

A SOUTH PACIFIC POLICE FORCE?

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INTRODUCTION

In 2003 Australian Prime Minister John Howard presented the 2003 Pacific Island Forum with a plan for a regional police force. The plan proposed a headquarters in Fiji, as well as a training centre that would prepare 900 police personnel a year for operations in the Pacific.^[1]

This was not the first time that such a pooling of resources had been proposed by a senior politician.^[2] Indeed, a similar proposal was elicited in 1980 when Vanuatu appealed to the island-states for troops to oppose the secessionist movement on the island of Espiritu Santo. On that occasion Australian and Papua New Guinean troops worked with Vanuatu police to restore order, and PNG's Prime Minister Sir Julius Chan's 1980 proposal that a 'regional peacekeeping force' be established.^[3]

Twenty-three years later, the situation in the Pacific was still precarious enough that a pooling of resources was once again proposed. Indeed, the passage of time has seemingly done little to strengthen law and order in some States in the region. As such, Prime Minister Howard's proposal for a pooling of resources warrants serious consideration. However, does this proposal really have the potential to revolutionise law-enforcement in the South Pacific, or is it merely an impulsive response to the increasingly dangerous situation? Is the proposal workable, and if so, do the benefits justify the cost incurred? These are questions that must be answered by any government serious about ameliorating the perceived crisis of law and order in parts of the South Pacific.

AUSTRALIA'S INTEREST IN THE PACIFIC

There are two main reasons why Australia would be interested in the establishment of a regional police force. Firstly, the Pacific has long been considered vital to Australia's security.^[4] For example, Australia has stated in its Defence White Paper *Defence 2000 – Our Future Defence Force* that:

Highest priority is accorded to our interests and objectives closest to Australia. In some circumstances a major crisis far from Australia may be more important to our future security than a minor problem close at hand. But in general, the closer a crisis or problem is to Australia, the greater the likelihood that it would be important to our security and the greater the likelihood that we would be able to help to do something about it.^[5]

Secondly, Australia is under a great deal of international pressure to keep peace in the Pacific,^[6] and a regional police force may allow Australia to fulfil this obligation in both a more cost effective and politically satisfactory manner than at present. Bougainville, East Timor and the Solomon Islands have demonstrated that peacekeeping can be an expensive endeavour. For example, Australia's two-week

intervention in Bougainville alone cost Australia over five million dollars.^[7] And yet, the costs born by Australia have failed to shield it from criticism. Australia thus finds itself in the paradoxical situation where it may be accused of neo-colonialism if it intervenes, and accused of ignoring a humanitarian crisis if it does not.^[8] Thus by establishing a regional police force, Australia would be able to contribute to South Pacific security without necessarily taking on a dominant role. Furthermore, Australia will be able to accomplish its goal of making the island-states more self-sufficient.^[9]

THE NEED FOR ORDER

Island-states have been afflicted with crime, conflicts, mutinies and ethnic clashes,^[10] with the Solomon Islands, Bougainville, Papua New Guinea, and Fiji all having recent outbreaks of violence.^[11] Strong ethnic and tribal identities mean that violence often has deep roots,^[12] and a notable number of Pacific conflicts have their roots in ethnic rivalries. Fiji, for example, has seen a significant amount of friction between the country's indigenous Melanesian Fijians and ethnic Indians, who, although they make up forty-four percent of population, have largely dominated the Fijian economy.^[13] Anti-Indian feelings reached their peak in the wake of the 2000 overthrow of the country's first Indian Prime Minister, when some Indo-Fijians' homes were ransacked and burned and businesses looted.^[14]

Similar racial conflicts have also occurred since 1998 between the Guadalcanal Islanders and immigrants from the island of Malaita in the Solomon Islands.^[15] The Malaitans were resented by the Guadalcanal Islanders for dominating commerce and government jobs, especially around the Honiara area.^[16] There has likewise been tribal violence in Papua New Guinea, and it has been speculated that similar racial conflicts could break out in New Caledonia and Vanuatu.^[17] In Samoa, however, conflict seems to be based on religious rather than racial grounds. In 1999, for example, 56 people were charged with assault and property damage in connection to the eviction of a religious group.^[18]

