

R2P IDEAS in brief



Asia Pacific Centre for the
Responsibility to Protect

Pillar II in Practice: Police Capacity-Building in Oceania

At the recent AusAID sponsored *UN Strategy and Coordination Conference on the Regional Capacity to Protect, Prevent and Respond¹*, the UN Secretary General's Special Representative on Responsibility to Protect (R2P), Edward Luck, noted that while the three pillars of R2P are becoming better known, 90% of the academic work is on pillar III (intervention), even though it is comparatively rare. In contrast we know much less about Pillar II: The Responsibility to Assist.

The Three Pillars of Responsibility to Protect

- I. States accepting the responsibility to protect their citizens
- II. The international community assisting states to develop this capacity
- III. Timely intervention when a state fails to live up to these obligations.

In this briefing paper we explore police capacity-building (“police-building”) in three developing states of Oceania and its relation to R2P. This activity forms part of a larger challenge of Security Sector Reform (SSR) occurring within an even wider paradigm of state-building. SSR is linked with the idea of development, as well as with aid delivery and the transmission of technical knowledge and expertise. With respect to policing, our key questions that interrogate how principles of R2P may operate are:

- How does international donor assistance support police capacity-building in developing states of Oceania with respect to the human rights protections of citizens and the norms of international state behavior?
- Exactly what is being done to assist states with developing the capabilities and capacities of their police forces, and by whom?
- How can the success of such activities be measured?

Oceania & Pillar II

Oceania is an area encompassing North/South aid flows from the regional hegemon (Australia), and the key “middle power” (New Zealand) to developing states. Late to be colonized and decolonized, Oceania stretches from Timor-Leste through the Pacific Island states of Melanesia and Polynesia, and includes Micronesia. For this project, our specific focus is on the Western Pacific south of the equator, as this small region shows up trends of state-building, post-conflict peace-building and police-building that are evident in other parts of the world, particularly in Africa and the Caribbean.

A decade on from the ICISS Report, the conference was a timely examination of the measures taken to prevent imminent atrocities through UN Charter Provisions (Chs VI to VIII). Oceania is a useful region in which to demonstrate aspects of Pillar II – the Responsibility to Assist. International assistance to develop state capacity in policing comes in different forms and operates at different levels. It is often required in situations where there has been significant civil tension or conflict.

Timor-Leste in 1999, and again in 2006, experienced severe civil conflict, with killings and many thousands of displaced persons. Since 1999, a number of UN peace-enforcement, and peacekeeping/state-building

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missions have operated. One of the mandated tasks of the current United Nations Integrated Mission in Timor-Leste (UNMIT) is the development of the *Policia Nacional Timor-Leste* (PNTL). There are currently some 1200 police from over 40 UN member states assisting in this task.

In Solomon Islands from 1998-2000, and again in 2002-2003, armed gangs disrupted state governance until the arrival of the Regional Assistance Mission to Solomon Islands (RAMSI). RAMSI is entering its ninth year from July 2012. It is organized through a regional body – the Pacific Islands Forum (PIF) – and RAMSI’s Law and Justice Sector provides support to the Royal Solomon Islands Police Force (RSIPF) through funding, and through the presence of over 200 members of the Participating Police Force (PPF), mostly Australian and New Zealand police, but with a small presence from other Pacific Island nations.

In the most populous Pacific state, Papua New Guinea, Australia has over time attempted to provide greater levels of assistance, however the bilateral contribution is currently very small with just 13 Australian Federal Police (AFP) members engaged in observing and advising the Royal Papua New Guinea Constabulary (RPNGC). This is a long way from 2004 when concern over PNG within Australia led to the deployment of over 230 AFP as part of the Enhanced Cooperation Program.²

Levels of Analysis of Pillar II in Oceania: Police-building

- Multilateral** — through the United Nations in Timor-Leste;
- Regional** — through the PIF in Solomon Islands;
- Bilateral** — direct Australian programs in Papua New Guinea (also operating in Timor-Leste, and soon in Solomon Islands). A variety of other state-to-state programs operating in Timor-Leste

We thus have three levels of analysis in our investigation of police-building as Pillar II in Oceania.

