A critical examination of Australian police peacekeepers navigating ethics, human rights, structure, and agency in Timor-Leste and the Solomon Islands

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Abstract

Since 1964 Australia has sent police officers on peacekeeping and capacity building missions to almost every continent. In particular, Australia's geopolitical interests in the Asia-Pacific have contributed to involvement in major long-term missions in Timor-Leste and the Solomon Islands and the creation of the International Deployment Group as a permanent arm for deploying Australian police internationally. However, as is the case with domestic policing, the complex moral dilemmas experienced by police, and the subsequent implications for human rights, are evident. Current research into police peacekeeping has shown that donor police in post-conflict societies have been implicated in a range of moral and human rights breaches suggesting that peacekeepers have on occasion failed to uphold their obligations to ethical practice and human rights maintenance. What is missing from current research is an examination of the understanding and contribution to ethics and human rights from the police peacekeepers' perspective. This thesis focuses on examining the experiences of Australian police officers deployed to these nations with a view to conceptualising their understanding and lived experience of contributing to ethical practice and human rights maintenance, adopting a hermeneutic-phenomenological framework to give participants the opportunity to engage in reflexivity. This thesis also considers the lived experiences of people who worked or interacted with Australian police throughout their missions inclusive of a diverse array of backgrounds. Using theories of structure and agency, participants reflected on the contextual, cultural, socioeconomic, geographic, and historical structures that presented as both barriers and facilitators to police peacekeepers engaging in ethical practice and human rights. Participants also reflected on their use of agency in their practice to contribute to improvements in ethical practice and human rights in the host context through transformation of those structures. By going 'to the source' in the examination of human rights and ethical practice in police peacekeeping, consideration of their experiences elucidates their post-action reflections and provides an opportunity for considering ways towards making sense of ethical practice and human rights in post-conflict police work.

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Acknowledgements

First and foremost, I extend my sincerest thanks and appreciation to the 56 participants who took part in this research. Not only were your experiences incredible to hear, without your invaluable insights and reflections, this thesis would not have been possible. I am eternally grateful for your time and contributions. I would also like to thank the organisations who disseminated the research information sheet to potential participants, which helped immensely with seeing this work to fruition.

I also extend many thanks to my supervision panel, Dr Philip Birch, Dr Michael Kennedy, and Dr Irena Veljanova, for providing me with unwavering support, kindness, and mentoring, helping me bring life and form to a maelstrom of ideas which at times seemed to be an impossible feat.

Many thanks also go to my friends and colleagues at WSU who have been facing the same challenges, and have always been there for a coffee when I've needed it through this PhD. The many writing retreats, writing days, and evenings spent working together, and the incredible friendships we have formed, have helped me get through these years.

Thanks to my extended family, especially Mum, Mark, Dad, Caroline, and David for all their help with seeing me through my thesis while helping to support our family in many ways. Most importantly, from the bottom of my heart, I thank my partner Lachlan and our beautiful daughters Zoe and Amiya, born in the midst of the PhD experience and riding the highs and lows of this part of my life. I am so grateful I had you by my side throughout this journey.

Originality Statement

I hereby declare that the content of this thesis is my own work and to the best of my knowledge it contains no materials previously published or written by another person, or substantial proportions of material which have been accepted for the award of any other degree or diploma, except where due acknowledgement is made in this thesis.

Signed:

Date: 31/03/2019

Acronyms

ACT: Australian Capital Territory

AFP: Australian Federal Police

APEC: Asia-Pacific Economic Cooperation

ASIO: Australian Security and Intelligence Organisation

AusAID: Australian Agency for International Development

CAVR: Commission for Reception, Truth, and Reconciliation Timor-Leste

CEDAW: Convention for the Elimination of Discrimination Against Women

CRC: Convention on the Rights of the Child

CoP: Chief of Police

DPKO: Department of Peacekeeping Operations

ETAN: East Timor Action Network

EU: European Union

FALINTIL: The Armed Forces for the National Liberation of East Timor

FRETILIN: Revolutionary Front for an Independent East Timor

FTDL: Timor-Leste Defence Force

HIPPO: High-Level Independent Panel on UN Peace Operations

HREC: Human Research Ethics Committee

IACP: International Association of Chiefs of Police

ICCPR: International Covenant on Civil and Political Rights

ICESCR: International Covenant on Economic, Social, and Cultural Rights

ICISS: International Commission on Intervention and State Sovereignty

IDG: International Deployment Group

IMF: International Monetary Fund

INTERFET: International Force East Timor

MEF: Malaita Eagle Force

NEAF: National Ethics Application Form

NGO: Non-Government Organisation

NSWPF: New South Wales Police Force

NZ: New Zealand

ORG: Operational Response Group

QPS: Queensland Police Service

PNTL: National Police of East Timor

PPF: Participating Police Force

PSO: Protective Service Officer

RAMSI: Regional Assistance Mission to the Solomon Islands

RSIP: Royal Solomon Islands Police

R2P: Responsibility to Protect

SAPOL: South Australian Police

SSAP: School of Social Sciences and Psychology

TASPOL: Tasmania Police

TLPDP: Timor-Leste Police Development Program

UDHR: Universal Declaration of Human Rights

UN: United Nations

UNAMET: United Nations Mission in East Timor

UNCIVPOL: United Nations Civilian Police

UNDOC: United Nations Office on Drugs and Crime

UNDP: United Nations Development Program

UNHCHR: United Nations High Commissioner for Human Rights

UNMISET: United Nations Mission of Support in East Timor

UNMIT: United Nations Integrated Mission in Timor-Leste

UNOPAA: United Nations and Overseas Policing Association of Australia

UNOTIL: United Nations Office in Timor-Leste

UNPOL: United Nations Police

UNSC: United Nations Security Council

UNTAET: United Nations Transitional Administration in East Timor

VICPOL: Victorian Police

WAPOL: Western Australian Police

WHO: World Health Organisation

WSU: Western Sydney University

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Chapter 1: Introducing Research into Ethics, Human Rights, Structure, and Agency in Police Peacekeeping

As a profession or vocation, policing refers to the mechanisms legislated by the State to maintain order, prevent, detect, and investigate crime, and render public assistance. The police are agents within the organisation that has the monopoly on using force in times of peace to apprehend, arrest, and detain offenders (Deflem, 2007; Crawshaw, Devlin, & Williamson, 1998). It is important to note that policing does not always refer to the tasks engaged by people who are employed within state-based functioning bureaucratic systems. Shanafelt (2007) suggests that policing practice sits on a spectrum and can include informal mechanisms as mainstream as parents regulating the functions within their own household and the technological power used by people to provide their own security, such as alarms, locks, and fences. For the purposes of this thesis, policing practice, police practice, and police all refer to the aforementioned state-based – or legitimately sanctioned – formal police institutions that engage in formally mandated police peacekeeping operations, such as the Australian Federal Police (AFP) and the United Nations Police (UNPOL), the latter which comprises of seconded officers from legitimate bureaucratic institutions within nation-states such as Australia. While the implications of globalisation penetrate all elements within policing, this thesis will focus on formal institutions, particularly the AFP, UNPOL, and Australian state and territory-based police organisations where relevant.

While traditional policing focused on local crime detection, prevention, and law enforcement services, policing today has evolved to encompass concern for security and crime that extends beyond localised geographic areas (Bowling & Sheptycki, 2012; Prenzler, 2009). Furthermore, policing has undergone a number of philosophical shifts, with focus moving beyond reactive policing practices addressing 'crime-fighting', to considering aspects of community collegiality and consultation in order to function effectively. Adding to this phenomenon is the recognition that many non-western perspectives towards policing contribute to the reformation and development of the current environment of global policing (Palmer, Berlin, & Das, 2012). Adding to the complexities for police organisations is the

emergence of private, hybrid, and mixed policing practices that contribute to deterrence and addressing crime and disorder, which has had significant implications on the ethics of accountability and responsibility (Sarre & Prenzler, 2000). These localised dilemmas are further impacted by the internationalisation of crime in the globalised world, adding to the responsibilities of the police. International peacekeeping, capacity building, and police reform missions have increasingly become a concern for Australian police, influenced by the prevalence of globalisation and the need to ensure regional social and political stability in conflict and post-conflict arenas. To elucidate the convergence of these topics, this thesis will examine the contributions and lapses of ethical practice and human rights maintenance by Australian police peacekeepers, with particular focus on the reflective narratives of Australian police officers, and other professionals who interacted with police peacekeepers during missions to Timor-Leste and the Solomon Islands. While the narratives that have been analysed for this thesis purposely engage with Australian and New Zealand participants, to the exclusion of other stakeholders, this approach addresses two specific goals for the thesis: addressing the gap in current research on the reflections of Australian police in the pursuit of ethical practice and human rights maintenance as tools for peacekeeping and capacity building; and framing these reflective narratives within an ethics and human rights based theoretical structure. Attention will be drawn to the gaps that exist in research exploring peacekeeping, capacity building, ethical practice, and human rights maintenance as it pertains to policing practice, in conjunction with identifying and summarising the relevant research that has been conducted in this arena in the past two decades. The chapter will then provide an outline of the thesis structure before providing some concluding remarks.

1.1: The research gap in police peacekeeping

While there is a wide array of research covering international police peacekeeping and capacity building, human rights maintenance, and ethical practice as separate research fields, current research covering all three elements of policing together is only beginning to emerge. There is a lack of research

grounding the 'new security arena' of international and 21st century police practices from the lens of ethics, despite the significant ethical dilemmas presented by these processes (Hufnagel & McCartney, 2017; van Buuren, 2009). A second gap in research literature is recounted by Braithwaite (2013) and Druckman and Diehl (2013) who argue that since there are many contributors to peacekeeping operations, each component can only be properly reviewed provided a diverse array of stakeholders are engaged in the evaluation process. Goldsmith (2009) and Bayley (2001) emphasise that while police 'know what does and does not work' in these contexts, their views are largely understudied and absent from the literature, further necessitating researching the views of police peacekeepers in their experiences. The ethical dilemmas presented by globalisation (Bauman, 2002), and in particular the competing interests between maintaining state sovereignty while facilitating global governance, adds a more complex dimension to the examination of international policing practices. McCulloch and Martin (2014) highlight that despite the significant implications that globalisation has on policing, it too remains understudied. The historical structures that have heavily influenced the creation of Australia's police agencies and their operational practices, such as colonialism and the development of democratic and community policing principles, highlight the complexities facing police practitioners who engage in international peacekeeping and capacity building work, particularly when the operational standards and philosophical framework that Australian police have trained and worked within differ from those of their counterparts and colleagues throughout the deployment. Therefore, in order to make sense of existing research covering these topic areas, four thematic categories relating to existing research are generated.

The first category is the impact of globalisation on policing practice and human rights. McCulloch (2017) highlights the relationship between policing and the history of colonialism, with police acting as significant contributors in this phenomenon. The use of early forms of policing for the purposes of promoting colonial activities in Australia, particularly the dispossession of Indigenous persons, is strongly antithetical to the democratic and community policing methods used by the British within their own borders. This early form of globalisation later gave rise to the influence of a 'great convergence' on a universal ethic for the 'global human condition'. Hogg (2016), drawing on an optimistic view of globalisation, suggests that the pursuit of lifting people out of poverty and

improving the standard of living, increasing economic cooperation, the pursuit of science and reason in place of archaic customs, and the rule of law and democracy as reflective of universal values, all demonstrate the ultimate goal of achieving human rights as a global ethic (Rodin, 2012). Despite this purported goal, the more insidious consequences of globalisation include the overt disregard of human rights for many individuals, particularly with the transformation of criminal practices within the international arena, such as instances of war crimes and human trafficking (Hogg, 2016; Warren and Palmer, 2015). The implications for policing and peacekeeping are evident in the pursuit of a universal norm for police practice and democratic reform as the ideal structure for 21st century policing. The pursuit of 'export policing' through multilateral arrangements between Global North and Global South states emphasises the homogenisation of westernised policing globally, resulting in double-edged consequences; while export policing shares facets of colonialism, particularly where it fails to reflect cultural needs, it is also applied alongside a wider range of security and development initiatives in the health, education, infrastructural, and financial aid sectors as yet another form of 'hands on' assistance (McCulloch & Martin, 2014; Bayley, 2005). Globalisation has also necessitated the attention of wider securitisation of local borders through controlling undocumented migration and the potential implications of infectious disease epidemics (Davies, 2008). Overall, the globalisation of policing is underpinned by neoliberalism and the free market economy and the imposition of foreign norms and institutions on the Global South (Brogden, 2005). The consequence of globalisation on human rights is ultimately contradictory: as Kellner (2002) asserts, globalisation reinforces homogeneity through the circulation of mass culture around the globe, while at the same time encouraging local cultures to hybridise those same mass cultures for local context. The implications for human rights and ethics abound in the competing pursuits of homogenisation and hybridisation of 'universal' moral standards, particularly towards what Bauman (2002) calls the pursuit towards a 'common humanity'.

This leads to the second category, the relationship between ethical standards and the construction of human rights principles, and in turn, its contribution to professional policing practices. Research into ethics, human rights, and policing, has continued to grow within the academic community throughout

the 21st century, particularly demonstrated by the argument that the most important role of the police is to protect the moral rights of the policed. (Miller & Blackler, 2005).

There have been a number of reasons for the increased interest in this field. Firstly, current research recognises that police in liberal democracies face a competing ethical dilemma between managing their obligations to due process and procedures as designated by legislation and policy, and their 'occupational and moral' commitment to achieving good ends (Crank, Flaherty, & Giacomazzi 2007). Referred to as 'noble cause' or 'dirty hands', it usually refers to police breaching policy and law to control crime and disorder (Klockars 1979). The prevalence of police employing autonomous decision making at the expense of due process has led to an increased desire for professionalisation within police organisations in order to address injustices perpetrated against citizens at the hands of police. Public concern that police legitimacy was difficult to attain with occurrences of corruption, misuse of discretion, and a lack of community cohesion resulted in 60 Australian Commonwealth, State and Territory inquiries and commissions between 1963 and 2004. The main themes from these commissions included instances of police corruption, Indigenous deaths in police custody, and other criminal and cultural problems embedded within police organisations (Beckley, 2013). Both human rights issues and dilemmas of ethical conduct within Australian police were raised by these inquiries, with police culture and misplaced loyalty often hindering the authoritative stance of ethical training in recruitment (Wooden & Nixon, 2014). Chan (1997) contextualises these issues within the broader social, legal, political, and economic structures that NSW police operated within and the impact these structures had on shaping police practice; importantly, the socio-political environment at the time demonstrated that there was 'widespread political and community concern' about police corruption (p. 231) and that changing police culture requires considerable efforts to transform management and street level policing with these broader structures taken into consideration.

Furthermore, Beckley (2013) raises the important issue that only one state and one territory in Australia – Victoria and the Australian Capital Territory (ACT) respectively - have human rights legislation. As a consequence of this, the most recent research conducted for human rights is applied in conjunction with the 14 articles within the Universal Declaration of Human Rights that relate to

potential abuses in operational policing. Beckley's research demonstrates growing interest in human rights, ethical practice, and policing, particularly as current research in this area evidences a need and scope for increasing human rights maintenance and ethical practice as core functions of police work, particularly in the pursuit of democratic police reform. This is further reflected in the work of Green and Gates (2014) who highlight how the professionalisation of policing contributes to police legitimacy, a concept which is reinforced as a cornerstone of successful policing (Palmer, 2012). Furthermore, the increasing focus on community-oriented policing demonstrates the importance of community cohesion in maintaining and addressing human rights and ethical conduct as a core function of police work (Kendall, 2010; Neyroud & Beckley, 2001), demonstrating another opportunity for further research in this field.

The third category is the contribution of Australian police by the Australian Federal Police and state police organisations in peacekeeping missions. More than 3000 police officers from Australia have been deployed to peacekeeping and capacity building missions since the first officers were sent to Cyprus in 1964 (Bellamy, 2014). Research into their experiences is readily available; Harris and Goldsmith (2009) interviewed more than 120 officers who had been deployed on missions to Papua New Guinea, Timor-Leste, or the Solomon Islands in the period from 2003-2007 to determine the effects of policing in unfamiliar and drastically different communities to those they had previous policing experience within domestically. The effects of these deployments were expected to have an impact on the domestic policing practices utilised by these officers upon their return to Australia, whether they be positive due to an increased awareness in cultural differences and more patience in dealing with people, or negative due to job dissatisfaction and different attitudes regarding the use of force. Nearly half of the respondents had indicated that a desire for change or a desire to help elsewhere were the motivating factors for seeking a deployment overseas, reflecting the expectations that police officers placed on the role that police work should perform; i.e., contributing to humane standards and improving the experiences of the local community. AFP Commissioner Mick Keelty stated in 2006 that:

> *"the Australian police officer who serves in one of these missions comes back to their domestic role with a much greater understanding of community policing, has a greater*

cultural awareness and is much more appreciative of the facilities and technologies that policing in Australia sometimes takes for granted." (Keelty, 2006).

This statement reflects the sentiment that international service has a powerful effect on shaping the perceptions and capabilities of future organisational leaders and that allowing members to take part in overseas employment is the 'greatest investment' that a police organisation can make (Black, Gregerson, Mendenhall, & Stroh, 1999). It also suggests that the experiences of police peacekeepers in post-conflict settings result in them becoming aware of the privileged structures they operate within domestically, offering a point of reflection for the agent. However, what remains unclear are the implications of these experiences for ethical practice and human rights maintenance, where research is sparse. Murdie and Davis (2010) emphasise this point in their research into the influence of peacekeeping on human rights maintenance, particularly as the domestic human rights practices of intervening states do not necessarily reflect their capacity to harness and implement human rights abroad. They suggest that further research should focus on 'the great potential of specific actions within peacekeeping missions' (p 71). Unpacking the participants' perspectives on their contributions, and lapses, to human rights maintenance and ethical practices in encounters between the donor police and the host population is imperative to better understanding this phenomenon. This is particularly important in light of research that has exposed entrenched sexism in police culture in deployments in Timor-Leste (Harris & Goldsmith, 2010); experiences of excessive punitivism, failures in communication, and a lack of integration in the host's culture in the Solomon Islands (Allen, 2006); and, when examining the practices and potential reproduction of actions of the wider international peacekeeping cohort, allegations of sexual exploitation, abuse, and even war crimes by peacekeepers and humanitarian aid providers more broadly (Mudgway, 2017; O'Brien, 2012; Grady, 2010; Odello, 2010).

The fourth category to emerge is the various conditions in which police peacekeepers operate within, and how these conditions impact ethics and human rights in peacekeeping. While many of the themes from existing research, such as the need for partnership policing with the military (Goldsmith & Harris, 2010), reverse capacity building (Harris & Goldsmith, 2006), and culture and nation-building (Goldsmith & Harris 2009) suggest that external conditions impacted on the contributions made by

and experiences of Australian police peacekeepers, these themes have not been analysed in the light of ethical theory and human rights. It has further been stated in Goldsmith and Harris (2009) that there has been little written on the interoperability of police peacekeepers, thus suggesting that the differences in training and professional experiences of police and how this has affected police practice, human rights maintenance, and ethical practice during an overseas mission must also be explored. Sanchez (2016) recognises the complexities of UNPOL officers working together, fully integrated with one another despite being from different nations, and the challenges this presents as a result of the competing paradigms within the diversity in experiences of training, professional practice, organisational culture, and mentalities of police from different nations. Furthermore, without consideration of the extent of police cooperation and compatibility, the role of agencies such as UNPOL, and consideration of global governance, international and transnational policing practices will continue to be misunderstood and a clear solution to good policing practice in international policing will remain unidentified (Bowling, 2009). In furtherance to this point, Wood and Kempa (2012), in their identification of potential future research into plural and nodal policing, suggest that there is a research gap in establishing the extent to which the police embrace, help, and hinder human rights. They also identify a lack of knowledge of the practical conditions of possibility in achieving idealised policing practice, as opposed to normatively desirable traits, relying on illuminating the contextual and conditional limitations facing the police. It is at this point that the issue of structure and agency becomes evident; as Rubinstein (2006) highlights, multilateral peacekeeping requires consideration of both the motivations of individual agents engaging in peacekeeping missions and the structures that overarchingly shape the mission context, and if there is to be any opportunity to improve peacekeeping practices, elucidating the dynamic tensions between structure and agency must be examined.

Significant research and evidence of the failure of police to facilitate human rights and ethical practice, and many instances of their involvement in breaching human rights through the use of torture, arbitrary detainment, disappearances, and even killings, demonstrate the need to further understand what police peacekeepers perceive as human rights-based and ethical practice, and to examine what it is they have the capacity to contribute to a human rights and ethical practice framework. Indeed,

many police organisations have been implicated in harming people; for example, Goldsmith (2017) reflects on a previous role undertaken in researching official government and NGO reports pertaining to criminal justice systems, and in particular police organisations, that indicated conflict, lack of development, and serious crime and corruption in around 20 countries across Central and South East Asia, Latin America, sub-Saharan Africa and the Caucasus. These occurrences are not limited to developing nations alone; indeed, many instances of breaches of human rights and failure to maintain ethical standards exist in all police organisations across the developed world, including Australia, connecting to ingrained cultural and organisational issues that require consideration (Das & Palmiotto, 2002). From historical occurrences such as the use of police personnel to remove Indigenous Australians from their native land to anecdotal claims of sexism, xenophobia, and targeted policing, human rights and ethical practices have never been more scrutinised in the police than they are today (Cunneen, 2001). Finally, Goldsmith and Harris (2012) emphasise the lack of research and literature on police in multilateral missions and nation-building, further demonstrating the need for more inclusivity in their contributions and perspectives to this goal.

It is clear that this snapshot into existing research reflects a diversity in both quality and contribution to understanding complexities presented by the intersection of globalisation, the peacekeeping phenomenon, and the pursuit of ethical practice human rights maintenance and ethical conduct within police work. Due to the gaps in this field, as presented above by globalisation in the context of peacekeeping and from an ethical and human rights perspective, this research will present an examination of the perceptions of Australian police peacekeepers to illuminate their reflections on their contribution to the provision of human rights, highlighting both the positives and challenges presented within their narratives alongside the challenges presented by the context of their deployment.

1.2: Research aims

Drawing upon a qualitative methodological approach, fifty-six semi-structured interviews were conducted with thirty-nine Australian based police officers and thirteen Australian allied professionals identified as 'significant other' participants who engaged with Australian police whilst deployed to either Timor-Leste and/or the Solomon Islands during international police peacekeeping and capacity building missions. A further four interviews were conducted with participants who had engaged in emergency management in the Asia-Pacific region as per the original direction of this thesis. The structural constraints hindered the opportunity to interview members of the communities within Timor-Leste and the Solomon Islands, so to provide validity to the research, engaging with 'significant others' provided the opportunity to yield deeper analysis. This research strategy was employed in order to support the main aim of the study, encapsulated by the following key statement:

Examine the reflections of Australian police peacekeepers in navigating structure and agency through the understanding and maintenance of ethical practice and human rights whilst participating in international police peacekeeping and capacity building missions in Timor-Leste and the Solomon Islands.

The following research questions were used to address the research aim and inform the data collection tools:

1. How do police peacekeepers make sense of human rights and ethics and their relationship to policing?
2. What structural conditions impacted on police contributing to human rights maintenance and ethical practice in the host context?
3. To what extent did Australian police peacekeepers use moral agency to facilitate human rights maintenance and ethical practice in the host context?

4. What contribution can ethical theory and theory of practice make on the reflections of police peacekeepers in past missions to guide an approach for current and future international peacekeeping and capacity building missions?

Each of these research questions provide a tool for exploring the gaps within current research. The first question examines how each participant interpreted and constructed human rights and ethical practice, applying these conceptions to critique their professional roles. The second question provides the participant the opportunity to reflect on their experiences and consider if, and how, their skills and practices contributed to human rights maintenance and ethical practice. The third question addresses the structural factors which impacted their operational methods, drawing particular attention to the underlying issues and external factors impacting on the participants' narratives. The final question provides the future benefits provided by examining these narratives through a reflective approach, highlighting the issues that are presented to police peacekeepers in international settings. The four questions address the aim by providing insight into the limitations presented by capturing hidden knowledge in this field.

1.3: Organisation of the thesis

This thesis is organised into ten chapters, including this chapter. So far chapter one has covered the scope of current research and the opportunities presented for further research, highlighting the research aims that focus on police perception and understanding of human rights and ethical practice.

Chapters two, three and four will each address a separate section of the relevant literature, in order to review the current research as a foundation for examining the internationalisation of police practice, the context of each mission, and the contemporary application of structure, agency, ethics, and human rights to police practice. Chapter two will provide an overview of the globalisation of policing, introducing the Triangle of Policing as a visual aid for understanding this phenomenon. The complexities pertaining to global policing will be examined in conjunction with an overview of the

roles and functions police perform, drawing particular attention to community and democratic policing in Australia and the current trends in research into western and international constructions of ideal police methods and suitability for international police reform. This will be juxtaposed with a critique of the community and democratic policing principles that have underpinned the philosophical drive and practical strategies that contribute to the operational practices of deployed Australian police officers. The examination of the literature will be coupled with an overview of the development of human rights as they are delineated in the Universal Declaration of Human Rights. These concepts will then be analysed in consideration with police peacekeeping and capacity building through an exploration of the various human rights instruments, codes of practice and conduct, and UN guidelines that inform the ethical and human rights duties expected of police officers and police peacekeepers. This chapter will take particular focus on the historical and contemporary application of ethical and human rights frameworks to matters pertaining to police peacekeeping and the development of standards of practice for police officers. Chapter three will provide an overview of the missions to Timor-Leste and the Solomon Islands as the contextual basis of the research before describing the functions and involvement of the Australian Federal Police (AFP) as the main organisational provider for Australian police peacekeepers. Particular focus will be made on the development of the International Deployment Group, a branch of the AFP dedicated to providing police for international peacekeeping and capacity building missions. Chapter four will provide the theoretical basis applied to the research, beginning with a comprehensive discussion of the main ethical theories that inform applied police ethics before examining theory of practice as a second key theoretical framework underpinning the research findings. This chapter will culminate in the application of both ethical theory and structure and agency as integral to unpacking the underlying factors that contribute to, and limit, the contribution that police peacekeepers can make as moral agents in the field.

Chapter five will provide an in-depth discussion of the methodology, methods and analytical tools used to conduct the research. Justification for the use of qualitative data from semi-structured interviews, thematic analysis, and the theoretical paradigms of hermeneutic-phenomenology informing the research will be provided. The final section will consider the health and safety ethical dilemmas presented by the research and how these were addressed in the construction of the data

collection process. This will pave the way for the analysis section encompassing chapters six, seven and eight.

Chapter six will present the first part of three analysis chapters, and will focus on the understanding and interpretation of human rights norms and ethical standards of those interviewed. Furthermore, participant's sense-making of the role the police play towards achieving these goals and the recollection of their training, will be explored. Chapter seven will shift to an examination of the external structures that impact on police peacekeeping practice. Themes such as cultural, socioeconomic, geographical, and historical factors will be explored, drawing attention to the structures that impact on the contribution of ethical practice and human rights maintenance. Chapter eight will narrow this exploration to the application of agency and action in policing practices that contribute to ethical practice and human rights maintenance, with consideration for the individual and collective practices that defined their experiences abroad.

Chapter nine will collate the themes that emerged in the analysis chapters to provide an in-depth discussion of the main themes and their application to the four research questions and the research aim. This chapter will focus on the multi-faceted approaches to human rights in peacekeeping and capacity building; the possibilities towards achieving a pluralistic ethic in practice; the various structures that impact on the pursuit of ethics and human rights; and potential opportunities for moral agency in peacekeeping and capacity building missions using partnership practices, as the key results of the research. These key themes will culminate in the conclusion chapter, chapter ten, which will be the final chapter of this thesis where consideration of the limitation of the research juxtaposed with the contributions this research provides to future exploration of ethical practice and human rights maintenance as they apply to the philosophy and practice of international police peacekeeping and capacity building.

1.4: Chapter Conclusion

It is clear that while a diverse array of research on policing practice in the spheres of globalisation, ethics, human rights, structure and agency, and peacekeeping and capacity building exist, there remains substantial gaps in addressing the combination of these factors to contribute to existing knowledge in the field. The purpose of this chapter has been to bring together four distinct yet integrated topics: the phenomenon of globalisation and its impact on global security, peace, ethical discourse and the construction of human rights; the relationship between ethical discourse and human rights norms; the police peacekeeping and capacity building phenomenon; and the structural and agential factors evident in this area. The phenomenon of globalisation has not only triggered these processes but has also contributed to the need to ascertain how human rights and ethical practice are adhered to on the international level, given the complexities presented by the internationalisation of policing processes, and the particular nuances within peacekeeping and capacity building. These processes provide the background information required to thoroughly understand and explore the internationalisation of human rights maintenance and ethical practice by police on peacekeeping missions.

While the voices of Australian police peacekeepers are not absent from research into police peacekeeping, their sense-making and reflections on contributing to human rights maintenance and ethical practice have not been thoroughly explored. The following chapter, chapter two will review the globalisation and internationalisation of policing before examining the promotion of democratic policing and community-oriented policing as the prime methods applied in police peacekeeping missions, for the purposes of achieving human rights.

Chapter 2 Literature Review: Pathways to Examining the Police Peacekeeping and Capacity Building Phenomenon in the Context of Human Rights and Ethical Practice

Modern day policing has transformed beyond localised crime-fighting and concerns within the immediate geographical and community vicinity; indeed, policing has evolved with the age of globalisation in order to address the wider issues presented by the geographical, socio-political, cultural, technological and criminological ramifications as a result of the increasing interconnectedness of the world (Allan, 2013). This chapter will explore these issues and their relationship to policing in an international context, supported through the consideration of John Casey's Triangle of International Policing, which offers an understanding on the impact that globalisation has had on the development of policing practice. The chapter will then consider the practice of peacekeeping and capacity building as a result of globalisation. Through examining comparative policing, the development of community and democratic policing principles are highlighted as the most congruent with human rights and ethical practice and as the pursued norm for police reform. This will provide a foundation for exploring the roles and functions of the police through a human rights and ethical practice lens. As a consequence of this it will provide the basis for exploring the construction of current human rights norms, focusing on the rich cultural and historical context that have led to its construction. Finally, these two constructs will be examined through a professional practice and policing lens, with consideration provided to the internationalisation of humanitarian causes and geopolitical interests, the expected relationship between police standards, ethics and human rights, and the pursuit of a global ethical standard that acknowledges the complexities surrounding the development of worldwide expectations for ethical practice and human rights maintenance. This chapter considers the transformation of policing practice in Australia and its relevance to the increasing Australian police presence overseas. By examining the impact of globalisation on the internationalisation of policing and examining the consequences for the formation of police practice norms, we can then set the foundation for the context of international

peacekeeping and the policing practices required to examined whether human rights and ethical practices are honoured and maintained.

2.1: Globalisation, policing, and John Casey's *Triangle of International Policing*

Globalisation is the term coined for the metaphorical 'shrinking' of the world, where nation states are becoming more closely linked with each other politically, economically, socially, culturally, and legally through greater interconnectedness (McGrew, 2008). In its current form globalisation is manifested through the era of 'free trade', where economic expansion has taken precedence over other global pursuits, such as sovereignty, cultural difference, and climate change (Amstutz, 2013). This is not the only sphere that globalisation has impacted. Technological advances have transformed the impact of travel and communications, allowing for information and people to move across borders with increasing ease, and combined with issues such as environmental catastrophes, climate change and disease pandemics have created wide concerns that merit academic and practitioner attention. Most importantly for this thesis, globalisation has impacted the way policing, criminal justice, and post-conflict state-building are addressed.

The need for a successful international policing agenda is reflected by globalisation; not only do matters of police interest transcend national borders (Lemieux, 2010), but crime has 'silently flourished', benefiting from the same opportunities that have allowed capitalism and trade to integrate across international markets (Findlay, 2000). Consequently, Held and McGrew (2003) argue for the need to think much more broadly about the impact of globalisation on police practice, and how crime transcends the traditional geo-political boundaries that have hindered criminal activity in the past. These processes move beyond concerns of local security; sovereign states, particularly developing nations, can struggle to deliver security, order, and peace due to the external and economic pressures triggered by the international movements in crime (Casey, 2009; Loader, 2004). Methods of criminal justice are also subject to the globalisation phenomenon, particularly where high

mobility of migration and tourism result in citizens from one nation being subject to disparate punishment in their host nation compared to the legally accepted punitive practices delivered back home (Zimring, 2001). Consequently, these issues impact police practice; since policing has historically been constructed within nation-state systems, the prevalence of transnationalisation, or the networks of interconnectedness between individuals and organisations across global borders, is an important facet of the changing face of modern policing (Palmer, Berlin, and Das, 2012; Sheptycki 2002), particularly where they can be used as opportunities for 'cultural exportation' of police practice. Such strategies demonstrate the need to recognise that policing and police practice is no longer only localised; as Chan (2005) highlights, 'the local and the global have penetrated each other'. Indeed, the AFP recognises globalisation as one of the key complex challenges facing the organisation as they move into the future of policing, particularly due to intra-state conflict, mass migration, transnational crime, and emergencies created by increasingly intensified weather patterns due to climate change (AFP, 2018; Warren & Palmer, 2015).

Modern police organisations have largely recognised the need for police cooperation between international jurisdictions, prompted by the complex security dilemmas posed by national territorial boundaries, the use of the Internet to facilitate crime, the need for cooperative police practices to promote 'top and bottom' communication between federal and local agencies, and concern for developing global standards of human rights that will enable migrants to be protected from unjust treatment by police (Kratcoski & Kratcoski, 2010). The emphasis on human rights as a forefront issue with the globalisation of policing is demonstrated by the recognition that the respect and protection of human rights is at the forefront of efforts within police training and education in many organisations (Kondoch, 2011). These standards, which are not only reflected by the UNs' concern for human rights, are also demonstrated by the concern the UN has for policing and crime, through the creation of various institutions such as UNPOL and the United Nations Office on Drugs and Crime (UNDOC). As the consequences of globalisation increase, the lines of moral accountability and responsibility are blurred, both in the context of police organisations and their obligations to engage in global policing, and the obligations of the international community to intervene to spare the innocent from harm (Elshtain, 2003). Furthermore, the relationships between nation-states as a result of geographical

proximity (or geopolitics), have been transformed by the prevalence of globalisation. Non-state criminal actors operate across national borders while evading law enforcement whether they are driven by market demand (such as drug traffickers, fraudsters and people smugglers), are politically motivated (such as terrorists), or searching for employment or a better life (such as illegal immigrants or asylum seekers) (Andreas & Price 2001). Overall, globalisation is a 'process of paradoxes' (Findlay, 2000) where the same processes of time-space compression and the aggressive pursuit of a 'global village' dominated by neoliberalism and economic profit are the same drivers of cultural and political domination from the benefiters of multinational networks. Consequently, these networks fuel levels of corruption in many political institutions worldwide and allow black market economies to flourish. It is clear from these many dilemmas within globalisation and policing that the globalisation *of* policing is multifaceted and requires consideration of more than one theme.

Casey (2010) conceptualises the globalisation of policing using the Triangle of International Policing. Figure 1 below highlights three integral points of examination. The base of the triangle is labelled *comparative policing*, which is the study and comparison of different policing structures globally. One side of the triangle labelled *transnational and international policing* refers to crimes and global disorders that call for a multinational police response that spans more than one sovereign nation state. Examples include people/arms/drug/antiquities trafficking, sex slavery, international economic crimes, cyber-crime, terrorism, and international child pornography rings; and crimes of a global calibre such as genocide, ethnic cleansing, and war crimes (Adler, Mueller, & Laufer, 2004). The final side of the triangle refers to *peace operations and capacity building* practices related to policing practice, which is of importance to this thesis as it encapsulates the various missions Australian police peacekeepers have engaged in.

Figure 1: John Casey's Triangle of International Policing (Casey, 2010).

The construction of this triangle is not arbitrary. Casey (2010) explains that comparative policing needs to be the base of the triangle as it is impossible to engage in a discourse on the processes of international policing without acknowledging the different models of police training, education, methods, and practices that exist across the globe. Understanding these differences is of particular importance to police peacekeepers and capacity builders in the pursuit of building operational capacity and respect for human rights through police reformation. It also assists with understanding the various police practices engaged in by other organisations internationally, many of which employ different standards and methods in their duties, and which furthermore contributes to the ethical and human rights-based infringements and abuses that occur in some jurisdictions. For example, data

available from the UN Peacekeeping website as of June 30th 2018 shows that the top 5 contributors to current police peacekeeping missions come from Ethiopia (8508 police personnel), Bangladesh (7105 police personnel), Rwanda (7086 police personnel), India (6719 police personnel), and Pakistan (6002 police personnel). This rather surprising number is attributed to several reasons. Using India as an example, their rationale for contributions is based on both state interest and increasing bilateral cooperation, particularly to secure investment in developing regions, while also promoting a more altruistic sense of contributing to 'world peace' (Beri, 2008). For Rwanda, the failure of the UNAMIR and the 1994 genocide seems to be a motivating factor for finding 'African solutions to African problems' towards achieving security and development, explaining Rwanda's significant contribution to UN missions in Africa. It also forms part of their interest in building a strong foreign policy, by making themselves such a strong contributor to UN missions that they have leverage in directing policies within the UN, as well as providing moral authority for their own domestic policies (Liegeois & Deltenre, 2017). As a point of contrast, Australia currently has 32 personnel deployed in existing current peacekeeping missions, with, for the first time in many years, no Australian police represented in peacekeeping missions as of September 2017 (Sharland, 2017). This is in stark contrast to higher demands for UN peacekeepers compared to those in supply (Sharland, 2016), demonstrating the potential for the gap to be filled in subsequent missions.

The structure of a mission has significant consequences for the dominant policing methods employed in peacekeeping missions. Unsurprisingly, the practices of the police and experiences of the policed differ significantly between each of these nation states. For example, in Bangladesh, despite the scope of power for the Human Rights Commission being increased to deal with human rights violations domestically, Bangladeshi police have increasingly been accused of engaging in extrajudicial killings, torture, and disappearances, which have been linked to institutional culture in law enforcement agencies (Uddin, 2017). Given their place as one of the leading contributors to police peacekeeping missions, these concerns are worth considering further, particularly due to the potential implications for human rights and ethical practice in the peacekeeping and capacity building context. It is particularly important since diversity within the structure of contributors to peacekeeping missions lessens the likelihood of civilian victimisation, and presents the opportunity for different peacekeepers

to capitalise from the experiences of their international counterparts towards operational improvement (Bove & Ruggeri, 2008). Analysing comparative policing practices then provides the opportunity to open the dialogue surrounding policing practice between different countries to allow for the pursuit of best practice in global policing.

2.2: The peacekeeping and capacity building phenomenon

The term 'peace operations' is used to describe a variety of intervention practices that intend on addressing violence and conflict and promoting support for democratic processes. While peacemaking tends to be focused on the cessation of conflict – a task which is usually discharged by the military and organized national defense forces – peacekeeping and peacebuilding tend to involve greater participation from civilian police. Generally, the term peacekeeping, which involves the direct provision of operational policing, is used. Beyond peacekeeping, capacity building practices to re-establish and develop policing are used as a long-term solution once peace has been established (Goldsmith & Harris, 2017). These definitions, according to Goldsmith and Dinnen (2007), provide a wider scope for understanding the purpose of police peacekeepers beyond police reconstruction, rebuilding, and reform (Bayley, 2006; Peake & Brown, 2005). Peacekeeping can be an effective measure to maintain peace as it involves maintaining order (where requested by the host country), the supervision of cease-fire buffer zones, investigatory measures where outside interference is alleged, reconciliation and mediation, and close observational operations where violence is likely to erupt. Capacity building has been a core rationality in almost all peacekeeping missions since 2003, and it is considered to be both the means and the ends of achieving key skills in operational policing; in the context of peacekeeping, it facilitates the construction of a functioning body of police and improving the broader criminal justice system in the host nation (Hughes, Hunt, & Curth-Bibb, 2013). It involves carrying out the tasks which are often labelled as 'reform, restructuring, and rebuilding' in transitional states using the engagement of an outside to support the development of skills and capacities of the local community to decide their values, priorities, and meet their needs (Harris and

Goldsmith, 2009). These terms are often used interchangeably, but the underlying function is clear: the purpose of these tasks is to facilitate the reconstruction of governance and infrastructure in conflict and post-conflict settings, inclusive of improving the standards within the security and criminal justice sectors (Casey, 2010).

Intra-state conflicts in a number of nations across the world, such as Somalia, Mozambique, Guatemala, Haiti, and Timor-Leste, have led to a collapse of governance and infrastructure, humanitarian emergencies, destruction of homes and towns and violent bloodshed, which all contribute to the need for humanitarian aid, peace operations and long-term capacity building (Linden, Last & Murphy, 2007). Peacekeeping and capacity building operations usually occur in the context of a failed state; however, it can also occur in the context of an invitation to address crime, disorder, or emergencies by the host country in the form of humanitarian aid, with examples occurring in nations such as the Solomon Islands, South Africa, Brazil, and Argentina (Ellison & Pino, 2012; Hinton & Newburn, 2009; Shanafelt, 2007). Gros (2003) draws the metaphor that failed states are like failed power grids; the analogy of the failure to produce electricity is akin to the political vacuum that occurs when a political power base in a nation state fails to maintain power and inevitably collapses. It is therefore in this context that peacekeeping missions can occur at the request of a state, and as a fundamental principle of the UN, with the consent of the local parties amongst which the peacekeepers must operate (Daniel, 2013) – such as with the Australian led Regional Assistance Mission to the Solomon Islands – or can occur under the guise of pursuing moral obligations to act under doctrine of the Responsibility to Protect, where states are expected to protect their citizens from mass atrocities, and where they cannot, or will not, can expect the international community to fulfil this task instead (Bellamy & Drummond, 2012; Bellamy & Davies, 2009).

The UN have deployed police personnel to peacekeeping operations since the 1960's. The first of these deployments was to Congo Leopoldville in 1960, and Cyprus in 1964, with the latter involving a significant contribution of Australian police to the 200-strong contingent (Brown, et al., 1984; AFP, 2018), and representing the first occasion where Australia committed to the deployment of a police contingent for the purposes of peacekeeping. Since then, UNPOL and civilian police have been

deployed on more than 30 missions around the world. These missions have evolved from an observational, monitoring, and reporting role to an advisory, mentoring, and training role that emphasises the need for peacekeeping operations to collaborate with domestic law enforcement through security and compliance with international human rights standards that complement the need for public safety and the Rule of Law (Hughes et al., 2013; UNPOL, 2012). This represents a two-fold impact on Australian police peacekeeping practices. Firstly, with Australia's involvement in the first police peacekeeping operations, and its continual involvement over the past five decades, Australia has contributed extensively to continual evolution of international police peacekeeping practices. With over a thousand AFP members engaged in overseas missions during that time, Australian police peacekeepers have contributed to setting the standards that are expected of police peacekeepers and capacity builders (AFP, 2018). Secondly, the processes of police building are intrinsic to successful operations, to enhance the security of the region and promote long-term adherence to legitimate practices and the rule of law (Greener, 2009). The very basis of policing institutions is the need to protect this right, to ensure that the core roles of the police are pursued effectively and conscientiously, and without interference from the current or ruling parties that allowed destabilisation to fester.

Police peacekeeping missions, while arguably necessary to prevent human rights atrocities and to promote state stability, have not always been deemed triumphant. The failure to prevent the Rwandan genocide of 1994 and the massacres in Srebrenica, Bosnia, in 1995, had largely discredited the usefulness and relevance of peacekeeping missions, leaving a vacuum for most of the 1990's where progression in the field halted (Benner, Mergenthaler, & Rotmann, 2011; Hawksley & Georgeou, 2016). This rapidly changed in 1999, when the Security Council established transitional administration in Kosovo following the disintegration of Yugoslavia and the subsequent conflict between the KLA and Serbian and Yugoslav security forces (den Heyer, 2012). Shortly after, Australia engaged in the United Nations Mission in East Timor (UNAMET) to organise and conduct the East Timor Autonomy Referendum. This was followed by additional troops send to Sierra Leone and the Democratic Republic of the Congo (Benner et al., 2011), and paved the way for a new wave of peace operations that provided for capacity building and democratic reform, and a new era in the purpose

of peacekeeping and capacity building missions for Australian police peacekeepers in the pursuit of long-term sustainability.

The UN is the largest contributor of police peacekeepers (Hughes et al., 2013). UNPOL does not have its own police organisation for deployment; rather, it relies on the contributions of member nation states (UN, 2016). This can be problematic for a number of reasons. While Australia has contributed many police officers to peace operations, as aforementioned, the most significant contributors are other nation states – in the context of Timor-Leste, for example, the highest contributors were Jordan, Zimbabwe, and Pakistan - with some of these states experiencing their own armed conflicts and serious domestic troubles (Bellamy & Williams, 2009). Furthermore, a lack of consistent universal training resulted in very different approaches to maintaining human rights and facilitating ethical practice, demonstrated particularly by accounts of dysfunctional, and even exploitative, policing practices (Goldsmith & Harris, 2012). This phenomenon is not solely connected to police peacekeepers alone but also military personnel, and international organisational and NGO staff whose purpose is to provide humanitarian assistance (Odello, 2010). For example, there were concerns raised by practitioners and academics regarding the prosecution of peacekeepers who commit criminal offences whilst deployed, as only a small number of prosecutions have occurred against a backdrop of greater offences, such as sexual assault and coercion (O'Brien, 2012; Grady, 2010). Such conduct contradicts the purpose of humanitarian assistance and principles of human rights, and furthermore, the purpose of peacekeeping and capacity building missions. If, as the UN accentuates, the fundamental purpose of peacekeeping missions is to protect human rights and engage in the promotion of human rights through capacity building and adherence to the rule of law, the social and political conditions necessary for achieving and sustaining order and peace must be acknowledged (Murphy, 2007). Peacekeepers who commit criminal offences whilst deployed demonstrate values completely incongruent with this role. Serious breaches of human rights, alongside serious failures to maintain human rights, presents a gap in both practice and research in this arena to recognise the importance of ethical practice and human rights maintenance in peacekeeping and capacity building missions. Adding to these problems is the potential impact of re-colonialism, particularly as host populations can be suspicious of the donor's motives for intervention (Murney & McFarlane, 2009).