Such internal conflicts can be long lasting. Papua New Guinea, for example, has experienced long-term internal violence.^[19] Such violence is not only devastating to the country involved, but is dangerous to the whole region, as violence in one region can influence violence to break out in another region. This is especially the case when violence breaks out in one of the more dominant and influential island-states, such as Fiji. This principle was illustrated when the Malaita Eagle Force kidnapped the Solomon Islands' Prime Minister only two weeks after the 2000 Fijian coup, and while the Fijian Prime Minister was still being held hostage.^[20] Firth argues that these events indicate that instability in any of the more influential Pacific island-states is likely to affect the region as a whole.^[21]

Island-states have also become very vulnerable to organised crime, as globalisation has brought drug smuggling to the region,^[22] and a crackdown on money laundering in the Caribbean is thought to have drawn many criminals to the Pacific as an alternative.^[23] Finally, it has been speculated that because the islands span a geographically enormous area, the South Pacific may attract terrorist groups. The Pacific Ocean is the biggest ocean in the world, containing over half of all the ocean water on Earth and covering 176 million square kilometres.^[24] This makes effective patrolling under tight island budgets extremely difficult,^[25] thus potentially providing attractive safe havens for terrorists. Furthermore, it has been suggested by the foreign ministers of both Australia and New Zealand that South Pacific trouble spots might be viewed as potential targets for destabilisation by terrorist groups.^[26] Certainly, considering the island-states' dependency on tourism and foreign investment,^[27] a terrorist attack in the nature of the Bali attacks would be devastating.

The cost of violence and crime is great, not only in human life, but also in infrastructure and economy.

For example, the 2000 Honiara conflict, which claimed the lives of a hundred people, also led to looting and resulted in a loss of water and services.^[28] Likewise the 2000 Fijian coup led to a forty-percent decrease in investment, and a fourteen-percent drop in per capita output,^[29] as well as impacting tourism and industry.^[30]

The fact is that most Pacific Island states do not have the capacity to defend themselves against even a moderately well-armed attack.^[31] Many island states do not have a large police force.^[32] Furthermore, these forces can be unreliable, even seditious. For example, Niue's Chief of Police was suspended in 1999 for failing to carry out an arrest that he had been ordered to make.^[33] Similarly Solomon Island police personnel have sided with the militia during conflicts, even helping militia forces to raid police armouries and take over the police gunboat.^[34] The Papua New Guinea military has also been seditious at times, forcing police to release a prisoner in 1997 and holding their own commander under house arrest.^[35] PNG also experienced an army mutiny in 2001, after the government proposed to halve the size of the force.^[36] In Fiji also, the army killed eight soldiers in suppressing a mutiny at the Queen Elizabeth Barracks.^[37] As can be seen, police and military personnel are often not independent of politics,^[38] thus making their reliability questionable.

Because violence has the potential to escalate and expand beyond localised pockets^[39] any outbreak in violence poises a significant threat to the island-states. Nevertheless, violence would be relatively easy to suppress in the early stages, as combatants often rely on old or homemade firearms, and would therefore be no match for a well-trained and professional police or military force.^[40]

UTILITY OF A POLICE FORCE

While military peacekeeping forces have played an integral role in past South Pacific conflicts, there are a number of reasons why a regional police force is profoundly more appropriate than a military force. Firstly, violence in the South Pacific tends to be internal, rather than inter-state, with the predominant need being a restoration of internal law and order.^[41] Secondly, even an unarmed military force is likely to be considered more provocative than a police force.^[42] As Hanson explained, meeting small-scale rioting and infighting with heavily-armed soldiers might not only be considered inappropriate, but could also elicit reactionary violence.^[43] Finally, the use of a civilian police force is cheaper as far as both training and equipment are concerned than a military force would be.^[44] This is a significant advantage when one considers the strained budgets of the island nations.

