainly in response to local crises, such as the Regional Mission to the Solomon Islands (RAMSI), the Enhanced Cooperation Program (ECP) in Papua New Guinea (PNG), the continuing problems in East Timor, and a break-down of public order in Tonga. These deployments—whether under United Nations mandate or as a regional stabilisation effort—have been undertaken within the spirit of the Report of

²⁴ Australian Federal Police, *op. cit.*, p. 55.

²⁵ For background on the IDG, please refer to Elsinia Wainwright: *Police Join the Front Line: Building Australia's International Policing Capability*, Strategic Insights, no. 1, Canberra, Australian Strategic Policy Institute, 2004.; and John McFarlane, 'Regional and International Cooperation in Tackling Transnational Crime, Terrorism and the Problems of Disrupted States', *Journal of Financial Crime*, vol. 12, no. 4 (2005), pp. 301-309.

the Panel on United Nations Peace Operations (The Brahimi Report)²⁶ of August 2000, which urged member states to make available civilian police for deployment of peace operations at short notice. The appointment of AFP Assistant Commissioner Andrew Hughes²⁷ as the Police Adviser in the United Nations Department of Peacekeeping Operations can also be taken as international recognition of the pioneering work being undertaken by the AFP in the field of police peace operations and capacity building in disrupted states.

AFP Experience in the South Pacific and East Timor

SOLOMON ISLANDS

The recent AFP IDG deployments have had their achievements as well as their challenges. RAMSI, in particular, has achieved some excellent results in recovering over 3,000 illegal weapons; stabilising the Solomon Islands; arresting alleged serious offenders—including senior politicians and police—and bringing them to court; and commencing re-building the capacity of the Royal Solomon Islands Police.²⁸ RAMSI appears to remain popular at the community level, but its role has been criticised at the political level following the riots after the election of Mr Snyder Rini as Prime Minister in April 2006 and his subsequent replacement by Mr Manasseh Sogavere. Prime Minister Sogavare's subsequent appointment of two of the alleged riot leaders as Cabinet Ministers, and, more recently, an alleged child sex offender (Julian Moti) as Attorney-General,²⁹ has led to severe strains in the relationship

²⁶ The Report is available at <http://www.un.org/peace/reports/peace_operations/report.htm> [Accessed 14 August 2007].

²⁷ Mark Dodd, 'Officer hounded out of Fiji becomes UN's top cop', *The Australian*, 10 August 2007, p. 5. Mr Hughes was seconded as Commissioner of the Fiji Police Force from 2003 until he was forced to leave Fiji at the time of the military coup, led by Commodore Voreque Bainimarama, in December 2006.

²⁸ Other benefits of the RAMSI deployment include the endorsement of the Pacific Island Forum, as the regional representative body, to the mission; the deployment of police and/or military at various stages—from all the Pacific Island Forum countries; the opportunity for police, military, public service experts and NGOs to work together constructively, and to the same objectives; building relationships both within the Solomon Islands and in the broader region; and developing professional relationships and friendships which should endure for a long time.

²⁹ Julian Moti was accused of child sexual abuse in Vanuatu in 1997, but the case was dismissed when the magistrate ruled that he had no case to answer. In 1999 a Court of Appeal (comprising three distinguished overseas judges) referred the case back to a second magistrate. Again, the magistrate decided that Moti had no case to answer, so the facts of the case have never been tested in court. Recently, allegations have been made that the second magistrate dismissing the charges against Moti had been corrupted. See David Marr and Marian Wilkinson, 'Strange case against fugitive lawyer Julian Moti', *Sydney Morning Herald*, 7 October 2006. Moti was arrested in Port Moresby on 29 September 2006 by the RPNGC, en route from Singapore to Honiara, but was released on bail and took refuge in the Solomon Islands High Commission. On 10 October 2006, he was secretly flown to the Solomon Islands on a PNGDF aircraft, where he was arrested on immigration offences. The PNG Prime Minister has denied any knowledge of the circumstances behind Moti's flight from Port Moresby, but this is at variance with the alleged findings of an Official Inquiry into the matter. The report of the Inquiry has not been released by the PNG Government.