There have been numerous attempts to address failures of the UN in preventing conflict and mass atrocities. The most prominent and influential was the Brahimi Report (2000) which was borne out of concern for finding ways to better conduct peacekeeping missions, given the complex political actors involved and the increasing number of organisations engaging in each one (Bellamy and Williams, 2004). One of the key recommendations of the Brahimi report was to provide swift and robust civilian police peacekeepers (Tardy, 2004), however locating the best participants for the task is fraught with difficulties. One hypothesis for providing a solution to this issue is increasing the recruitment of police peacekeepers from nations with high levels of human rights practices; however, contributions from these nations are often fewer than those of nations with poorer human rights records, as highlighted earlier in the chapter. Furthermore, many of the recommendations made in the Brahimi report mirrored those made in the High-Level Independent Panel on UN Peace Operations (HIPPO) report in 2015, demonstrating that critical changes had still not been implemented adequately, such as improving mandates and the need for timely deployment (Gorur & Sharland, 2016). Two further issues that present challenges for human rights remain; first, where there is a gap in providing peacekeepers, there becomes an increase in potential for private companies to fulfil that role, leading to questionable practices in light of maximising profits (Bellamy & Williams, 2004; Singer, 2003). Furthermore, the hypothesis that recruiting police peacekeepers from nations that perform highly in domestic human rights practice does not necessarily reflect an increase in human rights maintenance where the peacekeeping interventions occur; one challenge to this assumption occurred in Somalia in 1993 where Canadian peacekeepers tortured a teenager to death while sodomising others and videotaping these crimes (Murdie & Davis, 2010). Police in western nations have been implicated in many human rights violations domestically; for example, Bowling, Phillips, Campbell, and Docking (2004) found that in many jurisdictions people of ethnic and cultural minorities are more likely to be subject to intrusive methods of policing.

These issues within policing are not new; since the 1960's, scholarly writing on the police has emphasised the prevalence of police violating the basic human rights of their own citizens, through examples such as the use of excessive force (Skolnick & Fyfe, 1993; Hornberger, 2010), refusing to respect the rights of citizens and suspects through various means including false arrests (Reiss, 1971),

discriminating against marginalised members of society including racial discrimination (Heumann & Cassak, 2003; Weitzer, 2000), and surveillance abuse and police corruption (Newburn and Hayman 2002; Fijnaut & Huberts, 2002). In later research by Cunneen (2005) and Bolger (2016), it was argued that young males who were black, unemployed and/or economically marginalised, were on the receiving end of disproportionately higher numbers of exertion of police powers, stemming from the historical use of police as institutions of colonisation. This only further reinforces the need to examine how human rights and ethical practices are constructed, understood, and adhered to, by police in peacekeeping missions, so that at the very least, an understanding of their conceptualisation of human rights and ethical practice can be illuminated and the move towards better education and understanding can be achieved towards the whole spectrum of policing practice.

From an international relations perspective, the complex political structures that impact the provision of police and/or military as peacekeepers often reflects the foreign policy interests of the donor state (McLeod & Herrington, 2016). Australia's foreign policy interests are illustrated through the decision to intervene in the Solomon Islands during the Howard era between 1996 and 2007 to address regional concerns of transnational crime, and in subsequent eras, those concern have moved to address fear of terrorism, climate change, economic stability, and the challenges posed by migration and refugees, which not only impact policing, but on the future of the nation (Allan, 2013; Chambers, 2011; Bellamy, 2010). The influence foreign policy and political, economic, security agendas have on the peacekeeping agendas of Australia and the international community has a direct effect of the contribution of police to peacekeeping missions, and presents some of the many challenges still facing UNPOL today, in achieving the goals of UN peacekeeping: restoring services and infrastructure, establishing security for Indigenous population and aid workers, promoting the rule of law, reintegrating security, protecting civilians, protecting human rights, reconciliation, facilitate free and fair elections, supporting legitimate governments, and providing objective information in the process of peacekeeping operations (Daniel, 2013).

Consequently, the intended achievements of successful peacekeeping missions are intrinsically linked to the third side of Casey's triangle: international and transnational crime. While not the focus of this

thesis, its relevance to this thesis is twofold; first, preventing transnational crime was a core motivation behind the mission to the Solomon Islands, as will be discussed in chapter three, and second; conflicts in unstable states – which often result in the decision to initiate peacekeeping missions – can later yield evidence of the occurrence of international crimes such as genocide, war crimes, and crimes against humanity, as evidenced in Timor-Leste, the former Yugoslavia, and other nations experiencing conflict within Africa and Central America (Rimmer, 2009; Murphy, 2007; Cox, 2003). The implications are vast for the internationalisation of policing. First, failing and weak states present a conundrum for law enforcement in neighbouring nations as the lack of governance capacity makes these states perfect ground for opportunistic criminal syndicates to make use of the lack of governance and stability in many parts of a failing state, especially where near impenetrable geographical terrain (for example, jungles, mountains, and isolated villages) can harbour the operatives within them with little to no authoritative response (Gros, 2003). The economic vacuum that is left after the nation-state has collapsed also contributes to funding crime syndicates, where previously respectable and generally law-abiding citizens resort to bribery to maintain their economic status, often contributed to by militias and gangs who also exploit the lack of governance and infrastructure in the region (Linden, et al, 2007). Furthermore, both peacekeeping and capacity building enterprises, and organised crime structures, attempt to represent themselves as legitimate protectors within the state, while portraying the other as illegitimate criminals; the former being justified through liberal peacemaking processes and the latter thriving in the war-like conditions (Cockayne & Lupel, 2011). The struggle to provide successful missions stems from the challenges presented by the legitimacy of the peace operations process; in particular, whether the democratic values that are promoted will be recognised as an authority structure over the immediate local needs within the region.

These issues create greater dilemmas for standardising the approach to maintain human rights and ethical principles in policing practice. The next section will provide an overview of these issues in the context of police peacekeeping; in particular, it will focus on the development of democratic policing and the rule of law as the epitome for all modern police organisations. An understanding of this

construction of ideal policing practice for police reform will underpin both the human rights and ethics framework of this thesis, alongside the narratives that emerge in the analysis sections of this thesis.

2.3: Community policing, democratic policing, and professionalisation as varying foundations for police peacekeeping and capacity building practices

Historically, theorising the development of modern police practice in the western world has reflected a classical 'left versus right' dissemination, where police either adhered to right wing or so-called conservative behaviour, or left-wing policies. Conservatism was espoused in the late 1970's by the idea of police as entities of law and order, who are an effective force in the detection, prevention and solution to criminal activity, and the 'be all and end all' answer to all law enforcement issues (Reiner, 2000). In contrast, the radical 'left-wing' criminological consensus, attributed to theorists such as Richard Quinney (1977) and William Chambliss (1970), depicted police as a politically motivated, oppressive, and authoritarian force that creates criminals and crime based on their labelling agenda (Bernard, 1981). To combat this issue, radical criminologists stated that police powers needed to be reduced in order to induce a state of harmony within the community (Scraton, 1987; Reiner, 2000). In the 1990's, the quest for theorising policing practice moved above and beyond the traditional left versus right discourse, and instead the introduction of community policing and zero tolerance policing became the common paradigms of police practice, particularly in the US, the UK, and Australia. Community policing is regarded as a significant paradigmatic shift in western policing; however, the conception of community policing is vague, and it is erroneously used interchangeably with its parent paradigm of democratic policing, which will be further explored in this section.

While no one clear definition for community policing is accepted within the academic community, it is best described as 'the concept that police officers and private citizens work together in partnership to help solve contemporary community problems related to crime, fear of crime, perception of crime, social and physical disorder, and neighbourhood decay' (Casey, 2010; Brogden & Nijhar, 2005;

Trojanowicz & Bucqueroux, 1990). While community policing in its current form is usually attributed to police reform in western nations in the 1970s and 1990's, it can trace its earliest foundations to the Middle Ages in the kingdoms that now form Great Britain. Rawlings (2003) explains that legal duties imposed by the Crown on members of the community required them to pursue offenders and hold them accountable, known as the 'hue and cry'. In this form of 'community policing', victims could be compensated by their community as the community held an obligation to prevent offending through an early form of 'neighbourhood watch' in their towns, and to police offending through the apprehension of offenders. Community policing has undergone significant shifts towards legitimacy and formalisation since these more archaic practices and has formed the dominant model of policing implemented in recent decades within the Australian, British, and American contexts, and is also heavily espoused by the UN (Ellison & Pino, 2012; Brogden & Nijhar, 2005). Community policing's philosophy is closely linked with the concern for public reassurance, problem solving, and responsive policing that integrates with concerns held within the community (Casey, 2010), and as a consequence of this, with human rights. Achieving police legitimacy is of significant concern here, where community members agree that respect, neutrality, trust, and voice, are provided and facilitated by police (Goodman-Delahunty, 2010). Furthermore, community policing has paved the way for partnership policing, with recognition that policing is performed by a range of actors outside of uniformed police (Dinnen & Peake, 2015), including community-based organisations and private security.

To this day, community policing initiatives have been touted as tokenistic in the Australian context (Sarre & Prenzler, 2018), and have faced levels of criticism from academics and practitioners alike since its formal inception. The aforementioned benefits of community policing are problematised by more than the lack of consistency underpinning its definition, although Manning (2010) contends that without a definition for community policing it is difficult to satisfactorily assess its implementation let alone its effectiveness. Bayley (1991) outlined a number of rising issues with the underlying premise of community police officers as 'agents of community development', stating that this blurs the line between the private and public lives of citizens which in turn has the potential to weaken the rule of law through avoidance of conflict for fear of unpopularity with community members. From a wider structural perspective, police cannot change many of the conditions that impact offending and public

order, such as employment, housing, public health, infrastructure, and the family environment, particularly in isolated communities, yet community policing necessitates their input in these areas. Using an Australian example, Bayley argues that community policing has the potential to reinforce the negative experiences of police-minority interactions, particularly where police in outback towns are more heavily dependent on the cooperation of locals who will step in to help and may be adverse to acting in a way that would minimise their support (p 233). Bayley further argues that community policing potentially undermines professionalism and places heavy weight on discretionary 'ends-based' practices as opposed to adherence to the 'means' or rules-based approach to policing. Conclusively, Bayley argues that community policing requires police organisations to recruit and train police with a strict and explicit moral code, with external and systematic monitoring of its effectiveness, to ensure the success of this major paradigmatic shift in policing.

Nevertheless, the idea of community policing required police to represent the demographic being policed, reflecting the idea that police were 'citizens in uniform' and would be well equipped to fulfil their primary roles as peace-keepers and first responders to ordinary crime. This model emphasised the importance of pursuing an apolitical nature of police as defenders of the law and not as tools of the government. The use of force, while still a legitimate function within the nature of police work, is used only when all other methods of encouraging compliance have failed, and any use of force is required to be justifiable and proportionate (Reiner, 2000). Within community policing, accountability is central to the legitimacy of police work and such work can be scrutinised by the public. Given that community policing has flexible and broad political ideas that are enticing in unstructured contexts, it has been the choice model for international police reform and continues to be promoted as such today (UN, 2018; Murphy, 2007).

Democratic policing shares some commonalities with aspects of community policing. Both are concerned with liberal ideologies of equity, accountability, the rule of law, human rights, and community participation. It draws from the premise of democracy, which, like the definition for community policing, is contested within scholarship. The overarching consensus is that democracies are systems of government where all citizens are given equal opportunity to participate in society

collectively and engage in a representative process that supports freedom and human rights for all, and where the government represents the people (Pino & Wiatrowski, 2006). Democratic policing promotes the enforcement of the right to not be subjected to cruel and degrading treatment, and to instead promote police accountability, addressing community needs, transparency, and adherence to human rights protection as the core function of policing (Casey, 2010; Goodman-Delahunty, 2010; Kendall, 2008; Neyroud & Beckley, 2001). Bayley (2001) highlights four integral reforms for democratic policing to occur. First, the police must act and be accountable to the law as opposed to enforcing arbitrary orders provided by the ruling elite. This reinforces the separation of powers that is inherent within the rule of law, as police are tasked with applying the law independently of political influence. Second, police should be tasked with safeguarding the rights of individuals in society, to conduct basic human rights such as freedom of movement and association, freedom of speech, and protection from arbitrary enforcement. Bayley acknowledged that this requirement is paradoxical; police do not create the law, as this is done by parliament, and sometimes these laws may require police to act forcefully. However, as noted by Sheptycki (2000), human rights-based policing is founded in legitimate processes of accountability and consent by the public they police. Third, the police must be held accountable by public organisations, such as governmental and non-governmental bodies, the media, the courts, and the wider legal system. Both the individual and the organisation as a whole should routinely be meaningfully assessed and held to community standards. Fourth, the police must primarily serve the interests of the public, instigated by orders of the public, such as through the use of emergency phone calls to the police. This facilitates the processes of legitimacy and accountability as it reinforces the daily need for police to exercise their powers, and the 'responsive, service-oriented' approach to policing that promotes democracy in practice. This pursuit of human rights and social justice makes democratic policing appealing within the pursuit of police reform, as does its pursuit of gender inclusivity and fostering the well-being and safety of individual police officers (Casey, 2010; Pino & Wiatrowski, 2006). In post-conflict settings, such as Timor-Leste and the Solomon Islands, the cultivation of democratic policing processes must coincide with wider socioeconomic, legal, and political reform; democratic policing practices can only work in symbiosis with broader democratic systems in place (Neild, 2001).

The implications for transferring these models to post-conflict transitional societies are complex. For example, in police peacekeeping missions, a large number of the police present do not overtly represent the demographic being policed, and the implications for recolonisation processes are evident, particularly where dominant value systems in post-conflict states have been more effective and accessible to the local populations (Baker, 2009). These challenges are further presented by imposing community policing models on the transformation of post-conflict societies; the cultural and contextual limitations presented by the vigilance, instability, and lack of structure and infrastructure for sustainable development in these settings; and a lack of rigorous evidence that community policing is successful even in the western states in which it is most promulgated (Brogden and Nijhar 2005; Murphy, 2007; Ellison & Pino; 2012). Overall, the transferability of both democratic policing and community policing models is challenged by academics such as Shilston (2015), Murphy (2007), Pino and Wiatrowski (2006), McLeod (2009), and Brogden and Nijhar (2005); combined, they raise some key issues that are problematic for attempts to universalise community policing and democratic policing principles as models for reform in police peacekeeping and capacity building missions.

First, in situations where conflict and war are pervasive, and where police are – or at least were - instruments of the regime that local populations have suffered under to begin with – host populations are still wary of the methods implemented by 'outsiders' coming to their communities. While many are grateful for the move towards democratic processes (such as the facilitation of free elections in Timor-Leste), and look enthusiastically towards a strong future of peace and prosperity (Kammen, 2009; Edwards & O'Donnell, 2011), members of the pre-reform police organisations tend to be suspicious of the motives and consequences of democratic reform. They often require a complete rehauling of personnel to instigate real change, and the external accountability measures promoted by community policing and democratic policing methods can be counter-productive (Murphy, 2007). Second, *implementing* community-oriented policing is further complicated where there is a lack of human, social, economic, and cultural capital (Pino & Wiatrowski, 2006), and is even more problematic in countries where vulnerable members of the community have experienced disproportionate over-policing and violence from police, with examples prevalent in much of Latin America and South-East Asia. This is further problematised by consistent inequalities within the various ethnic groups that lack

real representation in the formation of police organisations in these contexts (Murney & McFarlane, 2009; Murphy, 2007). Third, many community policing and democratic policing programs have been packaged by the major providers of international police development, such as the UN, without recognising that many local populations, police included, require the 'basic necessities of survival and development' before such methods can be implemented successfully (Clegg & Whetton, 2000). This leads to a lack of cultural and contextual transferability, with the lack of tailoring of community-oriented policing to the particular needs of the host state, instead relying on packaging western democratic ideals of community policing as universally applicable, thereby short-changing the host state and imposing values that are foreign to them (Shilston, 2015; McLeod, 2009; Brogden & Nijhar, 2005). A final issue is the conflation of community policing and democratic policing, asserting that both academics and practitioners have connected community policing and democratic policing due to the appeal of the former as ideal for facilitating inclusiveness and partnership, and due to the sheer complexities of implementing the wider democratic reforms necessary for democratic policing to meet sustainable long-term goals (Shilston, 2015). These problems raise further questions about to whom do police building and reform measures serve; in the case of the Solomon Islands and Timor-Leste, criticisms about the efficacy of police building and aid programs resulted in reformulation of aid practices to achieve both the desired ends and to give 'Australian taxpayers' the view that they received 'value for money' on the use of tax dollars towards regional security (McLeod & Dinnen, 2007).

Despite emphasis on the limitations and outright failures in implementing community-oriented policing and democratic policing as the same in international police development, the parallels between community policing and democratic policing continue to be made in policy and research (Celador, 2005). This conflation results in significant implications for the use of community policing practice and a democratic policing model when considered in the context of human rights-based policing, particularly as all of these terms are founded in western constructions of philosophy and practice, and as both models are espoused as facilitators of human rights practice. Firstly, most literature on policing tends to preference the liberal-democratic policing ideals espoused in western nations, contrasting with evidence that demonstrates the use of police to impose the edicts of the

ruling class to exercise control of local populations, as opposed to serving the needs of the community as is required under a community policing model (Chappell & Evans, 1999). In their critique of police culture, Bowling, Phillips, Campbell, and Docking (2004) highlight the problem of discrimination, xenophobia and abuse of power in police organisations and suggest that by focusing on community-oriented policing, and on the development of social skills as opposed to physical skills during recruitment, police organisations can provide better tools for domestic policing practice (and as a consequence of this for peacekeeping and police reform) through methods such as conflict resolution, communication, and de-escalation (Robinson, 2015). Furthermore, the UN continues to promote the need to prioritise community-oriented policing in peacekeeping and capacity building missions, emphasising the strengths of employing this method of policing practice as a standardised system. The primacy of this approach is evident in the UN's most recent manuals for peacekeeping operations, all of which promote the aforementioned standards of trust, inclusivity, resilience, information sharing, and consultation and mobilising of local communities as intrinsic to international police peacekeeping and capacity building operations (UN, 2018, UN, 2017; UN, 2015). Pino and Wiatrowski (2006) argue that despite the problems that arise from conflating community policing with democratic policing, it is possible to include the human rights-based and accountability mechanisms from within community policing principles as part of a democratic policing framework within international police development missions. However, intrinsic to this task is the development of a strong civil society within these contexts; 'mature' democratic political governance is integral to creating a sustainable and stable police organisation (Murphy, 2007). Given that strong civil societies tend not to require international intervention, acknowledging the conflation of community and democratic policing must be considered if successful 'ethical' human-rights based police organisations are to be built in the host nation.

Murphy (2007) suggests the alternative approach of police professionalisation as more appropriate to initial efforts to pursue effective international police reform. According to Murphy, professionalisation addresses some of the shortfalls of implementing community-oriented policing in transnational settings, such as limited mandates, inadequate leadership, and disorganisation as a result of the mixed methods of police and policing practice. Originating in the 1930's reform era in America, it has been

equated synonymously with internal accountability measures, a rigorous selection and training process, and crime-control oriented approaches to police practice. Murphy suggests that professionalisation, while not a complete remedy to the problems with contextualisation and applicability, can help prepare for long-term democratic change. For example, emphasising scientific, rationality-based and legalistic policing facilitates the implementation of capacity building in transitional societies, such as through the development of better forensic practices, investigatory skills, and use of technology. Kleinig (1996), Miller (2002), and Hughes (2012) attribute the professionalisation of police practice as intrinsic to the pursuit of public goods and needs, such as the achievement of justice and health, just as other professions such as medicine and law attempt to provide. Furthermore, good management practices contribute to the success of professional standards in policing, further reinforcing the idea that self-governance is achievable (Grieve, 2012). Critics of the professional model cite problems with a lack of external accountability, given that the professional model advocates for self-governance. Some research has also criticised the capacity of professionalisation processes to deal with the corruption and arbitrary use of force that it set out to remedy. Despite these criticisms, professionalisation is seen by Murphy as a 'first step' towards sustainable democratic change in post-conflict and transitional societies such as Timor-Leste and the Solomon Islands. Furthermore, the professionalisation of the police has been increasing in western discourse comparative to community-oriented policing, reflecting the particular education, training, and skillsets required to complete the task (Green & Gates, 2014). Self-regulation is intrinsic to ethical analysis as establishing codes of ethics, conduct, or practice form part of the professionalisation process as it is 'associated with measures towards greater accountability using rules and norms that echo democratic ideals' (Cawthray, Prenzler, & Porter, 2013).

The competing interests, ideas, and methods espoused by the promulgation of community-oriented policing, democratic policing, and the professionalisation of police, naturally impact the understanding of, and contribution to, peacekeeping and capacity building practices of individual police peacekeepers. As examined by Goldsmith and Harris (2009) in their aforementioned interviews with Australian police peacekeepers, the sheer diversity of background experience made it difficult for police peacekeepers to unilaterally implement any one method of practice. This further impacted the

perception that participants had regarding the competence of their police counterparts, whose backgrounds in policing differed from their own, and, in some cases, were disinterested in engaging in 'real' police work. For example, 'a number of officers' were frustrated by the refusal of some police from the Bangladeshi unit to assist police in other areas. One participant expressed their frustrations at the lack of 'work ethic' of officers from other nations, and another expressed how the UN's policy of ensuring balanced representation of police from contributing nations led to fundamental challenges in unifying police philosophy and practice during the Operation Serene period. The lack of interoperability, as highlighted by Goldsmith and Harris (2009), led to their interview participants to feel that they were working 'alongside' their international colleagues, as opposed to working 'together'. The substantial difference in fundamental roles and practices resulted in the need to improve 'coherence, cooperation, and competence' in all areas of interoperability; something very difficult to achieve long-term when contributing nations may not engage with the same ideologies as those espoused by democratic police reform.

Summarily, many prominent academics whose work has encompassed the development of police methods used for police peacekeeping and capacity building missions, such as Murphy (2007), Pino and Wiatrowski (2007), Brogden and Nijhar (2005), Goldsmith and Sheptycki (2007), McLeod (2009), Bayley (2001), and Neild (2001) suggest that the best solution for successful and sustainable police reform is a contextualised and tailored approach that provides for the needs of the specific location that is being policed. While elements of community-oriented policing, democratic policing, and the professionalisation of policing can be useful to this end, they cannot be implemented as a pre-packaged one-size-fits-all approach to reforming such levels of conflict and fragility as is present in transitional states. More importantly, long-term sustainability for ethical practice and human rights maintenance cannot be achieved if not legitimised and applicable in the context of the host nation.

2.4: The development of human rights and ethical standards within international policing, peacekeeping, and capacity building

A consistent theme in the previous section of this chapter was the relationship between many of the principles within democratic policing and community-oriented policing, and adherence to ethical and human rights standards. Human rights contain mechanisms for balancing individual and particular rights with those of the collective, and the basis for human rights is deeply rooted in historical scholarship. Considered to be a 'universal moral minimum' as a 'precondition of moral decency' for all people, they include positive rights *for* welfare and basic human needs such as health care, education, housing, food and water, sanitation, and justice, as well as negative rights such as the right to freedom *from* torture, abuse, slavery, arbitrary imprisonment, and arbitrary confiscation of property (Rodin, 2012).

The origins of human rights are a matter of academic debate; for example, Menon (2010) attributes its foundation to the English political philosopher John Locke who argued that human rights are natural and God-given, and that we possess human rights by the simple virtue of being biologically human. Pagden (2003) further reinforces this view through the concept of human rights as the product of natural rights which originated during the European agenda of legitimising the establishment of colonial empires. Kleinig (1996) draws on social contract theory to emphasise that the single commonality between all bearers of human rights is their deep connection to social structures and inherited traditions, based on culture, language, politic, and morality. A number of scholars, including Singh (2010), Robertson (2008) and Ignatieff (1999) have argued that the human rights ideal came to the forefront as a result of the Holocaust and the insecurity facing humanity after World War Two; contrarily, Moyn (2010) challenges this notion and argues that human rights was only a small part of the wider pursuit of post-war reconstruction. Ishay (2008) takes a more historical approach to the development of modern human rights; arguing that there are both religious and secular values permeating human rights, and that in particular, Judeo-Christian values took primacy, privileged by the inception of colonialism and capitalism before transforming into the liberal ideals we see today.

Altogether, the many conceptions of the origins of human rights ultimately lead to the pinnacle document of the UDHR. Agreed upon by 51 nation states during the early years of the UN as the most universally accepted global authoritative entity, the 1948 doctrine outlines 30 collective rights that all human beings are entitled to, supported by secondary agreements such as the International Covenant on Civil and Political rights (ICCPR) encompassing the right to life and the prohibition of torture; the International Covenant on Economic, Social and Cultural Rights (ICESCR) encompassing the right to work, education, welfare, health and well-being; and numerous conventions and regional treaties that outline the fundamental rights of all persons including collective rights to sustainable development and a healthy environment (Frezzo, 2015). Member states of these treaties are bound to ensure that the rights promoted under them, along with the observation of human dignity and respect, are universally applied regardless of ethnicity, gender, sexuality, and religion, while the UN is tasked with addressing international peace and security, cooperation between states, and collaboration between nations to solve global problems (Taylor & Curtis, 2008).

Protecting human rights is intrinsic to the core function of policing in a democratic society, particularly as police have the power to both facilitate and negate human rights (Jolicoeur, 2018), and this is a long-standing issue facing police. In the 1963 *United Nations seminar on the role of police in the protection of human rights,* held in Canberra, chief organiser Dr John Humphrey emphasised that police are sometimes guilty of violating human rights, while also being capable of protecting human rights (Myrtle & Finnane, 2011). Greene (2010) emphasises this point by recognising that police can 'give life' to human rights and can transform them from ethereal concept into practical reality, particularly in the way they choose to affirm or deny them to those they encounter. As Greene noted,

> *"At its best, policing is a noble undertaking, protecting, defending, reassuring, calming, and restoring the social order as well as the dignity of individuals—victims, offenders, and the community at-large. At its worst, policing eschews democratic principles, rather favouring brute and indiscriminate force, ultimately trampling human rights. If you were to Google "police and human rights," you would come away with a tainted view of the police—violation of human rights, use of excessive force, and a disconnection from the principles of democratic governance. Of course, you would view policing through its failures, not its potential successes."*

Given that police are more or less formal agents of social control, they have much influence and control over the processes of implementing human rights, particularly as they are broadly and imperfectly connected to the 'quintessential tenets of broader human rights protections' (Jolicoeur, 2018; Crawshaw, 1998). Contrasting with the community principles of de-escalation in police practice, police are also tasked with the ability to use force if necessary, demonstrating a paradox in the use of police functions, especially in relation to human rights. While Crawshaw (et al 1998) argues that maintenance of human rights is a main function of the police, the nature of police work itself often requires the use of force to uphold the rights of people, also called the issue of *proportionality* (Sheptycki, 2000). Community policing has been deemed a practical answer to this issue, particularly through the notion of fostering community partnerships and facilitating transparency and accountability through external review (Eterno & Silverman, 2018), however as established in the previous section this can be difficult to govern across jurisdictional borders on the international scale. Furthermore, the emphasis on achieving ethics within reforming police organisations has failed to facilitate any meaningful change in the scale of use of force, in increasing integrity, and in combatting corruption within some western countries that promote human rights (Pino & Wiatrowski, 2006). In the Australian context alone, royal commissions into policing organisations have demonstrated that there have been significant issues with corruption, accountability, and integrity of individual officers, as well as problems with overall police culture, that have implications for the basis of encouraging a culture that promotes ethical practice and human rights maintenance within those organisations (den Heyer & Beckley, 2013; Prenzler, 2009). Despite these issues, human rights remain a key component of police ideology (Kendall, 2008) which has significant implications for police peacekeeping practices, and which are legitimised through interstate and intrastate actors negotiating the processes of donor police within the host nation (Ellison & Pino, 2012; Wills, 2006).

Underpinning these issues is the promotion of the rule of law which is considered to be a fundamental principle that law and justice organisations need to adhere to in order to achieve true democratic policing and to successfully prevent human rights abuses from occurring. The rule of law states that nobody is above the law; the law applies equally to all in society; nobody is subject to punishment except for a definite breach of the law as determined by the courts; and the process of the courts

should be free from parliamentary and outside influence in making their decision ((Grant, Grabias, & Godson, 2007; Thomas, 2000). The rule of law is universally espoused as an expectation of policing; to be fully accountable to the rule of law, police need to treat victims, offenders, witnesses, and the wider community with dignity, respect, and fairness (Wiatrowski et al., 2007). Adherence to the rule of law is a facet of all of the aforementioned models of policing. The AFP acknowledge that 'the fundamental purpose of policing is the protection of human rights' (AFP, 2018), demonstrating human rights maintenance as a key component of future police operations. Democratic policing and the paradigms of police professionalisation and community-oriented policing all place primacy on the elements of the rule of law that facilitate legitimacy, accountability, and ultimately the maintenance of human rights and ethical practice as congruent to police work.

The connections between human rights and ethical standards can plausibly trace its origins to the globalisation phenomenon and its pursuit of universalising democratic norms (Hagan & Ivković 2006) and can draw on specific connections made in research into policing over the past two decades (Ashworth, 1994; Beckley, 1999; Neyroud & Beckley, 2001). Adherence to both ethical standards and human rights permeate through every aspect of policing; while human rights are a primary agenda for most nations globally, ethical decisions are made daily by individual police officers facing dilemmas involving whether to apply discretion, to accept gratuities, or to prioritise competing calls for assistance to threats and harms while negotiating doing so with limited resources (Prenzler, 2009). These limited examples only reflect a small portion of the variety of ethical dilemmas faced by police, and the overarching principles used for ensuring that police officers, and organisations, facilitate the provision of ethical practice and that they embody the ethical standards expected of policing officers and the organisations they are employed by. As a part of this, promoting the rule of law through human rights and peace-keeping activities became a core function of the development of the UN's goals in post-conflict societies, and the pursuit of a universal ethic for police officers to adhere to. Two key documents codify the expected behaviour and conduct of police officers universally. The first is the non-binding *UN Code of Conduct for Law Enforcement Officials* formally adopted by the UN General Assembly in 1979, and the second is the *International Association of Chiefs of Police (IACP) Law Enforcement Code of Conduct* (2009). The former centralises human rights as a foremost

requirement of law enforcement, with specific reference to strictly limiting use of force, advocating for proportionality, and requiring custodial officers to facilitate the provision of medical care where needed. The latter pays close attention to the conduct of individual officers and the pursuit of integrity. Both documents prohibit corruption, require police to protect sensitive information, and to continually work towards improvement in professional performance (Cawthray, Porter, & Prenzler, 2013). In academic scholarship, these codes are frequently referred to when engaging in research on prominent ethical dilemmas in police practice. Other government and non-government organisations have compiled their own handbooks for law enforcement agencies and policymakers to use, such as the *International Rules and Standards for Policing (2015)* by the International Committee of the Red Cross, INTERPOL's *Code of Conduct for Law Enforcement Officers,* and the UNODC's *Handbook on Police Accountability, Oversight, and Integrity (2011).* Each of these codes and handbooks place ethical practice and human rights maintenance at the forefront of police practice; and, just as importantly, they demonstrate the international agenda towards mainstreaming ethics and human rights in peacekeeping and capacity building missions.

From an international relations perspective, the pursuit of achieving practical human rights as the moral responsibility of all nations across the world is collated into an agreement called the UN Sustainable Development Goals, an 'ambitious plan' that sets out to promote the pursuit of improved economic, health, governance, environmental, and infrastructural opportunities, and builds upon the Millennial Goals of world leaders committing "to combat poverty, hunger, disease, illiteracy, environmental degradation, and discrimination against women" (WHO, 2018). The 16th Sustainable Development Goal is the provision of peaceful and inclusive societies, access to justice, and accountability of all institutions of governance through the reduction of violence, insecurity, transnational crime and human rights abuses and the facilitation of the rule of law, human rights, and implementation of global governance in developing and transitional states (UN, 2015). The UN promote the feasibility of the pursuit of these goals through globalisation, suggesting that the interconnectivity facilitated by globalisation provides the foundation for partnerships between institutions and nation-states to achieve these goals. This goal is not without its challenges; Singh (2010) highlights the conflict between globalisation and human rights as creating easier opportunities

to the oppressive violations of nation states, while, somewhat paradoxically, 'enhancing sensitivity' towards human rights practices at the same time. The concept of the Responsibility to Protect (R2P) is one such example of the recognition of the moral responsibility states have to people and that human rights and humanitarian assistance must take precedence in states where violations such as genocide, ethnic cleansing, war crimes, and crimes against humanity occur. Agreed upon in 2005 by 192 heads of state, R2P is framed within three pillars: that the international community has the responsibility to prevent atrocities from occurring, the responsibility to react when they do occur, and the responsibility to rebuild war-torn societies (Schnabel, 2012; ICISS, 2001). While R2P places the onus of first response on the nation-state, the challenge presented here is that R2P is concerned with intervention by other nation-states to prevent the atrocities and abuses against the citizens of another country, which is exactly what is required in coercive peacekeeping missions. The challenges for practitioners on the ground are broad given the complex rationalities that drive the moral imperative for intervention in the first place, framed by varying implicit and explicit agreements to maintain human rights in conflict regions, and the moral requirement to pursue ethically sustainable goals, means, and ends in intervention (Amstutz, 2013; Cohen, 2012; Murray, 2012).

To draw from the previous section, it is clear that the fundamental importance of the rule of law in any civil society must be maintained. Since police represent the interests of the individual and the state, democratic policing and the rule of law are congruent with the means and ends of maintaining human rights and ethical practice. According to Marotta (1999) Article 29 of the UDHR can be considered as a 'mandate for police in modern democracies':

> *'In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respects for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.'*

Under article 3 of the UDHR, the right to life is stated, and this right is most affected by the use of force. Two instruments have been put in place to protect people from abuse of force and to outline the conditions in which police can use force: *The Principles on the effective Prevention and Investigation of Extra Legal, Arbitrary and Summary Executions*; and the *Basic Principles on the Use of*

Force and Firearms by Law Enforcement Officials. While neither instrument is a legally binding force it is important to note that compliance with such documents can ensure the protection of life while performing policing duties (Crawshaw et al., 1998). Deprivation of liberty is another article 3 protocol that is impacted by police powers; as discussed before, scholarship on police in previous decades has emphasised a prevalence of the abuse of people in detention, which is considered a violation of human rights under article 5 of the UDHR. When the Code of Conduct for law enforcement officials was adopted by the UN General Assembly in 1979, it included the precept that stated 'like all agencies of the criminal justice system, every law enforcement agency should be representative of and responsive and accountable to the community as a whole' (Crawshaw et al 1998). While this resolution only made a concise number of recommendations about law enforcement and is not legally binding, it reflects the idea that community policing is complimentary of the articles expressed in the UDHR (Crawshaw et al., 1998).

This line of enquiry is extended by Loader (2006), who draws attention to human rights and policing. In the peacekeeping and capacity building context, police operations in weak and failed states are, at least ideologically, underpinned by the expectation that police must promote the rule of law, human rights, and support for the development of democratic institutions. This expectation contrasts with the roles police are expected to perform in traditionally developed democratic nations, with Australia among them. As he poignantly states, "When, after all, did one last hear a U.S., of British, or Italian police officer proclaim that his or her job is to contribute to 'democratic police development' or see protecting the rule of law and respect for human rights listed as one of the police's core functions?" The police have, in fact, been implicated in many violations of human rights, as discussed in the previous section. It seems that continual development of democratic standards – perhaps through reflection and revisiting domestic policing norms – must be required in order to facilitate the rule of law and appropriate practice internationally.

Given that the UN emphasises the pursuance of the rule of law as a moral and operational imperative for every nation state, it becomes ever more important that the transference and universalisation of human rights in policing naturally and logically must pursue the peacekeeping and capacity building

agenda, especially given the focus and pursuit of democratic police reform in post-conflict societies. As insisted by Miller (2010), since police work ought to be guided by moral considerations, it is reasonable to expect that police peacekeeping ought to be guided by those same principles.

2:5: Chapter Conclusion

The globalisation phenomenon has challenged police organisations to look beyond their immediate jurisdictions and consider the impact of crime, disorder, and conflict in regions beyond the borders they are tasked with policing. Concern has moved beyond Australia's borders, and the practices of peacekeeping, capacity building, and humanitarian intervention have complicated discourse around appropriate police practice in culturally and historically diverse locations, legal and moral obligations, and the roles of police in positioning themselves in this phenomenon. The progression beyond zero-tolerance styles of policing to more cohesive methods, founded in concern for the needs of the public and the democratic styles of policing that adhere to human rights and accountability to the community, continue to penetrate expectations of police at home, which in turn influences their methods abroad. The continued espousal of community-oriented police practices as appropriate to police peacekeeping and capacity building that Australian police are tasked with engaging these methods, especially as they reflect the expectations the UN places on the police, and it is clear that Australian policing history has developed in accordance with the policing values espoused in the Brahimi report and in the guidelines set by the DPKO, the UNHCHR, and UNPOL. Despite this, there are still significant gaps in human rights maintenance and ethical practice in policing within Australia that can delegitimise the contributions Australian police can make abroad. While acknowledgement of these issues is raised in policing research, police peacekeepers themselves are often absent from research on what they feel they contribute to this phenomenon, and what strengths and limitations are presented by their experiences. By employing the opportunity for participants to reflect on their contributions within this research, it will accentuate the practical contributions and limitations to police work in this field.

Chapter 3 Context: Australian Police Peacekeeping and Capacity Building in Timor-Leste and the Solomon Islands

This chapter will examine the context of Australia's deployments by exploring the basis of police peacekeeping and capacity building in Timor-Leste and the Solomon Islands. The second part of this chapter will examine the organisation relevant to this research: the formation of the Australian Federal Police, providing a backdrop for exploring the organisational culture, relationships with state policing, and their involvement as the primary responders to international policing efforts. This will be conducted in conjunction with examining the formation of Australia's many police organisations in order to demonstrate the complex jurisdictional and practical limitations of state and federal policing, and the recognition of the benefits state police experience brings to federal and international policing initiatives. The conclusion of this chapter will consider each conflict and its relationship to Australia's regional concerns, which will provide a further foundation for exploring the ethical and human rights dilemmas posed by this complex phenomenon.

Two significant peacekeeping missions that Australian police have participated in are the five UN interventions commencing in Timor-Leste in 1999, and the Regional Assistance Mission to the Solomon Islands (RAMSI) commencing in 2003. While these are not the only missions Australia has participated in – Australia has contributed to missions in Cyprus, Rwanda, Cambodia, Somalia, Haiti, Mozambique, and Bougainville – these two missions are significant because Australian police peacekeepers were the primary hosts. As such, the missions in Timor-Leste and the Solomon Islands constitute major Australian police peacekeeping interventions in the 21st century (UNOPAA, 2016). As case studies, Timor-Leste and the Solomon Islands are both pertinent to researching Australian police peacekeepers while providing contrasting perspectives on both their purpose and methods of governance. While each mission to Timor-Leste served the purpose of achieving successful independence for the Timorese people, the RAMSI mission to the Solomon Islands served the purpose of preventing total disintegration of the criminal justice system.

As previously discussed in chapter two, a multitude of political, economic, and security reasons contribute to Australia's involvement in the conflicts presented in these regions. First, political instability in close quarters to Australia represented a threat to economic stability in the Asia-Pacific region. Second, the responsibility to protect – a notion which will be examined in this chapter – placed Australia at the forefront of responsibility for dealing with the occurrences of violence and conflict in unstable parts of the Asia-Pacific region. These key factors that motivated peacekeeping missions need to be understood in order to provide a contextual basis for police peacekeeping and the role Australian police play in this domain, particularly with the complexities presented by the human rights agenda. As Australia continues to publicly deny human rights to refugees through policies with neighbouring nations regarding offshore detention; coupled with domestic failures in human rights, particularly the problems presented by the overrepresentation of Indigenous Australians in the criminal justice system and a lack of legislated human rights within the nation (Cunneen, 2001; Cunneen, 1999). Nevertheless, it is clear that despite the sheer breadth and depth of ethical dilemmas within the motivations behind, and practices within, peacekeeping missions, Australian police are expected to promote human rights as a core function of their involvement in the task. The following sections will examine the two focal peace operations explored in this thesis: Timor-Leste and the Solomon Islands.

3.1: Timor-Leste – 1999 – present

Timor-Leste, previously known as East Timor, comprises of the eastern half of the island of Timor, as well as a small landlocked region called the Oecusse enclave in the north, approximately 480 kilometres north of Australia in the Timor Sea. In 1859, the island was divided between the Dutch and the Portuguese, with the former taking the western half and the latter taking the eastern half. In 1945, after a bloody occupation of the island by Japanese forces in World War Two, Indonesia proclaimed independence from the Dutch, and the western half of the island became part of Indonesia. In 1974 a movement to become independent from the Portuguese took hold in East Timor, but that movement

was short lived and civil war marred the nation, with the Portuguese administration leaving the nation. An independent East Timor was declared, but importantly, it was not recognised by Portugal, which meant the UN did not recognise it as a separate nation (McCloskey, 2000). This, coupled with the relatively silent response to the murder of three Australian and two British journalists, dubbed the Balibo 5, and the murder of a sixth western journalist, gave Indonesia the de facto 'green light' to invade East Timor, which commenced on the 7th of December 1975 (Toffee, 2000; O'Shaughnessy, 2000). Western leaders such as US President Ford and Australian Prime Minister Whitlam failed to caution Indonesia's President Suharto against invading East Timor and largely ignored the plight of the East Timorese people, for a multitude of reasons. First, Indonesia's President Suharto presented an opportunity for alliance with the western powers, due to his regime's favour towards neo-liberal economic policies after his bloody overthrow of the previous 'communist' leader of Indonesia, President Sukarno. Second, Indonesia's geographical location placed it at the forefront of addressing the 'domino effect' of communism since the end of the Vietnam War. Finally, Indonesia's control over Timorese natural resources opened the door to trade negotiations for oil and gas reserves with a dozen nations, among them Australia. While Suharto pursued investment in health, education, economic development and infrastructure, those same systems facilitated access by the Indonesian military to villages that would curb resistance measures and undermine the independence of the East Timorese, continuing a conflict that would last 24 years, involving violence, murders, and genocide, resulting in the deaths of at least 100,000 East Timorese people (Braithwaite, 2013; Moxham & Carapic, 2013; Lothe & Peake, 2010; McCloskey, 2000).

The Timorese resistance did not give up their push for independence. Both major East Timorese parties, Fretilin and UDT, argued for an independent East Timor, although they differed on their policies which resulted in Indonesia advantaging the political hostilities within East Timor to the end of eventually annexing the nation (Fernandes, 2010). Throughout the 24-year period, violence between the militias and the Indonesian military continued. The Santa Cruz cemetery massacre represented a turning point towards 'international disgust' after a film crew caught on camera the murder of 200 demonstrators by the Indonesian army (Braithwaite, 2013), with footage smuggled out of Indonesia and airing in Australian in 1992. Within Indonesia, President Suharto resigned at the

culmination of international pressure due to the killing of student protestors at Jakarta's Trisakti University and the systematic campaign of murder and rape of Chinese women with President B.J Habibie as replacement (Fernandes, 2010). Finally, in January 1999 Indonesia proposed a referendum which would give the East Timorese people the opportunity to vote for special autonomy from Indonesia, or full independence. The referendum returned a majority result towards full independence from Indonesia. Almost immediately pro-Indonesia militias descended the nation into violence, resulting in large-scale casualties and the destruction of 70% of the infrastructure (Lothe and Peake, 2010). After international pressure was placed on Indonesia to allow INTERFET to address the violence and conflict disintegrating the island, Australia led the international mission into the East Timor (Hood, 2006). This represented the use of coercive measures on the Indonesian government to permit the Australian-led force into East Timor through the withdrawal of IMF and World Bank loans and the threat of a breakdown in diplomatic relations as a result of the APEC forum in Auckland and the UN Security Council (UNSC), with both pursuing Indonesia to accede to an international peacekeeping mission to restore order (Wheeler & Dunne, 2012; UNSC, 1999). Their agreement pioneered nearly two decades of intervention and post-conflict reform in the nation. These missions, as well as the subsequent Commission for Truth, Reconciliation, and Reception (CAVR) published in 2005 to give voices to the East Timorese survivors, revealed experiences of human rights violations such as killings and disappearances, torture, violence, war, famine, and mass atrocities committed against the Timorese people (Lambourne, 2010).

In total, there have been five UN missions to Timor-Leste since 1999, with each addressing a different need within the nation for peacekeeping and state building processes:

1. UNAMET (June to October 1999) was organised to host a referendum to determine whether the people of East Timor would accept special autonomy as a part of Indonesia or separate completely from Indonesian governance;

2. UNTAET (October 1999 to May 2002) was organised to exercise administrative authority during the transition to independence;

3. UNMISET (May 2002 to May 2005) involved the provision of support to the newly independent nation by enabling it to develop self-sufficiency;

4. UNOTIL (May 2005 to August 2006) involved provisions for facilitating the development of state infrastructure, including developing the police and promoting human rights;

5. UNMIT (August 2006 – December 2012) was established to address the political, humanitarian and security crisis that eventuated towards the end of UNOTIL (Den Heyer, 2012).

The initial 1999 conflict resulted in the majority of Indonesian forces leaving. While developments were made towards recognising the independence of the nation, the vacuum left behind by the absence of middle and high level administrators within the country meant that INTERFET personnel were facing a significant crisis; they were tasked to completely rebuild a nation through the immediate establishment of state institutions and public administration and the provision of humanitarian assistance, security, and justice (Strating, 2013; Lothe & Peake, 2010). This was widely touted as a successful endeavour, even until the early months of 2006, where state-building processes had been deemed an overarching success by most of the international community (Hughes, et al., 2013). However, the reality of this supposed success was not quite as positive as had been expressed by the international community. Problems were present from the beginning, even prior to the formation of UNMISET; a failure to integrate the FALINTIL troops into the PNTL constituted a lack of recognition of the substantial numbers of people who expected to contribute to the police-building processes, and most of the personnel were sacked in favour of the followers of Xanana Gusmao (Lemay-Hebert, 2009). This contributed to the crises of legitimacy suffered by the PTNL (the national police of Timor-Leste) which was created by the mandate of UNTAET; not only was there confusion regarding which laws were being enforced – Portuguese or Indonesian – the UNCIVPOL's lack of expertise in police-building and reform, and the lack of identity formation and civilian expertise to promote administrative skills and human rights, led to the crises that occurred in 2006 (Hawskley and Georgeou, 2016; Hood, 2006). The further failures of UNMISET to continue providing appropriate police-rebuilding through failure to consider local forms of policing, local ownership, and the complexities of the local region, coupled with the different political and ideological viewpoints, led to violence that commenced at the perceived discrimination against westerners by easterners – ex

Falintil comrades – which ultimately resulted in lethal conflict between PNTL elements, military dissidents, civilians, and the FTDL (Cierco, 2013; Strating, 2013; Hood, 2006;). Furthermore, experiences of gender based violence were underpinned by human rights abuses in the nation; many women have recounted stories of domestic and sexual abuse at the hand of military and civilian men, and a general lack of awareness of gendered issues and experiences of discrimination in women's contributions to state building demonstrate significant barriers to rebuilding the nation (Hawksley & Georgeou, 2016; Conway, 2010). Overall, a variety of barriers led to the eventual breakdown of civility culminating in the 2006 Dili riots.