One major obstacle that any police force would face would be in dealing with such a diverse group of nationalities and cultures as can be found among the island-states. For example, police personnel will interact with a range of different ethnicities, including Melanesians, Polynesians, Micronesians, Europeans, Americans and Chinese, to name just a few.^[45] As such, intervening personnel will need to be culturally sensitive, to display tolerance and respect for values different from their own, and not impose their own values on others.

Nevertheless, a multinational police force also has some substantial advantages in dealing with such diverse ethnic groups as is found in the South Pacific.^[46] Firstly, because much of the region's violence is racially or tribally based, there is an advantage in using law enforcement officers from different cultures and races than the conflicting parties.^[47] This would give the South Pacific Police Force an aura of objectivity not enjoyed by national police. A multinational police force would also soothe fears of neo-colonialism, as islanders may be suspicious of (especially white) Australians and New Zealanders,^[48] and are more likely to be able to relate to Melanesians or Polynesians from similar islander cultures.^[49]

A regional police force would also mean that island-states do not have to wait for the international community, who have in the past been slow to react to calls for intervention, and have often only intervened after horrendous violence and destruction have occurred.^[50] For example, in Bougainville, peacekeepers did not arrive until five years after the outbreak of violence.^[51] The international response to the Fijian crisis has likewise been criticised as being slow.^[52] However a South Pacific Police Force would provide a force ready to deploy at a moments notice, and hopefully suppress lawlessness before it escalates.

JURISDICTIONAL CONSIDERATIONS

Politically, the island-states vary greatly, with there being eleven fully independent island-states, nine dependent-states and five self-governing territories in free association with their former colonial rulers.^[53] The book *South Pacific Islands Legal System* described the majority of island-states (fifteen) as being based on the 'Parliamentary Model', while five are based on the 'Presidential Model'.^[54]

The diversity of political and legal systems creates a potential challenge for a South Pacific Police Force. Working within a variety of different jurisdictions, each with differing laws and legal systems is bound to be somewhat problematic. This problem is further inflated by the fact that in some island-states, such as Samoa, each village may have their own law.^[55]

However, this factor does not pose as much of an obstacle as it appears to at first glance, as the island-state's legal systems tend to be remarkably similar. This is mainly due to almost all of the states coming under colonial occupation at some time by Western European countries and the United States.^[56] In fact, the majority of states are former British colonies, or colonies of former British colonies,^[57] and have thus adopted a Westminster model of government.^[58] This serves to provide adequate common ground for law enforcement.

Nevertheless, there are a number of factors that must be taken into account by any potentially intervening police force. Firstly, the unease that personnel from common law countries may have in working within a civil law system should not be underestimated.^[59] Secondly, police personnel will need to display sensitivity in recognising the role that the island village councils play in law formation and enforcement, and, if possible, show deference to island chiefs. Not only will this ensure that police work within the laws and customs already in place, but the chief's endorsement would provide the police force with a credibility perhaps not otherwise obtainable. Chiefs tend to hold a great deal of respect among the people, and thus working with the chiefs is likely to enhance the acceptance of the intervening police personnel by the island's population.

FUNDING CONSIDERATIONS

The dominant question for aid donors is, however, whether the establishment of a South Pacific Police Force is financially feasible. There is little doubt that the costs associated with establishing a South Pacific Police Force is bound to be great.

Nevertheless, in consideration of the international pressure on it to aid and rebuild conflict-devastated areas, Australia's willingness to invest fifteen million dollars on this project must be viewed as a wise investment.^[60] Australia donates more aid to the South Pacific than to any other nation,^[61] and, together with New Zealand, bore the brunt of the costs of rebuilding Bougainville, Papua New Guinea and East Timor.^[62] Therefore, as it is bound to play a major role in any future rebuilding costs, it is to Australia's advantage to contribute as much as is necessary in order that future costs might be reduced or even eliminated.