between the Solomon Islands and Australian Governments. These tensions were further exacerbated when the Sogavare government expelled the Australian High Commissioner and declared the Australian-born Commissioner of Police an “undesirable immigrant”.³⁰ These tensions also appear to have contributed to the politicisation of the Melanesian Spearhead Group³¹ (MSG—PNG, Solomon Islands, Vanuatu and Fiji) as a focus for the criticism of Australia’s role in the South Pacific region. In this regard, the MSG appears to have bypassed the Pacific Island Forum, which has an Australian Secretary-General.

In view of the speed with which the original RAMSI deployment was made, it was always likely that some problems would arise as the operation proceeded. Technically, the task of stabilising a failing state, recovering a very large number of illegal weapons, and arresting many of the better known militia leaders was achieved with remarkably little disruption and strong community support. The police, military and other elements of the RAMSI deployment appeared to work well. However, the arrest of some senior police and political elite on serious criminal or corruption charges resulted in RAMSI moving into much more contentious times, leading up to the sniping murder of AFP Protective Security Officer Adam Dunning, on 22 December 2004.

With the serious public order problems associated with the elections of April 2006 and allegations of foreign interference in that process, the whole political environment took on a much more complicated and critical atmosphere. In retrospect, perhaps if the RAMSI police had been given more opportunity to learn the local language, history and culture, and if a more effective police intelligence system had been in place, these events may have been handled differently. It appears that RAMSI, especially the RAMSI Police, underestimated the complexity and intensity of the local political scene, and the damage caused by entrenched corruption at the elite levels. What is especially unfortunate is that serious tensions have emerged between the governments of the Solomon Islands and Australia which could, in the worst case, lead to the withdrawal of RAMSI, and the eventual return of the Solomon Islands to the chaotic state it was in when RAMSI first deployed in July 2003.

³⁰ Robert L. Iroga, ‘Castles faces arrest if return: Oti’, *Solomon Star*, 11 January 2007, <<http://www.solomonstarnews.com/?q=node/12247>> [Accessed 21 July 2007].

³¹ The Melanesian Spearhead Group (MSG) Preferential Trade Agreement was signed in 1993 as a sub-regional treaty to foster and accelerate economic development through trade relations and political consultations. Membership comprises the Melanesian states of Vanuatu, Papua New Guinea, Solomon Islands and, more recently, Fiji. The MSG Trade Agreement is GATT consistent and is recognised by the WTO Committee on Regional Arrangements, under Article 24 of the GATT/WTO Agreement. The MSG has become increasingly involved in political issues, especially concerning the role of RAMSI and the bilateral relationship between the Solomon Islands and Australia. These issues were discussed at a Special Meeting of the MSG Leaders in Fiji on 22 October 2006. See <<http://www.scoop.co.nz/stories/WO0610/S00503.htm>> [Accessed 6 August 2007].

PAPUA NEW GUINEA

In a way, the disappointing outcome of the ECP³² in PNG was predicated on the problems which emerged in the neighbouring Solomon Islands. It is clear, in retrospect, that although both the governments of PNG and Australia signed on to the ECP, including the vexed issues of the so-called immunity arrangements and the deployment of armed Australian police on the streets of Port Moresby, there was resistance on the part of a number of local political leaders, and others, who were never comfortable with the deployment and were apparently willing to undermine it. From that perspective, the action by Governor Luther Wenge in the PNG Supreme Court, in challenging the legality of the policing aspects of the ECP,³³ was probably seen as a convenient solution to these problems; and the hasty withdrawal of the ECP policing component May 2004 was probably viewed by many of the political and business elite with relief.³⁴ Again, although the technical planning for the ECP deployment was impressive and had much to commend it, the complexity of the local political, historic and cultural scene was under-estimated, including the issue of entrenched corruption.³⁵ The alleged collusion between the Prime Ministers of the Solomon Islands and PNG in secretly flying Julian Moti from his sanctuary in the Solomon Islands High Commission in Port Moresby to the Solomon Islands—if true—demonstrates the intensity of the criticism of both the RAMSI and ECP deployments by elements of the political elite of both countries.³⁶ The Australian Government's harsh and very public criticisms of the leadership of both the Solomon Islands and PNG—however justified—did nothing to ameliorate the situation.