During the civil disorder of 2006, where several Timorese defence force members opened fire on unarmed police, it became evident that the breakdown in law and order needed to be addressed (Goldsmith, 2009). The violence between gangs and against civilian and police elements – UNPOL vehicles were stoned and officers struggled to contain the violence – led to concern regarding what had gone wrong given the best efforts of the international community had intervened to promote sustainable peace (Lemay-Hebert, 2009). Operation Serene was formed to act as a 'cooperative intervention', where Australia police assisted the Australian Defence Force in restoring order, alongside police and military from Malaysia, New Zealand, and Portugal. When Australian police first arrived, they encountered widespread disorder in the form of gang violence and destruction of property. Australian police were directly involved in addressing these criminal acts, however many felt that they were not properly prepared to deal with the frequent 'baiting' of police that youth gangs would engage in, and that they were not well equipped to provide non-lethal force at distance the way the Portuguese GNR were (Goldsmith, 2009). It is likely that this had an effect on the practices Australia police utilised in order to achieve positive outcomes. When Australian police in the International Deployment Group (IDG) were sent to Timor-Leste, training in the language and culture was still being developed; it is true that the IDG deployment training now consists of more detailed components dealing with these two integral parts of peacekeeping, which arguably leaves a more positive impact on both the peacekeepers and the people within the host community.

UNMIT provided over 1600 police personnel with two main roles to be undertaken within the executive policing mandate issued by the UN Security Council. Firstly, the mission would support the government through maintaining law and order, addressing the needs of internally displaced persons in returning to their homes, and reconstituting the PNTL, and secondly, the mission would support the reformation, restructure, and rebuilding of the police service and Ministry of Interior (den Heyer, 2012). At the request of the Timorese government, the UN were to establish a UN-led police force with civilian police to be tasked with operational capacity, education and training, on-the-job mentoring, gender-based participation in policing, pursuing governance and accountability mechanisms, and assisting the implementation of policy analysis, budget development and planning (UN, 2006). By December 2007, the newly reformed PNTL were tasked with providing general law and order in the nation, while UNMIT was tasked with continuing reformation of the security sector, strengthening the rule of law, encouraging social and economic development, and promoting democratic governance through democratic policing (UN, 2008). The AFP contributed to this development with The Timor-Leste Police Development Program, which was jointly managed by the AFP and AusAID. After the 2006 crisis, the AFP assumed total control with five strategic modules to address medium to long term goals: eliminating barriers to progress, accelerating police development through community involvement and security sector reform through engagement with government and community; building the police institution through cooperative policies, accountability and transparency; enhancing vocational skills of PNTL officers through workplace training; developing PNTL leadership capability through the development of police management skills; and promoting educational initiatives to develop human capital. With a mix of sworn and unsworn officers, local support staff, and contracted advisors, the TLPDP has promoted to full operational capacity with criminal investigations, general duties police work, community policing, planning, traffic management and security. The capacity building agenda resulted in many lessons learned, from considering the big picture of policing and the laws of Timor-Leste to grassroots concerns with building relationships and managing expectations. It is expected that the program will continue to develop capacity building within the nation (Edwards and O'Donnell, 2011).

Despite the end of UNMIT as of 2012, police engagement within the region continues with support from the AFP and the IDG (AFP, 2016). Through addressing the core roles of policing in Timor-Leste, it is hoped that human rights maintenance and the rule of law will continue to prevail, however many challenges are still present in Timor-Leste. As one of the poorest nations in the world, the experiences of economic underprivilege within the nation may undermine attempts to lift the human rights standards of the nation and contribute to continued disenfranchisement of the members of the local population (Moxham & Carapic, 2013; Sahin, 2007). For example, Hawksley and Georgeou (2016) conclude that, to date, the experiences local women have had on responsiveness and implementation of legislation compelling police to act on domestic violence are mixed at best, suggesting that there is still significant room for improvement in addressing this single human rights issue and improving the experiences of local women. Finally, it is important to note that the long-standing involvement of Australia's mission to Timor-Leste has been fraught with questions about underlying foreign policy motivations (Goldsmith, 2009). In particular, the so-called 'spying scandal' of 2013, which allegedly took place in 2004-2006, was based on negotiations regarding Timor-Leste's offshore gas fields, which provided hope for future economic prosperity for the country, and resulted in Timor-Leste taking their case against Australia to the Permanent Court of Arbitration in The Hague (Wroe, 2018). The spying scandal has clouded Australia's involvement in the development of Timor-Leste, particularly as there have been accusations of embedding spies within aid and development workers in Dili (Thakur & Butler, 2018). The wider political context may only present further challenges to the use of Australian police as reformers in the nation as they pursue further democratic reforms through capacity building initiatives.

3.2: Operation Helpem Fren: RAMSI 2003-2017

Prior to the Regional Assistance Mission to the Solomon Islands in 2003, the nation, and subsequently the Royal Solomon Islands Police, had all but disintegrated into anarchy. The country, which is made up of six major islands and hundreds of smaller islands, is geographically diverse and spread over

thousands of square kilometres to the east of Papua New Guinea and the north east of the Australian continent. Uneven geographically-driven development, resource exploitation, and historical, social, and cultural conflict, coupled with a lack of infrastructure, technology, and a failure to implement any accountability, training, and payroll measures, slowly led to the 2003 crisis which resulted in extra-judicial violence and a breakdown in law and order within the nation, particularly in the islands of Guadalcanal and Malaita (Allen & Dinnen, 2010; Peake & Brown, 2005). As an island nation which had only received independence from the British in 1978, the Solomon Islands economy had not been appropriately maintained during land tensions from the late 1990's, resulting in Malaitans in Honiara being victimised through rapes, assaults, and threats (den Heyer, 2010). The tensions spilled into violence, and by 2003, gangs and militia were infighting throughout the nation, and the police had been implicated in extra-judicial killings, violence, torture, and harassment (Hawksley & Georgeou, 2016; Peake & Brown, 2005). To prevent the continued breakdown in law and order, infrastructure, and living standards, Australia led the RAMSI intervention before violence collapsed the nation. This mission was legitimised by the Pacific Islands Forum at the request of the Solomon Islands and while RAMSI was not a UN mission it was influenced by similar security and development initiatives (McDougall, 2010). Considering RAMSI was a police-led mission, and as the mission was requested by the Prime Minister of the Solomon Islands Sir Allan Kemakeza, and the Parliament and the majority of Solomon Islanders consented to it through the passing of the *Facilitation of International Assistance Act 2003*, it provided the perfect opportunity to democratise the police abroad; as some members of the government and the local police were linked to local gang members and militia, and it was necessary for an intervention that focused on capacity building to be applied (Wainwright, 2003; Bayley, 2001).

Establishing the motives for intervening in the Solomon Islands is important to the moral justification for intervention and so it is fair to note that originally, the Howard government had declined to become involved with addressing the breakdown in law and order in the nation; previous requests from two prime ministers were denied, and Australia had determined it would not provide military and police assistance (Kabutaulaka, 2005). Despite being the dominant power in the region – and having agreed to enter Timor-Leste under the INTERFET banner – Australia did not seem to want to

be viewed as a re-coloniser of the region, citing the sovereignty of the Pacific nation state and the ethnic and cultural complexities within each nation, instead choosing to use bilateral and multilateral agreements as diplomatic measures to address assistance needs (Dinnen, 2008). Furthermore, the conservative federal government in power at the time needed to weigh up the costs with the risks and benefits of intervening; while the prevention of state failure (as opposed to responding in the aftermath) has been proven to be far less costly in both monetary and human terms, there did need to be justification for using taxpayer funding for the cause (Wainwright, 2003; McDougall, 2010). The Australian governments' 'change of heart' was attributed to the worldwide fear of terrorism and the potential for state insecurity in the Pacific region to be exploited by terrorist and other criminal organisations, much like what is described in chapter two (Cockayne & Lupel, 2011; Dinnen 2008). These concerns were particularly important due to the Bali bombings of 2002 claiming the lives of many Australian holidaymakers and demonstrating the potential for Australia to be vulnerable to terrorist attacks domestically. After the Australian Strategic Policy Institute flagged the Solomon Islands crisis as likely to result in a failed state, Australia initiated Operation Helpem Fren, formally recognised by the establishment of the Participating Police Force (PPF) under the RAMSI banner (Dinnen, McLeod, & Peake, 2006), and constituting police personnel from Australia, New Zealand, and a multitude of Pacific Islander nations. Almost immediately after arriving in country, almost a quarter of the Royal Solomon Islands Police (RSIP) were arrested in response to the allegations and evidence of crimes against local persons, securing its place as a humanitarian intervention intent on preventing and addressing mass atrocities and providing security reform throughout the Pacific region (Hawksley & Georgeou, 2016).

RAMSI had two main phases. The first and primary concern was to provide basic physical security for individuals, ideally through the PPF, but with the support of armed forced if necessary (Warner, 2003; Whalan, 2010). The PPF then aimed to restore law and order through disarming and demobilising the militia, withdrawing most of the military component and utilising a police-reform approach to rebuild the criminal justice system in the nation through improving judicial and correctional facilities. RAMSI intended to address the rule of law by ending government corruption and stabilising the economic sector through rebuilding and strengthening government institutions. Lastly, RAMSI intended to

restore infrastructure, such as hospitals, roads, and educational institutions, and to promote social and economic development (Whalan, 2010). This second phase would prove to be more complicated, requiring focus on a wide variety of issues, including reforming institutional problems in the justice system, building community relationships, mentoring the RSIP, increasing transparency, identifying the gaps between what authorities ought to do with what was practically reasonable, and forming a meaningful exit strategy upon the conclusion of RAMSI (Bellamy & Davies, 2011). These objectives were overarchingly represented in the mandate, which formally identified 'machinery of government', 'economic governance', and 'law and justice' as the focal points of the mission (McKibbin, 2009), combining the pursuit of both security and development objectives through security and safety, repair and reform, improved accountability and service delivery, economic growth, and peaceful communities (Dinnen, 2014).

RAMSI addressed the first phase almost immediately; at least 90% of the militia's weapons had been destroyed, and as mentioned above, many of the security sector reforms had been initiated, including imprisoning police officers and militia implicated in criminal activity and weeding out corruption to rebuild law and order (Bellamy & Davies, 2011). Clearly, the implications were that the rebuilding of the nation directly relied on the promotion of security in the region, in order to address the humanitarian development objectives listed above (McDougall, 2010). While the military intervention was downscaled fairly quickly, the police intervention continued, with the PPF continuing to promote the enhancement of police skills and capabilities in the region, with specific concern for local needs. In his speech to the National Security Conference in 2004, Special Coordinator Nick Warner highlighted the inexorable achievements of the RAMSI mission only eight months in:

> *"If you can, imagine a country where hospitals, schools and medical clinics have simply ceased to function for a lack of funds, imagine a nation where public servants go weeks without pay – not surprisingly, some turn up to work, but many do not – imagine roads that are literally falling apart, public thoroughfares that are the preserve of drunks and thieves. Then, to complete the picture, add to the mix guns, ethnic tensions, rogue police, corrupt politicians and business people, and armed criminals. This is the nation that greeted RAMSI in the early hours of 24 July last year when the first elements of an Australian-led, Pacific peacemaking and nation building operation began arriving in Solomon Islands. Eight months later, that nation no longer exists".*

Warner's defining speech reiterated the importance of intervening in the Solomon Islands, not only to restore peace, security, and law and order to the Island nation, but to also prevent the potential consequences of instability in the region, particularly in the fight against transnational crime. Such powerful descriptors of the state of the nation reinforced the moral justification – or moral obligation – for humanitarian intervention, reinforced by the beneficial ends achieved in the state in such a relatively short space of time. Given the broad wording of the mandate, critics of the mission, in response to the civil unrest and riots of April 2006 following elections on the island nation, argued that there was insufficient pursuit of a wider range of infrastructural and human rights-based needs (McKibben, 2009):

> "In February 2008, the RAMSI Acting Special Coordinator, Dr Jonathan Austin, responded to a Centre for Independent Studies (CIS) report (Sodhi 2008) that advocated greater economic development in Solomon Islands by claiming 'that RAMSI does not have a mandate to unilaterally address areas such as land ownership, health and education' (Solomon Times 4 February 2008). The mission's mandate is formally identified in just three principal areas – machinery of government, economic governance and law and justice. The depth of this mandate and its perceived limitations are key areas of debate (Kabutaulaka 2004; Anderson 2008; Sodhi 2008). Those contributing to these debates seek to reconcile capacity building and economic development with humanitarian concerns and long-term outcomes in regard to conflict resolution and regional stability. In this respect, the concept of development, how it is understood and its embodiment in the process of state building underscores these debates."

These concerns were highlighted further by criticisms of the RAMSI mission, that while it had succeeded with the initial objectives, it had failed to address the core issues that had driven the conflict and breakdown of law and order in the first place: the economic and political corruption that continued to occur. Further criticisms of the mission included a lack of cultural and linguistic immersion by RAMSI officers; the prioritisation of Honiara in economic and social development as opposed to outlying populated islands; and short-sighted attempts to implement international best practice policing models without due consideration of the local and traditional forms of governance, reflecting the attempt the 'modernise' the nation as a response to the dilemma through pursuing 'Global North' notions of liberal peace on the 'Global South' with consequences that diminish the opportunity for indigenous approaches to peacekeeping and capacity building (Allen & Dinnen, 2010; McKibben, 2009; Hameiri, 2007). From the perspective of the host population, RAMSI was a mostly

welcome intervention, however some groups, such as the Malaita Ma'asina Forum Executive, viewed the intervention as the pursuit of 'Australian hegemony in the Pacific' through processes of occupation, recolonisation, and ignorance of *kastom* law and other facets of local sovereignty (Allen, 2009). Similar to the experiences of gender-based violence in Timor-Leste, some individuals expressed dissatisfaction with the imposition of alternative gender relations between men and women, particularly as gender-based violence experiences 'high levels of social acceptance' in the region (Hawksley & Georgeou, 2016; Allen, 2009). These challenges only further complicated the relations between police peacekeepers and the host population, particularly as at the height of the 2006 riots, the Australian police were largely the least liked of the international contingent there (Allen, 2006). Combined, these problems demonstrate the necessity for consensual policing and police legitimacy, such as trust and neutrality, which must be earned alongside genuine attempts to learn the local language, culture, and customs of the host nation.

While RAMSI was not a UN mission, the lessons learned from UN missions and subsequent successful mandates highlight the importance of a number of key issues: the need to promote cohesiveness between international police and local organisations; the need to adapt international methods to local practices and needs; recognition of informal methods of policing as conducive to promoting law and order; incorporation of non-police personnel in reforming and rebuilding police organisations; and measuring the effectiveness of methods as a form of reflection (Peake and Brown, 2005). Like the missions to Timor-Leste, similar themes emerge regarding police roles and contributions to security reform and development: the need to foster partnerships; addressing youth gangs and violence; meeting local expectations through community collaboration; addressing the absence of women's voices in peacemaking and peacebuilding and transforming patriarchal structures; and objectively addressing the local political situation, are all prevalent issues within policing conflict and post-conflict areas (Hawksley & Georgeou, 2016; Goldsmith, 2009). These themes directly interact with the humanitarian and security dilemmas presented in the region, and as such, exploring both the successes and shortcomings of the RAMSI intervention and the extensive involvement of the PPF is required to engage with the greater ethical and human rights issues that occur as a consequence of

the conflict. In any case, the relative success of the RAMSI mission is evident in the conclusion of the initiative on 30th June 2017.

Understanding the basis of the motives, rationalities, and practical realities behind the context of both missions provides an opportunity to understand and reflect on the contributions of the AFP to this end. The Australian Federal Police describe their role as to 'enforce Commonwealth criminal law, combat organised crime, and protect Commonwealth and national interests from criminal activity in Australia and overseas' (AFP Annual Report, 2012). They are also Australia's 'International law enforcement and policing representative and the Australian Government's chief course of advice on policing issues'. Section 8 of the *Australian Federal Police Act (1979)* outlines the AFP's functions, which include combating transnational crimes such as terrorism and cybercrime that affect Australians and Australian interests, the provision of police services to assist with other Australian police agencies and foreign law enforcement agencies, and to aid establish, develop and monitor peace, stability and security in foreign countries (AFP Annual Report 2012). This last function requires consideration of the development of the AFP and why their contributions to foreign aid are crucial to the development of ethical practice and human rights standards.

3.3: The Australian Federal Police and the International Deployment Group: partnership policing emerges

The Australian Federal Police (AFP) began operations on the 18th of October 1979 after the Sydney Hilton bombing of the Commonwealth Heads of Government Regional Meeting the year before, which resulted in the Australian government determining through a report by Sir Robert Mark that a national police force was necessary to deal with terrorism on a national scale. It was created under the *Australian Federal Police Act (1979)* and amalgamated the Commonwealth Police and the ACT police, with 1134 former officers sectioned to the general police component, and 1443 to the protective service component (AFP History Project, 2010). The following year the Narcotics Bureau was

disbanded to pave way for the AFP to perform the role of enforcing Commonwealth Law against imported illicit drugs, with 80 members of the Narcotics Bureau offered positions as police officers under the AFP Act. Given the hybrid structure of the AFP, combining elements of state police and federal police, the expanding role of the AFP inherently required interoperability with state-based and international police organisations.

To demonstrate the importance of interagency cooperation on a practical level, a number of joint task forces were initiated. The royal commission into the Builders Labourers' Federation was the result of joint investigations by the AFP and Victorian police, along with the arrest of members of an alleged drug ring operating within the state. The successful relationship between the joint Northern Territory and AFP drug squads led to similar arrangements with the Tasmanian police, and the AFP continued to foster investigatory cooperation with the Queensland and New South Wales police forces. This collaboration was mirrored by joint operations with police organisations from the Americas, the South Pacific and South East Asia, and the AFP's hosting of the 1982 Conference of Police Commissioners of Australasia and the South West Pacific region. Police leaders from all policing organisations within Australia had the opportunity to discuss any issues and concerns about the Criminal Investigation Bill that was before parliament at the time. State police organisations generally use 'ad hoc' Memoranda of Understanding to conduct cross-border policing, which is usually described as working effectively, despite the lack of legal structures to navigate this phenomenon (Hufnagel, 2012). The AFP have further widened their interagency operability with the leaders of international police organisations to achieve the aim of internationalising the AFP, in order to simplify the process for AFP officers seconded to overseas legal attaches, while encouraging collaboration with the increasing prevalence of international and transnational crimes. To this day, the AFP International Liaison Office has over 103 positions in 29 countries, to promote the interagency cooperation required to effectively conduct regional policing, and thus promoting its position as an organisation with international interests and capabilities (AFP, 2016; Baker, 2004).

By promoting activities in both interstate and international spheres, the AFP has positioned itself as a leading organisation for police peacekeeping and capacity building, particularly with the formation of

the International Deployment Group, which as part of its structure, includes state police officers, in order to provide the 'experiences and skills that contribute to the overall effectiveness of the IDG' (Jevtovic, 2005), and in turn, fulfil the staffing requirements of the IDG to engage appropriately with the roles that it has been tasked with performing. Given that most deployments have occurred in the context of an IDG that is not at capacity, the recruitment of seconded state-based police is coordinated through the use of memoranda of understanding. The structure of the AFP is quite different to that of other state police organisations in Australia; while each state and the Northern Territory have formed their own police organisations through legislative structures, AFP officers have very little opportunity for 'first response policing' in the ACT (which is instead the responsibility of the ACT Chief of Police and managed by the provision of community police officers by the AFP under a Policing Arrangement signed by the AFP the ACT CoP, and the Minister for Justice of the Commonwealth). By recruiting the community-based policing skillset of state-based police officers, the AFP have been able to fulfil and the variety of activities that fall under the banner of the IDG, and while 'filling the gap' (Bellamy, 2009) in the IDG, have incorporated a rich knowledge base and skillset from which to engage in international policing, drawing on the aforementioned benefits of diversity discussed in Chapter Two.

While the emphasis on the protection of national security is a vital part of Australian policing, collaborative agencies have been created to work in conjunction with the AFP. The Australian Border Force, for example, assists in the protection of Australia's maritime borders, while ASIO continues its role as an intelligence agency. The AFP have emphasised the philosophy of the expansion of federal law enforcement through their involvement in peacekeeping and international disaster recovery missions such as those in the South Pacific, Sudan, Timor-Leste, and Jordan (AFP, 2006). One example of the secondment of Australian police personnel is the response to the 2005 Bali bombings, which resulted in the deaths of four Australians. The Indonesian National Police invited the AFP to work collaboratively on the case, in which the AFP provided 43 members to assist with forensic analysis, bomb data, disaster victim identification, and security and counter terrorism intelligence (AFP, 2009). These partnerships demonstrate vital collaboration between different organisations, many of whom have different objectives and organisational and cultural imperatives.

The AFP have provided a significant number of police personnel for UN missions, and to aid in peace keeping and capacity development in regions including Cyprus, Somalia, Thailand, Cambodia, Mozambique, Haiti, Timor-Leste, the Solomon Islands, Nauru, Papua New Guinea, Vanuatu, Tonga, Samoa, and Afghanistan. These missions have been the core role of the IDG. Established in February 2004, the IDG provides the Australian Government with the ability to deploy Australian police in both a domestic and international capacity to restore peace, security, and stability and to aid in development and criminal investigation. It is the first organisation of its kind in the world, which is solely committed to a permanent capability for offshore policing (Hughes, Hunt, Curth-Bibb, 2013). The IDG contains three sections: The Australian based component which provides strategic advice to the AFP and technical, analytical, intelligence training and administrative support for deployed police; the Mission Component which includes both sworn and unsworn officers, deployed or readily available to deploy, for operational missions; and the Operational Response Group (ORG) who are available for rapid deployment missions to unstable regions for the purposes of restoring peace (IDG 2012). Since its commencement, the IDG has had over $750 million dollars committed to the project in the early stages of its conception, with a permanent structure and resourcing to ensure proper planning and continuity of staff for international police missions (Peake & Brown, 2005). The IDG hosts one of the first UN-accredited training facilities in Majura, ACT where practical skills such as four-wheel driving, first aid, cross-cultural communication and simulations take place alongside coaching in 'cultural appropriateness, values, and human rights' (Bellamy, 2014). As well as contributing to UN Missions, the IDG is also capable of contributing officers towards domestic deployments such as providing personnel for the Northern Territory Emergency Response and the community policing practices of Australia's external territories such as the Cocos (Keeling) Islands, Christmas Island and Norfolk Island. Furthermore, the AFP has an officer permanently stationed at the UN Headquarters in New York, to provide oversight to the UN's activities and to represent Australia in discussions on peacekeeping practices (AFP, 2012). The Australian Federal Police have embraced the need for further educational development (Berzins, 2005) towards this end.

The IDG has the ability to deploy to provide both the complex needs within police peacekeeping, and the smaller, more focused needs of capacity building. While the AFP have contributed to policing since

1964, the IDG contributed its first officers as a formed organisation in 2004 to Timor-Leste, the Solomon Islands, Jordan, and Cyprus, and have since contributed to both emergency situations (such as those in Timor-Leste and Tonga) and to wider programs that address transnational and international crime issues, as well as issues of comparative policing. For example, the Law-Enforcement Cooperation Program, which was originally developed by AusAID, is now partially supported by the IDG, as are programs to assist with neighbouring regions requests of assistance in addressing terrorism, disaster victim identification, forensic services, training, and technical support (Bellamy, 2009; AFP, 2007).

Despite the importance of the IDG for contributing to Australia's international policing agenda, and in particular peacekeeping, there are a number of issues that it must continue to address and problems it must attempt to solve. Issues such as sustainability need to be considered, especially as the IDG has already been used to fulfil gaps in domestic policing (Bellamy, 2009; Baker, 2004) such as with the Northern Territory intervention, which risks it being spread too thin, and also presents a range of human rights dilemmas with regards to Indigenous self-determination (Hughes, et al., 2013; Cowan, 2013). The interoperability of state-based police within federal policing is further required due to the cross-border instances of crime and disorder, however this should be considered alongside the need to codify police cooperation to ensure both compliance with human rights and effective and accountable policing practices (Hufnagel, 2011). Furthermore, it is important to avoid negating human rights for select populations in an attempt to achieve legitimacy; this is an issue to be particularly aware of if Australian police are tasked with engaging with questionable governments, or worse still, are complacent in allowing authoritarian regimes to maintain their hold (Bellamy, 2009). These issues are certainly linked to the ethical concerns and human rights dilemmas presented by police peacekeeping, creating further challenges for the global structures and the police peacekeeping agenda. Firstly, the promotion of the rule of law as equated with human rights maintenance, mirroring the idea that good governance is required for successful reform. Furthermore, as the wider concerns for the other facets of development, such as health and education, only gained traction within RAMSI well after the initial deployments, the connection between poverty and conflict is ever-evolving and requires deeper understanding of the basis for humanitarian intervention and the role the police

should play to that end (McKibben, 2009; Duffield, 2001). If the IDG is to continue setting the expected standards for international policing, their contributions towards democratic policing principles and human rights maintenance are a particular point of interest for future research and policy (Hughes, et al., 2013).

3.4: Chapter Conclusion

Australia's colonial history has shaped the measures of security governance and development both within and external to its own borders. The conflict situations in both Timor-Leste and the Solomon Islands, and the response provided by Australia, symbolise a shift in the role of Australia as a 'bystander' to international conflicts in the Asia-Pacific towards a more active role in pursuing regional peace and stability. The transformation of Australia's role serves not only the region, but also the fears promulgated within the Australian government and security sectors which recognise the potential that regional instability presents for fostering transnational crime and disorder. The early forms of cross-border policing are evidenced by the construction of police jurisdictions in Australia as a consequence of colonial practices; however, these forms of border policing are not the only complexities that exist within Australian police practice. As an organisation, the Australian Federal Police have experienced substantial developments due to globalisation, emerging from key events in Australian history to eventually play a significant role in addressing the international policing needs that inform aspects of Australia's regional security interest and moral obligations to intervene. The establishment of the International Deployment Group as a permanent operative arm for international policing has provided the AFP with a long-term opportunity to promote democratic policing models abroad, especially with the incorporation of different state and territory police officers to the role. The combination of policing expertise have allowed Australia the ability to lead two significant long-standing missions within the Asia-Pacific region, highlighting the important role it plays in global policing. While the UN missions to Timor-Leste, and the RAMSI mission, have both been succeeded by advisory roles in capacity development, the push for Australia to address regional instability in the Asia-Pacific continues; in an article in *The Age,* McKenzie and Precel (2018) emphasised the argument made by Michael Stefanovic, a former Victorian police detective seconded to the US State Department's Myanmar inquiry, that Australia has a moral responsibility to use its regional power to coordinate a war crimes investigation and peacekeeping mission to respond to evidence of rape, torture, and genocide of the Rohingya population. It is clear that a precedent for Australia's involvement in peacekeeping and capacity

building has been set by its leading involvement in Timor-Leste and the Solomon Islands, and that Australian policing is at the forefront of this endeavour.

The following chapter, chapter four, will provide the theoretical basis for this thesis, by examining the common ethical theories and methodologies and constructions of human rights relevant to the research. This will provide the foundation for exploring the human rights doctrines, the ethical and philosophical basis for intervention, and the use of codes of conduct as required for each mission. This will provide the basis for understanding the main themes that emerge later on in the analysis chapters.

Chapter 4 Theoretical Framework: The Intersection of Ethical Theory within a Bourdieusian Framework

Chapter four introduces the theoretical frameworks underpinning the research: ethical theory and Bourdieu's theory of practice. There is a dearth of research into the experiences of Australian police peacekeepers using ethical theory and theory of practice despite the challenges facing police peacekeepers within missions that have occurred as a result of serious structural conditions of violence and conflict. The ingrained relationship between human rights and ethics, particularly as human rights frameworks underpin the ideological motivations for engaging in peacekeeping missions, are not heavily considered when examining ethics within policing. The relationship between applied ethical theory and the work of Bourdieu is also neglected in academic scholarship, with the exception of critical research that examines the police and the policed in terms of agency and structure. This is despite the assignation of moral responsibility to agents deemed capable of both perpetuating and transforming structural systems to resolve conflict and violence (see Rubenstein, 2017). Similarly, while applied ethics scholarship directs attention to agents that broadly adhere to ethical practices, the structures and systems that shape the moral capacities of practitioners are not given any substantial attention in academic literature, particularly in the realm of police peacekeeping practice and human rights (Smith, 2002). To address this theoretical gap in the context of Australian police peacekeepers, chapter four address four key theoretical considerations to inform the research.

The first theoretical framework is ethical theory, which presents a range of differing perspectives towards achieving best practice. This section will specifically focus on four core ethical frameworks: duty, utility, character, and care. While these four key approaches have historically been applied to human service work, Neyroud and Beckley's (2001) transference of these approaches to policing reinforce the notion that these constructs will enable a deeper understanding of the morally complex task of police peacekeepers (Carey & Green, 2014; McAuliffe, 2014). This section connects ethical principles to a liberal-democratic ideology that underpins human rights, as introduced in section 2.4 of chapter two. Given that human rights are a product of late modernity (Langford, 2018; Kalin, 2013),

while ethical theories have developed over thousands of years, connections between moral possibilities and human rights discourse presents a critical point of contention in current discourse on ethical practice, particularly driven by the ethical complexities and moral predicament presented by the globalisation phenomenon (Bauman, 2002). Such ingrained historical complexities present a convoluted challenge in the pursuit of ethics and human rights towards a unifying paradigm of ideal police peacekeeping practices.

The second section focuses on the concepts of absolutism and relativism, which present a key ethical debate: are morally acceptable values transcendent of time and place, or are they culturally and contextually decided? The cultural differences between donor nations and host nations highlights the challenges that impact peacekeeping and police practitioners. Specifically, police practitioners are expected to negotiate culturally diverse environments that require them to navigate the complicated contextual values of the host communities they work in, while at the same time promoting democratic policing and human rights as universal concepts.

The third section examines theories of structure and agency that purport to offer a sociological lens in examining data. Bourdieu's theory of practice is considered as a tool that enables structure and agency to be drawn together. Bourdieu's theory of practice and the concepts of habitus, field, and capital provide a unique and rich approach towards understanding the complex interplay between social and contextual structures and individual agency

The final section draws these theories together to connect ethical practice with absolute and relative values, before linking them with structure and agency through the philosophical lens of freedom and determinism. By drawing connections between these philosophical and sociological concepts, a framework for analysing the structures that participants encountered and the opportunities for agency in moral decision making and ethical practice is provided.

4.1: Theories of applied ethics in the context of human rights and police peacekeeping

Given that the primary focus of this thesis is the reflections and contributions made by Australian police peacekeepers towards ethical practice and human rights, ethical theory provides an integral connection between norms and actions. Ethics can be defined as the study of right or wrong; what people ought to do to adhere to justice, fairness, and goodness; cultivating goodness of character; living a good life; and engaging in good decision making (MacVean and Neyroud; 2012). Ethical theory is used to articulate an understanding of individual freedom, and the role of the state, religion, law, and society in developing and influencing human behaviour and relationships, while applied ethics uses theory to inform real-world practices. As a consequence of thousands of years of philosophical debate, the numerous conceptualisations for ethical practice are presented as being useful tools for guidance. Subsequently, Neyroud and Beckley (2001), Dickens (2013) and McAuliffe (2014) have outlined a categorisation of four separate approaches relevant to policing practice towards the goal of ethical practice: utility, duty, character, and care, demonstrated in Figure Two below.

Figure two: Neyroud and Beckley's Four Tracks of Ethics (adapted from Neyroud and Beckley, 2001)

First, *Utility* frames morality as based on the usefulness of the consequences for the greater good (Preston, 2014). The most significant proponents of this system, Jeremy Bentham and John Stuart Mill, argued that humans are pleasure/pain organisms and that moral and political philosophy should then seek to find ways of maximising happiness for people while minimising the harm they experience. Delattre (1989) emphasises that such an approach to dealing with complex nuances in policing facilitates a preferred result, given the dilemmas posed by strict adherence to rules that cannot be contextualised to all situations. Kleinig (2019) further surmises that since policing pursues *eudaimonia,* or a teleological end of human flourishing, preventing crime and achieving security and 'social tranquility' achieves the desired ends of the task. Overall, utility frames ethical policing as minimising harm and maximising good for the people they encounter in practice, a clear principle underpinning the motivations for engaging in humanitarian intervention within peacekeeping missions.

Second, *Duty* ethics is concerned with performing a right action on the basis of duty to fellow human beings. According to Kant, an action is moral if it can be universalised. This concept is called the *categorical imperative.* Kant further explains duty in the *practical imperative*, that no human being should be the subject of someone else achieving a means end (Neyroud & Beckley, 2001). Moral action is performed on the basis of a duty or obligation to *all* human beings to exercise justice, fairness, and responsibility for all individuals, rejecting the notion of achieving the greater good at the expense of the minority (Preston, 2014). Kant's focus on human rationality and individuality draws some criticism, particularly as he heavily argues that humans are dictated by rationality and as autonomous agents, negating the fact that adverse circumstances can impact on agency, and that moral reasoning still requires education and teaching (Kant, 1788; Kant, 1785). Concerns around weighing the importance of conflicting duties have produced alternative theories; W D Ross (1938), for example, conceptualised prima facie duties (such as beneficence, non-maleficence, justice, and honesty), which ought to be adhered to as a matter of primacy (Thiroux & Krasemann, 2012). Kantian ethics has influenced contemporary duty-based rationales such as Dicey's rule of law, particularly as it has influenced Rawlsian ideas of justice and moral constructivism (Reach, 2010). The Kantian concept of duty is connected to policing by Neyroud and Beckley (2001) as they argue that police commit themselves to prima facie principles, such as respect for people's personal autonomy while requiring police to take personal responsibility for their actions and justify them accordingly, a principle transferrable to peacekeeping missions. Further to the issue of duty and means, Kleinig (2019) describes the potential conflict between what is seen as a 'reasonable' mean, using several examples unique to policing. Firstly, through adherence to duties to use discretion appropriately; only using force when necessary and proportionate to the offence; and to ensure justifiability in their use of deception and intrusion of privacy. Again, careful reflection on means and adherence to duty are relevant to peacekeeping inasmuch as police peacekeepers are required to use these same tools to contribute to the mission effectively.

Third, *character* or *virtue* encompasses the development of moral people, moving away from focusing on actions or consequences. Most well-known of these theories is Aristotle's Nicomacean ethics, which concerns itself with the 'doctrine of the mean'; where to behave virtuously, one must choose

the course of action that is the balance of extreme behaviours. To that end, agents should achieve 'goodness' through living 'the good life' and exercising rationality. Similarly, Confucian role ethics draws on the social matrix to suggest that virtuous people are developed through the fulfilment of relational obligations. The 'virtuous' police officer has been examined in light of the attempt to decide what makes for a 'good' police officer. For example, Delattre (1989) argues that police officers who consistently practice good virtues, such as integrity, honesty, stewardship, and fairness, are likely to achieve a better end, thus facilitating Nicomacean ethics as defined above.

Fourth, *care* ethics draws on feminist theories such as Carol Gilligan's research into the differing ethical responses between men and women. According to Gilligan, men were more concerned with justice and fairness, while women were more concerned with nurture, and being compassionate in their ethical choices (Thiroux & Krasemann, 2012). On the individual level, traditional feminist thought often rejected the rights-based approaches dominating ethics, arguing that they were rules modelled by self-interested individuals that lacked consideration for care and concern for agents who were not well equipped to address their own needs. More recent feminist moral philosophy suggests rights-based approaches ought to be used as tools to address wider relational needs. According to Brennan (2010), feminist ethics focuses on the development of ethical behaviour through relationships and negotiating care for people through these relationships. Furthermore, feminist ethics does not just concern itself with personal relationships, but also considers the important role that care and nurture plays in the political arena, particularly in matters of global justice. Thus, care ethics connects global justice with humanitarian assistance as the pursuit of maximising benefits for all individuals (Held, 2006).

These ethical frameworks connect to policing, human rights, and peacekeeping in a number of ways. As established in chapter two, police adhere to a range of professional duties to carry out their various roles. Like Kantian duty ethics, these duties involve adherence to legislative powers and standard operating procedures. However as demonstrated by Kant's duty ethics (and the attempts to address these by W.D Ross), police officers face a range of conflicting duties which can prove difficult in providing ethical practice. This is especially problematic when rules do not adequately prescribe what

ought to be done in every situation, which Delattre (1989) emphasises is the rationale behind police discretion. It is also worth examining the concept of the 'good end' by considering who benefits from the good end. As discussed in Chapter Two, under the community policing model, Bayley (1991) contends that an 'ends justifies the means' approach, which is utilitarian in nature, is an inherent consequence of the transition from the traditional models of strict adherence to procedure towards a less stifling and more fluid approach to police practice. Rank and file police and their immediate managers are encouraged to use resources based on local needs, de-formalising the approach to police work. The aforementioned link between ethics and police discretion is complicated by the different personal values of each police officer, and their freedom to pursue best practice within the operational context. Furthermore, adherence to human rights is an intrinsic element of the key ideologies underpinning the expectations of police practice and reform within both paradigms of democratic policing and community-oriented policing. While community policing is often utilitarian in nature, the democratic notion of the Rule of Law is fundamentally deontological, presenting yet another challenge for use of police discretion and the personal decision-making of individual officers, something that codified ethics attempts to address (Westmarland, 2014). The competing values and interests between police peacekeepers and host communities are only further complicated in the context of the fluid, dynamic, and sometimes hostile environments within a 'dirty hands' vocation of policing, particularly within peacekeeping and capacity building missions. In the pursuit of offering a practical solution to the means-ends debate, Beckley (2000) offers the Ends-Means test, shown in Figure Three below, which is self-explanatory in how police practitioners can 'ensure an ethical outcome':
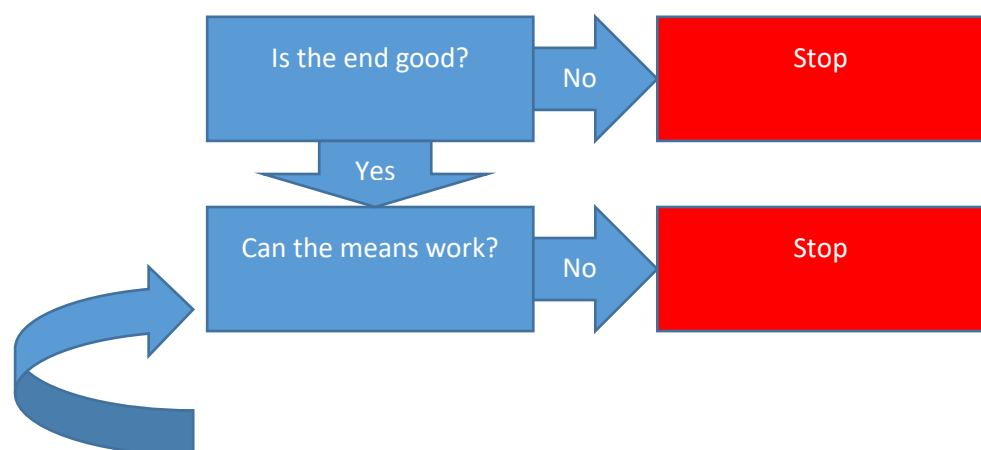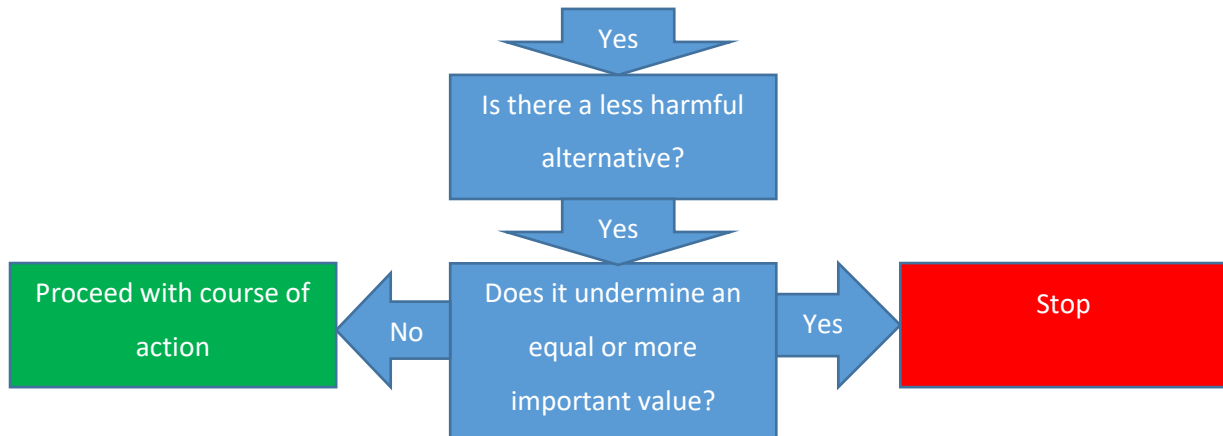
Figure 3: Beckley's Ends-Means Test (Beckley, 2000)

Beckley's framework provides an opportunity to achieve a practical solution in the means/ends debate in policing practice, suggesting that following these guidelines will yield the most morally acceptable response to an ethical dilemma. It demonstrates concern with utility (the end result and the minimisation of harm) and duty (the actions taken by the police officer and the values espoused within their purview).

Furthermore, the Ends-Means Test is transferrable to many scenarios, suggesting the potential for application to ethical dilemmas encountered within the police peacekeeping context.

Ethical frameworks further underpin the motivations behind sending police peacekeepers to conflict and post-conflict environments. If peacekeeping and capacity building are moral norms, then their pursuit of human rights and the rule of law must also be deemed universally acceptable. In endorsing human rights as a single justifiable moral point of view, human rights must meet a universal common ground of similarity for all people, regardless of the differences in its justifications (Beitz, 2009). From a human rights perspective, two different notions of human rights have been devised. Valentini (2009) theorises that the pursuit of human rights can be viewed from two perspectives: social liberalism, which paints human rights as a form of 'humanitarian assistance'; and as cosmopolitan, which suggests that human rights are a form of 'global justice'. These two concepts are deeply tied to the notions of utility and duty; the former, which Beitz (1999) describes as fairness to societies, is largely

utilitarian in nature, while the latter is Kantian and duty-based in its pursuit towards justice and fairness (Wonicki, 2009). Valentini (2009) and Miller (2007) have suggested bridging the two theories in the 'revised agent-based view', arguing that the duty of justice exists where it is institutionally allocated – in this case, where the state has requested that donor nations implement international police personnel for restoration of order and reformation of the security and criminal justice sectors – and the provision of humanitarian assistance to underprivileged post-conflict communities. These theories are normally applied to the context of tackling wider global inequalities, however they provide the opportunity to engage the blurring of police peacekeepers as actors of both development and security (Harris and Goldsmith, 2012). However, drawing on Neyroud and Beckley's conceptualisation of ethics in policing constituting duty, utility, character, and care, Valentini and Miller offer a useful lens for examining the contribution police make as necessary partners in sustainable police reform. In service of this thesis, the pursuit of justice – a clear goal outlined in the Four Tracks of Ethics – is intrinsically connected to care, which suggests that the wellbeing of individuals and communities that police interact with are of great significance to ethical policing. This supports the idea that within police peacekeeping, humanitarian assistance is both a necessity for post-conflict development and a core ethical role of police peacekeepers. This theme will be considered further in chapter six where many participants outline elements of humanitarianism and accompanying facets of individual and community wellbeing as intrinsic to effectively necessitating human rights and ethical practice in policing, transferrable to post-conflict settings where both ethics and human rights have been systematically denied.

4.2: Theories of relativism, absolutism, and the 'universal' western construction of human rights

Police peacekeeping missions present further moral challenges for practitioners pursuing a balance between the values accepted within Australian culture and the norms exercised by the host population. Underpinning this challenge is the concept of relativism, where values and norms are morally acceptable dependant on the context in which they occur. On the other end of the spectrum, absolutism, or universalism, juxtaposes the relativist framework. It enforces that there are absolute moral truths which all agents must adhere to in order to be moral, regardless of cultural context (Preston, 2014; Hinman, 2013). Notions such as human rights and state sovereignty are international doctrines espousing absolutism, although the selectivity of their application is questionable, given the prevalence in which powerful nation states either implement or ignore these norms, depending on whom in the Global South they are directed towards (Murray, 2012; Banerjee, 2007).

Both of these frameworks highlight the dilemmas presented by clashing values which impact both individuals and groups. These clashing values in turn contribute to a range of dilemmas facing police peacekeepers in adhering to the mandates of each mission. Duffey (2000) presents the imperative to negotiate western values from the diversity of nations that police peacekeepers come from, and the important role they play in moving away from an imperialistic, absolutist measurement of values towards culturally-sensitive approaches to police peacekeeping. To achieve this goal, Duffey suggests developing a grasp of the history, religion, customs, and language of the host population, as well as examining the histories and cultural dynamics of the conflict that led to intervention. Ellison and Pino (2012) highlight the complicated political and economic dynamics that continually reconceptualise the amount of attention paid to human rights, with western nation-states promoting human rights maintenance as best practice while continuing to push their own interests. They argue that such methods are culturally imperialistic, particularly if they are culturally inappropriate or ignore local traditions (McLeod & Herrington, 2016). Instead, they suggest that bottom-up strategies are better at achieving legitimacy through increasing participation from multi-faceted community groups. As

Marenin (2005) suggests, it is only through sensitivity to the local culture and efforts to build relationships with them through respect for their traditions, and avoidance of patronising or dictatorial approaches to intervention, that the democratic principles necessary for human rights maintenance can have the opportunity to flourish. The power imbalances between the groups can also be a source of conflict, eroding the initial welcome consent from the local population and resulting in experiences of disenfranchisement between the donor and the host.

Deciding which values and cultural norms should be protected, and which should be denied, is a challenge faced by all actors involved in capacity building and reform. While globalisation has facilitated international collaboration, it has also resulted in the dominance of western values over economically marginalised states (Body-Genrot, 2012). The construction of human rights as we see it today has potentially eroded the idea of state sovereignty, lending even further evidence towards the universality of the R2P doctrine and the homogeneity of democratic police practice. Dezalay and Garth (2002) argue that the expansion of human rights discourse has resulted in developments such as the shift from human rights being seen as a 'normative claim' to a 'justifiable norm', either through international treaties and legal instruments or through domestic legislation (Coomans & Kamminga, 2004).