In all three of the country case studies the term “community policing” is adopted to describe the favoured model of policing. This generally refers to police and the community working together to prevent and solve crime. It is

worth noting that with both UNMIT and RAMSI indicating they will withdraw and scale down over the next year³, Australia will most likely contribute most to police-building in Oceania through a series of bilateral programs in each state. This trend is in line with current Australian aid priorities for stability in the region, stressing efficiency and transparency in governance, and support for security sector reform, particularly training and capacity building, in both the police and the military.

R2P Discourse and Practice

The capacity building and development assistance paradigm assumes a top-down transfer of technological expertise, skills and transmission of knowledge from donor to recipient. This assumption particularly holds within the operations of hierarchical organisations, such as the assistance offered by the UN Police (UNPOL) or the AFP, whose duties have at times included training of local police in fundamental duties.⁴ Specific instruction in dealing with citizens would seemingly occur throughout cadet training, and be built upon in higher-level managerial and professional training and accreditation.

The concept of police capacity-building assumes that international police officers have specific skills or knowledge, in this case an understanding of the principles of R2P, and that they can inculcate this knowledge into the local police forces with whom they work. This “transmissive” model of an imagined flow of police knowledge of R2P principles is displayed below.

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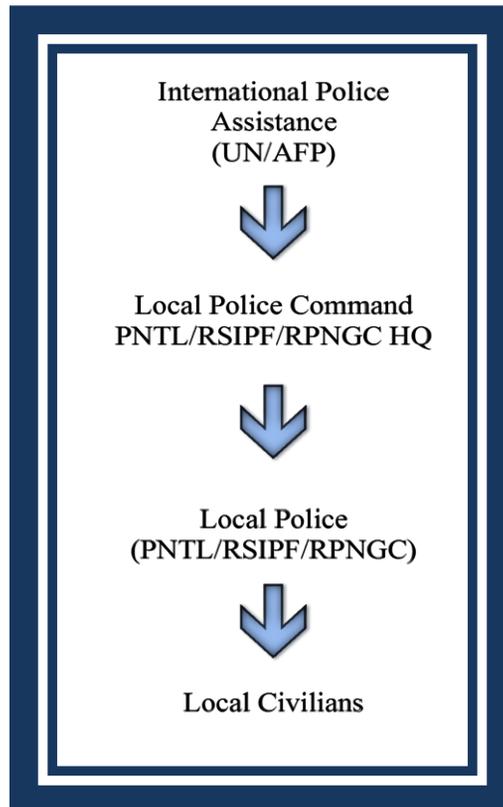


Figure 1: Assumptions of the transmission of R2P principles through police capacity-building

Findings

Rather than being a top down transmission of skills and knowledge, our fieldwork has shown that the discourse of R2P is absent from the training being provided to local police forces. With respect to human rights, police training, and police capacity-building more generally, instead focuses on debates about appropriate treatment of citizens by the police (and the army), and the constitutional protections for the rights of citizens. These debates are often framed for local police by non-governmental organisations (NGOs) and other civil society groups and associations who support human rights, democracy and transparency in government, or by their international NGO counterparts who often work in conjunction with local NGOs. This represents a bottom-up push of ideas informed by various cultural interpretations of the discourse of human rights, and the role of the state, its judicial system and its security forces in upholding and protecting the human rights of citizens. Donor governments also want recipient states to improve their records when it comes to human rights abuses, that is, they desire a reduction in the mistreatment of citizens and an elimination of abuses of power that occur through the uniform, or under the authority provided by it. The general direction of the flow of these discourses can be mapped as below:

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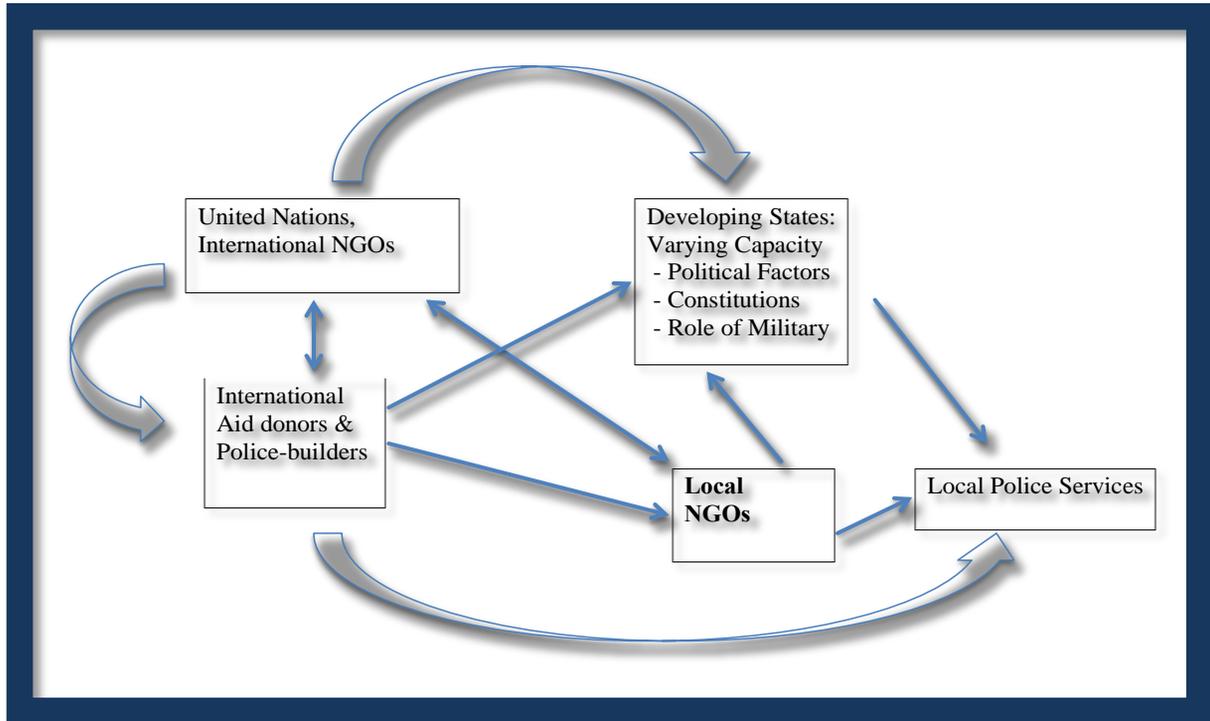


Figure 2: International discourses: Security, Development & Human Rights

Clearly the flow of ideas and information surrounding human rights is neither hierarchical nor linear. To capture this, our diagram attempts to show the multiplicity of factors that affect how the local police services are exposed to influences that encourage the greater protection of human rights for citizens. Police-building as Pillar II thus involves a combination of discourses, some of which, such as security and development, are increasingly bound up with each other.

This complex flow is exacerbated by the different living conditions and language competencies of international police, which further undermine the knowledge transmission model. In Timor-Leste 40 nations contribute to police-building with the PNTL, and a variety of arrangements cover their deployments. Some police are in barracks, some live in the community, some live in compounds and some in hotels. Within RAMSI all PPF in Honiara live on base – a former holiday resort called the Guadalcanal Beach Resort (GBR). This is out of the main town centre, secured by fences and is isolated (and isolating) for those inside. Here, going to work means leaving the base and engaging with Solomon Islanders. After work, base life is shaped by cable television and by interactions with other police, mostly from Australia and New Zealand. Levels of fluency in pidgin (neo-Melanesian) vary, but fieldwork has established that most Australian and New Zealand PPF members would admit to not being particularly fluent, although Pacific Islanders appear to pick this up more quickly. In Timor-Leste the PNTL operates in Tetun, however interviews with local mid-level PNTL officers in 2011 revealed they could count on one hand and name the number of international police advisers they had met who could speak Tetun to any reasonable level over