EAST TIMOR

The situation in East Timor is also complex. The AFP has been deeply involved in monitoring, policing, or capacity building in East Timor from the

³² Joint Agreement on Enhanced Cooperation between the Governments of Australia and Papua New Guinea, signed in Port Moresby on 30 June 2004, *Islands Business International (IBI)*, undated, <<http://www.austlii.edu.au/au/other/dfat/treaties/2004/24.html>> [Accessed 14 August 2007].

³³ Sam Vulum, 'Luther Wenge—A hero and Champion: The man who took on the ECP and PNG Govt', <http://www.islandsbusiness.com/islands_business/index_dynamic/containerNameToReplace=MiddleMiddle/focusModuleID=5040/overrideSkinName=issueArticle-full.tpl> [Accessed 21 July 2007].

³⁴ See Department of Foreign Affairs and Trade, 'Enhanced Cooperation Program (ECP)', *Press Release*, 30 May 2004.

³⁵ It has become apparent that people deployed on such missions may need to exercise a greater level of tolerance and humility in the roles they are performing overseas. Hopefully, these lessons have been learned and the pre-embarkation and *en poste* training is being developed to incorporate these lessons. However, it has to be noted that, with the likelihood of sudden IDG deployments to any one of a number of regional countries, it will always be extremely difficult to ensure that the officers involved have more than a minimal knowledge of local languages, history and cultures, especially if the current objective of getting "boots on the ground" within 48-72 hours is to be achieved. Therefore, this underlines the importance of *en poste* awareness training as a matter of priority.

³⁶ Mark Dodd, 'Truth on Moti must come out: Downer', *The Australian*, 17 July 2007, p. 2.

UNAMET³⁷ period to the present UNMIT³⁸ mission. The UNAMET deployment³⁹ and the period following the breakdown in civil order in East Timor in May 2006 were particularly challenging for the AFP. Overall, its performance in East Timor has been commendable, but relations between the AFP and the community have been affected at times by a number of factors, including:

- East Timor being a deeply traumatised country that is yet to come to terms with its violent history, and politically divided between a highly ideological, authoritarian Marxist party, Fretilin, and a progressive, development-oriented, CNRT⁴⁰ coalition led by Prime Minister Xanana Gusmão. The unwillingness of the Fretilin leadership to accept the outcome of the recent elections threatens ongoing political disruption and violence;⁴¹
- The lack of resolution of the tensions in East Timor following the 25-year Indonesian occupation, the *militia* violence of August 1999, and subsequent political tensions and public order issues, including the long-standing tensions between the ethnic rivals, the *Lorosae* (“sunrise” – Easterners) and *Loromonu* (“sunset” – Westerners);
- Tensions between the National Police of East Timor (PNTL)⁴² and the Falintil-East Timor Defence Force (F-FDTL)⁴³ arising over the perceived politicalisation of the PNTL by the Alkatiri Fretilin⁴⁴ government⁴⁵ and the integration of over 100 East Timorese-born former Indonesian National Police officers into the PNTL. These tensions culminated in the massacre of nine unarmed PNTL officers, under United Nations protection, by people in F-FDTL uniforms, outside PNTL Headquarters in Dili on 25 May 2006;

³⁷ United Nations Assistance Mission to East Timor (UNAMET), 11 June 1999 to 25 October 1999.

³⁸ United Nations Integrated Mission in East Timor (UNMIT), 25 August 2006 to present.