These challenges are further demonstrated in the critique of the development and application of the two international codes of ethics by the UN and the IACP which were considered in chapter two. Cawthray, Porter, and Prenzler (2013) highlight that one of the foremost problems with implementing these two codes as the pinnacle of ethical police practice is the potential for cultural imperialism and a lack of contextualisation in the application of these norms. While both codes have a strong theoretical claim to universality – the UN has 193-member states and the police chiefs of over 100 nations are involved in the IACP – the potential for primacy being placed on the western concept of universality over locally and culturally sensitive contextualities is at least deserving of further consideration. That being said, the researchers raised the issue that if harmful cultural norms are not subject to scrutiny through universal codes, then that in itself presents an ethical dilemma worthy of further examination. As Allen (2009) drew attention to, the conflict between cultural norms and

universality becomes even more difficult in the context of the host nation, particularly in the instance where their cultural values differ greatly from those of the donor states, and where operational policing takes place either with or alongside policing cultures that differ considerably to the Australian context (Goldsmith & Harris, 2009). Bridging the universalistic-relativist divide is further impinged where police have been used simply as 'forms of riot control directed against unruly parts of the world to uphold liberal peace' as determined by the western community (Pugh, 2004), and where police institutions have crossed into paramilitary-style roles in the pursuit of humanitarian armed interventions where the centrality of human rights maintenance is a matter of contention (Miller & Blackler, 2005). These challenges can only be ascertained and unpacked using social theory that engages with the cultural, political, economic, and overarchingly contextual elements of the peacekeeping and capacity building phenomenon. Using the reflections made by Australian police peacekeepers in their experiences operating within culturally complex and conflicting environments provides the opportunity to contextualise the challenges presented by the universal-relativist debate within the missions to Timor-Leste and the Solomon Islands.

4.3: Bourdieu's Theory of Practice

The conflicts evident within cultural and universal norms are underpinned by both externalised structures and internalised agency which impact the practices police peacekeepers can engage in throughout their deployment. To that end, this section examines theories of structure and agency as they are intrinsically linked to the factors that impact on effective operational policing and the circumstances that influence peacekeeping and humanitarian intervention missions in the first place.

Within policing, Pino and Wiatrowski (2006) identify a significant gap in research on the importance of 'generating sustainable democratic institutions, socioeconomic development, social capital, and democratic policing' as intrinsic to the reduction of crime and development of sustainable police institutions in post-conflict regions (p 99). Specifically, there is a lack of connection in policing

scholarship on the facilitation and limitation of democratic police reforms in contexts where social, political, and economic factors are not given adequate attention. Celador (2005) concludes that transferring democratic policing practices to post-conflict settings can only be successful if a broad range of other tolerant and reason-based social mechanisms and structures are also implemented. Deconstructing the complex web of extended relationships within security and criminal justice sector reform presents the opportunity to reconstruct human rights maintenance and ethical practice in post-conflict settings. To that end, the term *structure* can be framed as the 'resources and rules' that people interact with and within. The resources and rules that govern structures can be physical environments and social relations, or embedded institutionalised domains within society such as politics, the economy, and other macro-level institutions (Lacroix, 2012; Dyck & Kearns, 2006). Agency refers to the 'powers of independent individuals' and their freedom to operate within those structures (Rafiee, Mirzaee, Mirzaee, & Hashemzadeh, 2014). Agency is as intrinsic to police work as structure, particularly institutional agency; Miller (2010) emphasises that the structures within institutions such as the police, including organisational rules, legal regulations, cultural and institutional norms, and desired ends, still require interpretation by police officers, particularly as agents have the ability to exercise discretional moral judgement and autonomy in making practical decisions.

The theories of structure and agency have lent themselves to an evolution of various conceptualisations of the relationship between structure and agency, driven by what Berard (2005) argues is a challenging domain which has produced no solid conclusion to the relationship between the two, and where Rutar (2017) states a resolution in sociological theory is lacking. This section will consider structure and agency through Bourdieu's theory of practice as best suited to understanding structure and agency in practice. While other conceptualisations of structure and agency, such as Giddens' structuration theory, Archer's morphogenetics, and Rob Stones' strong structuration theory, have attempted to address the structure – agency divide to present a workable dynamic between the two concepts, Bourdieu's theory of practice provides a useful lens towards broaching the duality of structure and agency and illuminating the primacy of both perspectives within the reflections and contributions of Australian police peacekeepers towards ethical practice and human rights.

Pierre Bourdieu is one of the foremost proponents of drawing the relationship between structure and agency in the social world. In the pursuit of reconciling the divide between structure and agency, Bourdieu argues that the dichotomy between structure and agency can be resolved through the recognition that while structures influence human practices, humans have the capacity the act within those structures and alter those structures; and that, since structures are created by people, agency must be implemented to operate within them (Bourdieu, 1972). The theory of practice suggests that structure and agency are not oppositional, but are equally present in society. Bourdieu did not seek a new unifying paradigm for this dynamic, but instead stated that for truly reflexive and critical engagement in social science research to occur, that agents and structures must be examined in the context of the wider power dynamics of cultural and social capital in which they operate (Swartz & Zolberg, 2004). Bourdieu drew significantly on the declaration that the social sciences must accommodate the reality that human beings are both biological and social in nature, and that humans occupy both physical space and social space at the same time (Bourdieu & Wacquant, 1991). Overall, Bourdieu formulates practice in the following way:

$$[(habitus)(capital)] + field = practice \text{ (Yang Yang, 2014)}.$$

To elaborate, the first concept that underpins the theory of practice is *habitus,* the set of internalised and pre-existing structures which determine how an individual chooses to act and react to the world, resulting in the generation of practices that reinforce those structures. *Capital* refers to the resources available to an agent that reinforce their position in society, whether that be social (networks within a group), cultural (education, cultural awareness), or economic (financial resources). Furthermore, Bourdieu states that temporal and spatial experiences reproduce social relations (Throop & Murphy, 2002; Bourdieu, 1977; Ishay, 2004). These experiences are only useful as forms of analysis when examined in conjunction with the conditions in which those experiences occur. Bourdieu calls these conditions *fields,* or structured spaces of positions in which agents confront, compete, and interact with one another with differing means and ends, contributing to either the conservation or transformation of the social space (Bourdieu, 1998; Joas and Knobl, 2014). Bourdieu's theory of practice suggests that agents are complicit in reproducing the same structures that impact their own

choices thus reinforcing the status quo, and suggests that agents are utilitarian in their approach to operating within those structures, particularly as they tend to be geared towards maximising profits (Lacroix, 2012). Furthermore, the theory of practice posits that structure and agency are mutual and reciprocal constructs dependent on one another without placing primacy on either one. For Bourdieu, structures are both 'the medium and outcome of agency' (Lacroix, 2012) and all practices undertaken by influential or dominant agents either continually reproduce the structures, or transform them (Bourdieu, 1984; Rafiee, et al., 2014). Overall, theory of practice attempts to make sense of humans' free choices to act, and the complex structural forces that impact this process.

Bourdieu's theory of practice is thoroughly applied to policing in Chan's work into police culture within the NSW Police Force. As a point of demonstration, within the NSWPF, *field* is identified as the various individual and organisational resources available to police, such as their personal and professional experience, rank, reputation, knowledge, and skills; and their opportunities for promotion, community support, budgetary allocation, and the legal and political structures in which they operate (Chan, Devery, and Doran, 2003). Drawing on Manning (1997) and Brogden (et al 1998) Chan identifies *habitus* as the 'common sense policing skills' that police officers embody. In making sense of the resistance to cultural change within the organisation, Chan (1997) concludes that, since change is a traumatic process, alterations in both cultural knowledge and structural conditions must coincide with law reform, international and external monitoring institutions, and a host of other quality and accountability mechanisms put in place. Given that police culture is not monolithic, it is crucial to examine both the cultural knowledge and structural conditions that police peacekeepers operate within, to understand how their practices fit within field and habitus and without assuming that all forms of policing are the same in all contexts.

While the structures that police peacekeepers and capacity builders operate within are often very diverse, they all fit within the overarching and highly complex structure of globalisation, which is constituted by multiple economic, political, environmental, and social forces with insurmountable power over agency. Police peacekeepers operate within many complex *fields;* for example, the globalisation of policing as a result of geopolitical and criminological transformation into the

international sphere is the major contributing factor that predetermines the context of peacekeeping and capacity building operations, resulting in many changes in interconnectivity between agents across physical and social space. In the case of this research Australian police peacekeepers, who would normally engage in domestic policing practices, pursue a homogenous approach to policing, and ultimately reforming, post-conflict environments, which is fundamentally liberal-democratic at its core. The pursuit of a liberal-democratic human rights based approach to peacekeeping is reinforced through the deeper integration between political and state stability and the moral responsibility placed on states to intervene based on evidence of humanitarian crises and state instability. These structural conflicts, between cultures within Timor-Leste and the fractured political context, were bound to result in the various conflicts that required UN intervention. In the case of the Solomon Islands, the ramifications of colonialism and the legacy of economic imbalance inevitably resulted in the reproduction of conditions for a failed state to occur.

McDougall (2004) reinforces the struggles of interventions to tackle the underlying causes of conflict, particularly due to the lack of resources (Chappell and Evans 1999), and local experiences of police failure to address individual needs when required (Goldsmith & Harris 2017). The lack of access to *capital* available in Timor-Leste and the Solomon Islands, both in the forms of economic capital to facilitate better police responses, and the lack of social capital in successfully engaging with the powerful networks available to local police, had a demonstrative impact on the experiences of local individuals and communities prior to each conflict. These issues were demonstrated in chapter three, where serious lapses in economic development and effective governance resulted in a near failed-state in the Solomon Islands, while the attempts to transform and rebuild Timor-Leste as an independent nation were hindered by underlying systemic and structural violence. In support of this position, Pino and Wiatrowski (2006) argue that operational policing must be based in democratic values for the protection of human rights to be brought to the fore (Palmiotto & Unnithan, 2011), and that in doing so, the wider aim of promoting safety and security; economic, social, and political development; and improving investment, will not only ultimately reduce crime, but will also restore social order through the construction of social capital (Paxton, 2002; Pino, 2001).

To contextualise this within police practice, it is imperative to acknowledge and identify the external constraints that either contribute to or hinder the autonomy of police officers and recognise that while police officers are agents in and of themselves, they are clearly impacted by the structures around them, which can contribute or hinder their ability to conduct police peacekeeping effectively and in turn contribute to ethical practice and human rights. Within the dynamics of police organisations, *habitus* is manifested within organisational police culture, which refers key values, beliefs, and actions that are normalised and institutionalised within police organisations due to experiences of high stress, job-specific language, managerialism within the organisation, and exposure to stress, trauma, assault, and biohazards (Smith, 2005; Kingshott, Bailey, & Wolfe, 2004). Chan (2007) reinforces this point by emphasising the integration of behaviours, values, and attitudes within police that enable them to cope with the 'unknowns' of policing and past experience. Since most participants in this thesis experienced state or federal policing culture (see Table One), *habitus* forms a 'cognitive frame' for participants towards making sense of the complex operational *field* they encountered within the peacekeeping mission context.

The structural challenges impacting long-term sustainable reform are evident in an abundance of literature of the topic of police capacity building, where academics such as Caparini and Marenin (2004) and Murphy (2007) argue that institutional and organisational reform must emerge from the political and cultural context in which it operates, particularly as western models are not easily transferable; preferably, Indigenous structures and agents should be engaged for this process. Overall, these structures provide an intricately connected web of causation, ethical motives, actions, and consequences, which require consideration of ethical theory to illuminate where these fit on the diverse spectrum of moral practice.

4.4: Connecting ethics, values, structure, and agency with human rights in police peacekeeping practices

Within sociological theory, structuration places a considerable amount of attention to the social systems that are reproduced through agent action and interaction. However, while theories of structure and agency provide a social scientific lens to these concepts, none of these theories clearly assign *moral* responsibility to any particular actor, insofar as it critiques the divide between structure and agency and marries the two as complementary forces. The philosophical concepts of free will and determinism provide a chain link between the philosophical domain of ethical theory and the sociological framework of structure and agency; indeed, Lacroix (2012) draws on the free will / determinism debate within the structure / agency domain. The concept of free will draws on moral responsibility; in other words, that agents can choose to act without coercion through determinist conditions, and that we have the free will to generate alternative possibilities if we so choose (Fischer, 2006). Determinism refers to the absence of an agent's autonomy and free will, taking decision making out of the agent's hands and stating that choices are caused by pre-existing events (Leon, 2016). The study of free will and determinism is arguably paradoxical; determinism espouses that all events occur due to cause and effect, suggesting that agents cannot have free will if their free will is already predetermined. Thiroux and Krasemann (2012) conclude that while we must accept that some level of determinism exists, we assign moral responsibility to humans because they have agency and capacity to act, thus demonstrating a middle ground of soft determinism, which asserts compatibilism with free will *and* determinism. To elaborate, soft determinism states that while determinism is true, people have free will based on their deliberate actions, which are caused (Ogletree & Oberle, 2008). Other conceptualisations of free will sit within determinism; for example, Hodgson (2005) suggests that, provided there are two non-random post-choice states, then free will must be possible*, as even if the agent is aware of their ontological context*; they make a free choice to choose one alternative and not the other.*

Such arguments within the structure, agency, freedom, and determinism debate are also demonstrated within ethical theorising. For example, within the *character* domain, Kim (2013) argues that within Confucianism the mind is free from external and internal constraints, and that people are morally responsible for their actions if there was an alternative action available in the situation and that said action was preceded by 'voluntary and conscious choice'. Similarly, Puddephatt and Prus (2007) suggest that Aristotle provides us with a model of causality within social relations that recognises human participation in communities as both biophysical and experiential entities. Within the duty-based Kantian perspective humans are considered to be rational beings who consciously engage in moral agency bound in duty. Within *care,* the agency of actors engaging in moral reasoning seems to be founded in biological and social gendered structures which suggest that 'moral maturity' differs between the sexes (Matchett, 1998) and that contextual engagement is the causality that determines the required act of 'care' within mutual relationships (Held, 2006). Finally, even *utility* cannot escape the structure agency debate; for example, King (2009) drawing on Talcott Parsons and Ludwig Wittgenstein argues for bridging the individual agent-based decisions to achieve an end with the collective pursuit of good social ends as offering evidence of structures in place in society. While these explanations only touch on the examination of ethical theory and sociology, they demonstrate that there is an intrinsic connection between the pursuit of a normative morality and the pursuit of a solution towards compatibilism between structure and agency.

There are a number of key theoretical discussions that interweave the free will / determinism debate with theories of structure and agency. Yang (2014) provides what is perhaps the most detailed analysis of Theory of Practice as a foray into determinism, particularly as it is critiqued as being 'too deterministic' and unable to predict change. Yang challenges this critique by stating that while the connections between habitus, capital, and field seem to be intrinsic to deterministic constructs, Bourdieu does acknowledge conscious change and deliberation through four conditions which Yang summarises as possible when there are multiple opportunities within a system that agents can take advantage of towards exercising agency. Drawing on Giddens, Rubenstein (2017) argues that social structures are not deterministic 'forces of nature' deciding agents' moral choices; rather, agents are not absolved of moral responsibility 'just because their actions are conditioned by the existence of a

structured system' (p. 14), suggesting that people still have some power to think and act despite unequal levels of empowerment and oppression between structured groups. Stones (2005) further connects structure and agency in structuration theory to determinism and freedom, by arguing that too much emphasis on structure risked being fatalistic and too deterministic, while overemphasis on agency would overestimate the knowledge and capabilities of agents to act voluntarily and transform structures as they see fit. Vandenberghe (1999) highlights the gap between ethical theory and Bourdieu's framework by arguing that an analysis of social forces and the possibility of emancipation and transformation presents an opportunity for formulating a 'normative criteria of moral judgement', suggesting the potential for generative structuralism (p62). Sayer (2010) reinforces this point, suggesting that ethical dimensions of social structures and actions feature throughout Bourdieu's work; for example, Bourdieu's analysis of domination, oppression, and potential emancipation is underpinned by moral concerns, particularly regarding self-interest and reproduction of power structures that maintain the status quo. While *habitus* is often critiqued as being overly deterministic, within theory of practice agents can operate reasonably towards moral reflexivity, presenting the opportunity for transcending power structures and ultimately facilitating agency to that end.

To examine how police peacekeepers can contribute to ethical peacekeeping practice within this thesis, there must be acknowledgement of the wider context that constrains practitioners in the post-conflict setting. Unequal development in post-conflict scenarios allow the conditions that facilitate crime to fester, thereby increasing crime rates and relying on the varying police practices examined in chapter two to deal with the prevalence of crime. As illustrated in substantial amounts of research, many specific factors contribute to increasing crime rates: poverty, lack of employment opportunities, poor access to health care and education, and a lack of access to capital contribute to the 'fatalistic attitude that one can never affect one's life chances' (Pino & Wiatrowski, 2006). Overarchingly, the responsibility for providing successful peacebuilding is deemed a moral issue. For example, Visoka and Doyle (2014) in discussing the moral responsibilities of the international community to provide peacebuilding to failed states, suggest that assigning moral agency is integral to successfully tackle human rights atrocities through the placement of moral responsibility on capacity building agencies. Prior to implementing peacekeeping measures, Banerjee (2005) argues that national governments are

responsible for preventing armed conflict, particularly through addressing the underlying structures that promulgate conflict, including but not limited to the institutional, socio-economic, cultural and environmental conditions that precede violence. Furthermore, Ishay (2004) explicitly draws on Bourdieu in analysing structures that both advance and deny human rights, arguing that most of the contemporary discourse on human rights, and who is best to facilitate it, tends to disregard the 'structural and institutional dynamics' which either help or hinder its advancement. For human rights practices to be successful, the conditions for their success must be implemented as a precursor.

MacVean and Spindler (2012) draw an explicit link between structure, agency, human rights maintenance, and ethical practices by the police. In 2005, the UK's Taylor Review opened up the opportunity to explore the connections between agency and structure in police practice as a response to managing complaints about police conduct. In particular, it exposed 'the intricate connections between integrity, culture, morality, and politics' that contribute to ethical professional behaviour. Such arguments are reinforced within criminological scholarship; for example, the theoretical framework of constitutive criminology is founded on the proposition that humans actively create their lived experiences and structural conditions through social interaction, arguing that they constantly shape the world they live in while being shaped by those same realities. Since social structures are coproduced, examining crime requires focus on the interrelationship between the individual and society. According to constitutive criminology, agents sit on a spectrum which includes constructed differences in morality and human rights (amongst other structures such as class, gender, race, biological integrity, psychological state, etc), suggesting that there are deterministic harms reproduced in society by unequal power relations which ultimately dehumanise agents if they are unable to act, interact, and transform themselves and the environment they exist in (Henry & Milovanovic, 2000).

Since moral responsibility is consistently applied to police officers in academic scholarship, and as police peacekeepers are selected from a cohort of police officers, their experiences of assignation of responsibility require further acknowledgement. Miller (2014) emphasises this point; since morality is assigned to moral actions based on relevant knowledge, failure to act based on that knowledge makes

police morally responsible for their choices. These arguments are situated within facets of structure and agency, demonstrating that the lived experiences of police peacekeepers present an opportunity to elucidate the conditions that shape moral decision making in the peacekeeping and capacity building context, which will be examined in depth in chapter eight.

4.5: Chapter Conclusion

This chapter has highlighted four key theoretical frameworks that play an important part in informing this research. The first section drew connections between key ethical theories and their applicability to ethical policing through Neyroud and Beckley's Four Tracks of Ethics. Specifically, this section highlighted the ethical foundations for police peacekeeping and capacity building missions, drawing connections between the concepts of duty, utility, character, and care, and the underlying moral rationale for intervention in conflict and post-conflict states. Furthermore, ethical theory has provided significant contributions to the current understanding and implementation of human rights as a globally universal moral norm. These norms are inherent within the tasks of policing and peacekeeping, and evidently provide a basis for understanding the motivations behind intervention, and the methods and doctrine adhered to by police peacekeepers.

On this basis, theories of structure and agency provide a sociological framework for making sense of the way autonomy, free will, and determinism contribute to ethical practice and human rights maintenance in police peacekeeping, that moves beyond the application of ethical theory. Stones (2005) argues that when structuration theory is applied in the appropriate context, it can bring together agents and social structures to provide a deep examination of the complex structures at play in social life. Acknowledging the challenges present by structural conditions and their relationship to agency and autonomy actioned by police peacekeepers provides an opportunity for further unpacking the multitude of experiences had by police peacekeepers throughout their deployments. As demonstrated in this thesis thus far, the peacekeeping and capacity building phenomenon presents a

range of challenges for police peacekeepers; maintaining human rights and ethical standards in often violent conflict and post-conflict regions; pursuing universal conceptions of human rights in vastly different cultural contexts and in recognition of the legacy of colonialism; and operating within resource constraints while rebuilding fractured societies. All of these issues permeate a range of ethical issues and present both a sociological and practical conundrum.

Given that police peacekeepers are engaged in deeply complex structures and are required to navigate a multitude of ethical dilemmas, ethical literacy and acknowledgement of those inequalities is worthy of exploration to improve ethical means and ends for future missions. As argued by McAuliffe (2014), 'there is a growing belief' that behaving ethically – and arguably that engaging in ethical reflexivity – can be 'a central factor in building more peaceful human relationships around the globe' through drawing on the common human pursuit of ethical and compassionate action.

The following chapter, chapter five, will describe the methodological approach used to guide this thesis. It will particularly focus on the qualitative approach of hermeneutic-phenomenology which supports the use of moral reflexivity in the interview process.

Chapter 5: Exploring Police Peacekeepers' Perspectives Utilising Hermeneutic Phenomenology and Thematic Analysis

Chapter five outlines the methodological approach adopted for this thesis. The research aims to provide new empirical data to aid an understanding of the contributions police peacekeepers make towards human rights maintenance and ethical practice while participating in police work in a post-conflict or emergency situations. Qualitative inquiry has informed the methodological approach to this research, with the research specifically guided through hermeneutic phenomenology. The chapter will also discuss the recruitment of interview participants, the questions pertaining to the interviews, thematic analysis and coding, ethical considerations and issues surrounding researching the police. The research process will be underpinned by the use of hermeneutic phenomenology as a lens to explore the concept of reflection, which is used to provide practitioners the ability to consider how they can actively address any dilemmas for future practice. Through examining both of these concepts in congruence, it will establish the importance of reflective practice for providing a theoretical basis from which to understanding police agency in delivering ethical practice and human rights maintenance in police peacekeeping.

The main aim of this study is to:

Examine the reflections of Australian police peacekeepers in navigating structure and agency through the understanding and maintenance of ethical practice and human rights whilst participating in international police peacekeeping and capacity building missions in Timor-Leste and the Solomon Islands.

The following research questions were used to address the research aim and inform the data collection tools:

1. How do police peacekeepers make sense of human rights and ethics and their relationship to policing?

2. What structural conditions impacted on police contributing to human rights maintenance and ethical practice in the host context?

3. To what extent did Australian police peacekeepers use moral agency to facilitate human rights maintenance and ethical practice in the host context?

4. What contribution can ethical theory and theory of practice make on the reflections of police peacekeepers in past missions to guide an approach for current and future international peacekeeping and capacity building missions?

The research also aims to understand and examine the limitations of existing research into ethics, human rights, and police peacekeeping and capacity building, and seek ways to illuminate the experiences of police peacekeepers and capacity builders in the achievement of ethical practice and human rights maintenance. This chapter will consider the areas for increasing current knowledge concerning the gap in data collection methods, in order to further reinforce the contribution of the research presented in this thesis. The research questions and data collection tools complement the research steps outlined by Stones (2005) for engaging in research into structure and agency through the agent's identification of structures, including internal structures and intersubjective structures, their positioning within those structures, and the constraints and contributions made by the agent to the pursuit of the ethical practice and human rights.

The data gathered from the interviews was coded and thematically analysed to discern how all participants understood human rights. Participants were recruited from the Australian Federal Police and through the United Nations Overseas Policing Association of Australia (UNOPAA), and those in contact with message boards displaying an interest in East Timor, the Solomon Islands, and aid and capacity building projects throughout the Asia-Pacific such as NGO workers, government workers, health care workers, advisors, educators, soldiers, and human rights volunteers. By providing the opportunity for participants external to the police to participate, a balance in thematic representation and verification of emerging themes was achieved. The chapter will conclude by drawing together the ethics and safety procedures engaged by the researcher before commencing the analysis section of this thesis.

5.1: Reflexivity: a note on the researcher in the research

Engaging in reflexivity is an important process towards validating the research process and ensuring that the methods used promote an unbiased approach to the task. In any case, researcher bias should be considered, particularly due to the fluid nature of interviewing, which is the data collection tool employed in this thesis. Being 'an outsider' provides the researcher an opportunity to form the detachment necessary to conduct the research without significant bias, while allowing the participant to discuss the themes important to the person relating to the research questions. This detachment addresses the relevance of reflective practice and provide the opportunity for an even power dynamic throughout the interview process (Wigginton & Setchell, 2016; Miller, 2011).

It is intended that this research will have the potential to inform training, policy, and operational practice within the IDG. The research contributes to opportunities for engagement with training and education for future police peacekeeping missions towards understanding cultural, social, economic, geographic, and historical context, while providing reflections for future police peacekeepers to consider ways they can use agency to navigate these structures in the pursuit of ethical practice and human rights.

5.2: Qualitative Research Methodology: Justification for Hermeneutic Phenomenology

The methodology adopted within this thesis is qualitative. A qualitative approach to research seeks to identify the meanings, processes, context, and characteristics of the objects of inquiry, which usually focuses on a small number of units of analysis and makes no attempt to give numerical value to the data (Landman, 2006). This approach is integral to the research as it facilitates the discovery of empirical evidence to the participants' sense-making and contribution to ethical practice and human rights maintenance. The research is classified as theory-driven empirical, as it will use existing theory on structure, agency, and ethics as outlined in chapter four. While quantitative data can measure the

amount at which human rights are violated, qualitative data elucidates whether current understanding and practice can be improved, or if there are issues outside of the narrow nature of specific outcomes, as was demonstrated in the *Policing the Neighbourhood* study by Goldsmith, Dinnen, and McLeod (Landman & Carvalho, 2010; Goldsmith, 2009). Bruch (2013) concludes that through researcher participant relationships and ultimately qualitative interview practices, contemporary human rights reporting and monitoring is reconceptualising current knowledge and methods and should be engaged with more frequently. By analysing the experiences of individual officers from a qualitative perspective, the researcher can at least begin to determine whether the application of human rights in policing practice is consistent with what human rights is perceived to be by those whose primary purpose it is to protect. The method adapted to execute this approach to research are semi-structured interviews, which are considered below in section 5.4.2.

To support the methodological approach and the data collection and analysis process of the research, a hybridization of hermeneutics and phenomenology, also called hermeneutic phenomenology (Van der Zalm & Bergum, 2000) was adopted. Hermeneutic phenomenology facilitates descriptive and interpretive elements of research, providing the opportunity for both reflection for both the participants and the researcher and developing an understanding of the implications that personal experience can provide on professional practice. It supports the theoretical framework of the thesis; research on ethics, human rights, structure, and agency are ingrained within hermeneutic and phenomenological frameworks in a number of ways (Stones, 2005). First, Bourdieu considers how people generate structures based on preceding events, and hermeneutic phenomenology offers the opportunity to derive causality from preceding events towards reflecting on the responses made by agents (Fararo and Butts, 1999), also called *genetic structuralism*. Second, in theory of practice, people construct meaningful responses to structured conditions (or habitus) that either reproduce or transform those structures. Hermeneutic phenomenology offers participants the ability to reflexively engage with their ontological positioning in the peacekeeping and capacity building context, particularly towards making sense of their experiences and interpreting their actions throughout the interview.

Hermeneutics, while traditionally applied to inquiry in religious texts, is used in the social sciences to *'open up the middle space of rich engagement between the research object and the researcher'* (Sharkey, 2001) and to accommodate the fluidity, structural conditions, and interpretations that arise throughout human experience (Spence, 2017). The hermeneutic approach to moral inquiry is acknowledged as being of utmost importance to the study of the reflections of actors in moral action and social interaction, particularly by prominent ethicists and moral psychologists such as Lawrence Kohlberg and Carol Gilligan, and is most suitable to researcher interpretations of interview narratives (Tappan, 1990). Phenomenology facilitates the collection of meaningful narratives and experiences of the participants, which are translated into reflection throughout the analysis process. Phenomenology is traditionally used for the purpose of inquiry within the perceptions of individuals and has not been used extensively in research on universalistic concepts such as human rights. Pettman (2004) critiques the lack of acknowledgement of phenomenology in human rights research; he argues that *'human rights doctrine fails adequately to account for our sense of what is moral'* and that phenomenology can illuminate this sense in the midst of the subjective experience / objective truth dichotomy. Similarly, Junglos (2017), drawing on Waldenfels (1994), argues that phenomenology is immersed in ethics, and that people are continually questioning the world and justifying the actions they take; this is a clear form of reflective practice and maintains the reflective approach taken in this research. The use of phenomenological methodology in human rights research is further supported by Parekh (2008), who argues that the notion of human rights has not yet reached the state of unquestionable truth and universality as is advocated by policy and law; instead, human rights need to be *interpreted* by people who use them, which requires exploration into the ideas and beliefs behind the construction and implementation of human rights beyond the notion of policy and law. Combining these two approaches – the reflective subjectivity of human experience within phenomenology – and the moral inquiry of hermeneutics – provides an approach that can integrate the subjectivity/objectivity nexus and ultimately advance research into human rights maintenance and ethical practice through the use of practitioners and through an illumination of their understanding of what these concepts mean to the participant.

In the context of nursing, Van der Zalm and Bergum (2000) used the hermeneutic phenomenological method for knowledge development. This thesis transfers the approach taken here to policing, by recognising the similar structural conditions and room for individual and institutional moral agency that both professions engage within. Comparatively, nurses and police officers both experience heightened periods of moral distress due to grappling decisions based on morally complex situations and the need to achieve balance between stakeholders, particularly in emergency response situations; performance appraisals and complaints processes which can be highly critical; workplace bullying; and high burnout rates in both professional contexts, all of which create hierarchical power structures and cultures which override individual agency (see Galovic, et al., 2016; Musto, et al., 2015; McKay, 2014; Barron, 2008). This, in turn, promotes the ethical inquiry necessitated by the research aims.

Hermeneutic phenomenology supports the premise that policing is a profession, and that it requires more than simply applying knowledge and procedures to a given scenario; the complexity of police work coupled with the instability of foreign intervention requires police to acquire a wide range of knowledge and skills for practical use. This has been highlighted by Hughes and Heycox (2011), who argue that developing a professional identity within policing requires police to reflect on their operational practice. Schon (1987) proposed the importance of reflection, as differences in situations, values, perspectives, and external factors can be unpredictable and lead to the need to reflect on practice for improvement in professionalism later on in one's career, which supports the thesis in two ways. Firstly, reflective police practice can contribute to consideration by police officers of the meaning of human rights and ethical practice and its relationship to their involvement with international peacekeeping and capacity building missions; and secondly, it contributes to the hermeneutic phenomenological approach to this thesis, providing us with an insight into the observations, perceptions, and experiences of serving police and external others. This provides development for the profession, as well as addressing the gaps in current research in this field (Hughes & Heycox, 2011).

McAuliffe (2014) emphasises the importance of ethical literacy for professional practice and highlights the increasing use of the concept in tertiary education and as a part of professional practice in

professional sectors. She highlights the main tenets that an ethically literate professional should have, which include: a clear understanding of professional integrity; sound knowledge of issues such as informed consent, privacy and confidentiality; an understanding of boundaries between the personal and professional sphere; a willingness to adhere to standards of accountability; an understanding of ethical theory and how it can apply to practical decision making; an understanding of what constitutes an ethical dilemma; consideration for cultural diversity and difference; an understanding of policy and codes of conduct; and an ability to reflect on one's own personal agency and its impact on ethical decision making. McAuliffe highlights the risks of failing to understand ethical concepts that result from ethical illiteracy, which include a failure to understand appropriate professional boundaries, negative implications for consent and privacy, and inconsistency in addressing the needs of personnel (McAuliffe, 2014). All of these tenets require reflection, which hermeneutic-phenomenology requires.

As a final point of consideration, it is important to note that Bourdieu was largely critical of phenomenology, a point raised by Throop and Murphy (2002). Bourdieu's stance against phenomenology stems from what he states is its focus on agency, heavily weighting phenomenology with the subjectivist stance which Bourdieu was pursuing to balance with 'objectivist anthropological' conceptualisations of social action. Summarily, Bourdieu's *habitus* was an attempt to bridge the phenomenological-anthropological (or subjective-objective) divide. He criticised phenomenology for failing to acknowledge the structural constraints placed on agents (Bourdieu, 1985). Throop and Murphy (2002) critique Bourdieu's criticisms as him misunderstanding the contributions that phenomenology can make to research on structure, and that instead, phenomenology can illuminate those structures if applied carefully and rigorously. In this research, applying hermeneutic-phenomenology and thematic analysis is an attempt to address Bourdieu's criticisms in the spirit of balancing the structure agency dichotomy towards examining how Australian police peacekeepers' sense-marking and contribution to ethics and human rights.

5.3: Research Design

The research design adopted within this thesis is case study, which, as defined by Lichtman (2010) involves intensive examination of a particular event. International missions to Timor-Leste and the Solomon Islands form the case studies for this research, based on the contribution that Australian police and other capacity building and peacekeeping organisations and professions have made. The particular aspect of these case studies to be focused on is their understanding and contribution to ethical practice and human rights. Due to the significant geopolitical and criminological implications of having a failed or conflicting state close to Australia's borders, choosing nations immediately next to Australia was deemed most relevant for the research to be conducted. Landman (2006) takes note that due to their ability to gather in depth data, qualitative techniques in human rights research are at an advantage of having the ability to utilise specific case studies and still obtain a rich data source, unlike quantitative measures which find their strength in larger scale, and even global, inquiry. There are a number of misunderstandings about the use of case studies, as discussed in Flyvbjerg (2011).

The first misunderstanding about the use of case studies is that theoretical and general knowledge is more valuable than case knowledge as it pertains only to that case and cannot provide knowledge for broader. The argument is sustained by suggesting that case studies cannot contribute to scientific development due to the aforementioned inability to be applied across the board. This misunderstanding is combatted in the research design in three ways: firstly, the research design follows two case studies, as opposed to one, and the themes generated from the data demonstrate many similarly consistent issues in both case studies. Secondly, both case studies traversed many years; Operation Helpem Fren spanned 14 years commencing in 2003, and the total years spanning the three UN missions as well as Australian-led missions reaching a total of 18 years, commencing in 1999. The participant narratives span this time and allow the opportunity to contextualise their reflections. Finally, it supports the approach taken by the aforementioned studies in the introduction, which also relied upon using both Timor-Leste and the Solomon Islands as case studies for their research.

Following on from this is the misunderstanding that case studies are more useful for generating hypothesis while other methods are more suitable for testing hypotheses and developing theory. The research design safeguards against this misunderstanding through the use of both inductive and deductive approaches to analysing the themes generated in this study. Fereday and Muir-Cochrane (2006) employ both to their research on the reflective experiences of nurses receiving professional feedback and performance appraisals, in order to both apply theory and to facilitate emergence of theory from the richness of the themes. For this thesis, ethical theory was employed in a deductive manner to the themes; however, the emergent themes of structure and agency presented themselves inductively throughout the coding process. It is important to highlight that this process also addresses misunderstanding four: the suggestion that case studies tend to confirm the researcher's preconceived notions.

The final misunderstanding surmises that it is difficult to summarise and develop general propositions and theories on the basis of specific case studies. To combat this misconception, it is imperative to highlight the benefit of using case study design in this research. By using the comparative case studies of Timor-Leste and the Solomon Islands, a researcher can understand the limits of current theory whilst developing new theory, discern what circumstances impact an event and outcome, and to even demonstrate that if something is not the case in *X* then it may not be the case in *Y* through logical deductions, creating a discourse for both the specific case study and for the general relevant field. The advantage of the case study is that it can test views rigorously and that due to the researcher employing qualitative techniques, one can be corrected if they steer the interview towards preconceived notions that may be falsely generalised, and even introduced to entirely new information that had not originally been considered (George & Bennett, 2005). The case studies in this instance can therefore potentially be applied to external contexts, or as a point of future reference, provide the opportunity to further examine their perceptions regarding their understanding of and contribution to human rights maintenance and ethical practice. Furthermore, it can be used in future research to guide human rights and ethics training, implement opportunities for further *reflection-as-action,* and facilitate the opportunity to discuss ways to improve practice in future police peacekeeping missions (Hughes & Heycox, 2009).

The greatest evidence of reliability stems from the importance of reflection, which can then be turned into reflective practice. A concept that is present in many forms of professional practice, reflection relies on the practitioner to thoughtfully consider what they have done in the course of their work and reflect on what can be critiqued to ensure that future practice is improved. This research facilitates some reflection on the participants' contributions, and their shortfalls, in human rights and ethical practice. It does so through the use of reflective questions in the interviews, and because the practitioners are being directed towards considering how they maintain human rights and what they perceive they did, or could do, to ensure that human rights standards were adhered to. It is the role of the researcher to take this reflection and analyse it to determine where this reflection fits in the applied ethics sphere. This approach addresses the disconnect between theory and practice as has been highlighted by practitioners across many disciplines; as outlined by Kinsella (2010), practitioners must be equipped to navigate the 'muddiness' of professional dilemmas. As Schon analogised, theory and research-based practice is the 'high ground' of reflective practice, and the 'swampy lowlands' are the specific practice contexts where the application of theory is to be made. To elaborate, theory must *fit in* to practice, and, as suggested by Thompson and Pascal (2012), professional practice requires the use of reflection to generate knowledge for practice (Kinsella, 2010).

Reflection provides the opportunity to learn from experience and, as will be demonstrated in the analysis of the data, some of the narratives that emerged demonstrated evidence of r*eflection-as-action,* which requires practitioners to move beyond the rationality-based concepts of *reflection-on-action* - or retrospectively reflecting on actions conducted after the event - and *reflection-in-action* – or engaging with intuitive knowledge in the process of practice – to use reflective narratives as more than catharsis, but to ponder the contributions and limitations to police peacekeeping practices long after they had partaken in the deployment (Hebert, 2015; Thompson & Pascal, 2012; Schon, 1991). The research design also supports the *reflection-on-action* approach which facilitates retrospective reflection as rationality. As a final point, reflection is an intrinsic element of hermeneutic-phenomenology for both the researcher and the researched; by emphasising 'questioning' more than answering, this method facilitates the focus on meaning of action and, more importantly, the relationship between values and practice are illuminated (Spence, 2017). This is solidified by

Christopher (2015) who emphasise the significant contributions that critical reflection provides to the development of professional improvement and integrity as an ethical process in and of itself for the participant in question.

5.4: Methods

The remaining part of this chapter focuses on the practical aspect of the data collection, analysis and ethical components of this research. The focus will be on the sampling process, which utilised purposive sampling to target the specific participants required for the study; the data collection tool; the application of thematic analysis for conducting the data analysis; and the ethical and safety safeguards encompassing the research process.

5.4.1: Purposive Sampling and recruitment process

The participant sample was drawn using purposive sampling, which is a widely used technique within qualitative research to select potential candidates for participation using limited resources. This technique was most appropriate for the research given the highly specialised, nuanced, and small group of people who fulfil the criteria of being either an Australian police peacekeeper or having engaged with police peacekeepers throughout the course of alternative work (Patton 2002). Fifteen (15) participants were listed under the category of 'significant others'. Within this group were people from a diverse array of professional backgrounds, including defence, health and social services, education, law, and emergency services. Two of the reservists were also state police officers, with one from NSW and the other from VIC. Thirteen (13) participants deployed while they were serving AFP officers, and four of those officers moved onto state policing at some point after they returned from their deployment. Another three (3) officers were previously employed by a state police organisation prior to joining or transferring to the AFP. Six (6) of the other officers had since retired at the time of their interview or resigned from the police and had pursued other fields of employment. Four (4)

participants, two (2) police and two (2) significant others had not engaged in deployments to Timor-Leste or the Solomon Islands but had engaged in international emergency management practice which fell under the initial banner of the research. Their inclusion in the early stages of the study are listed as external participants. The remaining twenty-nine (29) participants were officers who from their respective state police organisation to the AFP. Many of those officers were still serving in their respective organisation. The majority of the police peacekeeper participants were recruited through an email and information sheet (see Appendix A) sent out via the UNOPAA upon receiving support from the Australian Federal Police to conduct interviews with Australian police peacekeepers (see Appendix E), while remaining participants were recruited through East Timor Action Network (ETAN) and through word-of-mouth. Participants were invited to notify other professional contacts of the research, all of whom had access to the information sheet. This technique is known is snowballing and is well established in qualitative research as a tool for disseminating the invitation to potential participants to take part in the research. Participants were asked to 'identify cases of interest' based on their own connections through providing the information sheet and requesting that the potential participant contact the researcher via email if they were interested in engaging with the research (Palinkas, Horwitz, Green, et al., 2015). The email invited them to contct the researcher if interested in participating. Each participant received a consent form (see Appendix B) as well as a counselling services sheet (see Appendix C) due to the potentially triggering nature of the interview dialogue. Once participants confirmed their agreement to participate a time and date was organised to either conduct the interview face-to-face or over the telephone. Once interviews were conducted and the transcripts finalised then participants were contacted and offered the opportunity to view their transcripts and make any amendments that they saw fit as per the HREC approval. Only three participants – SO4, SO9, and PO11, elected to make amendments to their original interview transcript.

The following table, Table One, outlines the demographic background of the participants interviewed. The table also outlined each participants' involvement in international policing, peacekeeping, capacity building and emergency management. Also included in the table is each participant gender, professional background and location of deployment, to provide a visual representation of the interview demographics. All participants were issued a de-identifiable code at the time of their

interview in order to ensure anonymity. This unique interview reference number is also included in table two.

Table 1: Participant information

Reference number	Gender	Professional background	Deployment
SO1	Male	Australian military	Solomon Islands
SO2	Male	Medic	Solomon Islands and Timor-Leste
SO3	Female	Policy	Timor-Leste
PO1	Male	ACT police and AFP	Timor-Leste
SO4	Female	Education	Timor-Leste
SO5	Male	Australian military and NSWPF	Timor-Leste and Solomon Islands
PO2	Male	AFP and ACT police	Timor-Leste
SO6	Female	Program analysis UNDP	Timor-Leste
SO7	Male	NZ Police	Solomon Islands
SO8	Male	Australian military and VICPOL	Timor-Leste
PO3	Male	NSWPF	Timor-Leste
PO4	Male	NSWPF	External
PO5	Male	AFP	Timor-Leste
PO6	Male	AFP	Timor-Leste
PO7	Female	AFP	Timor-Leste
SO9	Female	Social work	Timor-Leste
SO10	Female	Nurse	Solomon Islands and Timor-Leste
PO8	Male	AFP	Solomon Islands, Timor-Leste
SO11	Female	Volunteer	Timor-Leste

PO9	Male	AFP and NSW	Solomon Islands
PO10	Male	AFP	Timor-Leste
PO11	Male	NSWPF	Timor-Leste
PO12	Male	NSWPF	Solomon Islands
PO13	Male	AFP	External
PO14	Male	AFP	Timor-Leste
SO12	Male	Fire and Rescue NSW	Solomon Islands
SO13	Male	Fire and Rescue NSW	External
PO15	Female	NSWPF	External
SO14	Male	Fire and Rescue NSW	Solomon Islands
SO15	Male	Fire and Rescue NSW	External
PO16	Male	VICPOL	Timor-Leste, Solomon Islands, (non-policing)
PO17	Male	VICPOL	Solomon Islands
PO18	Male	VICPOL	Timor-Leste, Solomon Islands
PO19	Male	VICPOL	Timor-Leste (non-policing)
PO20	Male	VICPOL	Timor-Leste, Solomon Islands
PO21	Male	TASPOL	Timor-Leste
PO22	Male	VICPOL	Solomon Islands
PO23	Male	SAPOL	Timor-Leste
PO24	Female	VICPOL	Timor-Leste
PO25	Male	AFP	Bougainville, Timor-Leste
PO26	Male	TASPOL	Timor-Leste
PO27	Female	AFP	Timor-Leste
PO28	Male	VICPOL	Solomon Islands, Timor-Leste
PO29	Male	NSWPF AND AFP	Timor-Leste
PO30	Male	VICPOL	Timor-Leste

PO31	Male	VICPOL	Timor-Leste and Solomon Islands
PO32	Male	VICPOL	Solomon Islands
PO33	Male	VICPOL	Solomon Islands
PO34	Female	VICPOL	Solomon Islands
PO35	Male	NSWPF	Timor-Leste
PO36	Male	VICPOL	Solomon Islands
PO37	Male	VICPOL	Timor-Leste
PO38	Male	VICPOL	Solomon Islands
PO39	Male	WAPOL	Timor-Leste and Solomon Islands
PO40	Female	AFP	Timor-Leste, Solomon Islands
PO41	Male	VICPOL	Solomon Islands

5.4.2: Data collection tool

Semi-structured interviews were employed as the data collection tool due to the fluid nature of qualitative research (see Appendix D). By using an interview plan, the researcher was able to pinpoint data presented by the participant which required further exploration as pertinent to the research aims. This option also catered for the inability to pilot the semi-structured interviews due to access constraints. The semi-structured interview tool facilitates the hermeneutic phenomenological approach in a number of ways, and draws on previous use of phenomenology and hermeneutic methods in research on similar participants. For example, Sanchez (2016) used semi-structured interview tools to ascertain the narratives of police seconded to UNPOL in order to determine their experiences of acculturation throughout their work. Sanchez justified this approach as it provides the opportunity for the participant to fully articulate their experiences and to contextualise their responses based on their understanding of the acculturation phenomenon. While this thesis did not conduct the interviews in three stages as per the approach taken by Sanchez (drawing on Bevan [2014] and Bolling [2012]), the implementation of hermeneutics as a method for engaging with the data analysis provided the additional opportunity for analysing the themes that emerged after coding the

data. The participants also had the opportunity through this avenue of exploration to discuss the themes they felt were relevant (Miller, 2011). By conducting the interview with three different interview schedules which were tailored to the specific profession of the participant, valid data was acquired which demonstrated support for the main themes that were formed (Cockcroft, 2005). Noting that existing research had captured the broader experiences of Australian Police Peacekeepers in Timor-Leste, the Solomon Islands, and Papua New Guinea, the interview questions for this thesis narrowed down specifically to capture narratives around ethical practice and human rights maintenance, with some pertinent external information gathered for the purposes of contextualising the responses.

The interview schedule for federal police participants and state police participants differed slightly, and both differed to the interview questions provided to the significant other participants. The interview schedule for each category is available as Appendix Two. It became evident throughout the coding process that the trajectory of the narratives yielded a different focus to the original purpose of the questions. In keeping with the legitimacy of the research, the thesis moved in the direction of those narratives. Most importantly, the data collection tool geared the participants towards moral reflection; what, about ethics and human rights, did they *understand,* and what were their experiences in ethical practice and human rights maintenance. Using this approach provided the researcher the ability to fulfil the research aims, positioning ethics and human rights at the centre of the narratives told while providing the foundations for future research into ethics and human rights in police peacekeeping beyond the subject's positioning and towards opportunities for examining their contributions and limitations from alternative methodological frameworks.