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a decade. In Timor-Leste, Portuguese is spoken by perhaps less than 5% of the population, however the laws were originally written in this language, despite the fact that few in the PNTL could either speak or read it. Bahasa is much more widely understood (75%) and this is one of two working languages of Timor-Leste (along with English). Despite UNMIT having a Portuguese acronym the language of the mission is English and UNPOL police mostly use English with the local population and with the PNTL with whom they work. As such, within the PNTL linguistic competency in English is a valuable commodity, despite it not being one of the official languages of Timor-Leste, which are Tetun and Portuguese. Knowledge of English may facilitate training in other states, and allows participation in UN Policing operations.

Implications

We argue there is a growing police capability being provided to developing states in terms of increasing the respect that their police forces have for the rights of their own citizens. For this to work, one of the main issues must be trust between the community and the police. There is tension between different applications of the doctrine or model of community policing, with the international community taking a less vigorous approach, rather than the more paramilitary style favoured by the political leaders of Timor Leste (and anecdotally by the population). This is further complicated by the presence of over 40 interpretations of community policing within UNPOL's serving police contingents, operating within different districts, for varying periods, and at varying levels of intensity. The question for Timor-Leste's PNTL will be, having been exposed to such variations in assistance, can it develop a systematic and coherent model of community policing? And once UNPOL goes and bilateral programs proliferate, how will the PNTL manage and coordinate the efforts of different donors? For RAMSI the situation is similar although exacerbated by the funding dependency of RSIPF on RAMSI, which in 2011 paid for two thirds of the RSIPF's operating costs.

Recommendations and Concluding Comments

Policing any community requires the capacity to integrate with the community and to be able to respond and to work together. Our research highlights the important role that NGOs play in this process. They disseminate information and knowledge about the activities of police to the public; and they play an important role not only in educating citizens, but potentially also in developing a culture of understanding of human rights protection within police forces. Police are always trained in human rights, but NGO pressure on politicians and directly on police forces reinforces the message that abuse of power, and the abuse of citizens, is not acceptable. This points to the need for greater cooperation and coordination between international police, local police and NGOs in community policing activities.

To be effective in police-building a significant degree of trust is required on all sides. This is facilitated by human factors that affect the degree of success of international police to build the capacities of local forces. Particular issues in this regard are the acquisition of local languages by international police, the length of their deployment, consistency in international advice, cultural competency, and the varied training, police cultures and experiences. These factors all affect the success of Pillar II in practice.

With the news that the Regional Assistance Mission to Solomon Islands is due to withdraw in 2013, and that it has been accused by locals of not being able to effectively engage with the local community, the complexity of police capacity-building is starting to show. Success is never certain – and perhaps it is only when the international community leaves and *nothing* happens, or a flare up occurs and it is dealt with

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appropriately, and with due respect for the political, civil and social rights of all citizens, that we will know if the thousands of hours of effort by police from around the globe, from the region or from a pivotal state, have been worth the effort to create a greater capacity for respect for human rights.

Measuring the success or effectiveness of capacity building is a task that is neither clear nor easy. While an enforcement measure to prevent genocide, such as an airstrike on a tank, can be observed, filmed and applauded, the Responsibility to Assist through strengthening the capacity of developing states to operate security services that uphold and respect the human rights of their citizens is a long term effort that is costly, often confusing and uncertain, but worth the effort.

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¹ Held in Bangkok 17-18 May 2012 as a joint initiative of AusAID, the Asia Pacific Centre for R2P, the University of Queensland and Chulalongkorn University.

² The ECP policing component was withdrawn after a constitutional challenge in the PNG courts to the notion of legal immunity for Australian police.

³ UNMIT is supposed to draw down following the July 2012 elections. While its mandate extends to December 2012 any successor UN mission may contain a police presence of some form and may continue to support the PNTL. RAMSI will also scale down by June 2013, according to the Australian government. Assistance to PNG can only increase.

⁴ Police training was initially conducted by international forces but was gradually assumed by local police forces in Solomon Islands and Timor-Leste.

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