³⁹ See, for example, John McFarlane and William Maley, ‘Civilian Police in UN Peace Operations: Some lessons from recent Australian experience’, in Ramesh Thakur and Albrecht Schnabel (eds.), *United Nations Peacekeeping Operations: Ad Hoc Missions, Permanent Engagement*, Tokyo, United Nations University Press, 2001, pp. 182-211.

⁴⁰ *Conselho Nacional de Reconstrucao de Timor* (National Congress for Timorese Reconstruction).

⁴¹ See Mark Aarons, ‘Timor’s Future: Xanana Gusmão and José Ramos-Horta’, *The Monthly*, August 2007, pp. 22-28.

⁴² *Polícia Nacional de Timor-Leste* (National Police of East Timor).

⁴³ *Falintil-Forca Defesa Timor-Leste* (Defence Force of East Timor)

⁴⁴ *Frente Revolucionária de Timor-Leste Independente* (Revolutionary Front for an Independent East Timor).

⁴⁵ Mari Bim Amude Alkatiri served as the first Prime Minister of East Timor from 20 May 2002 until 26 June 2006.

- The establishment by the former Interior Minister Rogerio Lobato of a private 30-man “hit squad”, armed with PNTL weapons, allegedly to intimidate or eliminate the enemies of the Fretilin Party;⁴⁶
- The relationship between Australia and East Timor generally, especially in relation to the negotiations over the revenues from the Greater Sunrise gas field in the Timor Sea, which severely damaged the reputation of Australia in East Timor.⁴⁷

It is fair to say that the AFP has had little or no influence over these issues, but it does demonstrate how volatile and unpredictable the political and social environment is in East Timor. The policing role of the AFP has now been integrated into the United Nations civilian police component (UNPOL) and, along with other Australian Government agencies and departments, the AFP is developing a bilateral capacity development proposal for the rebuilding of the PNTL.

Issues for the Next Government

INTERNATIONAL DEPLOYMENTS

It should be emphasised that, through the IDG, the AFP is undertaking a pioneering role for international police in both the police peace operations field and in police capacity building in disrupted states. No other country has put such thought and effort into this role as Australia, and the manpower and financial resources allocated to back these initiatives have been substantial, by any standards. This has been a great challenge to the AFP and its leadership, and whilst many of the results have been impressive, not everything has gone as it was planned. The problem of intervening—albeit invited—in another sovereign country inevitably results in legal and political problems, which can not always be anticipated. Some of these problems can be resolved at the police level, but experience has demonstrated that there are times when the intervention conflicts with deeply entrenched local political and other interests. In addition, the AFP's relationship with the local

⁴⁶ ‘Rogerio Lobato faces charges over alleged hit squad’, *The World Today*, 21 June 2006, <<http://www.abc.net.au/worldtoday/content/2006/s1668457.htm>> [Accessed 11 August 2007]. On 07 March 2007, the Dili District Court found Lobato guilty of distributing weapons to a civilian hit squad, manslaughter and disturbing public order. He was sentenced to seven and a half years in prison (*UNMIT Media Monitoring*, 8 March 2007), but, following a 24 hour stand-off, Justice Minister Lucia Lobato (Rogerio Lobato's cousin) agreed to allow him to fly to Malaysia for heart surgery. Lobato had reportedly served time in an Angolan jail in the 1980s for diamond smuggling. Stephen Fitzpatrick, ‘Lobato escapes after Dili standoff’, *The Australian*, 10 August 2007, <<http://www.theaustralian.news.com.au/story/0,25197,22217955-2703,00.html>> [Accessed 11 August 2007].

⁴⁷ See Paul Cleary, *Shakedown: Australia's Grab for Timor Oil*, Sydney, Allen and Unwin Academic, forthcoming. The author, Paul Cleary was interviewed on the ABC program *Nightlife* on 28 June 2007. See <<http://www.abc.net.au/nightlife/stories/s1959041.htm>> [Accessed 14 August 2007].

government is merely part of the wider bilateral relationship, which can easily be upset by other issues over which the AFP has no control.