Of the 56 interviews that took place in total, only 6 were conducted face-to-face; the remaining 50 were conducted over the telephone due to geographical and resource constraints. Novick (2008) argues that while there is a bias against telephone interviews due to the loss of contextuality, rapport building, and visualisation of non-verbal cues, Novick does emphasise that there is little evidence that interpretation is compromised or that misunderstandings occur; in fact, Novick suggests that telephone conversations facilitate disclosure of sensitive (and consequently rich) information and

avoid the potential for awkward face-to-face interactions that facilitate unequal power dynamics. Furthermore, drawing on McAuliffe's (2003) analysis of research by email, alternative data collection methods assist with the overcoming of geographical barriers and time constraints in the pursuit of reflection on ethical issues. While McAuliffe's method focused on human service practitioners, the front-line role that police peacekeepers perform and the complex ethical dilemmas they encounter in their day-to-day practice make the use of alternative methods both reasonable and necessary. To that end, telephone interviews provided the opportunity to gather a significant amount of raw data that would have otherwise been unattainable due to structural constraints.

5.5: Thematic Analysis

While the data collections tools revolve around qualitative research through semi-structured interviews, the analysis process requires further consideration. Data analysis is the process of breaking down information through consideration of the characteristics and elements of the data, painting a picture of the purpose of the data and transforming it into a tangible description related to the topic (Dey, 1993). This section will introduce the process that informed the data analysis; thematic analysis as the analytical tool, and ethics and theory of practice as the emergent principles of the secondary data analysis.

In order to do this, the researcher coded the data and identified themes through the use of thematic analysis. Thematic analysis 'is a method for identifying and reporting patterns' in the analysis of data, and the interpretation of various aspects of the research topic (Boyatzis, 1998). Similar methods have been employed in research projects involving the police (see Goodman-Delahunty & Howes, 2016; Goldsmith, 2006). Across the data set, the researcher located and analysed the common themes that were discussed in order to find repeated patterns of meaning. Moser, Houtepen, Van der Bruggen, Spreeuwenberg, and Widdershoven (2009) adopted a similar approach, relying on hermeneutic text interpretation to address additional research questions that were not explicitly asked during the

interview process. By analysing the codes using this method, the interpretation of ethics based on the narratives produced by research participants demonstrate that ethical inquiry is a process that does not solely exist between the practitioner and their dilemma, but also between the researcher and the text. Fairfield (1995) contextualised hermeneutic ethical inquiry with critical reflection, highlighting the limitations presented by attempts to dichotomise moral theorising. Instead, Fairfield argued that it is important to avoid prioritising a particular method for achieving moral practice, or to 'prescribe particular courses of action' for social practices, but to instead 'identify principles of universal right' through critical reflection (pp. 154-155). Fairfield particularly drew attention to problems of using moral theorising a priori to reflection, and instead argued that moral judgement is intrinsic to the processes of reflection, disallowing for primacy of any one theory and instead developing consideration of all relevant frameworks to moral reflection and practice. This approach is further supported by Uline (1995) who similarly highlighted the purposeful use of reflective morality to encourage critical engagement with means, ends, character, and relationships in the pursuit of deliberating moral judgements and actions.

Braun and Clarke (2006) define six phases of processing thematic analyses that focus on the identification of codes and themes allowing for interpretation using moral inquiry, keeping with the hermeneutic-phenomenology methodological perspective. The first is familiarising oneself with the data; in this research, identifying themes pertaining to ethical reflection and those that address the research aims.

The second is coding the data, which requires the researcher to identify a feature of the data that 'can be assessed in a meaningful way regarding the phenomenon' (Boyatzis, 1998). Coding can be data-driven, which relies on the data to allow the themes to emerge, or theory-driven, which relates to specific questions that the data will be coded around. Dey (1993) argues that coding should focus on allowing themes to emerge, as this pertains to the fluidity of qualitative data and its unstructured nature. This research implements a hybridization of the two techniques, supported by Dey's assertion that qualitative data is fluid and amendable; while the former method is employed to facilitate the emergence of key themes, those key themes are then connected to existing ethical theory, in order

to interpret the narratives provided by the interview participants from an ethical practice and human rights lens, thus facilitating the hermeneutic-phenomenological approach.

During phase three, the search for themes, the collated codes are analysed to discern what the emerging themes are. It is a broader analysis than the coding, and there may be one or two major themes that are observed as a result of codes that persistently emerge (Braun and Clarke, 2006). As suggested in the previous phase, the flexibility of data can lead to difficulty assigning specific categories and themes. In this research the researcher has broadly identified overarching themes that address the research questions, 'sense-making/understanding', 'structures', and 'agency'. Phase four involves refining the themes and situating them within the categorisations as listed here, and is conducted using the data set to ensure it accurately reflects the thematic maps used in the previous phase. In refining these codes, thematic subcategories were identified, such as 'cultural and linguistic differences between donor and host' and 'cultural differences between police of different backgrounds' under the categorical theme of 'cultural difference and social structure'. Using this example, both themes presented structures that impacted on the agency of individual participants, drawn together by a determinant factor of cultural incongruency. However, the sub-categorisations represented different constraints within this theme; the first representing the challenges presented to Australian police peacekeepers operating within spatial and temporal environments so different to their experiences of domestic policing, and the second representing the challenges presented by working with other donor police of different cultural backgrounds.

In phase five, these themes were named and explained; for example, 'colonialism and re-colonialism' as a title encapsulating the moral dilemma of imposing humanitarian intervention and democratic policing practices on non-western states. The analysis accompanying the theme connects to the research question. Following the same approach taken by Cockcroft (2005) quotes used were selected based on their contribution to the overarching theme it represented.

During the sixth and final stage, it is important to give validity to the research findings. This needs to be conducted through logical argument that supports the themes and analyses the answers to the research questions that have been asked. To avoid the common problems associated with thematic

analysis, the data was analysed through connecting the common themes back to the facets of sense-making, structure, and agency as per chapter four and the research questions.

5.6: Ethics and Safety

There were a number of ethical principles that guided this study. The first ethical principle that should be acknowledged is that of the researcher's preconceived opinions and bias. To prevent any possible preconceptions from affecting the data, the researcher will clearly state all methodological means that have been used, which is why using a thematic analysis has been determined as the best measure to ensure that proper themes are coded, and not fancifully created through flawed interpretation. The research was approved by the University of Western Sydney HREC under H10200.

The researcher ensured the provision of informed consent before conducting the interview and in line with the aforementioned 'good housekeeping' arrangements. Informed consent involved participants being given an explanation of what the aims and research questions are and what the interview questions will be in the form of a written document. Participants were given consent forms face-to-face for interviews conducted in person (Appendix B) and submitted to the telephone participants via email before participating which included statements that the participant had read the brief, had been given the opportunity to ask questions and to take time to consider whether they wished to pursue their involvement. It also included acknowledgement that the interview would be recorded. The final clause safeguarded participant's withdrawal from the study at any time.

Participants were assigned a code number to ensure anonymity. Originally these codes were going to differentiate between state police participants and federal police participants, however many participants had experience with both state and federal policing and the lack of distinguishing features between the two groups led to categorisation dependent on deployment as an Australian police officer or as a significant other (allied professional who was not a police officer on the deployment). On this basis, police participants are labelled PO and significant other participants are labelled SO (see

table two above). Besides general information of the role of the participant and the background of the participant, data was made de-identifiable after the interview has been transcribed and returned to the participant for the opportunity to review what had been discussed.

No participants expressed discomfort with the interview process but there were details of external support services available for them to contact post interview – outlined on the information sheet. There were separate information sheets: One for federal police, one for state police, and one for significant others (see Appendix Three). The researcher provided specific links to counselling services to access if required by the participant. Participant protection was built into the research process following the guidelines of the National Ethics Application Form (NEAF). The guidelines provided by NEAF supported the researcher's commitment to demographic sensitivity throughout the research process. All face-to-face interviews were conducted in a neutral location and telephone interviews were conducted at a time suitable to the participant. All participants had the opportunity to view their transcriptions prior to the use of data for the research and those who chose to make amendments are indicated.

This research required special ethical consideration to be given to particular cultural, gender-related, age-related, criminally-related and health-related demographic, in recognition of the diversity of the sample. Particular attention was made to the following ethics and safety procedures:

1] Informed consent and participant safety. The police officers who were included in the category 'people existing in dependent or unequal relationships'. Interviews were not conducted within the workplace; they were either conducted over the telephone or at a neutral location. All participants were given the opportunity to view their transcripts prior to the use of data for the research and a few (indicated) chose to make amendments, while most did not. During the recruitment process they were given the opportunity to withdraw at any time. No language or cultural requirements were identified by the researcher or disclosed by the participants. As two thirds of the participants are police officers, any mental illness is screened for during the application process, and as a part of the recruitment process, people who are cognitively impaired, intellectually disabled or are suffering from a mental illness are not accepted into the service. It is possible that participants may have been diagnosed with

PTSD or other mental illness since joining the police, and it is possible that any 'significant other' participants may not have been subjected to the same screening process and may have a mental illness. To mitigate this risk and *information on access to counselling services* sheet was provided through the counselling services sheet.

2] Data storage. The ethics application approved the storage of the working data (interview transcripts) with primary supervisor Dr Michael Kennedy at Western Sydney University (WSU). Prior to transcription the interview recordings were accessed via Dropbox to the transcript provider approved by SSAP at WSU. The recordings were de-identified and only the primary researcher had access to the connection between the interview transcript and the original participant, and this was only for the purpose of inviting the participant to review their transcript as per the conditions outlined in the H10200 ethics approval.

5.7: Chapter Conclusion

The methodology chapter has detailed the theoretical basis for the qualitative methods and the practical methods of the research, drawing on hermeneutic phenomenology as a methodological basis for analysing the data. As a hybrid of two methodological approaches, hermeneutics and phenomenology, the research can draw on the benefits and strengths of these methodologies to the benefit of the research. While hermeneutics has traditionally been used for moral inquiry into religious texts, its positioning within the social sciences provides a lens from which to examine the usefulness of moral inquiry in the field of social practice. Moreover, phenomenology, which traditionally relies on subjectivity to illuminate experience, has the benefit of facilitating inclusiveness and as a consequence of this, more holistic representations of social phenomena. While hermeneutic-phenomenology has never before been used as a point of examination within police peacekeeping and capacity building and has largely been used as a framework for examining ethical practice in nursing and business professions, as a methodological approach, it provides a valuable framework to

analyse the perceptions, practices, and reflections made by participants. By drawing on its use as a valuable tool for analysing reflective practice in nursing and business, this chapter has provided suitable justification for transferring these qualities across to the policing research sphere. Furthermore, by making use of qualitative research, it provides the opportunity to gather in depth data in the form of rich reflective narratives which illuminate the many experiences of each participant engaged in the police peacekeeping phenomenon, mostly as police practitioners themselves, and also inclusive of the wider professions who engage and interact with these practitioners. By drawing on two particular contexts in the form of case studies – missions to Timor-Leste and the Solomon Islands – these reflective narratives can be contextualised to the specific structural and external constraints in these areas, as well as draw on the multitude of research that has been conducted on various aspects of these missions as illustrated in chapters one and two. Thematic analysis provides a useful tool for generating consisting themes of data and then analysing how these themes contribute to the understanding the practice of human rights maintenance and contribution the ethical action. By drawing on the patterns generated by the latent themes demonstrated in the research, the analysis will advance an understanding of the intrinsic relationship between policing, peacekeeping, and ethical and human rights practice, even in the instances where the participant was not able to articulate this contribution themselves. This approach provides a basis for further study on the fundamental issues which are faced by police during peacekeeping and capacity building missions and the application of reflexivity towards potential improvement in practice. It is through this methodology that the researcher concludes that using such a tool is sufficient in completing the analysis effectively and with validity.

The forthcoming findings chapter responds to the first research question which seeks to examine how police peacekeepers understood and conceptualised human rights in the framework of policing and peacekeeping.

Chapter 6: Examining Participant's Sense-Making of Human Rights and Ethics in Police Peacekeeping

Chapter six is the first of 3 results chapters that will yield an understanding of what human rights are from the perspective of the participants. This section uses data analysis to show how both police and non-police participants construct the nature and purpose of ethical and human rights principles through the course of police work, and as a consequence of this, police peacekeeping. This is established through the examination of participant's perceptions of ethical values and the purpose of human rights through the application of a reflective framework. This section of the chapter establishes intrinsic relationship between ethical and human rights principles and the conduct of police work. Consideration is given to acknowledgement by some participants that the homogenisation of human rights principles presents challenges in some non-western contexts.

Specific consideration is given to the participant's perceived understanding of the roles that police perform in the context of their duties both domestically and abroad; how those roles play out in practicing professional ethics, and contributing to human rights maintenance; and training, policy, and experiences that contributed to their framing of ethical practice and human rights maintenance. With supporting data from other participants who were not Australian police officers or seconded as such it can be concluded that human rights and its relationship to post-conflict development and capacity building is understood to be diverse and influenced by the individual experiences of each participant. The core purpose of this chapter is to respond to Research Question One: How do police peacekeepers make sense of human rights and ethics and their relationship to policing?

6.1: Conceptualising ethical and human rights-based principles: the participant perspective

The first aspect of the data collection focused on participants' understanding and perception of the meaning of human rights, providing participants an opportunity to recount elements within the UDHR. This was important to the research because it provided a foundation from which to later examine their narrated contributions to ethical practice and human rights maintenance. Participants were asked to provide meaning to the term *human rights* by describing the terms as best they could. All participants, regardless of professional background, could identify at least one element of human rights, demonstrating some foundational knowledge of human rights, particularly in reference to what human rights involve in protection from harms and provision of human needs. The familiarity level between participants and the UDHR and related documents varied, but it is interesting to note that while some participants could not quote the UDHR off hand, they were able to still recount some of the articles present within the UDHR, even if they could not identify them by name. In fact, PO6 stated that while they could not remember the UN's specific definition for human rights, they were able to recount elements of the UDHR without reference to the particular article:

"Basically freedom of people to live their lives, to work, to express themselves, to have a family and practice religion, politics and freedom of speech … within the parameters of socially accepted norms of course, but you know quite … freely, free to go about, and … a right to the fact that you will have medical care, food, water, shelter as well … and quite important regardless of whatever political, social and religious views you may have, it's very important to be able to express those views or to practice unhindered".

[PO6].

Here, PO6 has recounted a range of social, economic, and cultural rights to gain employment, form a family, and have access to social security, while also recounting civil and political rights to express personal views on religion and government. Furthermore, PO6 connects human rights to wider civil

liberties – freedom of religion, freedom of speech, and the right to bodily integrity, all of which are intrinsically connected to human rights as forming the basis of personal freedom to make choices for oneself free from governmental interference. Offering a comprehensive account for human rights which covered what he perceived as basic rights at the individual level to greater collective rights of societies, PO14 demonstrates the connections between the pursuit of human rights as global justice and duty-based, and cosmopolitan and society-based, illustrating Valentini's (2009) and Miller's (2007) revised agent-based view of human rights maintenance. PO14 further ties human rights with democratic reform, solidifying the presupposition that human rights can only exist within democratic systems:

"I think if I was to tie it back to that what the role of the police are that pretty much sums up what human rights are so human rights are … food, clothing, shelter but if you're gonna break it down into a policing context it's also what to expect a government to safeguard, that's peace and security, access to water, sewage, to electricity, so we're getting a little bit more sophisticated now yeah, and we're moving on from your basic principles, health care, free and fair elections … the first world certainly to expect the third world to come on board with a democratic process. So, if you're looking at places like Afghanistan and if you're looking at places like East Timor of the past, if you're looking at anywhere in the world where there's any sort of junta or regime which threatens any or all of that, that means human rights will be placed as a secondary, without any consideration."

[PO14].

The above recount of human rights presented here by PO14 is synonymous with the criticisms that Friedrich Nietzsche placed on early conceptualisations of human rights as a form of containment of the powerful for those who would otherwise be harmed by them. Beyond this critique, it also connects the intrinsic relationship between democracy and human rights, further solidifying both ideologies as western in nature and as pursuant to homogenisation by western states to emerging nations. It is evident through this sense-making that democratic foundations of civil and political human rights are understood to be core to human rights, suggesting that police participants connect democratic principles and human rights together.

Very similar sentiments were echoed by external participants who came from different professional backgrounds; despite being in similar circumstances where they could not necessarily articulate the UDHR word for word. For example, SO2 provided a comprehensive description on what human rights meant to him:

"What I like to think it means is making sure that people have access to food, to water, to education, to healthcare, to the right to, to free speech, ah, to the right to, this is where my political views come in, it also starts to come into freedom to choose who your leaders are, and that kind of stuff as well. But at the end of the day, it is freedom to be able to live freely, to be safe in your environment, um and be able to, to a point, speak your mind".

[SO2].

SO2 understanding of human rights as linked to the concept of human needs has raised an important point about the foundation of human rights in their description. This directly links to understanding the purpose of the 1999 and 2006 missions to Timor-Leste, which centred around facilitating democratic elections. While the police and allied workers could not *make the choice* for the Timorese population on achieving independence or electing a particular leader, they contributed to the successful running of the elections, which under a strict human rights framework are at the forefront of the obligation that each nation state has to its people, which will be examined further in subsequent chapters.

The understanding of human rights from PO10's perspective differed from the general responses made by most participants when describing the construction of human rights. This participant perceived that for human rights principles to be enforced, they need to be enshrined in state or national legislation, suggesting that this is not determined by virtue of being human, but constructed through legitimate institutionalised measures. This is in line with the argument made by Stamos (2013) who suggested that the universality of human rights measures on the basis of a physiologically or biologically constructed determined definition of being human is not possible without state constructed legal measures put in place. PO10 articulated this challenge below:

"I guess personally I don't, I find that the idea of human rights as an inherent right is about the same as believing in religion, whether it exists, because you know, in the absence of or the benefit of laws that protect specific rights, that's where human rights is. I believe it's up to the individual State, I don't believe human rights exist... the provision of human rights shouldn't get in the way of justice because there is a provision of justice in itself".

[PO10].

While PO10's reflection is anomalous, it raises a challenge to the universality of human rights and places a morally relative scope on its implementation. This is the only participant who described human rights as a legal construction, as opposed to a social construction or inherent by virtue of being human. By highlighting this contrast, it can be concluded that while the majority of police officers perceive human rights as intrinsic to humanity, their legislative status solidifies human rights. This presents significant challenges to the implementation of human rights when, in all cases of conflict and post-conflict intervention, human rights obligations have failed. Furthermore, the challenges to enforcing international human rights standards in domestic contexts is not without significance; the balance of choosing humanitarian intervention over the pretext of state sovereignty has not been settled by ethicists, even in the context of strengthening legal frameworks.

In summary, it is clear that there are variances between participants when making sense of human rights. This is particularly evident in PO27's account of human rights, where the participant has drawn attention to the challenges presented by the post-9/11 era and the pursuit of anti-terrorism policing. The relationship between human rights as universality and human rights as ethical principles is critiqued by PO27, who likens human rights maintenance to a form of idealism:

"I guess it depends on what your views are on human rights and what they are and you know, personally I think it's an ideology and it would be a lovely thing to have but in reality, it really doesn't exist … I mean human rights is supposed to be this universal right that everyone can rely on but unfortunately in the world of terrorism and so forth those waters have become very muddied in respect to people actually being able to exercise and expect those rights to be maintained."

[PO27].

This is an important finding as it reinforces the notion that police are both helpers and hinderers in their endeavour to provide human rights maintenance; they are both required to facilitate the balance between maintaining law and order while also protecting fundamental rights and freedoms but in the light of increasing fears surrounding the terrorist threat, international human rights principles are continuously eroded within nation states to this end. This then presents a two-fold challenge to the notion of humanitarian intervention as a method of maintaining human rights. The first challenge is the apparent hypocrisy of a nation-state that presents itself as a leader in human rights internationally while promoting policies, practices, and laws that erode human rights within its sovereign borders; the second is the motivations behind intervening in the first place, in the pursuit of preventing nation states in close geographical proximity to Australia becoming failed states and potentially festering local terrorist cells. It also calls into question the deontological notion of human rights as universal, when such teleological responses to reducing certain human rights for the 'greater good' are implemented. Nevertheless, as evidenced in chapters two and four, Australian police organisations, in particular the AFP, have expressed the significance of facilitating human rights within policing as a priority for police organisations, and the relationship between ethical practice and human rights maintenance as a part of the function of police officers is further considered in conjunction with the participants' conceptualisation of the roles of police officers as they traverse over both domestic and international police practice.

SO2 challenges the mentality that democratisation is always the best approach to take when considering human rights in post-conflict development:

"When we talk about 'freedom to', or 'the right to', what right do we have to impose a political system on a different country? … what right does ANY political belief have a right to impose itself on another one? There's no answer for that. But that comes down to the right to choose, the right to elect, the right to govern, all this kind of stuff. And this is where it gets messy. We do like to think that we are correct, and that they, are wrong. But THEY think they are correct, and that we are wrong, so where's the middle line? And this is … where the Timorese are a perfect example … the Timorese have basically

been occupied for many hundreds of years, since the Portuguese moved in … A lot of the time, the Timorese were told 'you don't have to do that. You don't have to work. We'll do it for you'. So, there was a, we would say it as a de-valuing of their inputs because other people were brought in to do 'the work'."

[SO2].

This observation presents a significant challenge to the conceptualisation of human rights for two reasons: firstly, it questions the current construction of human rights, and its focus on western democracy as a universal representation of human rights-based principles. This reflection demonstrates the dichotomy between human rights as constituting an example of western cultural imperialism as well as an inherent necessity for successful police reform. Secondly, it demonstrates the challenges presented in providing meaningful long-term change; beyond the development of police organisations in those locations as protectors and maintainers of human rights, it highlights some of the sustainability issues that arise when a post-conflict nation is required to self-govern its development, particularly if the methodologies are not ingrained into practices harnessed in that context. Goldsmith and Harris (2017) reflected on this second point in their research with Australian police peacekeepers; their role as advisors turned into assisting with paperwork, which demonstrated the paradox of attempting the capacity build while also attempting to be helpful. From a broader perspective, it reinforces the reality highlighted by Goldsmith (2017 p277) that 'international police missions are better at ending or reducing civil violence and disorder than they are at producing sustained change and improvement in local police forces. Furthermore, as mentioned in chapter two, while the UDHR was being drafted there were concerns from non-western states, particularly Middle Eastern and Asian states, regarding the absence of values relative to their culture. The focus on individualist ideals, particularly right to individual property, which is largely a westernised concept, were encapsulated in the frank response PO33 gave when questioned about the role of the police to the end of achieving human rights, to which the response – *"protect life and property"* – provided a succinct yet broad account around the expected contribution police make to human rights as part of their role.

As of 2007, the IDG had taken steps towards addressing the problem of lack of understanding of political climate and cultural norms of the host nation through the establishment of the AFP Culture and Language Centre (AFP, 2007; McFarlane, 2007), however as McFarlane noted, this requires consistent and continual development for all future cultural and linguistic training to be effective in facilitating effective police peacekeeping and capacity building practices. The contrasting perspectives of western values and cultural norms will be further explored in chapter seven.

6.2: Ethical practice and human rights: core function of police work or incongruent?

The data analysis revealed the reflections of participants on the relationship between human rights, ethics, and police work, and asked for an assessment of their congruency – or incongruency – with the core functions of the police based on the participant's understanding and experiences. Police are expected to be 'disinterested' to the end of practicing and achieving impartiality and neutrality. The morals and values of the individual practitioners must be recognised in order to reflect on how personal value judgments may impact on the practices undertaken by individual police. Recognising the importance of neutrality and impartiality, PO34 expressed how this connects to human rights and ethics in policing:

"People deserve to be treated equitably and fairly [by the police] and you have to remain fair and impartial when you're dealing with people regardless of the reasons why you're dealing with them".

[PO34].

This conceptualisation of human rights as an intrinsic element of police work aligns with the recognition that police are key stakeholders in human rights maintenance and that international standards for human rights and policing are connected. The reflective point that PO34 has made – that impartiality and equity must be maintained in all cases – demonstrates a point of ethical reflection that transcends individual impulse to employ less equitable methods to those more 'deserving' of such

treatment. This interaction between human rights and the normative and practical functions of police work aligns with the conceptualisation of human rights as universal, and that they should not be arbitrarily removed by those in positions of authority. Further rationalising the relationship between human rights and policing, PO29 acknowledges that there are specific elements within human rights that are intrinsically connected to the tasks required of police officers, while some elements of human rights are not so clearly connected to the role. As PO29 reflects:

"I think police officers are the guardians of certain human rights … obviously we don't have a responsibility to provide people with an education or religious instruction or otherwise but certainly we have a very important role in protecting the environment that people live in so they feel safe, and that if there is violence upon them or a threat of violence then our role is to protect life first property second and I think that's fundamental that everyone in the world wants to feel safe so predominantly [that is] our role".

[PO29].

Here PO29 has identified some of the connections that have previously been drawn in chapter two. Specifically, protecting the environment that people live in, and maintaining safety and security which are connected to articles three and seventeen of the UDHR – liberty and freedom, and ownership of property – are clear contributions the police ought to make in the protection of human rights. Within the context of police peacekeeping and capacity building, however, this reflection yields a more transformative notion of peace and stability as a necessity for police to meet human rights and ethical practice in all contexts. Given the inherent instability that follows internal conflict, PO29 has identified that responding to threats of violence in these situations is as important to police as it is in the relatively peaceful domesticity of states that have not required intervention. The fundamental human need for safety, and the role that police perform in providing this need, is universally desired as part of human rights in both conflict and post-conflict states just as it is coveted in Australian society.

Not all participants expressed that police are able to achieve the goal of protecting human rights in all cases. As is established within the literature there are situations where the incongruency between

some aspects of human rights and ethics is evident, particularly where individual and collective rights come into conflict. This dualism is expressed by PO38, who reflected on the following relationship between policing and human rights:

"It's obviously a balancing act between those people who have done something that means that for whatever reason you've had to suspend their human rights to exist on their own and do what they want so you can protect other people or maintain an orderly society".

[PO38].

This is an interesting perspective to note, as it universalises the concept of freedom of movement, despite the fact that the UDHR caters for the suspension of human rights for offenders provided it is not arbitrary in nature. While article 3 of the UDHR states that 'everyone has the right to life, *liberty*, and security of person', article 9 prohibits arbitrary arrest, with articles 10 and 11 outlining the rights to presumption of innocence and a fair trial (as per the rule of law) to anyone accused of committing a crime. For PO38, the very removal of liberty still results in a breach of human rights even if it adheres to the requirements outlined in articles 9, 10, and 11, reflecting the understanding that collective human rights are catered to within the largely individualised UDHR.

One final point of reflection on the relationship between ethics, human rights, and policing by PO11 is the concept of noble cause corruption as a practice undertaken by police officers frustrated by the perceived inadequacies of the systems in place. As PO11 stated:

"You don't want policing agencies engaging in noble cause corruption, so some police in the past have seen it as the only way to get justice for victims, so I don't support it obviously but you've gotta put it in the whole context you know, the frustrations of the criminal justice system."

[PO11].

Noble cause corruption, identified in chapter one as the pursuit of good ends using unethical means, is a significant illustration of the potential for individual agency to 'deal' with ethical dilemmas police face in their everyday operational practices, however problematic those practices may be. PO11 later

highlighted how problematic it was to liken any ideas of corruption, noble cause or otherwise, as adherent to human rights principles when suggesting that:

"You can't turn a blind eye to corruption or attempts at it because that weakens the rule of law or abuses of power, you have to lead by example and send a very strong message."

[PO11].

Here, PO11's sense-making of ethical practice in policing leads to the mantra that 'the ends cannot justify the means', a heavily duty-based perspective that rejects an ends-driven approach to ethical policing. Furthermore, the implications for police peacekeeping and capacity building practices are evident given the ideal pursuit of articles within the UDHR as relevant to all contexts, including conflict and post-conflict state building efforts, which will be examined in the following two sections.

6.3: Re-introducing the Four Tracks of Ethics in unpacking participant's understanding of ethics and human rights in police peacekeeping and capacity building

This section re-introduces Neyroud and Beckley (2001) Four Tracks of Ethics as a tool to examine participants' construction of human rights. Various thematic constructions emerged that connected four tracks of ethics – duty, utility, character, and care – as necessary to practicing ethical police work in peacekeeping and capacity building missions, just as they are required for human rights and ethical practice policing domestically. Certainly, the motivations for at least some participants were noble; PO35 reflected on what they thought they were going to achieve as in their role:

"I probably went over there thinking that we were gonna [sic] save the world but quite quickly you realise that's a really good guiding principle to do the most for as many as you can but realism sets in and you look at the task at hand … you can't take the strategic helicopter view and try and solve all those problems, you just got a job to do".

[PO35].

This recollection aligns with the track of *duty,* particularly drawing on the motivations for duty as prescribed by Kant. PO35 described a feeling of *responsibility* to 'save the world' – in PO35's case, Timor-Leste – and accepted that the notion of responsibility was a worthy form of motivation to taking part in the deployment. That responsibility manifested through the application of duty, demonstrating an individualised pursuit of moral responsibility to perform the job as best they could.

Drawing on *virtue,* PO29 expressed the contribution made by the s*tewardship* of mentors during the first few years of a police officer's career as crucial to the development of police with the capacity to exercise moral agency and ethical decision making. In the absence of that *stewardship* and mentorship, drawing on *personal autonomy w*as the next best option for laying the foundations for ethical police officers. PO29 reflected on this distinction with the following reflection:

"My view on ethics training is that it has very limited impact on ethically decision making in the field, my view is that … whoever mentors them or supervises them directly and shows them how to conduct their duties by example is the greatest level of influence, so for me personally … I ended up having to rely upon my own inner strength I guess you could call it to make good decisions".

[PO29]

The importance of *personal autonomy* to develop individual virtuous traits further combines with the utilitarian and duty-based conceptualisations of normative policing, particularly where personal feelings conflict with the practices encountered in the field, and particularly when engaging with suspects and offenders. This point is encapsulated by PO34, who stated that:

"You might not agree with what they've done [but] you still have to remain professional and keep a level keel".

[PO34].

This reflection demonstrates the importance of police peacekeepers adhering to and maintaining duty – and inclination – as well as *beneficence* and *non-maleficence* within *utility.* What PO34 is suggesting here is that despite personal feelings towards other people, neutrality is intrinsic to ethical policing. This supports the notion of self-governance within the professionalisation of policing however it transfers *responsibility* to the individual to act 'ethically' and engage in neutrality. It is further implied that individual professional practice ensures that no harm is done to the offender/suspect and to the impending case, while facilitating the useful 'good' to the victim and to society. Furthermore, practices should not differ significantly due to the implications for achieving *justice;* following procedural fairness should be paramount with some room for *personal autonomy,* as stated by PO37:

"It doesn't matter what offence you're looking at, it shouldn't change the way you investigate because there's different types of crimes, sure, your avenues of enquiry might change, but the way you actually approach your investigation shouldn't be all over the shop, you should have good standard practice".

[PO37].

Translating the overarching requirement to operate within the bounds of the law in order to achieve good standard practice to police peacekeeping, PO8 reinforced the importance of maintaining consistency in practice and adhering to the mandated requirements as best as possible:

"Ultimately, we were forced to take a rules-based approach, we have to. Now how you bend the rules is a matter for yourself, and we do have discretion which gives us a bit of wiggle room".

[PO8].

The 'rules' – such as the standard operating procedures and specific mission mandate – prescribed what police peacekeepers had the power and authority to enact dependant on the mission objectives. However, PO8 established that this did not remove the opportunity for both *personal autonomy* and the facilitation of principles of *justice;* in fact, discretionary practice allowed for a balance of duty, utility, and care, stemming from adherence to virtue, but also towards notions of nature and nurture, which derive from personal attributes and experiences. The implications here suggest that well-

suitedness to the task is somewhat determined by personal moral values which permeate into desirable attributes in police peacekeeping. PO17 emphasised, for example, the philosophy that understanding ethical behaviour is not facilitated by following a set of rules, or on the actions themselves, but rather that there is an innate understanding of ethical behaviour within individuals, which aligns with the particular metaphysical theories of determinism and to a lesser extent, personal virtues.

"I'm a firm believer you can be trained 'til the cows come home in [ethics], some people are fairly strong on ethics that's just the nature of who they are and their character and the way they've been brought up and others as we all know may be a little looser in that area because of circumstances and how they were brought up and you can see that in any organisation, [in] policing we see it …."

[PO17].

Here, PO17 is suggesting that the concept of 'nurture' influences the cultivation of a virtuous character, however they do not conclude with this point. PO17 further describes ethical practice as an intuitive process, where some people 'have it' and others 'do not'. He furthermore suggests that building empathy with the local population was a skill either influenced by training, or the personality and practice of the officer. Drawing on both intuitionism and determinism from chapter four, it is possible to see a complex interplay between both ethical and metaphysical concepts here. There is an expectation that police harbour the qualities of intuitive moral reasoning that are outlined in Neyroud and Beckley (2001), who highlight the importance of recruiting police officers who score highly on emotional quotient tests, which take into account one's capability to act with both reason and intuition, drawing the relationship between keen perception, conscience, and intuition, as demonstrative of a police officer embodying integrity. All of these traits seem to be matters of both nature and nurture, with no single key factor determining who fulfils the criteria for being the 'most ethical' of the cohort. PO17 furthered this point in his recollection of the skills and personality attributes that seemed necessary to successfully build the relationships required to effectively conduct the peacekeeping role:

"If you don't have that understanding and empathy which I suppose is developed from your set of ethics people struggle over there and there was a handful who did struggle with you know, frustration at the lack of technology and frustration that the locals did not know everything we knew … most of us kind of got it [and] had the understanding and empathy and respect for culture. And if it was in your nature and you had your training … they took to you like a duck to water. The ones who didn't have it … left early, they just weren't suited to the role".

[PO17].

This reflection reinforces the interrelationship between *virtue* and *utility* and the implications for *care.* In particular, accounting for the personal attributes that contributed to better police peacekeeping practices, especially the use of empathy and respect, fall within the premise of ensuring no harm and doing good by recognising a lack of suitability for the role, and more importantly demonstrates a recognition of the need for *care* in order build the necessary connections between themselves and the local population. The connections between virtue and care are further supported by PO2, who passionately declares that ethical practice is, in many cases, intrinsic to the individual officer, and not a culturally and contextually specific guarantee.

"I've reflected on this a lot, it's not about where an officer comes from, it's about what's inside and I've seen some fantastic officers from oppressive regimes that understand what democratic policing is all about… they [come from a country] with a way of policing that may not align perfectly with what a lot of democratic countries are used to and yet the individual officers show all the compassion, show all of the expertise and professionalism that you would expect … and I've seen some democratic police from democratic countries behave poorly … I don't think you can draw that link, that they come from country X so therefore they're going to behave that way, it doesn't apply, it's about the individuals".

[PO2].

As a point of conclusion, PO21 suggests that recognising ethical traits and a disposition towards adherence to ethical principles is the best approach to deciding who should be sent overseas to engage in police peacekeeping and capacity building processes*.*

"I think it's important that people that are selected to go overseas are the right people to start with, they need to be people that have demonstrated they are committed to honest, ethical behaviour, have integrity, and are accountable".

[PO21].

Here, PO21 highlights commitment, or *duty,* towards integrity, or *virtue,* and accountability, or *care and justice,* to ensure good and avoid harm (*beneficence and non-maleficence).* However, selecting police officers who fulfil these criteria is not an easy feat. McLeod (2009) argues that although the AFP could select participant's whose personal biographies match with the experiences that meet the mission needs, deeper personal attributes, such as belief in ethnic and cultural diversity, are difficult if not impossible to determine through any psychometric testing. Nevertheless, participants have made sense of certain ethical practices and traits as intrinsic to police peacekeeping, capacity building, and maintaining human rights, with terms such as professionalism, empathy, and compassion used to encapsulate their understanding of the relationships between policing and ethics. The four tracks of ethics will be considered further through the examination of agency in human rights and ethical practice.

6.4: Community and democratic policing intrinsic to ethical practice and human rights maintenance in post-conflict settings

Many participants moved beyond expressing personal qualities, values, and practices as inherently required in police peacekeeping and capacity building practices, and delved in the systems and structures that can help, or hinder, progress towards ethics and human rights. In particular, facets of the rule of law were repeatedly raised by participants in their explanation of the value of ethics and human rights in policing, demonstrating the western construction of human rights and ethical practice as akin to the rule of law. In explaining the importance of re-establishing the rule of law in a post conflict scenario, PO29 expressed the following:

"When you go into a post conflict situation sometimes those systems don't exist … they'd either disintegrated during the conflict or they just didn't have the infrastructure … so if you can imagine walking in as a police officer and working with local police officers if they had some and going and trying to resolve an issue … and you thought it appropriate to arrest someone but you didn't have a court to put them before and you didn't have a prison to put them in, what could you do, so the role in a post conflict situation, although is principally the same in that your job is to maintain the rule of law, so that peace and stability is maintained, people can go about there and have their freedoms in an off shore post conflict setting there are so many more challenges that police face that they don't have here because of how good our systems are, so I think there's a huge difference in the role that you undertake and you can't do it, you can't just expect police to go overseas and resolve the ongoing issues there without other players in the system like the judiciary and the prisons and the lawmakers and democratic elections all happen as well, and I think in the case of Timor they did that very well, in the sense that when the UN went in, they didn't just say 'well Police you go and fix that up', it was a multi-pronged approach to restoring law and order."

[PO29].

Here, PO29 has recognised a number of key issues that are presented by the complexities presented by rebuilding fractured governance systems in post-conflict settings. The first significant issue is the lack of infrastructure which negates the establishment of the rule of law; without appropriate criminal justice structures in place, the rule of law cannot be implemented successfully. Re-establishing the rule of law is not solely the role of the police, and requires systemic change throughout the criminal justice system as part of state rebuilding. PO29 appreciated that a multifaceted partnership approach was applied towards rebuilding the infrastructure required for the rule of law, and this reflection demonstrates an appreciation that re-establishing these systems protects the fundamental rights and freedoms to peace, stability, and democracy as is required within a human rights approach to rebuilding. PO2 reinforced how these systems are connected to democratic policing principles and human rights within the context of policing, suggesting that entrenched recognition of human rights is a requirement for successful policing practices in any context:

"It's very aligned with the democratic model of policing that the UN prescribes, that you know they [human rights] are inseparable, and in fact if you don't follow basic human rights fundamentals you will lose your case in court, simple as that".

[PO2].

Drawing on Muncie's (2001) conceptualisation of crime as human rights violation, PO37 articulated a link between the international political construction of human rights and the strictly legislated and sovereignly enforced aspects of crime and criminal investigation. This highlighted the relationship between the two, despite studies within policing and criminology frequently neglecting the concept of crime as a human rights issue (Weber, Fishwick, & Marmo, 2016).

"You've got probably two aspects to it. One is about the general notion of human rights and the different international charters about you know in simplest terms treating all people equally with due respect and then when you start talking about humanitarian law then your human rights laws start talking about actual breaches of law for offences committed against people and the going through that to the criminal investigation type of process, trying to get evidence of a particular breach and prosecute people under whatever legislation you're operating at the time".

[PO37].

Here, PO37 has outlined some of the differences between human rights as philosophical ideology and as a precursor to human rights law, indicating that human rights are connected to rules and norms. The account that human rights are both legal and state-based obligations placed on the international community at the macro level, while also requiring interpersonal adherence to standards of fairness, equality, and respect at the micro-level, demonstrate that to most police peacekeepers there is a recognition that for human rights to exist they must be adhered to in all facets of human society. As demonstrated in section 6.2, this is a complicated phenomenon in some aspects of policing.

Significant other participants also provided reflective insights into the importance of the roles played by the police in the maintenance of human rights. Based on responses from the perspectives of both

policing and non-policing participants, ensuring equitability and fairness in the conduct of police work was crucial to ethical practice. As demonstrated by SO9:

"Police are an essential part of the process to ensure safety when a crime has been committed or if a crime is about to be committed, but certainly after a crime has been committed to ensure that the crime is not repeated, but also to ensure safety and medical care, justice for the victims. The police role is to enact the laws of the land in a fair and equitable [way], there's no point in having the legislation if you don't have some way of implementing it and ensuring that they happen and providing protection to potential victims".

[SO9].

SO9 addressed another important facet of the relationship between policing and human rights: identifying the police's role to not only prevent and investigate crime, but to also demonstrate practical concern for the right of victims and potential victims, ensuring right and dignity for victims of crime are adhered to. To that end, there are clear links with SO9's concern for 'safety' and 'medical care' for victims and potential victims – specifically articles 3 and 25 of the UDHR with preserve life, liberty, security of person, and access to medical care and social services, respectively - and the pursuit of wellbeing and restoration for victims, whether that be instances of individual experiences of crime or of offences against the collective, such as genocide.

SO7 maintained that the main role of the police was not to act as the oppressive arm of the state, despite rhetoric that this is how they engage with the public in practice. Instead, he suggests that the basis of police work can be more closely aligned to that of domestic peacekeeping:

"Well, in general policing is a form of, simply in democracies like New Zealand and Australia, is a form of peacekeeping. I come from a different view, I don't believe in sociological and political views of policing so I have a bit of a view that they're more about peacekeeping and I don't believe in the class business of policing that Police were established to keep the masses under some control for the elites and all those sorts of things [...] To me policing is about peacekeeping and keeping law and order and the expression we use here in New Zealand and I think you use it as well in Australia is about keeping

the Queen's peace and those sorts of things. In places like the Solomon Islands I guess you're trying to take that view of the world with you […]"

[SO7].

It is clear that, for SO7, the principle roles of police work, namely peacekeeping and order maintenance in a domestic policing situation should be operationally adhered to in international contexts, demonstrating an almost ideological pursuit of democratic policing principles external to the nations that have already implemented this model. This reflection demonstrates the underlying connections between democratic nations who engage in a similar approach of Anglo-Peelian notions of policing. PO41 echoed this sentiment. He unequivocally states that there is an intrinsic relationship between police work and ethical practice, which he reiterated with the following reflection:

"I remember the five things I got told … that your job as a police officer is: to protect life and property, prevent offences, preserve the peace, detect and apprehend offenders, and help those in need of assistance … and they're the five things that I've always held as being [a police officer' and whether the decision I make is right or wrong I always go back to those five things and if I can justify that I'm doing one of those five things I always think I'm doing the right thing. And I think that whether working as a person on the van with the police or a person performing capacity building in a small remote town in the Solomon Islands that that is still the ideal framework to work with".

[PO41].

PO41 established the link between policing domestically, and police peacekeeping, as fundamentally driven by the same purpose of the police. By deferring to the fundamental roles of policing when he felt that reflection was required, he has demonstrated that the premise of policing and ethical practice being intrinsic to police work does not need to be contextualised; to him, it is a universal trait. Furthermore, his five points of reflection all connect back to the ethical framework outlined for best practice in chapter four; first and foremost, *duty* to protect life and property, but driven by the necessity to provide the good consequences of humanitarian assistance, both of which embody the 'virtuous' police officer. To PO41, this is evidence of a universalised norm of policing, intrinsically

connected to human rights and ethical practice regardless of geographical or cultural context. The link between human rights and police work is further supported by PO14, who placed a clear relationship between human rights maintenance and police work in the context of his deployment to Maliana in Timor-Leste:

"In those difficult environments you're sort of focussing on you know the key critical human rights issues and that is … whether they're living in fear, whether they are being abused physically or sexually … that's the things that worry these people mostly about in these remote locations in their safety and security…"

[PO14].

Here PO14 is raising a point which has been expressed in the literature regarding the similarity of approaches taken by the GNR, a highly militarised Portuguese police organisation and the local military force, as well as the differences highlighted in Casey (2009) between the community policing approach of the AFP and the paramilitary style of the GNR, forming a foundational contrast to the espoused trait of policing as a part of maintaining ethical practice and human rights. Furthermore, PO14 makes sense of the relationship between human rights and policing by recognising that protecting people's human rights are intrinsic to their peacekeeping role. PO25 agrees with the inherent purposes of policing, but states that the functions of the police were contextualised, and that this had a direct impact on the type of police work that the police were able to conduct. When asked about their perception on the roles of the police, they responded with the following:

"To protect the population, to detect and investigate crimes and to prosecute those that had committed crimes … I guess the difficulty comes depending on the mandate you have when you're working internationally is that a lot of the times you are not the Police in that country as … they have a police force and you may be just oversighting them … and you know those roles as mentoring of an advising role are hugely different to actually being the police…".

[PO25].

As recognised through the above quote provided by PO25, the roles of police in Timor-Leste as requiring contextualisation, particularly due to subtle cultural differences and the long-term goals of the mission. Pursuing cultural and contextual suitability is underpinned by challenges in applying top-down structured and universally accepted standards of police development alongside culturally relevant bottom-up approaches to development. In Timor-Leste, applying local socio-political practices to the peacebuilding processes yields both beneficial and problematic results. On the positive side, it facilitates the provision of reconciliation and rebuilding of fractured relationships in the host nation, demonstrating care ethics in practice. However, without recognition of those cultural dynamics, the difficulties in training host police to respect and adhere to human rights and ethics, particularly from a westernised standpoint, are evident. As PO25 reflected:

"In East Timor we started off being the police, then we were intending to train the new East Timorese Police Force, then that evolved once independence and they were the police then we again rook over a role as mentoring and advising them but not being the police, but there's always a little bit of overlap and there's always a bit of blurring the lines … It didn't matter whether it was Australian police or British police, anyone that always tries to understand that when you're mentoring or advising the police, how you would feel if another police force from another country was coming in to oversight you, and they were telling you what to do, you know try and do it in a manner that you would appreciate if they had come onto your patch … [police] are very up front and certainly very opinionated and diplomacy and subtlety aren't necessarily our best attributes so it takes some learning to be good at international policing".

[PO25].

The sensitive nature of the work, as well as the multitude of roles police peacekeepers perform in state rebuilding practices – from advising and training to acting as the police – presented the need for police peacekeepers to be flexible and situationally mindful. PO1 provides a similar sentiment to PO25, expressing the structural differences that demonstrated the difficulties of providing straightforward 'police work'. He has also expressed the challenges presented by the lack of clarity on the role the police were to perform in this context, and the receptiveness of the host police. Given PO25's

reflective actions to engage the golden rule in his assessment of best practice to train the local police – or *do unto others as you would have them do unto you* – the ethical dimension of this approach is evident here. PO25 further elaborated the role-based dimension of their work in Timor-Leste:

"Well each mission they have a separate role under the terms of the mission, for example when I went to East Timor the first time it was an electoral mission where our role was to support the electoral offices in their task in registering people for the vote and then ensuring that the security environment for the vote was conducive to a fair and free election, and so primarily that was our task for that given mission and at that time our role was merely to liaise with the Indonesian National Police who happened to be there at the time because East Timor was still a province of Indonesia but then when I went to East Timor the second time in 2001, 2002 our rules had changed in that we became the policing service for East Timor, we provided the community policing and the investigating services for East Timor and so that was a change in our role".

[PO25].