However, while Australia and New Zealand are in the best position to provide the funding, it would be counter-productive if this force were simply viewed as an Australian/New Zealand satellite.^[63] Therefore it is imperative that the underlying concept in this program be one of partnership with the island governments, with island-states taking a major responsibility in running the scheme.^[64]

It is, however, problematic to ask for too much from nations that are already heavily dependent on external aid. Expectations, therefore, must be realistic, with more being expected of island-nations with reasonable defence and police forces, namely Fiji, Papua New Guinea and Tonga.^[65] Vanuatu and the Solomon Islands may be able to make valuable contributions of police personnel, while only minimal contributions should be expected from countries with fewer resources, namely Kiribati, the Cook Islands, the Marshall Islands, Western Samoa, Micronesia, Nauru, Niue, Palau and Tuvalu.^[66] In the grand analysis, though, a regional police force would save rather than cost these nations money by providing internal security, thus allowing island-states to reduce defence force expenditure.^[67] Furthermore, by rotating personnel, island-states will be able to bring a high level of police expertise to their home communities,^[68] and by suppressing violence, island-states would make the region much more attractive to tourists and potential investors, and lift the reputation of the South Pacific as a whole.^[69] In the end, the cost of suppressing lawlessness is bound to be much less than the cost of rebuilding infrastructure and providing humanitarian aid.

CONCLUSION

A regional police force thus has the ability to alleviate human suffering and to provide security and order to the South Pacific. While there are a number of financial, legal, political and cultural factors that need to be carefully considered, the creation of the force is both realistic and workable. Such a force would benefit Australia, allow the South Pacific to be more self-sufficient concerning their security, and foster international cooperation. It is crucial, therefore, that this opportunity for a safer South Pacific is both seized and magnified.

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[1] 'The Unpacific Pacific; Australia and the Island-states' (2003) 368:8338 *The Economist (US)*, 32.

[2] Fergus Hanson, 'Promoting a pacific Pacific: a functional proposal for regional security in the Pacific Islands' (2003) 4 *Melbourne Journal of International Law*, 254; Thomas K. Baker 'The Pacific Training Initiative: cooperation in action' (1993) 62 *The FBI Law Enforcement Bulletin*, 1.

[3] Hanson, above n 2.

[4] Graeme Dobell, 'The reluctant Pacific nation: policy taboos, popular amnesia and political failure' (2003) 47 *Quadrant*, 16.

[5] Commonwealth of Australia, (2000) *Defence White Paper Defence 2000 – Our Future Defence Force* <http://www.defence.gov.au/whitepaper/> Accessed 13/12/04.

[6] Hanson, above n 2.

[7] Hanson, above n 2.

[8] Hanson, above n 2.

[9] Dobell, above n 4.

[10] 'Unpacific Pacific', above n 1.; Greg Urwin, 'Australia, New Zealand and the South Pacific' (2003) 28 *New Zealand International Review*, 8. See also Karin von Strokirch, 'The Region in Review: International Issues and Events, 2000' (2001) 13 *The Contemporary Pacific*, 510.

[11] von Strokirch, above n 10; Barrie Macdonald, 'Australia and the Pacific Islands in the Twentieth Century' (2001) 13 *The Contemporary Pacific*, 275; Stewart Firth, 'A reflection on South Pacific Regional Security, mid-2000 to mid-2001' 36 *The Journal of Pacific History*, 277; 'The gathering storm in the South Pacific' (2000) 355 *The Economist (US)*, 43; Hanson, above n 2.

[12] Hanson, above n 2.

[13] Joshua Kurlantzick, 'South Pacific Dispatch: Isle of Blight' (2000), *The New Republic* August 28, 14.

[14] Kurlantzick, above n 13.

[15] Kurlantzick, above n 13..

[16] von Strokirch, above n 10.

[17] Kurlantzick, above n 13., von Strokirch, above n 10.