Another important issue is that when considering conventional policing, including overseas liaison and support for investigating transnational criminal or terrorist operations, the AFP is operating as an instrument of the law, through which it is ultimately accountable under the law to the courts. However, in its IDG role, for the first time, the AFP has become an instrument of government policy, like the Department of Foreign Affairs and Trade, the ADF, AusAID and other government departments and agencies represented overseas. This introduces new challenges for the AFP, but it is also necessary for the government to be careful as to how it tasks the AFP, so that it does not compromise its primary law enforcement role and capabilities.

This emphasises the importance of two strategies which are essential to the success or failure of overseas interventions in the future:

- It is crucial that insofar as operational circumstances allow, prior to deployment to a particular area of operations, members of the IDG should be thoroughly briefed on the history, culture and politics of the country concerned.⁴⁸ Particular emphasis should also be given to the community policing philosophy to be employed, including the importance of local engagement to develop trust, communications, and an information flow. This will almost certainly require some tuition in the local language. Policing is an area where “walking and talking” will create the goodwill that could help to carry the mission through the tough times.
- There must be a “whole of government” approach within the local Australian mission to support the objectives of the intervention. The government’s objectives for each mission should be carefully articulated and periodically reviewed to ensure that the AFP has clear guidelines under which to operate. This also means that the AFP needs to be fully engaged in the “whole of government” strategy relating to each mission, and that the IDG component overseas must have regular and meaningful exchanges at all levels within the relevant Australian Diplomatic Mission, especially in relation to the political and public order environments. Failure to do so will unnecessarily expose the police to risk and failure.

The funding for these initiatives, as well as for the AFP’s International Liaison Network, should be maintained, as should the programs (both in

⁴⁸ The AFP has now introduced a very robust cultural program attached to all of its IDG training programs. It has also established the AFP Culture and Language Centre as a means of focussing all the AFP efforts in this area through one portal.

Australia and overseas) to provide training in local languages and cultures, without which the effectiveness of these initiatives will be severely limited. In this way, the AFP will continue to make a very significant contribution to the “whole of government” development of regional diplomacy and assistance.

FUTURE TERRORISM CASES

Even allowing for the view that it is in the public interest that information on important issues such as terrorist cases should be released, the perception that the public (i.e. the media) is entitled to know everything is unrealistic. Not only is there a huge amount of material to translate, collate, analyse and act on in these investigations, but the very nature of the task will mean that much of the material is collected using sensitive sources and methods, or it is passed to the AFP by foreign (or local) police or intelligence agencies in the expectation that it will not be released, at least until the court proceedings, if at all. The continuing demand for more information to be made public is indicative of the fact that Australia lacks the experience of countries such as the United Kingdom, which has faced serious terrorism for well over 30 years, during which time the counter-terrorist agencies, the media and the public have developed a mature and cooperative approach to such threats.⁴⁹ It is also essential that the accused should not be the subject of potentially prejudicial pre-trial publicity.

Australia has been very fortunate in not having suffered a local fatality attributed to terrorism since 1986.⁵⁰ However, one of the consequences of lacking experience is that when a threat emerges, there appears to be a tendency at the political and media levels to over-simplify and even dramatise what is inevitably a complex and sensitive issue. There needs to be a better balance between the need for the community to be properly informed on threats to their own security and the requirement for the investigation and prosecution process to proceed without unreasonable interference. As Waleed Ali, a lecturer in the Global Terrorism Research Centre at Monash University has recommended: “the policy lesson here is simple: react where appropriate, but never overreact.”⁵¹ The next government must be aware that managing the counter-terrorist role in any

⁴⁹ Indeed, during “The Troubles” in Northern Ireland the media became a vital element in counter-terrorist procedures when terrorists alerted them to bomb threats, frequently using a code to authenticate their warnings.