This reflection presents a number of implications for police peacekeeping. First, it demonstrates the relatively recent importance of reflective policing, not solely in the form of personal reflection and consideration but also in the form of archived observations and experiences of police officers. The second implication is that of the relationship between democracy and human rights. It is clear from the data that human rights are considered to be synonymous with democratic elections, as the practice of facilitating elections and ensuring the safety of those running in the elections was an extension of human rights maintenance. Furthermore, ensuring that criminal activity was addressed did not necessarily detract from human rights maintenance, suggesting that the idea of there being a difference between the two can be challenged. In fact, PO37 insisted that there was no difference between the two, as many crimes constitute harm and are a violation of human rights. The construction of crime and human rights violations has readily been acknowledged in Muncie (2001) in the assessment that crime is both a moral violation and a social harm. PO37 further draws this connection:

"I guess you've got probably your two aspects to it, one is about the general notion of human rights and the different international charters about you know in simplest terms treating all people equally with due respect and then when you start talking about humanitarian law then your human rights laws start talking about actual breaches of law for offences committed against people and then going through that to the criminal investigation type of process, trying to get evidence of a particular breach and prosecute people under whatever legislation you're operating at the time."

[PO37].

Further evidence is offered here of the way human rights and, as a consequence, ethical practices, permeate the duties and goals of police peacekeepers throughout their role. it is clear that the relationship between policing, ethical practice, and human rights is viewed as intrinsic to the purpose of police work. This was summed up by PO33, who articulated the relationship between human rights maintenance and addressing crime and disorder in the Solomon Islands:

"Some of the things that I encountered in my role were serious impingements on people's human rights over a long period of time, that's what we were investigating … the crimes that I was investigating were homicides and mass killing, as so I was investigating and assisting and capacity developing their investigators so … I suppose that the breach of human rights was a bi-product of what actually occurred to them [the victims]".

[PO33].

Summarily, these reflections demonstrate that there are a varied range of perspectives on the purpose and roles of the police. The diverse representation of views is akin to many of the normative functions of the police and the moral and human rights obligations placed on them for peacekeeping and capacity building. Throughout this section, many facets of policing were connected to ethics and human rights; investigating crime, commitment to the restoration of public order, adherence to the obligations outlined in the mission mandates while engaging in discretionary practices where possible, building and rebuilding relationships between police and the community, engaging with community policing principles, appreciation and respect to the cultural context, and procedural fairness were all

described as crucial to achieving human rights and ethical practice. All of these practices and processes were underpinned by acknowledging the core tenets of human rights and transferring their applicability in a realistic way to scenarios where human rights had been lost and reflecting on the roles and functions of police to that end. However, acknowledging the normative premise of ethics and human rights does not equate to actually teaching and learning these principles, and the next section examines the reflective experiences of police officers on training in ethics and human rights in preparation for deployment.

6.5: The experiences of police officers on education in ethics and human rights prior to deployment

Reviews on pre-deployment human rights and ethics training were mixed. PO39 indicated that understanding the historical and colonial context of the Solomon Islands was an important part of constructing their own personal rationale for why RAMSI had occurred, and the significance of the history associated with the conflict:

"It probably only helped me to get a better understanding of the why, like why we were there and yeah that needed to be explained because you know we had a couple of hundred Police and Army members basically policing the Solomon Islands and to understand the reasons behind that was important so I think it was helpful from the point of view of putting it all into perspective".

[PO39].

Human rights education was considered by PO40 as an essential part of the UN training process, which was developed to promote human rights maintenance in a post conflict situation. PO40 highlights the importance of answering human rights and related topical questions, requiring some foreknowledge of the processes pertaining to human rights maintenance and implementation of ethical practices:

"Human rights is part of every training that we have for people going overseas about what the status of use of force is, the human rights handbook for Police that is provided to Police going on UN missions, the, you actually get interviewed by the UN as well and they ask you questions about human rights and those sorts of things, they ring you up and do a telephone interview with you, so you need to be able to answer those questions so you need to have done the online human rights stuff that's part of the pre-deployment mandatory requirements. So, and it's all about the UN Declaration of Human Rights working in a mission environment, sexual abuse and all those sorts of things that could possibly happen in the UN environment".

[PO40].

PO40 had been involved in missions spanning a much longer period of time than PO2, having deployed multiple times to Timor-Leste and the Solomon Islands at different times. On the other hand, PO2 had deployed in the year 2000 only. PO2 indicated that they had received no human rights training at all:

"No, I learnt that as we went…"

[PO2].

Comparing these experiences to the relevant timelines indicates there has been significant development of human rights education of police officers over the years of involvement in UN deployments. This demonstrates that although there are criticisms of the rehashing of a lack of structures for stable policing, that some improvements have been made to human rights training to better equip stakeholders in adhering to these needs.

As identified in chapter three, while the missions to Timor-Leste were governed by the UN, the UN had little to do with the RAMSI mission; this was in stark contrast to the Timor-Leste deployments which required the implementation of UN mandates into the purposes of police peacekeepers in this role. Contrarily, RAMSI developed in collaboration with other Pacific nations, and as a result of this difference there are varied accounts of human rights training in this case, with the implications being

that the approaches taken by individual police in Timor-Leste may not have been transferrable to the Solomon Islands. Participant PO33 emphasised this point by noting that:

"It was basically fairly broad with a highlight of bringing to people's attention that cultures would be different and just modelled some culturally acceptable behaviour … highlighting the fact that some things are culturally acceptable to use aren't to others … it was reasonably broad because obviously cultures change within the IDG setup so what might be culturally acceptable in Timor may not be in the Solomon Islands…."

[PO33].

Extending the points noted by PO33 which were argued for recognition of cultural differences between deployments, PO34 suggested that adherence to ethics and human rights required reinforcement to be effective in the volatile context of a post-conflict mission. For PO34 reflective practice, which facilitates ethical practice, requires continual improvement through clear and transparent measures towards achieving the appropriate training in ethics and human rights prior to, during, and post deployment:

"My only recommendation would be that it's something which needs to be discussed regularly in training …. You need to see … posters around the workplace and so forth, continually reiterate or send the message".

[PO34].

Further to this, PO34 recalled the amount of historical and social education they received could have been widened to provide a more comprehensive overview of the context of the deployments, particularly as they had to learn the situation along the way:

"it was a variety of training, you know, living in remote areas, cultural awareness training, four wheel drive training, firearms training, what else, we had first aid, I can't think of anything else at the moment but yeah it was a little bit about the Solomon Islands, the whole culture, had some of the other members who'd been there giving lectures, not much regarding what the ethnic tension was all about,

it wasn't anything like, pretty much I had to nut that out when I got there because yeah that was pretty light on that sort of information which was really quite important to know".

[PO34].

There seems then to be a need to increase the connections in training between human rights, ethics, and cultural and contextual relevancy, and to include acknowledgements and understanding of the structural conditions in place that impact on human rights maintenance and ethical practice.

As discussed above in sections 6.2 and 6.3 of this chapter, participants provided a range of responses regarding the construction of human rights when asked what human rights meant to them. Their explanations demonstrated that many participants drew on elements of human rights that are relevant to policing, and some were able to contextualise this with the nuances of the host nations' needs. Overall, all police officers and significant others expressed that human rights maintenance and police work go hand in hand, although a few participants acknowledged that there are situations in modern policing, such as during arrest and as a result of threats against the state, where human rights maintenance is given less priority to the need for aggressive countermeasures to violence and conflict. A small number expressed the belief that police work can involve inconsistencies with human rights, as stated in the introduction to this chapter; police can and often do remove people's freedom and liberty when they are arrested, searched and detained. As discussed by PO10, legislating human rights is an important part of the recognition of human rights itself. However, as established by the 2016 UN guidelines for police operations, the respect and protection of human rights is the paramount guideline for police peacekeepers.

Most police officers had received ethics training from their respective police organisation when they became police, and most stated that human rights maintenance is an innate part of police work in most cases. Overall, the conceptualisation of ethics and human rights is clearly influenced by previous exposure to the theoretical components of these concepts, thus solidifying education as an important component of understanding ethics and human rights.

6.6 Chapter Conclusion

This chapter has highlighted several core themes that answer research question one: *How do police peacekeepers understand and conceptualise human rights and ethics and their relationship to policing*? What is clear from this chapter is that participants framed human rights as multi-faceted and requiring a considerable amount of recognition, understanding, and practice to engaging with local cultural norms in the police peacekeeping context. This section paid particular attention to the western construction of human rights norms and how these are juxtaposed by competing constructions of morality.

Most police participants and significant other participants could articulate *at least one* facet of human rights doctrine in their response to the interview questions; however, the depth of the detail they could provide varied. A common recognition was that human rights involves the preservation of *life and property,* which is inherently linked to standard police duties. This chapter has 'set the scene' in demonstrating not only the context of international deployments, but how participants viewed the purpose of human rights and ethical behaviour in the context of international settings. This is integral to the thesis establishing what Australian police peacekeepers and external participants understood human rights to be, which paved the way for examining their understanding from an ethical lens. Furthermore, consideration has been given to the relationship between peacekeeping and capacity building the police force and these concepts. There are a number of key conclusions that can be drawn from the data thus far. First, while the construction of human rights is not recounted in its entirety by the majority of participants, the underlying philosophy behind its construction is. Participants consistently demonstrated that ethical practice and human rights maintenance are multi-faceted; it involves the protection of life and property, which is intrinsic to police work, but also involves recognising and understanding the various constructions and implementations of human rights and ethical practice in places where cultural differences are vast. Secondly, the majority of participants agreed that human rights maintenance and police work should – and usually does – go hand in hand. This may be due to the majority of participants being police officers, however this sentiment was also

generally echoed by the non-police participants. Nevertheless, the paradox of police work is expressed by both police and non-police alike, demonstrating a solid link between the concerns raised in current literature and the experiences and observations made in practice. Third, the link between ethical practice and human rights doctrine exists, and indeed the philosophy and consequent criticisms of human rights reflect the metaphysical and normative theories covered in chapter two. Furthermore, the postcolonial and cultural impacts of human rights maintenance and ethical practice whilst working in a post conflict environment are at the forefront of the minds of a significant number of the participants, which will be considered further in the subsequent analysis chapters.

Perhaps the most important themes borne out of this section is the basic acknowledgement that human rights require protection of life and property, and that the role of the police inherently requires them to protect life and property, thus establishing the primacy of human rights in police peacekeeping practices. Despite this, a few participants expressed that human rights must be prescribed in actual law, and that it cannot be an ethereal concept. Nevertheless, the roles the police performed – advising, monitoring, training, and stepping in as the police – required inherent consideration for human rights, and the pursuit of legitimacy in the eyes of the local population. Tenets of the UDHR have been interwoven through many of the responses provided by police and non-police participants, thus demonstrating that at least in the Australian context, human rights are somewhat understood. To conclude, the UN guidelines for police operations specifically identify the key roles of 'prevention, detection and investigation of crime, protection of persons and property, and maintenance of public safety and law and order – shall be guided by the obligation to respect and protect human rights, norms, ethics and standards in crime prevention and criminal justice and international human rights and humanitarian law' (2016, p 4). It is clear that the organisation with the strongest claim to establishing universal best practice for police peacekeeping expects that all actions by police peacekeepers are underpinned and informed by human rights and ethical practice.

The following chapter builds upon the notions of human rights and the roles of the police domestically and abroad by considering what factors impacted the achievement of ethical practice and human

rights maintenance, underpinning the context of the deployments to Timor-Leste and the Solomon Islands.

Chapter 7: Examining the Structures underpinning Police Peacekeeping

Chapter 7 answers Research Question Two: What structural conditions impacted on police contributing to human rights maintenance and ethical practice in the host context? This chapter discusses the process of contextualising ethical practice and human rights maintenance using a multitude of applied ethical practices, involving consideration of actions, consequences, character development, relationship building, and pluralistic approaches to police work.

It expands the perceptions and understanding of ethical practice and human rights maintenance and explores the structural factors that impacted ethical practice and human rights maintenance as perceived by Australian police officers and significant others. External influences that impacted Australian police work; historical and cultural context and its impact on limiting or enhancing ethical practice and human rights maintenance; geographical isolation; socioeconomic differences of the police and the policed and working within a post-conflict setting will all be considered as integral to understanding the structural context of human rights maintenance by the police.

Structural conditions in both Timor-Leste and the Solomon Islands will be considered alongside the concepts of determinism, absolutism, relativism and pluralism, and how the cultural and physical conditions influence the how human rights and ethics were addressed in these contexts.

7.1: Cultural difference and social structure

The foremost challenge police peacekeepers experienced was the cultural differences such as those found in Timor-Leste and the Solomon Islands. The first consideration is the culture of the host nation, which sometimes differed to the cultural values normalised by Australian police peacekeepers. The second consideration is the intercultural dynamics of engaging with police peacekeepers from other cultural and national backgrounds, and the sometimes contrary and divisive practices observed by the

participants. Understanding these contrasts is crucial to examining how ethics and human rights were or were not facilitated throughout the peacekeeping and capacity building missions. As PO18 noted: *"… it became quite complex and I think we've got to be careful not to sort of force our own values down someone's throats provided that they are sort of complying with human rights, … so there were many grey areas there and I found that quite challenging",* encapsulating cultural differences as a key structural condition shaping practices towards ethics and human rights.

7.1.1: Cultural and linguistic differences between donor and host

Local police practices, and the 'norm' within local police cultures, presented a challenge to improving the law and order situation in Dili and sustainably improving the peacebuilding process. PO26 reflected on a situation that occurred during the time of their deployment, noting that it seemed the mentoring role of the police required more active engagement with changing the methods employed by the local police. As PO26 stated:

"The UN appointed commissioner … was very cynical of what was happening, the crime rate had started going up in Dili and the surrounding areas and when he was driving to work he'd never see a police officer and it became apparent to all of us essentially that all police officers who were stationed in Dili would just sit in the station and drink a cup of tea and not do any police work … [so we had to] reorganise the structure to say if you have 60 police officers in a police station you don't have 55 of them sitting around drinking cups of tea, you get them to go out in the police car and drive around or you put them onto traffic duties or whatever the case may be".

[PO26].

Here, PO26 portrays the host police as requiring significant cultural change to shift the operational culture towards community policing. Crime prevention through visible policing was a key measure

taken towards reducing the crime rate that had spiked in Dili at the time. This required a transformation of accepted practices amongst local rank and file police.

Professionals recognised the challenges facing them in a different culture, attempting to develop the capability of local workers and structures so they could eventually perform to a high standard. Despite the altruistic intentions that all participants expressed during their time in deployment, participants encountered some barriers to improving human rights conditions. PO18, during deployment in the Solomon Islands, noted:

"…it became quite a conflict … on one hand we were told to sit back and let them run things their own way, but on the other hand … it was like this conflict of well the Solomon Islands would be quite happy to continue going the way they're going … around young girls or teenage girls and dowries and marrying people … they had a different concept, when you apply a western society concept its actually quite different and if we try and then seek to enforce that you start to cross over".

[PO18].

PO18 observed cultural gender imbalance within the host nation compared with Australian normalised cultural practices, recounting vagueness about how to best interpret and respond to the differences in cultural norms and moral perceptions between the two gendered norms. Although PO18 disagreed with the normative value of gendered *kastom* law such as dowries and expectations around sex, he cautioned that while criminal codes and human rights standards reflect an absolutist approach, it is equally important that donor police should acknowledge the relativist principles that informed the cultural context of the mission if there is to be any success in transforming those structures. PO33 also experienced different cultural representations of human rights which challenged his experiences of policing in Australia:

"My counterpart arrested a man for killing four people and wounding fifteen others … they sat with him, ate with him and provided dry warm clothing of their own to him so culturally speaking certainly the suspect in our culture wouldn't get that type of treatment, he'd certainly be treated with respect but he wouldn't be welcomed into the social network".

[PO33].

This recollection exemplifies the different approaches to rights-based practice between police of different cultures, suggesting that the cultural conditions encountered by police were not necessarily hindrances to maintaining human rights, but provided an opportunity to observe different cultural representations of human rights. In contrast to that of the experience of the PO's, many of the SO's interviewed offered an alternative understanding for the structural dynamics presented by the cultural and language differences between donor and host in the host nation.

Linguistic differences presented another barrier between donor and host, contributing to problems translating the donor police practices to the host nation. SO8 worked with the RSIP in the Solomon Islands to determine the day-to-day aspects of investigating crime, and discovered that local police were unaware of how to deal with the practices that had been thrust upon them in the previous mission:

"We could see that there were many things they had in place that had worked really well, but unfortunately in the mission before ours a lot of the work was actually done by the Australian and overseas police officers who actually just came in and took over and did it all and then we were at the stage of capacity building to get them to actually do it with [the RSIP] as mentors, so we were then left with this problem of all these processes and procedures which were forced upon them and they didn't really quite understand it."

[SO8].

The reflection offered by SO8 critiques the previous cohorts' engagement in *stewardship* as often lacking cultural and contextual validity since the RSIP were unable to fully understand how to implement some of the methods and procedures they were taught. Given that *stewardship* of the RSIP was key to capacity development through mentoring, advising, and training the local police and facilitating *justice* through establishing legitimate policing and rebuilding community relationships, SO8 has emphasised that achieving *beneficence* would be difficult in this instance. Language barriers were similarly experienced in Timor-Leste, where difficulties in developing trust with local interpreters

became apparent. PO26 reflected on these concerns, particularly as the underlying context presented many cultural and contextual barriers that were not necessarily obvious to individual police peacekeepers. As PO26 pointed out:

"The interpreters may well have had hidden agendas as well and so you had to be really careful about how you deal with those because translating, interpreting what they were saying and then actually putting that down on paper that caused a number of issues."

[PO26].

PO26's concerns demonstrate that although relationships appeared strong, underlying motivations for the host nation were not necessarily transparent. *Honesty,* which ought to be manifested by individual police peacekeepers to represent virtuous character, could not be guaranteed between donor and host. Motivations for engagement between donor and host must be underpinned by honest communication, yet the structures did not necessarily facilitate completely transparent practices. Problems achieving *care* through the manifestation of *stewardship* were further complicated by the aforementioned language barriers as corroborated by SO3:

"I always had people with me for translation, and sometimes one of those police had translators and I knew they were hopeless and I always had to deal with that issue … you can tell if you're not being understood and translated properly... And it was when nuance counted, so you had to actually ensure that was all ok."

[SO3].

Despite cultural difficulties, police peacekeepers' sense of duty and responsibility drove their efforts of capacity building the host population and rebuilding the necessary structures to transcend the conflict and violence that had led to intervention in the first place. PO29 expressed pride in this endeavour.

"We were there to rebuild that [political stability and the rule of law] and the only way to do that was to hold elections, and so it was very clear what we were doing the entire time there and the elections

was a huge focus point for everyone and once that was achieved and done a weight was lifted from our own personal shoulders and also I think everyone in the community and the UN and the general broader policing environment felt that we'd achieved our goal and now it was time to hand back over to the locals their country and their institutions, so it was good".

[PO29].

PO29 felt there'd been a major victory for human rights and ethical practice in Timor-Leste, particularly the contribution to the democratic process.

To assist police in maintaining human rights won, and achieve universal standards, the community in question must be educated. Such education must balance cultural sensitivities focusing on cultural awareness and understanding. To this end, it was suggested that human rights be taught through a cultural or religious lens. PO1 shared some thoughts on how this could be realised.

'Well I would probably train them first of all in ... an Australian conception of human rights, as you know there's the individual State and Federal based legislations, what the UN rights charter has, and I would probably give them some training in the major schools of Western ethical thought, ... at least provide them with the ethical tool bag as I call it to apply not only Australian law but international UN agreements and treaties that give them an ethical tool bag from which to apply it with'.

[PO1].

Here, PO1 is suggesting that standardising the approach to understanding human rights from an international perspective and drawing on various ethical principles as taught at an undergraduate level can provide better opportunities for ethical reflexivity, particularly when engaging in culturally fluid and dynamic contexts such as post conflict societies. Such a tool may be useful for dealing with cultural differences between donor police, which is explored in the following section.

7.1.2 Cultural differences between police of different backgrounds

Many police and significant others interviewed expressed that the practices of police from Australia, New Zealand and Canada demonstrated an understanding of human rights. Nations where community policing initiatives are not the major philosophy underpinning police work tended to practice incongruently with Australian police peacekeepers' understanding of 'ethical' policing. However, there were instances officers from different nations that practiced police work with an understanding and concern for human rights, and likewise, there were officers from western backgrounds whose practices did not align with human rights. These were the narratives of both police officers and other professionals trained under a western model, reflecting the difference between police work in different nations, the western construct behind the UDHR, and the aforementioned premise of ethics and human rights as stemming from liberal democratic notions that are not necessarily compatible with the histories, cultures, and contexts of many contributing donor states. PO25 recalled one such disturbing situation. Not only was it a clear violation of victims' rights, but it also contravened a standard practice for dealing with victims and offenders that he was accustomed to in Australia.

"… [we] had some trials involving gender crimes so rapes … this [lead police investigator] chap saw nothing wrong with picking up the suspect from the jails and going and picking up the victim in the same vehicle and taking them to court for the trial. And … he could not see that he'd done anything wrong, because that's the way he would do it in the province in Nigeria where he worked. Now he ended up being dismissed obviously, but that's just one example of … the difference in skills and knowledge and ethics."

[PO25].

PO25's recount demonstrates a fundamental misunderstanding by some donor police of the severe re-traumatisation that can occur to a victim of sexual offences being placed in such close proximity to their alleged attacker, and the underlying human rights breaches outlined in the UN General Assembly Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power (1985) section 6D to

take 'measures to minimize inconvenience to victims, protect their privacy, when necessary, and ensure their safety, as well as that of their families and witnesses on their behalf, from intimidation and retaliation'. It is imperative that police, justice, health, and social services personnel receive appropriate training sensitising them to the needs of victims, particularly through ensuring procedural guidelines and appropriate aid are provided to victims of crime (Section 16). Section 17 requires specific attention be given where particular needs for the victim must be met due to the nature of the crime, such as victims of sexual assault.

PO25's experience reflects the challenges of differing practices, disturbing to some police, but deemed acceptable to others, probably due to a lack of resources or training. Underpinning this single example are far greater underlying differences between donor police stemming from the practices and the overarching criminal justice processes operating within their jurisdiction. PO29 encapsulated the varying philosophies and practices of donor police with the following reflection:

"A lot of the other countries like the Portuguese come from an inquisitorial style judicial system unlike our adversarial system and so their methods of investigation and interaction with witnesses and offenders either during or after a crime is committed is different to us, and sometimes in a post conflict environment it's really unclear about what processes or legal processes should take place and so with many different Police forces there are often conflicting ways of doing things and the inquisitorial style policing system that the Portuguese were used to is different to ours and sometimes that caused a fair bit of conflict. There were other Police groups there … they were more like a security detail rather than policing as we know it about interacting with the community and finding out what the issues are and trying to resolve them peacefully, they were only ever a responsive force not a proactive community engagement thing".

[PO29].

PO29's observations demonstrate the disparities between paramilitary style policing, akin to overtly physical forms of policing, and the community policing styles that Australian police peacekeepers were accustomed to. PO8 agrees that paramilitary style policing is a barrier to cultivating positive

relationships, and said that the Timorese people preferred being policed by Australians and opposed to the Portuguese GNR, as the Australians were more likely to 'let them off'. While most officers expressed no concern with working with police from different backgrounds, and were able to work around any differences in police practice, their reflections demonstrated that the variances in policing methods were obvious to police and non-police participants alike. The consequences resulted in varied contributions to ethical practice and human rights.

PO9 noted many positive experiences. He/she appreciated the cultural skills provided by other Melanesian police in the Solomon Islands, particularly in communicating with village chiefs.

"I found it great value in actually having police from places like Vanuatu, PNG, Fiji, Cook Islands, Samoa, and Tonga, and of course they were very skilled in terms of being able to negotiate at a village level with chiefs and elders and I think they had a better sense of customary law, tradition, and courtesies and that sort of thing than the Australian police dealing with issues at a village level. Some of these countries only sent two or three police and yet they actually had a significant impact on the ground so we were very lucky that way."

[PO9].

The common rhetoric that western-based police were operationally superior was likened to racism by PO8, who described a condescending approach to some of the international police by police from western nations like Australia, evident in both the Timor-Leste and Solomon Islands.

"It was so interesting to meet all these cops from all over the world … but it highlighted something to me … the condescending attitude of westerners towards non-westerners … whether they were from PNG, Tonga, Samoa, whether they were Arab cops, whether they were local Timorese police, there was this attitude that they were incompetent, that we were better."

[PO8].

As discussed in chapter six, despite specific rights being entrenched in the UDHR as universal, understanding human rights varies from person to person. Variations were observed by significant

others interacting with a diversity of police peacekeepers from around the world. SO6 reflected on multicultural engagement with police peacekeepers from many different countries, recalling:

"… I had a lot to do with the Jordanians, the Egyptians, the Ukrainians and the Portuguese obviously, a lot to do with many of the different contingents and all of them consistently would talk about the professionalism of the Australian Police, and in particular in Oecusse district which is in West Timor, the enclave area, I did a lot of work out there, and that was literally like 15 Police, there was such a small amount and two of them were Australians and they had a really, really solid reputation for their level of professionalism and their capability, and they would actually end up teaching some of the Brazilian and the Portuguese there about their method of doing things and their record keeping I remember was one of them, where the Brazilians had said the Australians did such a good job so they took on the way the Australians did things."

[SO6].

The community policing approach of Australian police, was in stark contrast to that of the Portuguese GNR (see Casey, 2010). Another significant other participant, SO4, compared the host populations' opinion of the Australian police and the GNR.

" ...you want the GNR on your side and you want the Australians on your enemies side because the GNR would come in and beat the living daylights out of your enemies which was great to have on your side, but if the Australians came in they'd make you all sit down and chat, so they loved the fact that if they were fighting and they were in the wrong they could have the Australians but if they wanted to really bash the other ones then they would want the GNR so there's always that tension in what people want."

[SO4].

This recollection contrasts the paramilitary style approach of the GNR and the communicative community policing approach of Australian police. SO4 noted that the community policing method

facilitated positive relationships between the Australian police and the Timorese people, a stark contrast to their relationship with the Portuguese GNR.

It is important to reiterate here that the significant other participants were all either Australians or New Zealanders, thus likely biased towards Australian police peacekeeping practices, and more critical of those from other nations. Given the cultural differences presented between donor and host, and donor and donor, illuminating these differences demonstrates the significant challenges placed on Australian police peacekeepers to perform in a culturally sensitive manner while reinforcing human rights norms.

7.2: Socio-economic constraints

Poverty presented another determinant structure experienced by police peacekeepers. Timor-Leste was the poorest and newest nation in the Asia-Pacific region when the UN missions commenced. Corruption was endemic, preventing socioeconomic development and resulting in poverty, and contributing a significant cause of the structured conditions encountered by participants. This assessment can readily be applied to the Solomon Islands as well due to the collapse of governance and infrastructure in the nation. PO1 deployed in Timor-Leste, stated the following:

"[…] the general poverty levels, it was always going to be that you'd get a local elite emerge who would pocket aid dollars … that only happens where the governance systems, the justice systems, the political systems are underdeveloped and not corruption resistant and not responsive to societies needs and people's needs."

[PO1].

PO1 observed the clear link between corruption, poverty, unemployment, lack of education, and conflict. Through a lack of governance, the political elite were able to avoid accountability measures to prevent or expose corruption within the political and judicial structures. The need to develop these

structures is recognised in current literature; for example, McDougall (2004) emphasises that security-development enhances the well-being of citizens, as well as dimensions of 'economic, societal, and environmental security' (p 171) for developing post conflict capacity building.

PO16 found a cyclical relationship between economic disadvantage, lack of education and lack of employment. He drew an analogy to the requirements for creating a fire – an insightful comparison given the destructive potential consequences of both:

"… For fire to exist you need three things. You need heat, you need oxygen and you need fuel. You can't have a fire without those three things. Now in relation to the public disorder which existed there, … it was about poverty, about poor education and about unemployment, and the education and unemployment obviously impacted more on the youth than anyone else and so from a policing perspective what those issues manifest into is the public disorder, the crime and so forth."

[PO16].

Reiterating the connections between poverty and lack of educational and employment opportunity, PO16 concluded that all three problems underpinned conflict in Timor-Leste and the Solomon Islands, eventually leading to a breakdown in law and order in both contexts. Furthermore, these connections illustrate that socioeconomic structural conditions underpinned the mission context that participants operated within, presenting a challenging factor shaping the pursuit of ethical practice. These complex socioeconomic and political structures are examined in the following three subsections: lack of legitimate structure of governance, lack of infrastructure, and lack of socioeconomic equity.

7.2.1: Lack of governance and legal structures for legitimacy

Achieving police legitimacy, an inherent requirement for democratic policing, and in turn human rights and ethical practice, faced serious constraints given the lack of governance structures to facilitate this

goal. As PO8 noted in Timor-Leste it was difficult to make individual agency and choice work given the structured guidelines in place:

"… the UN were the ones that dictated who and where we deployed and how we worked and it actually hindered the AFP from doing what they wanted to do."

[PO8].

PO8 criticised UN involvement in peacekeeping and capacity building missions. Although it is obvious where post-conflict police building has succeeded and/or failed, Wilson (2012) in the context of police building and restructuring of governance in Timor-Leste argues the UN lacks 'sufficient capacity or suppleness' to make substantial structural changes. These challenges manifested in a number of ways; for example, attempting to process extradition during criminal investigation, PO5 encountered an example of the issues regarding governance structures, highlighting their impact on ethical practice and human rights:

"Now where the golden rule which I told my men is what you've got to do is apply the provisions of Indonesia law and East Timor Law, you apply them as though they're your own, because we're the UN, we're not employed by the AFP when we get to the UN … So, you have UN jurisdiction, … I think more emphasis needs to be put on the local rules and regulations and the legislation as it applies in the countries that they're being posted to".

[PO5].

PO5 believes more emphasis should be made during peacekeeping and capacity building missions on local customs and beliefs, particularly relating to local communities' expectations of their local authorities. This belief aligns with a pluralistic approach to ethical practice and human rights maintenance, rather than applying rules without contextualising their appropriateness to the situation. Integration of a diversity of legal frameworks, due to the lack of legal and investigatory infrastructure, presented a range of challenges. PO37 lamented:

"You can charge a person under Indonesian law or under the UNTAET regulations so you've charged a person with homicide or murder five different ways, rape probably seven or eight different ways, so that's pretty confusing to get your head around, but for locals in was incredibly difficult … they make their best effort to understand the law and understand the principles of investigation, how to get evidence to support a prosecution and so on, but they'd be shown how to do the same job five different ways … so they revert back to whatever framework they understand and unfortunately the only thing they understood or experienced was the Indonesian way of doing things from 30 years of occupation and they became quite brutal, quite violent, and certainly contrary to most human rights."

[PO37].

PO37 stated the difficulty for donor police to deconstruct the perceived overcomplicated nature of the principles of investigation, there being various standards and expectations from different donor police. This failure to streamline the expectations and the lack of contextualisation of those investigative principles, presented another structural limitation causing the local population to revert to what they were used to. This issue was further raised in the list of recommendations made by the Standing Committee on Foreign Affairs, Defence and Trade into Australia's involvement in peacekeeping operations (2008), which drew attention to inconsistency in interpretation of legal instruments and mandates in the field, and recommended that the requirements within the peacekeeping mandated be made 'unambiguous and clear' and that legal instruments are consistent with Australian law and are recognised and consented to by the host country.

7.2.2: Lack of infrastructure and access to socioeconomic rights

A second socioeconomic constraint on human rights was raised by PO22 who maintained that human rights was far more than freedom from torture and violence, but must include access to rights such as health, education, safe living conditions, clean water, and adequate housing and security. Such basic human rights were unmet within post conflict contexts:

"It wasn't just about their loss of human rights, it was about the fact that they weren't getting fair access to health, they weren't getting health support, education support, you know the law and order was just one small part, it was a failed state that had no money, they couldn't afford to buy the most basic of medical support, the things we take for granted like Band-Aids and bandages and simple antiseptics, they had nothing."

[PO22].

One example of the lack of basic socioeconomic needs is recounted by PO8 in Timor-Leste, *"I was washing it with water … this little kid came running up to the car going 'no don't throw the water away, give me the water to drink', and I thought how insensitive, so I opened the back and gave them a whole slab of water. I didn't think that clean water was a problem there."* This incident demonstrates how fundamentally lacking the country was in receiving or maintaining the basic necessities required towards achieving wider human rights, particularly those enshrined in Article 25. While rebuilding law and order was within the role of the donor police, wider structural constraints which were not within their role became just as significant. PO8 had not previously realised that basic necessities such as access to sufficient water and sanitation were not being met. The UN and NGOs such as Amnesty International, campaign for essentials as food, water, sanitation, and health security; yet these basic human rights simply were not there. Understanding practical opportunities for ethical practice and human rights maintenance, then, required individual recognition of what necessities were not being met. Similarly, the Solomon Islands demonstrated problems with infrastructure, as PO36 discovered working on the island of Malaita:

"… you're the transport, you're the logistics, you're the everything, there is virtually no other Government infrastructure … there's very little in comms, transport or anything so Red Cross in those kind of areas for example would piggy back on the back of our fortnightly helicopter in for stores to bring in some of their stuff, or on our landing craft we'd bring some stuff in with diesel fuel … the only form of government infrastructure there really was the Police so you become the de facto answer for everything really."

[PO36].

The economic disparities between donor and host also presented in the lack of technological infrastructure. While these technological challenges did not represent the same level of inequality as deficient access to water and sanitation, they nonetheless presented challenges to meeting other necessities for improving law and order and the rule of law by recruiting new police. In attempting to create a police organisation that would protect human rights, it was a lengthy process sifting potential offenders from new police recruits. As noted by PO18:

 "We had to keep in mind their budget and their capacity to use technology ongoing so it was no good taking an iPad over and showing them a program."

[PO18].

The absence of modern technology did not always constitute disadvantage to conducting police work. PO34 expressed amazement with the 'coconut wireless system' in the Solomon Islands:

''[In the] mornings when I arrived to work they'd all be sitting under the tree chatting and having a cigarette and I'd be thinking of all the things that we needed to do … it actually dawned on me that yeah they were standing around chatting but they were also working with the locals and whenever I said to them 'look we need to go to this village and it might be ten hours by boat can we find out if the person we need to speak to is there' and within half an hour … they'd be able to tell me yes they were or no they weren't. The coconut wireless system was quite remarkable … their community policing and networking was astounding and they never let me down."

[PO34].

PO34's anecdote credits the often-underappreciated facets of local systems, developed within the local context that can be as effective as systems relying on technology.

7.2.3: Lack of socioeconomic equity

Problems achieving legitimacy stemmed from the perceived motivations of the peacekeepers and capacity buildings as an opportunity for financial gain, particularly for police peacekeepers who had originated in socioeconomically developing nations. PO35 expressed concern regarding the motivations of some peacekeepers' choice to engage in the deployment:

"…I think some of the people both UN and NGO were there simply for the money … certainly standards of behaviour of some other nationalities … both in terms of their policing skills all the way through to their basic comprehension of human rights and ethics. … some people just didn't grasp why they were there; it was more the financial impact. And that translated into how they conducted themselves".

[PO35].

This point suggests that legitimacy could not be achieved in amongst the aftermath of a conflict driven by poverty and economic disparity while some police peacekeepers were solely motivated by the income. Additionally, PO40 contrasted the economic disadvantages of the host population with a police officer from a wealthy nation, with these disparities presenting challenges even if an officer was motivated by altruism:

"[…] you're going there as a rich white person so to speak, with a pocket full of money, which is how the locals see you and you have to understand the power imbalance that that brings."

[PO40].

Police witnessed socioeconomic inequity in post-conflict regions in their daily interactions with local workers. Although PO18 noted the difference in payrates from those in Australia, he was unable to alter his cleaner's wage without having a negative impact on her, thus negating the ability of Australian police to make small impacts on local economic structures:

"We hired a cleaner, a local girl … we couldn't pay her too much, I think it was like $7 a day which was a maximum rate of pay we were allowed to pay her … which was nothing for four of us in a house, but that was sort of like the daily going rate, if we'd paid her any more it would have caused dramas".

[PO18].

When PO18 considered his cleaner's payrate, he was careful to balance the rights of the individual with those of the community. PO18's reflection demonstrates that economic equity was a major issue in deployment contexts. Issues of economic inequality were also experienced by PO8, who not only highlighted the overt differences between Australia, Timor-Leste and the Solomon Islands, but also noticed the subtler differences drawing a clear link between dress standards and the economic gap between Australia and its Asia-Pacific neighbours:

"They have these huge stores with all second-hand clothes and they wear … old corporate uniforms, they don't know what it is, some stuff with really rude stuff they don't know what it means, … old Rugby League jerseys […] fake Billabong ones you know, and even the locals couldn't afford those, they mainly wore second hand clothes."

[PO8].

The accounts of PO8 and PO18 highlight how deeply entrenched economic inequalities were in the deployment contexts, furthering the rationale for intervention. The issue of poverty ran deeper than the obvious fact of the lack of resources. PO28 found it difficult to encourage the local population of Timor-Leste in work that would seemingly benefit them:

"They didn't seem to want to help themselves which was really hard to get your head around actually."

[PO28].

PO28's observation highlights difficulties for capacity building processes. Decades of subjugation led to a collective devaluation by the host population of their own abilities to rebuild the nation and guide it from the uprising towards a peaceful future. In light of the context of international intervention, it

is clear to see the relationship between the cultural and colonial nuances described by the participants and human rights research, while still acknowledging the expectations that are placed on the meaning of human rights.

Illustrating this point, PO12 regularly encountered the consumption of betel nut amongst some members of the RSIP. Comprised of three parts: the areca nut from the betel palm; the bark, leaf, or bean from the betel vine; and lime powder slaked from shells or coral (Pratt, 2014), it is chewed altogether, inducing a psychoactive effect producing feelings of drunkenness and euphoria. Consuming the betel nut stains the teeth and gums red, making it obvious when RSIP members were using it. PO12 commented:

"When they smile their teeth are as red as anything and you think 'yeah, you're high on the betel nut' because it's just part of their custom, it's part of what they do all of the time whereas the AFP right so didn't partake at all, nor did the Military, but it was the accepted custom over there so even their police will partake of the betel nut even though it's an illegal drug so to speak".

[PO12].

Despite medical and social evidence indicating that the betel nut is carcinogenic, PO12 recognises an ingrained structural issue demonstrating why this practice is engaged in – it has a hunger suppressant effect. According to PO12, *"They've grown up with is as an appetite suppressant because food was very scarce and they've just carried that over …".* PO12 highlights the paradox of drug consumption and human rights and ethical practice in policing the users of illicit substances. The public health investment required to tackle the health impacts of its use, also hinders economic growth. (Pratt, 2014).

The various experiences of socioeconomic inequality were exacerbated by the geographic context of the mission, which are explored in the next section.

7.3: Geographic context: remoteness

Beyond the cultural and socioeconomic structures that defined the mission context, the realities of deployment in geographically isolating conditions presented another series of challenges to ethical practice and human rights maintenance. The development of Timor-Leste and the Solomon Islands were impacted by difficult physical terrain and the consequential dispersion of resources, which were factored into the emergence of conflict in the first place. In Timor-Leste, offenders and those who had been implicated in the violence were able to hide in the hills and mountains of Timor-Leste and then remove themselves to the Indonesian-occupied western part of the island of Timor, while in the Solomon Islands, most resources were concentrated in the built-up area of Honiara despite the majority of the population living in rural areas and scattered across the Solomons many islands. Two consequences were evident as a result of the geographic terrain and subsequent isolation; infrastructure was difficult to improve in regional areas due to isolation, and offenders who were familiar with the mountains and jungles were able to make use of the environment to hide from peacekeepers. PO34 provided evidence for the infrastructural problems created due to the physical environment demonstrated in section 7.3.5, which was further hindered by the terrain in the Solomon Islands. While assisting in the investigation of the murder a number of men related to each other, PO34 encountered not only the tribal problems associated with apprehending offenders, but also the problems with the thick vegetation on the island, easily navigable by local offenders:

"*Rove the prison in Honiara it's overcrowded, the conditions are really poor, … they were looked after but it's sort of not like a prison that you would expect in Australia so yeah, that's why they would go on the run and … they could go and hide in the jungle and live off the land for months on end and you wouldn't find them the jungle's so thick there*".

[PO34].

PO34's case provides insight into several factors affecting police efficacy. The terrain itself, of which the local community undoubtedly had greater knowledge, was a challenge to law enforcement. PO34

considers that local knowledge of the prison infrastructure may have influenced offenders' thinking. The intersection between culture and geography coupled with infrastructure issues is clear. PO20 similarly experienced challenges presented by the isolation of some operational environments:

"I was working at remote posts where you had to fly in and out by helicopter and you got resupplied by ship once a fortnight."

[PO20].

Overall, geographic context and isolation presented a small but considerable range of challenging physically-determined structures to Australian police peacekeepers in performing their role.

7.4: Historical context and contemporary violence

The historical context was explored in chapter three, so this section focuses on the implications for police peacekeepers; how the historical context, particularly the legacies of colonialism, violence, and unresolved trauma, presented them with significant challenges towards achieving ethical practice and human rights maintenance, particularly given the complete absence of human rights and ethical standards when they arrived. Both Timor-Leste and the Solomon Islands had experienced the challenges of a complicated history in the lead-up to engaging donor nations to rebuild and address conflict. However extreme violence was particularly prevalent in the tumultuous experiences within Timor-Leste, as unequivocally reinforced by PO21, *"It was very important in East Timor to understand how they'd transitioned over many years from Portuguese to then the Indonesian occupation and I think anyone coming in to try to help really needs to be mindful of the historical background and how that's likely to shape that community or country's thinking, ideals, and expectations".* This section draws on four themes that emerged from the interview data: the legacy of colonialism and the potential 're'colonialism of peacekeeping intervention; physical violence affecting both victims and perpetrators within the host population; war crimes and racially-based murders occurring before and

during the missions; and the challenge for police peacekeepers of establishing themselves as a legitimate police presence rather than a furtherance of the legacy of police violence and corruption the host population had experienced. This final section demonstrates how historical structured conditions can be difficult to transform, especially where there is little or not capital to draw upon. Historical conditions frequently led to reproduction of structural violence, presenting a challenge to police peacekeepers who aimed to contribute to emancipatory change.

7.4.1: Colonialism and re-colonialism

Interventions in Timor-Leste and the Solomon Islands were necessitated by historical events that shaped the development of both nations. As discussed in Chapter Three, both the Solomon Islands and Timor-Leste have a history of colonisation. Timor-Leste had been subjugated by colonial Portugal from the early 1700s to 1975, and was annexed by Indonesia as soon as the Portuguese left. Colonialism had a negative impact on the achievement of police legitimacy, which requires the community to consent to being policed and be willing to comply with police directions. 80% of East Timorese people voted for independence, rejecting further subjugation, thus impacting police efficacy and that of the governance institutions that were already in place.

There are a number of contributing factors to achieving police legitimacy for community policing to occur, and fortunately some of these elements were present in Timor-Leste. Historically, the relationship between the Timorese and Australia had been a positive one, particularly after the entry of the Australian Sparrow Force to the island of Timor in 1941 in response to the Japanese invasion. A kinship had developed between the people of Timor-Leste and the Australian force, especially the 2/2nd Independent Company who fought the Japanese aided by the local people. PO1 was familiar with this history and encountered the gratitude that spanned across decades during his participation in Timor-Leste:

"… I remember [an old man] him coming up, World War II veteran and he had this tattoo of a boomerang and a dagger on his hand … and in very broken English and he has tears in his eyes, he said 'you've come back, I always knew you would come back, you've come to set us free', and I had to say to the interpreter can you tell him that I am glad to be here, but what we've come to do is run a ballot so that you can have free choice, whatever you decide is that, but we've not come to liberate you."

[PO1].

PO1 here illuminated another separate issue with police work. Unarmed police could not intervene as military occupiers. PO1 saw being armed as vital to any process of liberation in the face of sustained violence. The old man he encountered, remembered liberation by armed soldiers, not unarmed police officers. Such ingrained historical connections between Timor-Leste and Australia facilitated the opportunity to reconnect with the local community and rebuild the positive relationships between the two countries. Although the Timorese had idealistic expectations of the UN and Australia's intervention in the conflict, this time around they were limited by far more complicated political structures than the local population understood. Nevertheless, Australian police peacekeepers individually engaged in a sense of *duty* towards the cessation of conflict and the rebuilding of the country. PO31 commented that the reception of the Australian forces by the local community was directly inspired by the foundations laid in WW2:

"I couldn't understand why everyone was smiling every time they saw one of us and my counterpart and I had a chat … and he goes, 'You're Australian, and when Australians come we know it's okay' and I said 'What do you mean' and he went 'Back from World War Two we'd never been mistreated by Australians' … they know that we're there for the reasons of helping them".

[PO31].

The host population's collective memories of the Australian force's ancestors surprised PO31. These memories presented an opportunity to build relationships. However, they also created unrealistic expectations of the police. Although they would treat the local population with dignity and respect, they could not meet the expectations of the local community and 'fix' the country without a much

wider range of structures than individual police peacekeepers could facilitate. Nevertheless, the foundations had been laid for cohesion between donor and host, and as reflected by PO21 in the introduction to this section, understanding this context provided the opportunity for police peacekeepers to place themselves in the shoes of the host people.

Racism from the donors towards the host populations was an area of concern for PO8, who addressed the idea of the 'recolonisation' of the people of the Solomon Islands, suggesting that racist views underpinned the attitude of some donor peacekeepers to the host communities, legitimising violence perpetrated by and against the host community:

"Personally, I think … there's racism involved, you know the Solomon Islanders weren't regarded, … for want of a better term a civilised people, there's a stereotype applied to them that they were prone to violence and could get a bit out of control and this is how you can control them…"

[PO8].

Racism occurred not only from the donor population, but also within different tribal groups. This caused inequities in educational and employment opportunities in the post conflict setting. PO9 witnessed the legacy of tribal animosity:

"There was a whole generation who missed out on [education and employment] … their rights had been deprived because they were from a particular tribal group that other tribal groups decided that it was fair to discriminate against them and kick them off their land".

[PO9].

Police peacekeepers observed ingrained cultural practices that derived from poverty and lack of resources, connecting the consequences of colonialism to the experiences of socioeconomic underprivilege as recounted in section 7.2. This situation indicates that the local population had not achieved either article 27 of the UDHR, or Article 7 of the ICESCR, both of which outline free participation in one's own cultural development as a human right.

7.4.2: Physical violence

One particular recount of physical violence exposes what the local population had endured at the hands of the militia before UN intervention and even during the UN intervention, as recalled by PO1:

"He and his friends were at a bridge … demonstrating because the militia had been going into their communities, shooting up the houses and burning them down, so they were peacefully demonstrating trying to stop the militia from crossing the bridge to do the same again and for that he was shot dead".