[18] Frederic Angleviel *et al*, 'Polynesia in Review: Issues and Events, 1 July 1998 to 30 June 1999' (2000) 12 *The Contemporary Pacific*, 221.

[19] Hanson, above n 2.

[20] 'The gathering storm', above n 11 von Strokirch, above n 10.

[21] Firth, above n 11.

[22] 'Unpacific Pacific', above n 1.

[23] Anthony B. van Fossen, 'Money laundering, global financial instability, and tax havens in the Pacific Islands' (2003) 15 *The Contemporary Pacific*, 237; Baker, above n 2.

[24] Jean-Jack Queyranne, 'The South Pacific: a new frontier?' (2000) 25 *New Zealand International Review*, 7.

[25] Hanson, above n 2.

[26] 'Solomons, Papua New Guinea Possible Terrorist Targets: Downer, Goff' (2002) *Xinhua News Agency* December 23.

[27] Hanson, above n 2.

[28] Firth, above n 11.

[29] Hanson, above n 2.

[30] MacDonald, above n 11.

[31] Hanson, above n 2.

[32] See Tess Newton, 'An Introduction to Policing in the South Pacific' (1998) 2 *Journal of South Pacific Law* <http://www.vanuatu.usp.ac.fj/sol1%5Fadobe%5Fdocuments/usp%20only/pacific%20law/jsplworking%5Fpapers/Newton1.htm> Accessed 13/12/04.

[33] Angleviel, above n 18.

[34] 'The gathering storm', above n 11.

[35] Hank Nelson, 'Crises of God and Man: Papua New Guinea Political Chronicle 1997-99' (1999) 34 *The Journal of Pacific History*, 259.

[36] Firth, above n 11.

[37] Firth, above n 11.

[38] Angleviel, above n 18.

[39] Hanson, above n 2.

[40] Hanson, above n 2.

[41] Hanson, above n 2.

[42] Dobell, above n 4; Hanson, above n 2.

[43] Hanson, above n 2.

[44] Hanson, above n 2.

[45] Hanson, above n 2.

[46] Malcolm Templeton, 'New Zealand and the Pacific: Diplomacy, Defence, and Development' (2003) 28 *New Zealand International Review*, 28. See also Queyranne, above n 24.

[47] Hanson, above n 2.

[48] Hanson, above n 2.

[49] This was demonstrated in Australia's deployment to Vanuatu, where Australia worked side-by-side with troops from Papua New Guinea and police from Vanuatu, Australia's deployment to Bougainville, where Australia worked with troops from Fiji, Tonga and Vanuatu, and our recent multinational intervention into the Solomon Islands. Multinational forces have eased suspicions of neo-colonial

interference.

[50] Hanson, above n 2.

[51] Hanson, above n 2.

[52] von Strokirch, above n 10.

[53] Hanson, above n 2.

[54] Peter Sack, 'Review of *South Pacific Islands Legal Systems*' (1994) 64 *Oceania*, 344.

[55] Angleviel, above n 18.

[56] Hanson, above n 2.

[57] I. Kawaley, 'Implications of Exclusive Economic Zone Management and Regional Cooperation Between South Pacific Small Midocean Island Commonwealth Territories' (1999) 30 *Ocean Development and International Law*, 333.

[58] Hanson, above n 2.

[59] Sack, above n 54.

[60] 'Australia to fund regional police school' (2003) *Xinhua News Agency* August 13.

[61] 'Unpacific Pacific', above n 1.

[62] Hanson, above n 2.

[63] Binoy Kampmark, 'The Solomon Islands: the limits of intervention' (2003) 28 *New Zealand International Review*, 6.

[64] Dobell, above n 4.

[65] Hanson, above n 2.; Edward R. Maguire and Rebecca Schulte-Murray, 'Issues and Patterns in the Comparative International Study of Police Strength' (2001) Feb-May, *International Journal of Comparative Sociology*, 75.

[66] Hanson, above n 2.

[67] Hanson, above n 2.

[68] Hanson, above n 2.

[69] Firth, above n 11.