⁵⁰ At 02.00 hrs on 23 November 1986, a powerful bomb exploded inside the basement of the Turkish Consulate in Melbourne, killing one person and causing considerable damage to the building. The victim was identified as one of the perpetrators, an Armenian named Hagop Levonian. His accomplice, Levon Demirian, was arrested and subsequently sentenced to 25 years imprisonment. The attack was claimed by a group calling itself the “Greek-Bulgarian-Armenian Front” (GBAF), a previously unknown group. The official assessment from Demirian’s trial was that he and Levonian were members of the Armenian terrorist group, the Armenian Revolutionary Federation (ARF). See <<http://www.tallarmeniantale.com/terrorism-breakdown.htm>> [Accessed 14 August 2007].

⁵¹ Waleed Aly, ‘If only MPs were smarter on terror’, *The Australian*, 23 July 2007, p. 16. Mr Ali is also an executive member of the Islamic Council of Victoria.

state is one of the most sensitive and challenging tasks for any government and its law enforcement and security agencies. Failure is not an option.

PERSONNEL AND BUDGET ISSUES

Recent developments on regional deployments, counter-terrorism, airport security, and the intervention in Northern Territory aboriginal communities, for example, have placed the AFP—as the Australian Government’s principal law enforcement agency—in a leadership role within the Australian police community, and imposed on the State and Territory Governments a requirement to provide personnel resources in support of these initiatives. These governments are generously compensated to facilitate the release of their personnel for national duties, but the State and Territory Police are themselves fully committed on their own priorities. Although the Australian policing community numbers are comparable with those of the ADF, there is little, if any slack, in what already is a 24/7 commitment in support of community safety and crime investigations.

Due to the nature of policing, there will always be a need for the AFP to draw on some State and Territory policing expertise. It is understandable, therefore, that State and Territory Police Commissioners will not be happy when their members opt to resign from their services to join the AFP, or when it is perceived—rightly or wrongly—that the AFP may be “poaching” their more experienced officers. However, recognising that the role of the AFP generally is expanding, it is essential that government gives consideration to three immediate requirements:

- To relieve the pressure on the existing membership—both sworn and unsworn, to reduce the AFP’s reliance on drawing from the State and Territory Police, and taking into account the range and complexity of new tasks being given to the AFP, it is essential that government gives consideration to increasing the establishment of the AFP by at least 500 members over the next three years. Even then, it would still take several years for new recruits to obtain the experience, maturity, competence and confidence to be fully effective. However, such an approach would enable not only the recruitment of additional sworn members, but also increase the recruitment of specialists in the forensic, intelligence, high technology, training and other critical areas. The present *ad hoc* arrangements of seconding State and Territory Police, bringing back retired officers, or hiring consultants, are not sustainable.
- At the present time, some 50 percent of the AFP’s annual budget is tied to particular program outcomes. This ensures that the AFP has sufficient funds for its immediate commitments, but it makes the task of long-term strategic planning in both the financial and human resources areas extremely difficult. There should now be sufficient experience in the new areas of the AFP’s role to determine whether

or not each individual task will be a long- or short-term commitment. If the funding for long-term projects was to be moved into base funding, this would facilitate the Commissioner's capacity to develop his long-term strategic policing and human resources plans with more confidence, move resources as operational exigencies require, and also facilitate personal career planning by individual officers.

- Finally, because the career paths of many AFP officers have much in common with those of members of the ADF, consideration should be given to the provision of housing, medical and repatriation benefits and other entitlements to AFP personnel whose duties involve regular interstate or overseas deployments. Such an arrangement would make it much easier for AFP families to cope with the disruption of such postings, and also encourage the retention of valued and experienced officers.

Australia has a unique asset in the AFP. In recent years, it has grown in status and capability, both nationally and internationally. However, it is stretched very thin both in terms of experience and personnel, and the pressures are beginning to show. To enable the AFP to continue to contribute to the national interest within Australia and overseas, it is critical that the organisation is allowed to expand by at least 500 members; that its budget allocation is increased accordingly; that the Commissioner is allowed more flexibility in the management of his human and financial resources; and that the role the AFP performs be given greater government and community recognition.

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