[PO1].

The militia denied the population the basic human right of freedom to peaceful assembly - article 20 of the UDHR. Police peacekeepers were powerless to prevent the violence perpetrated against the local population by restrictions of their deployment. PO33 in Timor-Leste shared:

 "The second time I was there we were confined after hours to our compound because people were being shot, houses were being burnt and whatever so you weren't allowed out after dark so there was no opportunity there."

[PO33].

The context of each deployment, and the contrasting needs of the host population, directly determined the type of assistance that was within PO33's mandate. The intensity of the physical violence risked the safety of police peacekeepers, forcing disengagement from the local population after hours. This presented significant challenges to fulfilling police duties and relationship building through cultivation of *care*. Peacekeepers felt 'inadequately prepared in terms of training, direction, and equipment', Goldsmith (2006) (p125), impeding their opportunities to facilitate *justice.* Even where opportunities for relationship building presented and duties could be fulfilled without constraints on their access to the local population, physical violence towards them kept peacekeepers 'high alert' when engaging in even the most basic and non-violent of offences. PO6 recalled that:

"You'd have to be careful, [for example] if you pulled someone over for a very minor infringement such as a traffic offence and you didn't deal with it quickly and effectively you would very quickly be surrounded by a crowd, if you had a crowd and hadn't resolved in within three to five minutes you would probably come under attack. They would grow frustrated and bearing in mind the community was highly traumatised, starving, their houses had been burned down, hundreds of friends and relatives dead and killed so they were very volatile and I suppose socialised into a level of violence that we certainly wouldn't understand in the Australian community broadly, but there it was the norm."

[PO6].

The normalisation of violent responses to authority in Timor-Leste stemmed, according to PO6, directly from the traumatic experiences suffered by the local population and the legacy of entire families torn apart by violence prior to the UN intervention. PO28 encountered violence in both Timor-Leste and the Solomon Islands, noting that it was worse in Timor-Leste:

"In East Timor we were the police and we weren't always welcome and we'd get attacked a lot with rocks and darts and there'd be a lot of fighting and responding to serious assaults and rapes and murders."

[PO28].

Physical violence formed another structurally determined system that the police had to operate within both in Timor-Leste, where the violence was more widespread, and in the Solomon Islands where it was contained comparatively quickly. This structural violence was the result of a legacy of violence within both contexts, with significant connections between colonialism and the violent fallout that occurred as a result of the loss of local voice, thus reinforcing structures that had been prevalent for generations.

Contextual violence also hindered what the PPF could achieve in the Solomon Islands, as recounted by PO40:

"In the Solomon Islands, I guess at the time we would have liked to have done a lot more than what we were able to but … it was during the time that Adam Dunning was murdered so that was a whole different dynamic and situation from an operational perspective."

[PO40].

Here, PO40 refers to the murder of PSO Adam Dunning who was shot while patrolling the Prime Minister's and Governor-General's residences in Honiara in December 2004. Two former members of the Malaita Eagle Force (MEF) were arrested, charged, and eventually acquitted of his murder. To date, no one has been convicted and the heightened threats of violence coupled with previous escalations of violence against members of the RAMSI forces formed another structural condition occurring within the mission context.

7.4.3: War crimes and racially-based murders: trauma and resilience

In Timor-Leste and the Solomon Islands, physical violence did not merely transpire between individuals or small communities. Mass atrocities occurred in Timor-Leste and the Solomon Islands driven by a range of structural conditions. Woocher (2012) emphasises that the four crimes requiring intervention under the doctrine of the responsibility to protect – war crimes, crimes against humanity, genocide, and ethnic cleansing – can historically be backtracked to particular causal factors, either enabling or mitigating the conditions for these atrocities to occur. Enabling conditions were prevalent in both Timor-Leste and the Solomon Islands, with evident constraints on ethical practice and human rights. PO22 recalls the effects that ethnic and racially-based crimes had on the fears within certain communities in the Solomon Islands:

"There were wholesale murders going on based on ethnicity, based on religious grounds … of their race whether they were from the Guadalcanal province or they were from the Malaita province. I attended one island visiting local police that were positioned there and the local village chief as I was finishing

with my visit was holding my hand saying please RAMSI don't go, it gave his particular tribe great comfort that there was a policing presence there."

[PO22].

The chief's plea to PO22 confirmed that peacekeepers in RAMSI represented the only opportunity to cease the violence and conflict. Without RAMSI the host population feared an increase in violence. Similar sentiments were expressed in Timor-Leste. PO1 had difficulty explaining that the purpose for the deployment was to run a ballot:

"We were there … because by this stage the massacre at the Santa Cruz cemetery had become so well known that the international pressure on Indonesia was growing, the Suharto regime had collapsed, it was starting on its process of democratisation…If these people think that we've come to set them free, we've come to conduct a ballot which may or may not set them free depending on a whole range of things way beyond my personal control".

[PO1].

PO1 cited several events he felt contributed to the need for peacekeeping forces to oversee the referendum for independence. The Santa Cruz massacre finally drew international attention to the atrocities committed in East Timor. The eventual pursuit of intervention to facilitate the referendum was fraught with violence. To the suffering host population, PO1 and the peacekeepers were perceived as saviours who would end the war and violence. Due to severe political instability, victims of crimes were targeted for reporting their experiences to the police, so PO14 encouraged them to wait until after the ballot to report these crimes:

"We had to make it clear at the outset that we thought that people should wait until after the vote and then we would be in a position to detail all of the allegations that they wanted to make in relation to what had occurred to them".

[PO14].

Violence continued even after the overwhelming majority voted for independence. Police participants found this confronting and traumatic; PO5 recalled *"picking up bloody children's bodies"* which he emphasised was *"the hardest job I had to do"*.

An inevitable consequence of the violent conflicts in both contexts is the legacy of trauma and pain experienced by the local populations. Despite the horrific atrocities they experienced, PO27 was surprised at the resilience of the East Timorese, observing that:

"The resilience I saw from them with what they went through … whether they'd lost family or had close family who were victims, or just the fact they went through it, they were all really quite respective but obviously it's a challenge associated to reliving the past and it was a horrific and traumatic time for a lot of people [in 1999]."

[PO27].

PO27's recollection demonstrates that despite the terrible atrocities and human rights violations that occurred in the prequel to the peacekeeping and capacity building missions, there was an internal strength within the local population that could be harnessed by police peacekeepers to achieve *justice.* Facilitating justice however, was a challenge when seekers of justice were further victimised. The situation worsened when police – the very people who had been sent to protect and rebuild – were implicit in symbolic and actual violence themselves.

7.4.4: Power imbalances between police and citizens

Like many nations emerging from hundreds of years of colonial rule, the processes of state-building and developing good governance are impacted by the community perceptions of those in authority, particularly if those authority figures have been historically used as weapons of the dominant regime

as opposed to facilitators of a public good. From the perspective of the subjects of peacekeeping and capacity building missions, the legacies of experiencing over policing or under policing, dependant on one's status in the previous regime, leads to yet another set of challenges for police participants to overcome in the pursuit of fostering legitimacy, vital to developing the relationships and rapport to communicate better ethical practices and maintain human rights. The legacy of colonialism on the entrenched attitudes of some police peacekeepers demonstrated individual colonial repositioning, something PO8 observed in Timor-Leste:

"I'm talking to one Portuguese police officer and he said to me 'we'll never civilise these people', I said 'what do you mean, so what are you returning as their colonial masters to re-establish yourself?'"

[PO8].

The Portuguese officer's racist remark that 'these' people could not be civilised, incensed PO8. To him this evidence of re-colonial positioning reinforced an 'us vs them' mentality, which challenged the achievement of police legitimacy in the deployment context, particularly due to the history of oppression from authoritative institutions such as the police and the military. PO8 continued:

"Ultimately if we lose the confidence of the community, we can't do our job anyway, and if we're seen as oppressors and people that violate people's human rights, ultimately, we won't be able to do our work because police can't do their work without the work of the community, we don't do it by magic … without the co-operation of the community we get nothing done".

[PO8].

PO2 supported PO8's position of the importance of achieving legitimacy to gain community cooperation, acknowledging that local populations had suffered severely from police; hindering legitimacy in the capacity building and reform process:

"In some countries the word police *strikes fear in the hearts of the citizens because the police are used as an instrument of oppression by the State. Unfortunately, working in the UN when you go to these post-conflict situations in countries where police have been used as an instrument of oppression or*

have been party to the conflict, then it's really hard to try and persuade the citizens that in fact what we're trying to do is build a functioning police service which is for them."

[PO2].

Participants gave examples of police violence and corruption, illustrating the entrenched fear and division promulgated during the Indonesian occupation of Timor-Leste. PO5 spoke of significant barriers, both physical and historical, between the Timorese people and Indonesian police:

"When the Indonesians invaded they took up headquarters in Dili, an East Timorese bloke would go to the gate and he would have to wait, he couldn't go into the headquarters … it took them some time once we occupied police headquarters to understand that they had all this room in there, as they used to wait at the gate and our fellows used to say just go in it will be alright … once they trusted us and they realised that the Indonesians had no influence over East Timor because of our presence they all came forward, they were always fine with retribution but they didn't trust the authorities."

[PO5].

This mistrust was a significant obstacle in the path of developing stewardship and honesty. Without trust it is impossible to achieve legitimacy, yet, as PO5 demonstrated, once that trust had been rebuilt, and police peacekeepers had engaged in honest reassurance policing, headway was made towards transcending and rebuilding those fractured perspectives between the locals and the donor police.

7.5: Perspectives of the SOs

This section compares and contrasts the structural factors underpinning the mission context as experienced by Australian police peacekeepers with the structures that significant other participants operated within as part of their own roles in the mission context. The SOs similarly encountered problems with accountability measures for the recruitment of adequately qualified professionals. For

example, SO10 expressed horror that many of the staff contributed by other nations had lied about their qualifications:

"We had a doctor who said she was an Obstetrician and later on decided she was a Gynaecologist but I think she might have learned how to deliver babies and that was all. I had a Paramedic … it took me six months of saying I don't believe he's qualified before they looked at his qualifications and he was running the ward in emergency and he didn't have any … We had pathologists come over and they didn't know how to take blood … [some] that didn't know the difference between sterile gloves and unsterile gloves, oxygen marks and nebulisers, it was interesting."

[SO10].

This recount suggests that at least at the beginning of the mission there was a lack of vetting for appropriately qualified personnel to fulfil professional needs, acting as both a hindrance to rebuilding the infrastructures required for Timor-Leste to begin the healing process as well as endangering relationship building and fulfillment of duties. After decades of state violence and civil unrest, infrastructure to deal with mental health patients and other vulnerable persons was limited and underfunded. As a social worker present through the majority of Australian and UN involvement in Timor-Leste, SO9 had much to do with ensuring the basic human rights for all people to receive an adequate standard of physical and mental health. This endeavour began as positive, however it quickly diminished, reflecting the contentious geopolitical situation of the time.

"In the middle of 2001 AusAID in its wisdom, don't, I hope you're acknowledging that aid is very political, stopped funding us and so we were left with over 400 patients with serious mental illness and no money, upon which we were bailed out by UNHCR. About the same time as Australia was doing the oil negotiations."

[SO9].

SO9 has garnered a range of conditions that impacted the ability to provide basic human rights and necessities for the local population. The difficult economic situation meant the need for international

aid to maintain the level of human dignity that should be afforded to the mental health patients for whom SO9 was caring. However, as SO9 stated, Australian aid stopped.

"The PNTL hadn't been established by then but we were certainly working with international Police because people with mental illness are clearly a policing problem when they are disturbing the law…".

[SO9].

SO9 has solidified the importance of police engagement in dealing with mental health patients and the problems associated with those left untreated. The inconsistency certainly disappointed SO9, who was well aware of the potential repercussions for failing to provide for the diverse range of mental health issues she encountered.

"One of the things that they were always aware of was the impact of domestic violence, sexual assault and child abuse on, as part of trauma, and that gave the psychiatrists and health workers in the consortium a bit of a fright because none of them bloody knew anything about sexual assault and DV, … basically what we have now is … a psychosocial service, so again we deal with PNTL in that they will often bring somebody in to our place who's clearly psychotic … the second program is a service for domestic violence, sexual assault and child abuse …"

[SO9].

While SO9's narrative combines many structural issues presented within the mission context, she has recognised the implications for police peacekeeping and capacity building measures to result in adherence to basic principles of human rights, dignity, and ethical practice. Particularly, it demonstrates how complex interconnected structures, such as geopolitical motivations, economic capacity and funding, and access to resources constrained the achievement of article 25 of the UDHR, which outlines adequate standards of medical care and social services for all people. Furthermore, the fallout of a lack of services inherently impacts the police; just as partnership policing occurs in Australia between police and health services for mental health, similar needs are present in post conflict

societies, and rebuilding that infrastructure is crucial if progress in human rights maintenance and ethical practice is to be achieved sustainably.

Structural limitations presented one constraint for police peacekeepers in achieving human rights and ethical practice. However, unethical behaviour from individual Australian police peacekeepers affected the local community's attitude towards all Australians; similar to the rationale behind the warm reception the Timorese had towards the Australian police as a legacy of WW2. SO6, though, reflects the experiences were far from warm.

"As an Australian female who is also going to the same places as the Police, you definitely realise that you're also being lumped into the same basket I guess with that sort of behaviour which is not helpful … when you've had Australian Police behaving very badly under the influence for example and you come in and say that you're trying to help and that you genuinely do want to listen and have participation, they don't believe you, it takes a lot longer for us to build trust".

[SO6].

SO6's recount illustrates how difficult it was to reverse damage done to the relationship between donor and host, even though each participant aimed to rectify local experiences of poverty through capacity building measures.

SO11, after observing the practices of two Australian police officers living nearby whom she knew through her work in local community development in Timor-Leste, gave this overview of Australian police and their integration in the community:

"One guy, who was solving the crime definitely understood human rights. The guy that was doing the training … found it very difficult, language barriers and cultural barriers and a different kind of sense of the Timorese around what time you should turn up for work and how long you should work and things like that … The Timorese concept of policing is very different to here, so they really integrate it into their community … when they put on their uniform, they don't automatically become a police person, they're … expected to respond to family issues."

[SO11].

Clearly structures within and outside the control of individual police peacekeepers hindered the achievement of building relationships necessary for ethical police peacekeeping practices, further challenging attempts of all participants to conduct their duties. Accounts of significant others support those of the police.

7.6: Chapter Conclusion

This chapter has identified many factors complicating the ability to provide ethical practice and human rights maintenance in police peacekeeping, particularly as the context of each deployment differs in terms of culture, religion, law, politics, economics, and the physical landscape. These determinants can obstruct ethically-based and human rights focused policing practices.

The main themes examined in this chapter indicate the need for organisations to address structural complications prior to deployment. This happens to an extent, with consideration of cultural differences of host nations compared with Australia, the historical relationship between these and Australia as well as the political, socio-economic, geographical and legal climate conferred in training. Participants felt these multifaceted conditions could be further understood in future deployments through more immersive education and training. Deeper acknowledgement, understanding, and opportunity for dynamic fluidity in peacekeeping and capacity building contexts provides the opportunity for reflexivity; as Dyck and Kearns (2006) argue, 'the discovery of structure exposes both constraint and empowerment'. As this chapter demonstrated, the complex structures in which police peacekeepers engage, require clear identification to enable transformation. The key themes explored, such as cultural differences between police peacekeepers and the cultures of the host nation, showed that significant cultural conditions fostered the replication of social power within the local context, particularly with competing power structures between donor and host, and donor and donor. Lack of access to resources, particularly in Timor-Leste and to a lesser extent in the Solomon Islands,

reproduced the Bourdieusian 'field' that police peacekeepers operated within. Physical constraints, which sometimes can only be overcome through reliable technology and familiarity with local geography, presented yet another challenge to effective police peacekeeping and capacity building. All these contextual experiences were underpinned by entrenched historical systems extending 'over time and space' to manifest as both opportunities for facilitating and/or hindering police peacekeeping and capacity building practices and, therefore, of ethics and human rights maintenance.

The findings expounded in Chapter 7 have reinforced the perspective of Gordon Peake, a researcher employed by the AFP as a senior policy advisor to the TLDP. He discovered several key issues that encouraged the 'deafness' between academic research and practice. Notably, he argues that while research into international policing has dramatically increased, most has failed to consider the everyday practical realities faced by operational police at the coalface. Gordon Peake added that research tends to ignore or avoid the complex political and bureaucratic structures that do not always acknowledge the social and physical environments in which police reformers operate. Furthermore, much of the research is implemented on an ad hoc basis, resulting in significant disconnect from the suggestions for improvement, which may or may not be direct calls for specific action. The structure / agency nexus is further illuminated through the narratives of practitioners who were actually present, providing more tangible evidence highlighting the significant challenge that context and structure place on participants' abilities to navigate moral distress in the police peacekeeping and capacity building context.

The external, structural factors that created the post-conflict environment and the day-to-day practices of grassroots police officers as they contribute to ethical practice and human rights maintenance, will be expanded in Chapter Eight. Chapter Eight will also consider the personal narratives of both police and significant others to gain their perception of their use of agency and autonomy to foster contributions to improving the human rights climate of each mission, as well as provide a more detailed analysis of the nuanced practices provided by participants and their use of agency in the pursuit of ethics and human rights.

Chapter 8: Examining Practices towards Moral Agency in Ethical Practice and Human Rights Maintenance by Police Peacekeepers

Chapter eight examines grassroots policing to determine how Australian police and significant others perceived their ability to maintain human rights, and will draw on Miller's (2010) and Bourdieu's accounts of the possibilities and opportunities for individual autonomy and agency to operate within the structural constraints enveloping the operational environment within which police peacekeepers are deployed.

This chapter focuses on the application of agency by participants, acknowledging that 'good ethical decision making' requires awareness of the structural factors engrained in the operational context and considering these when making morally reasonable and justifiable decisions (McAuliffe, 2014). This chapter will examine the relationship between policing within Australia and abroad; the balance brought by the skillset of both federal and state police officers; the working relationship between Australian, local and international police officers; and partnership policing with organisations external to law enforcement. The use of agency by Australian police peacekeepers will be examined in conjunction with how Australian police perceive they practiced fundamental roles necessary to achieving ethical practice and maintaining human rights standards in order to address crime and social discord in the peacekeeping and capacity building context. Most importantly, this chapter responds to Research Question Three: To what extent did Australian police peacekeepers use moral agency to facilitate human rights maintenance and ethical practice in the host context?

8.1: Motivations for deployment

As established in chapter four, Kantian ethics considers that moral action requires universality of action, treating people not as a means to an end but as a unique end in and of themselves, with agential actions motivated by duty-bound obligations to moral practice. This final component of Kantian ethics relates to agency and one's choice to engage with a police peacekeeping and capacity building mission, particularly enduring extended periods away from home and family, with no guarantee of appreciation for the skills obtained on their return. PO40 felt the need to conduct himself as genuine during his deployment; doing the bare minimum was insufficient in building the required relationships to achieve legitimacy with the host population:

"You have to work with the local police officers and mentor and coach them … be involved in doing stuff with the community so that they can see that you have an interest with them as a nation and as a people … if you were genuinely involved and acting as a community member you got a lot more done as far as being able to achieve police work as they saw you as being there for them, not being there for yourself".

[PO40].

This reflection demonstrates that the actions taken by moral agents represented their original motivation for engaging in peacekeeping and capacity building, leading them to go 'above and beyond' the mandated requirements of the police to ensure the cultivation of positive local relationships, demonstrating a *caring* attitude towards the host population. This recount also demonstrates the enormous *responsibility* police peacekeepers bore while genuinely engaging in relationship building and responding to the needs of the local community. PO41 echoed a similar sentiment, that the mission was about *personal autonomy* and satisfaction:

"I don't know what I actually achieved … but I think initially it was like assisting the country, working on behalf of Australia … but in the end it became more of a personal thing rather than a duty".

[PO41].

PO41's, original thought of representing Australia in the rebuilding of the nation shifted to a desire to *care* beyond the *duty* of exercising one's role in the peacekeeping and capacity building process. Remembering the reasons for why he was there was an important tool of self-reflection for PO11, who recounted the following:

"We were happy to be there you know, it makes you feel good, they're good people … they've gone through hell … so it's about understanding what people … had endured. It's easier said than done because if someone's spewing a whole lot of vitriolic crap in your general direction because who you work with and what you are, it's hard to bite your bottom lip and just go on and hopefully the reactions will subside. There's a job to do and once again it's about turning a negative opinion to a positive one, it's a hard job, it's one of the most complex jobs in society, it really is."

[PO11].

As a point of reflection, it is clear that PO11 thought it crucial to avoid reactionary responses to 'vitriolic crap'. Instead, PO11 drew strength from remembering the goal of achieving good for the host community and acknowledging that the vitriol was a result of the hellish experiences had by the host community and not an inherent reflection of their collective character. PO11 is also acknowledging that the difficulties of the job required the performance of *duty* towards making the situation better overall, thus achieving *beneficence* and avoiding the potential for negative consequences of reinforcing the image of police peacekeepers as aggressors.

Individual agency moved beyond motives and reasons for engaging in the peacekeeping and capacity building missions, and the next section explores the practical integration of the participant's own context to the mission context.

8.2: Embracing the many roles of policing

A key response to the precariousness of each situation, resulted in the need of individual police officers to revert to familiar training and methods. The complex needs of individuals within the post-conflict context required of the police similar skill-sets to those required at home. Successful police peacekeeping and capacity building practices required a range of tools and roles. PO17 explains the similarities between policing in a post conflict situation and at home:

"[We were] a jack of all trades really at the end of the day. You ensure that the community is in a safe space … [community confidence] in the police to do their job, and that can lead to being a leader in the community from an integrity point of view … you deal with people in their time of needs and there's got to be the respect and empathy there … you have the ability to know your community and what their needs and wants are and the needs and wants of victims and how to point them in the right direction for services … from a physical point of view you save lives … it's a myriad of tasks that we're asked to do".

[PO17].

PO17 has highlighted many of the important roles that are inherent in being a police officer. The provision of safety for the community can be achieved only when confidence from the community has been attained, demonstrating the intrinsic connection between aspects of care and aspects of justice. Facilitating 'justice' components of policing, such as maintaining dignity to victims of crime by showing empathy and guiding them towards other avenues of help, must be presupposed by the respect of cultural differences and the needs of the whole community, which may vastly differ from those perceived by police. These differences, however, did not necessarily hinder police work. PO34 reflected admiringly on the difference between policing in the Solomon Islands and Australia, suggesting that Australian policing should consider its roots before the politics of the profession. The following comment reflects his views:

"… the Solomon Islanders, they did community policing very well, they were extraordinarily good with getting information, I think here, especially in Victoria we've moved so far away from community policing it would be very hard to turn around and go back, it's so statistically driven now, it's more like a corporation, it's very business orientated, the actual art of policing I think is slowly being eroded by bureaucrats."

[PO34].

PO34 has suggested that the western bureaucratic way of policing is not necessarily the most appropriate, particularly when placed in a different cultural context. Instead of suggesting the host system should be changed, PO34 considered that their networking capabilities were appropriate for the region, thus acknowledging McLeod's (2009) points about donor participants immersing themselves within the cultural context and embracing parts of the existing system if sustainable change is to occur. Acknowledging local practices did not mean, however, forgetting the community policing principles underpinning the pursuit of ethics and human rights; as PO11 reflected:

 "Throw your community policing hat on you will get involved, either do your own random act of kindness and we supported the various orphanages, charities, we'd deliver items and goods, and friendship and being there in support, helping on our rest days … support of other agencies, ensure the delivery of goods and services where it's needed".

[PO11].

Applying a pluralistic and contextualised approach to operational police peacekeeping illustrates various facets of the four tracks of ethics. Decolonising police practice, and rather engaging local practices, combined with principles of community policing such as aforementioned by PO34 and PO11, demonstrate both nonmaleficence, and the avoidance of corporatisation of police institutions inappropriate to the Solomon Islands context, as well as *beneficence* through 'doing good' even on allocated rest days. The choice to apply *personal autonomy* and *stewardship* goes further than the application of native policing to external contexts; manifesting ethical practice also involved setting a good example. PO33 noted:

"The focus was about providing … model behaviour. It was about teaching them the right way about going with a real focus on procedure and law. The mission was never going to last forever but in terms of sustainability it was crucial for us to be modelling the right type of behaviour and more focussed on the process and the conduct rather than the outcome".

[PO33].

PO33 saw that achieving sustainability was important, despite it being slow to follow correct procedural practice. Underpinning the pursuit of sustainability required the host community's understanding of the core structures required to sustain social order. Given the challenges presented by competing rules and guidelines in the Timor-Leste context, particularly at the beginning of deployments there, many participants provided wider community engagement and education; such *stewardship* manifested itself in several ways. PO23's recount draws some of those initiatives together:

"I'd regularly talk to them [the villagers'] about human rights, about how they'd pretty well administered themselves as a village the last 20 years but they had to change if they wanted to be seen as an evolving country … I explained to them the roles of the police and the judiciary … I'd talk about women's rights, equality, … they certainly didn't see the women as equal, and talk about health issues … I used to run a medical clinic … and while I was there they'd be asking me questions relevant to what they saw as the new justice system because they were a bit confused … that's where I tried to get a message across that what would be a justice system that they'd have to claim and embrace rather than the one they had where it was just the village elder".

[PO23].

PO23 showed that one individual could go beyond their immediate role and attempt to make a difference through relationship-building and open communication with the host community. While acknowledging cultural heritage as key, PO23 encouraged change towards a sustainably just system, including an understanding of human rights, and women's right *as* human rights, thus engaging in *stewardship* towards dynamic change within the local community. From a practical perspective, PO23

assisted with basic human rights under article 35 of the UDHR, such as the provision of health and medicine through the clinic, using this opportunity to engage with the local population. The multi-faceted role that police participants undertook during their deployments is evident in this recount. Police peacekeepers, particularly those who wanted to see sustainable change in the local communities within which they operated, were keen to engage in practices 'above and beyond' normal police duties in a domestic situation.

8.3: 'Staties' and 'Feds' working together

The AFP recruited secondments from Australian state and territory police organisations to the peacekeeping missions (Chapter 3). The majority of police interviewed were either seconded from state police organisations or had had some form of prior experience in state policing. The overall consensus was that the AFP's strengths comprised managing and navigating the bureaucracy, while state police provided a richer skillset for community policing. PO34 considered the AFP's decision to recruit state police as an intelligent way to address the conflicts presented overseas:

"*In hindsight I think the AFP were probably very smart … recruiting state police … I know on my rotation we probably had on average about 15 to 20 years' experience and it meant [we had] a very varied skill set, from homicide detectives to forensic, general duties … I think the AFP probably realised that they didn't have the number but also perhaps the people with the skill sets that they required to work in the Solomons, Papua New Guinea, Timor. I think they relied upon the State Police … day to day policing activities, they were very good with management and doing projects and intel, … but just general duty policing … relied on state police to perform those duties.*"

[PO34].

Pooling external resources diversified the deployment, broadening the operational capabilities of the AFP. Utilising a range of strengths from varied police backgrounds facilitated the agency of individual

officers to better their contributions to the mission. These mutually beneficial relationships reflect the ethical aspect of *care,* demonstrating that wider relational needs required acknowledgement of the skillset offered by police different experiences towards the pursuit of achieving *beneficence* through *utility.*

A less optimistic perspective, however, was provided by PO29, who had experience both as a state and federal police officer, acquiring in depth knowledge of both spheres of policing from within an insider/outsider position. Regarding obvious differences between their approaches, PO29 stated:

 "Sometimes that would bring us into conflict with the AFP members and managers who had not come from a uniform community policing background. And many of them who'd worked in a national investigative environment were in my view ill prepared to meet the challenges that they were facing there … but in saying that I don't think they were wrong decisions; I just think there were better ways to do things".

[PO29].

Here, PO29 reflects on the *utility* of the methods employed, expressing concern over the risk to achieving *non-maleficence* through aggressive tactics, although not quite suggesting their methods were morally or practically wrong. The shortcomings of AFP tactics did not appear systemic, although this recount gives credence to what has been found in Harris and Goldsmith's (2010) research demonstrating tension between the law enforcement approaches of the AFP and the greater involvement in regular operational policing by the state and territory police. Instead, there were tasks that only AFP could perform which complemented the abilities of state police seconded under their command. PO35 summarised the positive aspects of each role:

"[The AFP] were obviously quite limited in terms of their community policing ability … most of them had come from investigative type roles, … it seemed to complement quite well as in NSWPF and other State and Territory Police were in the main community policing focus …".

[PO35].

PO35 differentiates two major police roles – crime investigation and community liaison. The data demonstrates the importance of interagency cooperation in an overseas deployment, just as when dealing with transnational or national crime that transcends state boundaries. PO31's opinion of the federal police totally changed after he had deployed with them, suggesting that despite their limited experience in community policing, they were capable of contributing to a high standard of peacekeeping and capacity building processes:

"… before I went … I thought they were a bunch of 'plastic fantastics' [sic] basically but totally the opposite after working with them, they were fantastic, a very professional organisation".

[PO31].

Summarily, bringing state police officers into AFP deployments facilitated two facets of the four tracks of ethics: *utility,* and *care.* As recognised by the reflections of both police participants and significant others, the combination of policing strengths of officers from both state and federal backgrounds aided the achievement of *beneficence* in policing practices. Furthermore, drawing those strengths together, gave individual police opportunities to exercise moral agency, ultimately facilitating an extent of ethical practice. The implications for future practice are evident; experience in both managerial and community policing practices provides the most effective ways to achieve ethical practice and human rights in the peacekeeping and capacity building context.

8.4: Transcending the donor/host divide

Chapter seven discussed the difficulties of cohesive international peacekeeping in working with multi-national and multi-cultural police. These problems are exacerbated by the contextual differences within the host nation's culture, language, and value norms differing from Australia's underpinning western democratic principles. Blending competing values is a challenging but necessary task, to improve relationships in order to receive legitimacy from the local population; essential to facilitate

care for the pursuit of future *justice*. PO23 likened the balancing of these dynamics to the societal expectations and local freedom to choose accepted norms, reflecting that: *"I might not agree with it but when in Rome, … do what the Romans do".* This section considers recollections of attitudes and practices that participants employed to cultivate cohesion with the host population and build trust and confidence between donor and host, thus pursuing legitimacy as a part of achieving ethical practice and human rights maintenance. Overarchingly, this section demonstrates how participants transcended the donor/host divide by utilising agency to transform structured conditions that reproduced divisions between donor, donor, and host.

8.4.1: Cultivating cohesion

In section 7.5.1, PO6 described the violence and volatility during their deployment. This structural constraint challenged both personal safety and the pursuit of ethical practice and human rights. Nevertheless, using agency de-escalated violence and consequently created opportunities to promote community cohesion.

"I would go into volatile areas and approach leaders or troublemakers or people I'd think were perhaps spoiling for a fight or looking at causing some sort of trouble and I would walk straight into groups, pick out as best I could the leader, and I'd shake their hands and introduce myself. Now as soon as you stick your hand out, … it quickly de-armed or de-escalated the situation because the Timorese would instinctively put their hand out, now once you've shaken hands with someone they're a friend in their eyes and it would make it very awkward for them to then become aggressive or violent with someone they've shaken the hand of. So while my team thought I was a complete idiot it was very effective and I am still here today so it must've worked!"

[PO6].

Exercising *personal autonomy* in this situation resulted in successfully de-escalating violence, and also represented an earnest attempt to use local customs to break down barriers between donor and host. PO17's recollection demonstrates the need to build relationships with the local community; not only to foster positive communication, but to facilitate capacity development throughout the deployment, beyond the capabilities of any individual police officer.

Cultivating cohesion required more than doing the 'bare minimum'. The tumultuousness of the mission context in its fractured post-conflict state, required police peacekeepers to go 'above and beyond' to make community cohesion a reality. PO24 reflected:

"It was a matter of the more you did that the more eventually it would break down your barriers or apprehension amongst the community."

[PO24].

Here, PO24 reinforced the importance of exceeding requirements. PO34 recognised the need to engage with the village hierarchies within the Solomons Islands to drive change, particularly in dealing with the entrenched patriarchal systems which were points of contention for some male members of the host communities:

"Getting communities to work with you was very important … they have an established hierarchy with the chiefs and elders … I think they found it quite off that there were two females in charge of the place as it is a very patriarchal society. They were often sending people down to check on us to make sure we were okay."

Despite the cultural differences with the host population, donor police acknowledged the local context, working with the village elders. Such cooperation helped to transcend those differences through relationship building, *stewardship,* and c*are.* Similarly, PO7 displayed respect for cultural values. They recalled:

"There's a lot of cultural things that you need to be aware of … Pretty rapidly we learnt that if we had a problem in a particular suburb, the best place to go straight up was the village chief or the elder of

that community and then we'd go and talk to them about the problems … we would get a community meeting and we'd talk to people and it was a lot different to the way that we would approach things here [in Australia] and that was a far more effective way of doing it."

[PO7].

PO7, like PO34, has undertaken many actions respecting local cultures in performing daily tasks. Locally appropriate tools, such as community meetings held with the elders and chief, encouraged local engagement in addressing violence and crime, an approach PO7 notes, vastly different from that taken in Australia. This approach balances cultural acknowledgement with the developmental aspects of the mission mandate. PO11 suggested that equal gender representation also facilitated cohesion, demonstrating that women are key contributors to rebuilding society in societies where women have traditionally been disempowered and disproportionately victims of crime:

"We have responsibilities … gender in policing is really important, more women need to be involved and I say that because … when you openly challenge sexism across the globe … in some regimes because you were born a woman you have no place in the social hierarchy and how wonderful it is to see as you can change hearts and minds … champion women being involved in positions of authority and it leads people in societies into a better place I think."

[PO11].

8.4.2: Building trust and confidence with the local police

The relationship between police legitimacy and their acceptance by the local community is intrinsic to human rights maintenance and ethical practice. Policing by consent cultivates good relationships with the public and reinforces accountability and transparency within policing. Post-conflict situations,

however, require another layer of police legitimacy not required in western constructions where legitimacy is generally accepted; that between donor and host police. Legitimacy works both ways in this context. Host police's experience within their local context must connect with the standards brought by the donors. Donor police therefore must exercise *stewardship* to establish a respectful space in which hosts can integrate their ideas. PO28 noted:

"A lot of police over there had served anywhere from ten to fifteen years in their local police force so they weren't dills and they had a lot of pride in their own job … they would go along with everything we said and you really had to engage them and build trust and confidence over a number of months to actually express what they thought as opposed to riding over the top of them and just dictating how we do things."

[PO28].

Valuing the knowledge and experiences of local police presented an ethical dilemma as many police had been involved in violence. Re-establishing legitimacy between the host police and the local population required *stewardship* – substantial engagements with individual police, mentoring them to become 'virtuous' police officers. PO10 could not see how he impacted the mission from a macro-level; it was easier, at the individual micro-level, to see that his efforts in capacity building were making a difference:

"It's difficult to say you're helping society as a whole, it's difficult to see that you are making a difference, whereas it's easy to see where an individual gets something, understands something you've tried to teach them, you can see well yes now he's got that, he's a better police officer."

[PO10].

Additionally, the multi-faceted relationships between donor police, host police, and the local population required significant rapport building, again developed through the pursuit of *care* and the cultivation of mutually beneficial relationships aimed at reinstating stability and repairing the social

fractures within these contexts. PO40 reflected that rapport building was a tool for achieving *beneficence a*nd *non-maleficence* throughout post-conflict capacity building.

"You've gotta work within those [rules] and achieve outcomes and output but at the same time you're working to develop that rapport with the people, build their confidence back up in policing again and to assist in getting the communications between the local police and the community happening, building up the trust, building the police so that they're working at a level that the community want to work with them and have trust in them, so there's different dynamics going on … they coexist to benefit the community and to achieve the outcomes for the mission."

[PO40].

PO40 sees that building trust has a significant impact on achieving police legitimacy. As PO40 has emphasised, capacity building required two key contributions from the donor police: communication and the building of trust, both of which could only be achieved through *care* of the local population.

8.5: Ethical practice and human rights maintenance through security and development

Section 8.3 discussed the key themes of interpersonal cohesion by building trust and confidence through processes of *care.* It emphasised the importance of *stewardship* by individual police and the need to integrate agency in transferring skills to the host police, and applying them to the context, by emulating proper ethical practice and human rights maintenance in their day-to-day actions. Teaching human rights maintenance was an implied component of the mandate in Timor-Leste, and the purpose behind capacity building in the Solomon Islands. PO18 compared the purpose of both the missions in Timor-Leste and the Solomon Islands as a backdrop to ethical practice and human rights maintenance in these contexts:

"Particularly in the Solomons we were all about capacity development, … I was there to train, to develop their policemen, that was two different sorts of roles or responsibilities – you had your capacity

and capability development in both organisations but in Timor the police force had just disbanded, … we were actually doing the policing".

[PO18].

Police peacekeepers had to understand the context and the mission mandate before engaging in their *responsibilities.* By contrasting the Solomon Islands and Timor-Leste, PO18 clearly demonstrates the importance of encouraging self-sufficiency and sustainability long-term, vital to maintaining human rights:

"In the Solomons the police had actually been trained, they were actually doing the prime role and we were actually told not to take on any of their work and were there to basically help them get better, so just help them implement new strategies … show them alternative methods that they could use".

[PO18].

Agency again played a significant role in the achievements of police peacekeepers in this context. The devaluing of local voices in capacity building, discussed in 7.2.2, challenged sustainable ethical practice and development of human rights principles, but was not insurmountable. While PO18 did not identify specific strategies, the underlying philosophy of contextual relevance and hybridising the methods between donor experience and host context developed a sustainable policing philosophy transcending those differences.

Changes to the penal code removed challenges to the protection of the human right to religious freedom – that is, changes to the codification of moral standards – yet participants still faced such challenges. In teaching ethical practice and human rights maintenance, PO33's role required encouraging the police to promote a human rights approach, and to uphold the changes to law. PO33 mentioned a case where a tourist was arrested and imprisoned in Dili for failing to take communion at the catholic church he visited. Due to the language barrier, PO33 had difficulty explaining to the officer in charge of the jail that the law under which the man had been arrested was now rescinded. However, after *"… probably half an hour talking to him … he finally agreed to let the man go".*

Although the duty officer believed that the arresting officers were right to perform the arrest, PO33 managed to negotiate, promising that he would lecture the detainee on the cultural values expected while visiting the country, and then take him home. Reflecting on this approach to handling a conflict between historic legislation developed around cultural norms, to the universalistic amendments mandated by the legislative change, PO33 acknowledged that when he *"… saw the Duty Officer and negotiated his release … I could have walked in release him … but … you've got to be diplomatic"*, maintaining a respectful process to achieve a satisfactory end. On the task of educating and advising police and prison officials, PO33 conceded:

"You have to respect that other person's culture obviously and their laws, … I suppose there was a bit of confusion in the transition too, the senior officer I was talking to he would have been brought up under the Indonesian penal code so they're sort of doing what they consider was normal".

[PO33].

This situation indicates that there is not necessarily a 'bad guy', but rather a process of education, negotiation, and conflict resolution. Transforming deeply foundational cultural norms to a standardised, human-rights based legal framework presents a range of challenges, notwithstanding the dilemmas of long-term capacity building projects. Furthermore, it demonstrates the potential disconnect between overarching agreements made between nation states for intervention, while also ensuring that it is supported on the local level. In Timor-Leste and the Solomon Islands, both contexts generally welcomed, or at least accepted, police and military intervention, however the aforementioned ambiguities in legal mandates discussed in Chapter Seven present challenges for physical and mental safety of police officers when confronting situations where poor ethics and human rights practices occur. In the list of recommendations made by the Standing Committee on Foreign Affairs, Defence and Trade into Australia's involvement in peacekeeping operations (2008), clear use of force protection and unambiguous mandates to legitimise use of force where required to ensure security and stability both for the protection of both personnel and the mission.

PO9 expressed the inherent connection between security and development in the peacekeeping sphere in the RAMSI mission:

"I think one of the real plusses and success factors was the fact … we were able to … demonstrate that you could actually show to people the benefits of actually delivering peace dividends, development, and nation building, so whilst it's one thing to get on the ground and seize weapons and bring security to buildings and installations and secure ports and all those sorts of typical things that you need to do on a peacekeeping mission, … you're left with an issue about what happens now in terms of employment opportunities, educational opportunities, vocational opportunities, once you take away the fear of being raped and murdered they will pretty quickly after that say well that's fantastic, … but is there any chance of getting a school … an aid post, … of building a road? ... This is not just about restoring security, this is actually about national building so the civilian expertise was absolutely critical to the success of the mission."

[PO9].

A range of connections between security and development are drawn here, and are further encapsulated by this final point made by PO9:

"This is not just about restoring security, this is actually about national building so the civilian expertise was absolutely critical to the success of the mission."

[PO9].

This reflection suggests that siloing approaches to peacekeeping and capacity building would have had disastrous consequences potentially resulting in a lack of both *utility* and notions of *justice.* Engagement from a multitude of government and non-government organisations facilitated a better sense of cohesion in the mission to the Solomon Islands, reflecting a more hegemonic approach to peacekeeping and capacity building in that context. The collective pursuit by the cohort of contributors to the mission facilitated the immediate needs of the host nation – such as de-escalation of violence through removal of weapons through to cessation of conflict – but then it required further capacity

building through facilitating opportunities for education, employment, and developing infrastructure for the local communities to go about their business. Here, PO9 has encapsulated the security / development nexus described by McDougall (2010), illuminating the significant connections between state building and development as requiring more emphasis on local socioeconomic conditions that take into consideration the cultivation of local economics, cultures, and centre local groups at the root of development in both the Timor-Leste and Solomon Islands contexts. PO9's reflection reinforces McDougall's conclusions that successful capacity building can be better achieved where local customs are included, especially for long term sustainable security in the nation.

8.6: Humanitarian aid and assistance

Police participants used agency and *personal autonomy* to engage in humanitarian aid and assistance where the 'rules' did not necessarily legitimise, or resources facilitate that need. Some participants insisted their *responsibility* to engage in *beneficence* towards remedying harmful situations or those threatening fundamental human rights, took precedence over rules outlining risk management practices. PO34 eschewed those rules in favour of *beneficence.* He recalled*:*

"There were a few health clinics … that were very poorly staffed with very poor medical supplies. Malaria was rife, we would often encounter especially young children who were either dying or had died of malaria, parents who were desperately trying to get them to the health clinics which could be 20 kilometres away by foot. If we were going past in a patrol boat or if we had a quad bike, we'd come across someone we were told that we were not to assist with transport but how do you turn someone down in those instances or they turn up to the post and they desperately need fuel because they've got a baby who is dying but they need to get to Honiara … you have to make a judgement call because we weren't to give our fuel to anyone … but you know, 40 litres of fuel, a dying baby, it's a humanitarian call that I made on regular occasions."

[PO34].

Adherence to principles of morality and human rights, particularly that of physical integrity as espoused within economic, social, and cultural rights, transcended operational rules. Rules cannot cater for all situations; indeed, as PO34 has argued, the moral obligation to assisting a dying child far outweighed adherence to rules against providing fuel or a ride to civilians. Furthermore, PO34 has demonstrated that failure to use his own discretion would have resulted in a far greater harm, and that assisting with transport achieved *non-maleficence.* Likewise, PO20 provided resources despite the limitations of the rules, demonstrating relationship building and care in the capacity building context as an over-riding moral concern than following procedures that did not fit the contextual realities of post-conflict development:

"You weren't allowed to give out any fuel but if there was someone who was really in need, the local administrator would tell me about, or one of the local Police would say you know this man's unable to get back to his village because he lives on another remote island and needs a bit of fuel, we'd sort of work out whether they were trying to con us or whether they were really needy and if they were needy I'd give them fuel to get their family and their boats back home."

Besides relationship building, PO20 cited emergencies requiring civilian transportation. Transporting women in labour, ensured for them the basic human right to appropriate treatment, outlined in the UN CEDAW article 14b. Article 24.2(f) of the UN CRC, also gives access to adequate health care facilities for family planning regardless of rural status, as well as ensuring appropriate pre-natal and post-natal health care for mothers. As PO20 recalled:

"It wasn't unusual … Mrs so and so has been in labour, the baby's breach [and she needs to get] to a hospital, … we'd go down there with the four wheel drive, we'd put a mattress in the back, the lady would lay down on the mattress with the nurses and then we'd take the three-hour trip which was really difficult for them because the roads were all potholed, you're going through rivers, all sorts of things so it's pretty uncomfortable, you can imagine being in labour and then bumping around for three hours getting to hospital."

[PO20].

In Timor-Leste similar relationship building occurred as PO23 *"[Organised] a lot of sporting goods, boots, clothes for my village"*, to improve the wellbeing of the villagers by providing both necessities and leisure items. Natural disasters necessitated police peacekeepers to exercise agency in responding to community needs and facilitating fundamental human rights beyond the provision of law and order, reiterating the importance of achieving physical integrity for members of the local community. Natural disasters are obviously outside police control, yet even within these situations, they worked to help the community retain their fundamental human rights. As PO22 reflected:

"We had natural disasters that affected outlying tribal communities where they lost their crops because of landslides and their houses in some cases and there was a lot of effort around providing them with food and equipment to be able to rebuild their villages … we had to fly helicopters in to these remote areas to provide them with expertise and people, reassurance, equipment, technical expertise to see where the next risk might be, and to provide them with food stuffs."

[PO22].

Emergency situations frequently invoke the 'survivalist' mentality of local populations, thereby requiring security measures to prevent looting of basic human necessities such as food. PO29 recalled experiences of looting and crime attributable to either necessity for survivalism or opportunistic gain by criminals:

"We had instances of looting of food stores … there wasn't enough rice in the country so they were importing it into Dili and then storing it in warehouses in Dili ready for transportation by truck around the country … the warehouse would get raided or the trucks would get looted. … we'd act as security detail for the warehouses and the trucks so that would prevent the looting, so I guess you could view that as humanitarian aid in terms of food ... a couple of New Zealand Police Officers who took it upon themselves to help in a practical way rebuild some local schools and orphanages so in their days off they had the time and they'd go and buy with their own money the materials that were needed."

[PO29].

Australian, and New Zealand, police peacekeepers undertook a multitude of *responsibilities* as part of their contribution to human rights maintenance, illustrated by PO29. Since both property and access to food are human rights under the UDHR, the protection of food stocks for the local population demonstrated collective agency. Furthermore, PO29's commendation of New Zealand police peacekeepers' helping with building schools and orphanages to provide for education and safety for local children, demonstrated another example of agency and relationship building.

8.7: Facilitating ethical practice through contextual acknowledgement and collaborative engagement practices

Cultural differences were key structural determinist factors, as explained in Chapter 7, with competing cultural dynamics evident between donor nation participants, the host nation's cultural context, and those of other donor nations present within the mission. Drawing together these issues is the concept of pluralism. Within ethical theory, pluralism pursues a way of dealing with moral conflicts caused by cultural and contextual clashes, evident in the recollections that participants provided in section 7.2. Ethical pluralism 'acknowledges that cultures can legitimately pass judgements on one another' (Hinman, 2013 p24) but also encourages the importance of open communication and genuine listening and engagement with the cultural values that differ from one's own. Ethical pluralism seeks to illuminate a centralisation of two ethical extremes, absolutism and relativism, which as examined in section 4.2, are arguments supporting both the notion of universal ethical principles, and arguments claiming cultural context the sole determinant of morality. The significance of practicing pluralism through cultural acknowledgement and building 'bridges' that meet part way between the values of donor and host are examples of individual and collective agency engaged in by Australian police peacekeepers as a way to avoid the imperialist 're'colonialism of imposing absolutist ethical principles while also improving the local context through ethical practice and human rights maintenance.

Section 8.3.1 detailed the pursuit of cultivating cohesion and building relationships with local communities and illustrated some practical measures to nurturing trust. Community cohesion cannot be achieved without appropriate acknowledgement of cultural and linguistic barriers, a structure discussed in 7.2. To that end, PO17 attempted to communicate in the local language:

"We also learned pigeon English, it wasn't mandatory … a few of us who realised that if we could at least attempt to communicate in their language we could break down some barriers and it certainly did."

[PO17].

PO17 realised that effective communication, gained through learning the culture and language of their hosts, shows genuine interest in engaging with the local communities. Furthermore, PO17 reflecting on the implications of post-colonialism, genuinely avoided repositioning western supremacy in the peacekeeping and capacity building process, which he re-emphasised in the following quote:

"… we failed to recognise early on that we just thought their standards and everything was just poor and third world and we'll come in and show the way with the you beaut Western ways but there were many things that they had done which were just as good from a methodology point of view… it took a lot of time for us to realise well just because we've got new technology doesn't mean it's the right way, there's other ways as well."

[PO17].

Imposing Australian methods potentially curtails culturally applicable ethical practice and human rights. PO17 acknowledged that technological supremacy did not equate to methodological superiority and was aware that this dichotomy could result in a capacity building failure. An important part of police capacity building was to provide them with both the tools to conduct effective police work, and guidance in using these tools. PO17 recalls the process for preparing briefs of evidence:

"Australians had said well this is the way you're going to do it and obviously we're used to computers and computers over there are nearly non-existent, and they tend to break down because of the

humidity … so a lot of it [briefs of evidence] was hand written so I got them to show us the old way they did things preparing a brief … and said 'look are you happy with this style of briefs', and they said they were, and then I asked them 'well are there any parts of the Australian system you like' and there was two things that they said were very good and they wouldn't mind doing them, so we just converted it to what they wanted and we ended up having a bit of a hybrid brief … they embraced it and loved it."

[PO17].

PO17 considered the cultural and technological differences, both reflecting the economic and geographical divide between Australia and the Solomon Islands. Even the local climate had to be considered when determining best practice. PO17 summed it up thus:

"… finally having something that they could relate to and call their own rather than imposing things on them … it just took a lot of time probably for us to realise well just because we've got new technology doesn't mean it's the right way, there's other ways as well."

[PO17].

The assumption that the addition of technology would be universally beneficial, formed a kind of western imperial approach, which PO17 recalled was ineffective in the police capacity building process. A collaborative approach to sustainable police building was integral to ensuring that both cultural context and high standards of policing were met.

Contextual acknowledgement moved beyond simply 'talking out' and communicating cultural differences through the implementation of capacity building measures. Relationship building through *care* was intrinsic to achieving *justice.* Religious and cultural customs in Timor-Leste opposed exhuming deceased bodies, presenting a challenge in criminal investigation practices. PO27 recalled using *care* and communication to explain how exhuming bodies would assist the police in achieving *justice,* and the potential for *beneficence* could be achieved through closure for these families:

"There's some fairly strong cultural beliefs here in respect to exhuming bodies … they're of the belief that we harvest organs when in fact they don't understand it's more from an evidentiary view, so there was a lot of time spent working with families and trying to explain the reasons why for investigative purposes, evidentiary purposes why these types of things were needed in respect to prosecutions … I think most of the time I was able to communicate to the family the reasons why … you know a lot of the families in some sense haven't had closure in respect to those times and obviously if we can fulfil our obligations from an investigative point of view and resolve the investigations either way which can involve the exhumations, it can give the families some closure as well as bring those to justice who are responsible for killing their loved ones."

[PO27].

PO27's use of agency and *personal autonomy* to respectfully explain the exhumation process demonstrated the best possible attempt at *non-maleficence,* both towards the family members and local population as well as the ongoing investigations into war crimes and genocide. Inclusivity of the host community was key to this process. Preventing the potential for revictimization relied on the mutual benefits derived from cooperating with external agents in the quest to achieve a common goal. This is not only important for the policing roles of crime detection, risk management, order maintenance and investigations, but an imperative practice to maintain human rights and ensure accountability for ethical conduct. Such an approach also facilitates given human rights to the deceased; as Rosenblatt (2010) states, acknowledging and contributing to maintaining personal and cultural identity, the sacredness of location, and care for the bodies, means that forensic practices can be ethical and can maintain human rights in the face of heinous circumstances where human rights have been so irreversibly violated. As PO19 noted, the value of engaging with the local community for the purposes of criminal investigation, proved helpful in initiating the investigation process:

"We would seek witnesses such as any nearby village … we would triangulate and ask something to indicate where something might be and then we'd go and under guidance and maintaining their culture and religion there we would attempt a pilot excavation of an area to see whether there actually were any bodies or other evidence."

[PO19].

PO19 made it clear that criminal investigation processes required an understanding of the potential impact of breaching local custom, demonstrating *non-maleficence* towards grieving families and both interpersonal and intercultural relationships. Relationship building was similarly valued in the Solomons, where PO41 stated that engaging with the local chiefs was beneficial to building community relationships, noting that:

"We interacted with the local chiefs and you know every chief is different, every community is different, the expectations of people are always different … we weren't under an obligation to interact with the chiefs of the villages but we did that just because it was a good way for us to develop community relationships."

[PO41].

Here, PO41 reinforces that *care* is a significant requirement for integrating western notions of adequate police building sustainably, minimising resistance and engaging in reciprocal understanding of the operational context. PO41 was enabled to address the goals of the mission by engaging *personal autonomy*, cultivating relationships, and demonstrating willingness to engage with the hierarchical structure of each community.

8.8: Victims of crime and criminal investigation

Conducting criminal investigations after the atrocities that occurred before the referendum in Timor-Leste, and throughout the missions to Timor-Leste and the Solomon Islands were more than core functions of operational policing. Participants exceeded their obligations, cultivating relationships and responding to victimisation. Empathising with victims and their families, facilitated both *justice* and *care.* PO27 recollected:

"You had to be very empathetic in your approach with the families … after spending so much time with some of these families it was important for me to get some resolution for them so they could have closure because they're such resilient and lovely people who've gone through some fairly traumatic times so it's nice to walk away and think that you've had some positive impact on some of these families."

[PO27].

PO27 has affirmed how the use of empathy and taking the time to build relationships had a positive impact on their own sense of achievement in the mission context.

Partnership policing was integral to facilitating justice for victims. In Timor-Leste, PO40 recalled working with Caritas, a catholic aid organisation, to ensure that the health needs of a sexual assault victim were met:

"The victim had spoken to a nun … had told the Caritas nurse … the nurse spoke to the Australian police and I ended up with that case, so I was working with her to ensure that the victim was okay from a health perspective because there weren't many facilities at the time."

[PO40].

Responding to human rights breaches, police peacekeepers employed collective agency to facilitate the healing process by assisting returning displaced persons. They also proactively sought further potential human rights breaches. PO14 reflected:

"We were also taking complaints from the East Timorese in relation to breaches of human rights by the Indonesians or other East Timorese. We were involved in the displaced person returns so that displaced persons who were coming back from West Timor or other parts of Indonesia could be assimilated back into the East Timorese community and then we would monitor those East Timorese that were coming back from the West or from Indonesia because some of them had been members of the militia."

[PO14].

This twofold approach to criminal investigation and crime prevention demonstrated a concerted effort to facilitate *justice* for victims of crime as well as avoiding maleficence through monitoring the returning displaced persons. Community dissatisfaction of the criminal justice process led to private retribution. Monitoring potential retribution and preventing its occurrence, thereby preventing further breaches of human rights, formed another role undertaken by police peacekeepers. PO11 recalled that:

"Some [victims and families] wouldn't be satisfied and then they'd have subsequent methods of justice and retribution and your job was to stop that".

[PO11].

These operational requirements were fairly routine, however, instances of courage by police peacekeepers were recalled by a few participants. To illustrate, PO11 recounted this story of an Australian police officer:

"He did a great job protecting a militia member from being hacked to death at his own risk, … you might not agree with their abhorrent crimes against humanity but hey they're still members of our humanity and our job is to protect life and property and the rule of law. … what is justice, what is humanitarian, what is the rule of law, what is human rights, it's all into one … it's like interwoven and our job is really just to show good form, poor form just can't be tolerated."

[PO11].

Although criminal investigation is a key role of police peacekeepers, the following section explains how crime prevention also assists ethical practice and human rights maintenance.

8.9: Youth crime and human rights

Young people are amongst the most vulnerable of any population, whether in Australia or Timor-Leste. In Timor-Leste police officers saw that youths were drawn in by the sense of belonging and purpose that comes with gang membership. PO16 likened the problems with youth gangs to gang subculture in Melbourne:

"In Melbourne … most people dislike the Collingwood football supporters for example, but it's not actually the members of the Collingwood Football Club which get the problems, it's their supporters, and that was the same in Timor-Leste … it wasn't members of Sacred Heart and Seven Seven, the formal organisations, it was these young fellows who aligned themselves to those organisations …"

[PO16].

Police and community members alike struggled with gang violence, attempting to address the problem peacefully. PO16 reflected:

"We, and parents, and adults felt powerless to do anything about it [gang violence] and …we did was … get everyone together, have a formal meal, have the local leaders speak, have the youth along there and then the leaders of the two warring villages come together, shake hands and they would then have the local youths all sign the peace agreement and just to formalise it I had a photo taken of me shaking the hand of each youth which I had printed out and gave it to them, just to really strengthen the importance of it all".

[PO16].

PO18 likewise dealt with gang violence, primarily among the young population.

"I still remember driving around there was people playing guitars and we'd stop and have a chat where we could … on the one hand they were fighting us all the time, on the other hand you'd talk, … like any

other community, not everyone's gonna like what the police are there for so, mostly it was pretty good."

[PO18].

Here, PO18 has demonstrated an attitude similar to that of PO16, in dealing with youth crime and human rights maintenance. Police are not equipped to deal with all human rights issues, but community policing initiatives can promote human rights through open dialogue between parties of a disagreement, facilitated through police mediation. Furthermore, PO16 recognised that police officers are not in a direct position to address the root causes of poverty, education and unemployment, but that they did have the ability to connect with the groups most vulnerable to experiencing the problems associated with one or all elements of socioeconomic disadvantage:

"Now from …. A policing perspective we can't do anything about education, it's not our role, we can't employ people and we certainly can't do anything about poverty, so it's about working [with] the kids to … minimise what those issues manifest into."

[PO16].

PO16 recognised that the wider structural factors, despite being out of the purview of his immediate role, could be transcended through engaging in practices of *care* and interdependent relationship building by providing avenues to divert young people from involvement in crime and conflict. For example, PO17 recalled being involved in an Auskick AFL program in the Solomon Islands *"for about 12 months … we were there with local community children and adults, we even ran some events where we'd raise money for different community groups."*

This recollection demonstrates the use of agency to surpass the challenges presented by poverty and crime, and a recognition that police involvement in such activities provides the opportunity to facilitate *care* while creating opportunities to develop community cohesion, and ultimately sustainable relationships between the community and the police once the donor police had left.

8.10: Perspectives of the SOs

Moving on to the significant other categories allows for a unique insight into the observations of participants external to the police peacekeeping process. SO5's observations concurred with those of both PO34 and PO35 who commented that police of an AFP background were more skilled at procedural and managerial aspects of policing while those of a state policing background offered more practical skills towards day-to-day community policing practices. The reflections of the significant other group echoed these sentiments, with SO5 giving the following observation:

"They [the AFP] do a lot of things by the manual, by the book … you can tell the difference between the ones who've been in the State, I think they had more interaction, they had more experience in relation to dealing with more like street policing, the day to day policing than the AFP".

[SO5].

The rules-based approach to policing taken by the AFP did not seem to be a major problem from the perspective of the significant others; in fact, it seemed to be an imperative part of maintaining the integrity of the investigatory process. This was observed by SO12 while deployed in the Solomon Islands:

"They don't really compromise on the chain of evidence or taking someone into custody or rights to interview … they don't compromise on that where the locals will just do what they've always done or just do whatever they have to do … they will always apply the best standards, and try to get them into that process."

[SO12].

SO5 reinforced this issue as prevalent for both police and non-police personnel:

"In some cases, you couldn't follow the rules straight up, not because they wanted to breach anything or because it was the easy way out but … in a remote place you don't have time to request permission

… and that's where the cultural training, the human rights training and the military or police training get you into that role."

[SO5].

In this reflection SO5 refers to inherent complexities of each situation, requiring a level of autonomous agency, particularly where the structures – in this case, the geographic context – constrained any opportunities for deferring to the authoritative structures that would normally make operational decisions. In particular, SO5 is referring to situations where immediacy precludes the opportunity to defer to authority for the appropriate response. Reliance on one's own capacity to respond reasonably is an inherent requirement of the job, which training must address. This account reinforces Miller's (2010) conclusion that individual agents make choices based largely on their experiences in past and present institutional contexts.

While many of the narratives demonstrated that police peacekeepers had at least a fundamental understanding of human rights and ethical practice, and contributed to this in a wide variety of ways, several participants from the *significant other* category recalled there were problems with police behaviour on occasion. SO6 recounts the following which related to all police present, not just Australian police:

"… drink driving was, is a big one, the use of prostitutes and the local brothels is another, those sorts of behaviours did occur, I witnessed it personally, and often it was the police who were the ones that were the perpetrators of both. That's completely in contrast to the mandate of why they were there and it's completely contrary to capacity building and ensuring that the Timorese Police are given an example of professionalism and how to protect the human rights of their citizens. If you've got an international contingent coming in and behaving like that, I think it's very confusing, so the National Police get a message during daylight hours and it's a completely different message at night."

[SO6].

SO11 heard similar accounts from the local communities with which she worked. The problems associated with police behaviour impacted on community perceptions of the police presence.

"So in their [local community] perception they would see foreigners, you know one person would kind of pin those [drink driving] behaviours of all foreigners to them so it was really interesting for us to start to break down those barriers … one thing that we did do was we had a party and we got the two Australian Police Force guys to come and we had a ball, you know and they shared in the music and we shared food and stories and that really broke down the barriers and started to get the Timorese to think differently about who we all are and the different countries and cultures that we come from, it was really, really interesting."

[SO11].

Here SO11 demonstrated how the police attempted to remedy some of the bad blood between local community members and the international police, bridging the gap between two separate cultures in an attempt to understand each other's heritage. SO11 showed that police peacekeepers did not need to engage in practices of major transformation within the cultural structures, but could break down barriers simply by sharing in music, food, and narrative. Enjoying a relaxed environment where the division between donor police and host culture became invisible for the evening presented an opportunity for *care* and *beneficence* to emerge from an otherwise hostile situation. This went a long way towards building relationships with the host population.

This section has drawn on two main significant other narratives to provide a lens into what some participants noted in the application of agency; the first narrative demonstrates the use of agency to facilitate unethical behaviour, challenging the notion that Australian police peacekeepers were the most well-suited to the task of maintaining human rights and emulating ethical practice. From an alternative perspective, the second narrative demonstrates that it took engagement with significant other participants, namely SO11, who had taken on board feedback from the host population and tried to implement some community cohesion between the donor participants and the host participants with the restricted amount of resources available to them. Building *care* through

engagement in *stewardship* provided a tool from which the participants could break down some of the barriers that hindered ethical relationship building, particularly given the implications of Australian police peacekeepers engaging in unethical behaviour, which ultimately had the potential to tarnish relationship building.

Observations from SO8 demonstrated that ethical practice and human rights maintenance required police peacekeepers to engage in a wider variety of roles beyond what they were mandated to do, and particularly, SO8 pointed towards the importance of reflection to improve the practices they engaged in while deployed.

"I'm actually really appreciative of what they were trying to achieve. It was a fairly broad spectrum of policing that they covered, everything from country policing through to city policing through to education, from road policing to criminal investigations, critical incidents … trying to up skill the Timorese and when what they thought would be at the end state wasn't achieved, they'd go back to the drawing board and rewrite it … the ability not to lose heart at the feat, the education goal and what they achieved it was actually really good".

[SO8].

A key part of this recollection, that police peacekeepers would reflect on the *utility* of their practices and then engage in reflexivity in order to try to improve those practices, demonstrates the use of agency by police peacekeepers to achieve *beneficence* and avoid the potential *maleficence* that could occur as a result of engaging in ineffective strategies.

The approach aligned with the views of other police deployed to the Solomons. The devaluing of local knowledge only served to undermine the longevity of the success of each mission, a point particularly made by SO7.

"They [the local community] have to be responsible in the long run for what they want for their country, not to expect a mission to … give them everything for their country, but to provide that framework to give them the strength to be able to lead their country forward, to build their nation."

[SO7].

As SO7 has reflected, police peacekeepers provided a framework – not unlike an ethical framework like the four tracks of ethics – to strengthen their capacity towards the rule of law and democratic policing principles as espoused as best suited to ethics and human rights in policing. Furthermore, it reinforces the position that Wallis (2012) argues towards, where building national identity and capacity offers the best opportunity for deescalating societal division and violent conflict through homogenising the goals of the host population towards rebuilding their nation. Another example is drawn between the situation observed by SO6 through combating domestic and sexual violence in Timor-Leste, suggesting that Australian police were at the forefront of addressing violence against women:

 "I think there were quite significant steps forward in violence against women for … a big drive on community policing and ensuring that the Timorese Police understood the fact that it's a public crime, how to collect evidence, separating and not sending victims back to their homes immediately, and the fact that it should be taken seriously which is something that acquired I think a very long term attitude shift and I know that the Australians were very involved in that and felt very strongly about it, and I think at times actually went beyond what they needed to do in talking about that and doing training sessions etcetera so yeah, very positive, yeah."

[SO6].

Pursuing human rights required an attitudinal shift to the criminal investigation practices of dealing with violations of women's rights; encouraged largely by Australian police peacekeepers through educating and training the host police. SO4 suggested that this training has made some headway towards achieving some *justice* for victims of crime, reflecting that:

 "Back then the Australian federal Police … had the job of so I think the agreement was to educate, to be part of the education of the Vulnerable Person's Unit, VPU, and they were the unit dealing with, across all the difficult cases, DV, sexual assault, child abuse and trafficking maybe … I met two or three of them, there was a wonderful woman [name omitted for anonymity], who'd actually been part of

the initial peacekeeper in '99, and then she switched over to the AFP so she could be part of TLPDP and she was great. There was three or four of them, mainly women who were just terrific and basically over the next few maybe couple of years, we put together the training program."

[SO4].

The policewomen SO4 mentioned had a significant impact on facilitating justice for victims of crimes such as sexual and domestic assault, abuse, and trafficking. SO4's observation reinforces the pre-existing literature, and the recognition of the AFP that women provide an indispensable resource for education, training, and assisting vulnerable victims of these crimes.

Overall, reflections were provided from the significant others that demonstrated that while human rights for victims had a long way to go before they met the standards of a developed country, some of the basic needs and rights of victims of crime were being consolidated through partnerships with various human and health service sectors. Collective agency between local police and the wider human service sector facilitates the role of the police - gathering appropriate evidence for prosecution - while maintaining the victim's dignity and respect. This demonstrates both the pursuit of *beneficence* and *non-maleficence* by police and other human service institutions.

8.11: Chapter Conclusion

This chapter has drawn clear links between fundamental police practices and human rights maintenance, from examining the practical partnerships between police and other organisations, through to consideration on how Australian police maintain human rights for both ordinary community members and vulnerable groups. The data demonstrates the complex nature of policing, influenced by the multitude of factors present in overseas policing missions. Policing with officers from many professional backgrounds, working with people external to law enforcement, and capacity building local law enforcement organisations while investigating reported offences were all separate

tasks that combined to achieve a better standard of human rights for host populations. While the reflections and experiences of some participants suggest that human rights and ethical conduct were not always upheld, the overall consensus is that the majority of Australian police put their understanding of human rights into practice to a commendable standard.

The application of agency in action began prior to participants' deployments. Participants expressed an obligation to go, sensing a duty to improve the host nation and engage in the betterment of the local police through post conflict police building. Many participants described using practices they had applied 'back home', and embracing a multitude of extra roles to achieve ethical relationships. Partnerships were an important facet of the pursuit of multitudinal engagement; between both the AFP and state seconded police, as well as through building interdependence between other donor participants and the host population.

Transcending cultural differences presented opportunities for ethical practice and human rights maintenance through the acknowledgement of cultural sensitivities and pursuing practices that would balance the needs of the host community with the requirements placed on the donor. These practices demonstrated a largely utilitarian perspective towards finding the correct balance between means and ends. The participants reflected on ways they dealt with these challenges through communication.

Participants recalled navigating the security/development nexus through acknowledging and attempting to navigate the socioeconomic, political, and cultural conditions within both Timor-Leste and the Solomon Islands through humanitarianism. This demonstrated how individual and collective agency operated to transform some of those structures, improving the conditions of the local population. While these measures were not always successful, acknowledging the structures to begin with, and making headway towards transforming them adheres to Bourdieusian principles of transcending the reproduction of structured conditions, and there were clear attempts towards rectifying the problems within the pre-existing structures in which police peacekeepers operated utilising agential tools.

Finally, drawing on Muncie's (2001) argument that crimes are a form of human rights violation, leads to acknowledgement that preventing and investigating crimes is a form of human rights maintenance, at least in the pursuit of achieving *justice* for victims. While the mandate for advisory and mentoring roles presented a challenge to engaging in these practices, educating the host police towards professional standards of criminal investigation and crime prevention were yet another manifestation of the application of collective agency towards achieving ethics and human rights in the peacekeeping and capacity building context.

The following chapter collates the research findings to examine the perceptions, structures, and agential practices engaged in by the participants. Chapter nine will focus on collating the first three research questions to explore how ethical theory, structure, and agency can provide a lens for examining ethics and human rights in police peacekeeping missions.

Chapter 9 Discussion: Analysing the Experiences of Australian Police Peacekeepers in Providing Ethical Practice and Human Rights Maintenance

Chapter nine merges the findings made in this thesis in order to make sense of the contribution that ethics, human rights, structure, and agency provide towards understanding the practices of Australian police peacekeeper's facilitating ethical practice and human rights maintenance. This chapter will address research question four: *What contribution can ethical theory and theory of practice make on the reflections of police peacekeepers in past missions to guide an approach for current and future international peacekeeping and capacity building missions?* This question brings together the final aspect of the research aim to address the reflections of Australian police peacekeepers in navigating structure and agency, materialising ethical practice and human rights maintenance as both hindered and facilitated by structured conditions and positioning agency as an opportunity for navigating those structures. Reviewing the findings in light of the philosophical, contextual, and theoretical considerations outlined in chapters two, three, and four, it can be argued that there is an inadequate amount of research into human rights, ethics, structure, and agency in police peacekeeping. Drawing together these four concepts provides an opportunity to reveal the complexities and realities experienced by police peacekeepers in fulfilling the practices required in their role to realise the moral obligations of practitioners during intervention in conflict and post-conflict situations. To that end, chapter nine examines the participants' reflections in light of the findings in this thesis.

Based on the data revealed in this thesis the reflections provided by participants demonstrated that in many instances a range of practices were taken to implement contributions within human rights. The first section of this chapter will revisit human rights in post-conflict peacekeeping and capacity building through examining the elements of human rights most prevalent within the analysis, reconsidering the sense-making and construction of human rights as explained by the participants. This discussion will be considered alongside the challenges presented by differing representations of human rights due to the diversity of values and viewpoints held by stakeholders in conflict cessation and post-conflict rebuilding. The second section will focus on Neyroud and Beckley's Four Tracks of

Ethics, examining the various contributions made by each of the participants within and how they can be used to further illuminate the complexities of navigating ethical issues in peacekeeping and capacity building practices. The third section examines the structure-agency phenomenon and the relationship between the emergent themes identified in chapter seven and eight, in order to give light to the potential opportunities for moral agency, which will be examined in section four.

9.1: Revisiting human rights in post-conflict peacekeeping and capacity building

Based on the data presented in this research, a new understanding of police peacekeepers' understanding and capacity to contribute to human rights and ethical practice emerges. It is clear that the role of police in missions have transformed from being an after-thought to a focal point for facilitating peace and success in post-conflict scenarios (Wilson, 2012; Benner et al, 2011). Furthermore, working with police from differing nations, with different legal systems, training, and human rights records, has been identified as a barrier to effective policing in international deployments as demonstrated in the literature and in the themes established from this research (Smith et al, 2007). These themes demonstrate greater problems than just the idea that police are unwilling, or unable, to adhere to human rights principles if they are not from western democratic nations. Since the UN in particular highlight the importance of human rights maintenance in peace operations, police peacekeepers are necessitated as key protectors of human rights and as a 'key element in peacemaking and peace-building efforts … and should be addressed in the context of humanitarian operations' (Larsen, 2012).

Participants expressed that there were many challenges presented within policing for achieving the protection of human rights, particularly where a job may require some removal of human rights; such incongruencies are well documented within policing literature, such as balancing the human rights of offenders as well as the duty to investigate crime and apprehend said offenders, and the challenges associated with maintaining individual human rights while infringing on those rights, such as privacy, while pursuing matters of national security (Etzioni, 2015). Such challenges are only reinforced by the

tenuous nature of post-conflict intervention, and are particularly impacted by the delicate balance between cultural sensitivities and the rule of law in complex jurisdictional territory. The analysis revealed many different constructions of human rights by Australian police peacekeepers, as well as recounting some of the conceptualisations offered by the significant other participants. Specifically, reference was made to *positive civil and political rights* (freedom of life and liberty, freedom of movement); *negative civil and political rights* (freedom from discrimination, slavery, arbitrary interference) *positive economic, social, and cultural rights* (form a family, own property, employment, education, food, clothing, housing, medical care, shelter freedom of religion, freedom of expression) and *positive duties* (duties towards the community and respect for the rights and freedoms of others). Particular reference was made throughout chapter six to the core role that police perform in providing individual safety and security, which is specifically given in article 3 of the UDHR and broadly considered throughout.

It is important to note that the identification of these human rights differed between participants and that this encapsulation is a holistic representation. However, it does suggest a more optimistic view that there is a foundational understanding of human rights for most participants, giving them a solid base from which to be familiarised with the nuances present within the UDHR and related rights-based documentation.

These findings somewhat diverge from the findings of Beckley (2017), whose sample within the NSWPF demonstrated a more narrow understanding of human rights was more prominent within a domestic Australian framework; he found that NSW police were capable of identifying human rights where there was a legislative or statutory framework for doing so, but that they were less able to identify the broader and more abstract concepts of human rights that are generally accepted as norms within police practice. Notably, the reflection provided by one participant who suggested that human rights only exist if there is a legal protection in place, demonstrates some congruency with Beckley's findings, suggesting that a statutory framework does constitute an important part of the pursuit of human rights in broader society. The implications for police peacekeepers are clear; although many human rights (such as protection of life and property, and freedom from *arbitrary* arrest) are ingrained

within the bounds of what police are expectedly tasked with in civil society, the post-conflict context is often far from 'civil', and the facilitation of human rights takes many other forms.

The construction of human rights by participants demonstrated that there were many opportunities presented towards adhering to facets of human rights, facilitated by the requirements of the mission and by incorporating their own agency in practice where structures did not present an opportunity to facilitate human rights. From a practical perspective, participants recalled contributing to human rights in a meaningful way; as demonstrated throughout chapter eight, participants adhered to many facets of the UN *Human Rights Standards and Practice for the Police.* In attempts to cultivate cohesion with the community and demonstrate sensitivities towards contextual nuances, many participants 'became familiar with the community' they were serving, meeting with community leaders and representatives as part of their capacity development activities, and encouraging the host police to contribute to the development of culturally-relevant policing practices while still adhering to principles of democratic policing (p 8). The accounts provided by participants who contributed humanitarian aid and assistance, such as providing transport, rendering medical assistance, organising distribution of food and clothing, and involvement within community activities such as sport, demonstrated significant headway towards achieving the requirements of Article 25 of the UDHR and other elements of economic, social, and cultural rights that are not necessarily the direct responsibility of police in an everyday setting. These practices are also outlined in the UN *Human Rights Standards and Practice for the Police,* where police are tasked with devising means to discover the specific needs of the host community and responding to them accordingly (p 6). These few examples encapsulate an opportunity to revisit what human rights means in the post-conflict context, and these notions further support Miller and Blackler's (2005) construction of human rights as moral rights that individuals possess based entirely on being a part of the human race, and that the teleological end or purpose of policing is the protection of moral rights (p33). The majority of participants implied, or explicitly, identified human rights as universal, regardless of the behaviour and choices of the other person. Notably, no participants suggested that people's inherent human rights ought to be negated through processes of dehumanisation; indeed, the only two suggestions that human rights are not universal

lay in the challenges presented by failures to legislate for human rights and the removal of freedom of movement once someone is arrested.

Examining the understanding and contributions to human rights by police in peacekeeping missions further elucidated the relationship between liberal democratic policing as the core approach taken by police peacekeepers and the intended goal of sustainable post-conflict police-building. There were many examples of police peacekeepers acknowledging and facilitating the local context, particularly in the development of culturally and contextually specific police development. Themes such as the inclusion of community leaders when engaging with the community, capitalising and embracing local knowledge and experience in developing new processes for police, and embedding themselves within the community where there were opportunities to do so, allowed police peacekeepers to contextualise principles of democratic policing, such as accountability to the public, in a meaningful way. Since police peacekeepers often performed many roles, from crime prevention and investigation to emergency management and humanitarian assistance, many participants provided insights into how they negotiated the structures they encountered with respect to the rule of law and the needs of the communities they served.

While all of these reflections demonstrated some positive steps towards elucidating what contribution Australian police peacekeepers make towards human rights in Timor-Leste and the Solomon Islands, there were accounts within them that demonstrated limitations in the context that participants operated within. Significant challenges outlined by participants included cultural and language barriers with both hosts and other donors (where skills of communication were not always well developed); limitations presented by the context, such as purpose of deployment or operational policies and mandates (such as rules that required police peacekeepers to return indoors at night for their own safety, or particular tasks being given to the individual participant that precluded them from engaging in forms of human rights maintenance they may have liked to participate in). Underpinning these issues is the homogenisation of democratic policing as the best approach given the cultural and historical contexts of the deployment. Overall, future peacekeeping missions may benefit from

revisiting these issues as points of policy and practice development to ensure that police peacekeepers are able to fulfil their moral obligations towards human rights maintenance to the fullest extent.

9.2: Pluralism and the Four Tracks of Ethics in police peacekeeping

As established at the beginning of this thesis, there is a lack of considerable attention to the contributions and practices by Australian police peacekeepers in peacekeeping missions from an applied ethical perspective. As a starting point for discussing the applied ethical dilemmas and practices engaged by police peacekeepers, the best way to conceptualise the contributions that police peacekeepers made to ethical practice and human rights maintenance is through the aforementioned Neyroud and Beckley's Four Tracks of Ethics (2001). This section will pioneer the application of the Four Tracks of Ethics to police peacekeeping practices as elucidated throughout the analysis chapters.

As considered in chapter four, human rights and policing are intrinsic to one another particularly in the context of democratic police reform, and the reasons for facilitating this development are articulated as integral to the moral responsibility to intervene in situations where atrocities occur, especially if the local police are part of the problem (Ellison & Pino, 2012; Goldsmith & Sheptycki, 2007). This conceptualisation of human rights maintenance as being intrinsic to police work was a common theme across the dataset. In continuation of the theme, and to address the research aim of elucidating the understanding of human rights maintenance in the context of peacekeeping, it is imperative to illustrate the construction of human rights through the lens of ethical theory, and to a lesser extent, criminological theory. To that end, the theme of *ethical practice and human rights maintenance as core to police work* establishes the contributions that participants thought police *ought* to make to human rights and ethical practice. What has remained unclear until now is how police link their practical roles and obligations to human rights maintenance and how this is balanced between individual and collective rights; cultural values and universal norms; means and end; and rules and autonomy, particularly as different ethical theories present various challenges to what is

moral based on their construction. Given that globalisation antithetically involves both homogenisation of universal values whilst facilitating the diversification and hybridisation of values for cultural context, establishing the most prevalent values is a difficult concept to achieve. it is therefore important to the analysis to recognise the contribution of police peacekeepers towards embracing approaches to policing practice through *utility* (beneficence and non-maleficence)*, care* (and justice)*, duty* (responsibility and personal autonomy)*,* and *character* (honesty and stewardship)*.*

For *utility* to be facilitated, doing good, and avoiding harm, was a requirement to that end. As highlighted in chapter six, many of the participants articulated that experiences of poverty, violence, victimisation, and a lack of access to basic necessities and social services resulted in a loss of structures that protect and promote human rights. As a consequence of this problem, the participant interviews demonstrated a consistent broad theme of acknowledging the serious experiences of *disadvantage* that the local populations had thrust upon them. Even if their interactions with the East Timorese and Solomon Islanders did not necessarily involve addressing instances of crime and violence, the context of the missions remained; namely, that in both nations, the entire country – from government at the macro level, to institutions and public services such as the police – were being restored and largely rebuilt. This in turn resulted in the need for participants to engage in practices that facilitated human rights, built relationships, and fostered the development of social and public services to full-flourishing institutions. In chapter seven, the lack of socioeconomic equity that underpinned both mission contexts presented a structural challenge for participants, where both overarching structures of governance and law had collapsed or were only partially operational, and where physical infrastructure was lacking or absent in its entirety. Furthermore, the local experiences of trauma, violence, crime, and killings all underpinned the fractured operational environment participants were attempting to help rebuild. In chapter eight, there were a number of key contributions made by participants in their facilitation of agency and ultimate choices of action; in situations where it was possible, participants recalled providing resources to the community in order to do good; providing water, food, clothing, and medical supplies where required, as well as giving humanitarian aid and assistance where situations called for it as was recalled by participants who reacted to violent

incidents of crime, sharing fuel, and providing transport or aided in medical emergencies. Using available resources – even at the expense of 'following the rules', presented an opportunity to do good and even more importantly disallowing harm from occurring, for both individuals and for the relationships they were trying to build with the host communities. Further to these contributions to utility, participants recalled facilitating police legitimacy, borne out of attempts to provide the host communities with police that were not engaged with corruption and that would not take part in perpetrations of violence. Building the trust and confidence required to provide legitimacy involved tapping into valuable knowledge and resources within the local community. Devaluing their knowledge would result in maleficence; acknowledging their contributions facilitated beneficence and contributed to the overall usefulness of their practices.

Another form of fostering wellbeing in the post-conflict context stems from the individual practices towards *care* that police take can provide another approach to this end. Chapter seven yielded a range of results which demonstrated that local communities were fractured due to experiences of genocide in Timor-Leste and inter-ethnic violence in the Solomon Islands. The aforementioned re-valuing of local knowledge as integral to developing sustainable policing in the host context facilitated care, demonstrating that participants were mindful of the potential for re-colonisation and were aware that the experiences of colonisation had previously had a damaging impact on the trajectory of both contexts. Again, providing resources for local communities and using their own resources to assist members of the community where required facilitated care and relationship building in a practical way.

Justice too remained an important pursuit of ethical practice and human rights maintenance in the post-conflict context, and was particularly important when investigating the crimes that occurred both prior to and during the mission context. The historical context themes in chapter seven demonstrated that in both Timor-Leste and the Solomon Islands countless experiences of harm were exposed, particularly during the war crimes investigations in Timor-Leste and the removal of former RSIP members in the efforts to rebuild the RSIP. These experiences of violence underpinned the rationale

for sending police peacekeepers to begin with, however those experiences did not cease once peacekeeping forces arrived. Some participants recalled how victims who came forward experienced reprisals for speaking out, and other participants recalled experiences of sexual assault, domestic abuse, gang violence, looting, property damage and other disturbances of the peace. Facilitating justice became a more difficult task to achieve in the short-term and required participants to sow the seeds for future elements of justice to manifest. For example, participants who suggested to host police that they reveal which parts of a new brief of evidence system that they felt could be combined with contextually applicable methods, demonstrated both care for the cultural context and lay the foundations for a sustainable system, intending it would last long after the missions had ended. Such approaches meant that future criminal investigations could be conducted in a more democratically-aligned manner, giving life to Muncie's (2001) construction of crime as human rights violation. Reasonably, then, preventing crime, and bringing justice for victims, facilitates human rights fundamentally.

Other forms of justice and care have occurred further down the intervention timeline, and they are worth noting as they provide an opportunity for greater reflection in this area. Guthrey (2015) examined the use of *voice* by victims of violence and atrocities in Timor-Leste and the Solomon Islands to uncover if, and how, truth-telling in restorative commissions can facilitate healing from trauma. Three main themes were highlighted in this process: victims experience catharsis, social acknowledgement, and empowerment, through the processes of voicing their experiences. This can be represented in a number of ways; for example, sharing their experiences in public or private forums; taking ownership of their trauma and using it as a platform from which to facilitate local change and reform; and ultimately receiving the opportunity to heal in a supportive environment. Guthrey examined the use of voice in Truth Commissions in both nations to illuminate the complexities of the healing process and how in some instances this healing was not facilitated by the narrative process. Given that truth commissions are often run after the atrocities have occurred and as a response to the longevity of the violence and damage done to local communities and the individuals who experience it (Guthrey, 2016). What this research can do is support the notion that

empowerment, and providing opportunities to heal, are not just the role of truth commissions; since police are part of the local community, and Australian police peacekeepers were a part of this process, it can be concluded that police peacekeepers can contribute to practical forms of healing for local communities.

Police peacekeepers perform a wide range of duties dependent on mission context, the mandate, standard operating procedures, and allocated responsibilities, underpinned by *duty*. Their adherence to moral and human rights-based duties, however, yielded another set of responsibilities that police peacekeepers undertook in order to overcome structures within the mission context. In particular, engaging in collaborative practices and valuing local engagement provided yet another opportunity to transcend the cultural differences apparent between donor and host, and demonstrated an attempt to re-empower host communities towards rebuilding their governance structures and infrastructure. The reflections provided by participants involving de-escalation of violence, recalled by a number of participants who encountered tumultuous situations whilst patrolling, demonstrated taking on the responsibility of calming disenfranchised elements of the society, emulating requirements the UN place on police in peacekeeping operations (2015). Some participants recalled using customary norms, such as handshakes, as a way to deescalate violence and break down barriers that contributed to tension; such approaches demonstrated that in the performance of their duty there were attempts to use force only as a last resort, an approach to human rights outlined in the UN Code of Conduct for Law Enforcement Officials.

Two facets of personal autonomy were also demonstrated throughout the analysis. While Neyroud and Beckley (2001) intended for the personal autonomy of citizens to be respected by the police, the research yielded evidence that police peacekeepers also engaged in personal autonomy of their own, lest they contribute to agency in practice. For example, the harsh and isolating environment of rural postings in the Solomon Islands led to some participants engaging in personal autonomy to achieve a 'higher order' of good, facilitating human rights over the strict rules-based approaches that might otherwise be advocated by duty-based normative theories, like Kant's Duty Ethics. The application of

Prima Facie Duties was evident in these cases; the act of breaching standard operating procedures was deemed lower on the hierarchy of duties to follow over providing transport for medical assistance, and fuel for stranded community members. Providing humanitarian assistance was a key motivation here, tying directly into *utility* as the avoidance of harm and the provision of good.

Finally, demonstrations of *virtue* and concern for taking care of vulnerable people were equally demonstrated throughout the analysis sections. Both honesty and stewardship by government and authority figures were missing in the conflict context, ultimately leading to the interventions that occurred. In the Solomon Islands, given that a quarter of the RSIP were dismissed in the initial days of RAMSI (Hawksley & Georgeou, 2016), encouraging the development of a less corrupt and more honest police organisation underpinned the rebuilding of the RSIP, and in Timor-Leste, the occupying forces prior to and during the initial missions resulted in host communities experiencing violence perpetrated at the hands of those who ought to have defended and protected them. Building trust and confidence and the pursuit of police legitimacy led to some participants engaging in slow processes of relationship building, to demonstrate that they were not a reification of the previous experiences of police corruption and violence and that the purpose of their presence and imposition on their territory was an attempt to bring together a more workable democratic system aligned with human rights and preventing future atrocities from occurring. Such an approach aligns with McDonald's (2018) account that it is possible for de-escalation of the distrust that forms in securitisation practices between borders need only be featured in particular historical structures. Transformation of feelings of mutual distrust in similar contexts, such as between authoritarian entities like the police and the citizens they serve, can be broken down if the right conditions are created for facilitating police legitimacy.

Stewardship, as the act of caring for vulnerable people, featured heavily throughout the thesis as issues of concern in both the structural conditions that contextualised each participants' experience, and opportunities for transcendence of those same conditions. Experiences of social inequity were demonstrated in the experiences of crime and violence that occurred in both contexts, particularly for women who were victims of rape and domestic violence, and for children whose futures were

essentially predetermined and which led some children to engage in youth crime and take part in gang activities. Some participants recognised these vulnerabilities as requiring attention, and a multitude of responses have been recorded here; some participants used partnership practices to connect victims of sexual violence with other resources such as sexual health care and counselling, and some participants contributed to creating opportunities for young people to engage in sport, respectively. Facilitating human rights for vulnerable groups demonstrated a form of stewardship that addressed the humanitarian needs of the local community; the aforementioned provisions of assistance to women in labour and children in need of water facilitated the article 25 right to food, clothing, medical care, and social services. In the international relations arena, the pursuit of protecting vulnerable populations is outlined by the R2P doctrine, and it is clear that participants contributed to this manifestation of political philosophy. Similarly, stewardship was demonstrated in training the host police as part of post-conflict rebuilding, and ensuring that the transformation in practices were relevant to the host context.

It is clear that ethical principles of practice underpinned many of the responses by police peacekeepers in pursuing human rights, however as demonstrated through the analysis, many contextual structural challenges were evident. Participants acknowledged these structures and there are clear attempts to the operate within them towards achieving ethical practice and human rights maintenance. However, what remains unclear is what theories of structure and agency, particularly Bourdieu's theory of practice, can contribute to ethical practice and human rights maintenance.

9.3: What can structure and agency tell us about police peacekeepers' reflections on ethical practice and human rights maintenance?

Evidence of the structure-agency phenomenon is clearly elucidated by many of the themes that emerged from this research; chapter seven largely dealt with a range of structural issues that impacted on police peacekeeping and capacity building, and on the broader challenges and successes of the

missions to Timor-Leste and the Solomon Islands. As demonstrated by the experiences of participants in this research, there were many attempts to broach the structure-agency divide through the pursuit of balancing competing means and ends, traversing the obligations to mandated rules while attempting to pursue ethical practice and human rights maintenance through using agency and autonomy to choose how to act. To that end, theory of practice provides an opportunity to examine participant's reflections and the research themes with structure and agency as the underlying paradigm.

Habitus, or the set of internalised dispositions that underpin an agent's values, are evident throughout this research. Participants from both the police officer and significant other groups, whether or not they were acutely aware of it, demonstrated understanding and engagement with the structural systems that facilitated, limited, and contributed to the construction of their role in professional ethical practice and human rights maintenance. While this was particularly evident throughout the examination of structural factors in chapter seven, evidence of this phenomenon is demonstrated even where participants were able to recall their contributions to ethical practice and human rights, providing further empirical evidence of theory of practice and its impact on the agency of police participants to contribute to it effectively. In particular, it demonstrates that many participants internalised aspects of ethical practice and human rights maintenance, attributing both personal characteristics and professional experience to construct their reflections on the meaning of human rights and the contributions that police can and ought to make to that end in the mission context, or *field* of practice. Pellandini-Simanyi (2016) supports the assertion that personal characteristics and experiences shape one's ethical framework, arguing through habitus 'that personal ethics are partly developed through acquiring a practical and symbolic sense of a historically, socially and culturally located position through upbringing' (p654). The complexities presented in each field – cultural, socioeconomic, geographic, and historical, presented a range of challenges for participants and required their acknowledgement and use of capital if ethics and human rights were to be achieved, especially if participants were to prepare for the volatility and unpredictability encountered by police.

It is reasonable to suggest that the emergent themes regarding structure and agency in chapters seven and eight are borne out of values that participants were familiar with. Here, *cultural capital* is evident when considering the level of knowledge on ethics and human rights that most participants perceived they had in comparison to some of their global counterparts. This form of capital extended beyond their conceptualisation of ethics and human rights; as demonstrated by both police and non-police participants, even the professional skillsets of some contributing individuals were lacklustre. Given that the acquisition of academic and professional credentials underpins much of the pursuant professionalisation of vocations such as the police, the inequalities between donor, donor, and host in the mission context are manifestly conspicuous.

Contrarily, an absence of cultural capital available to Australian police peacekeepers was also made apparent in the reflections provided by participants. For example, participants in the Solomon Islands who observed and reflected on the communicative tools – the so-called 'wireless system' – and the inherent contextual understanding that other Pacific Islander police possessed, demonstrated another form of cultural capital that Australian participants did not overtly possess. Taking the opportunity to learn local languages, as some participants stated they did, demonstrated an attempt to acquire a broader range of skills that would contribute to the mission context in a more pluralistic and considered way.

Of significance is the privileged position, particularly in terms of *economic capital*, that Australian police officers have access to compared to economically underprivileged contributors to police peacekeeping missions. Specifically, 'noble cause' motivations to engage in police peacekeeping to 'change the world', as highlighted by PO35 in chapter six, may have been made possible by the general observation that police peacekeepers from wealthier nations were less likely to be motivated by monetary rewards as police from less wealthy nations may have been. Two points need to be clarified here: while Australian police peacekeepers may not objectively be 'better' at ethics and human rights compared to police from other nations, it does seem that having economic stability facilitates the ethical agency that allows police peacekeepers to at least be motivated out of duty to others as

opposed to personal needs, thus demonstrating how the localised structures that police peacekeepers come from can impact on their transference of ethical practice.

Economic underprivilege and a lack of economic capital in the mission context as demonstrated both in this thesis and in earlier research. For example, Goldsmith (2009) emphasised the 'contextual variable' presented by the 'enormous youth bulge' in Timor-Leste, with around 50% of the Timorese population being under the age of 15 (p 123). This inherently vulnerable population is further marginalised by the lack of economic development and few opportunities for employment. In both Timor-Leste and the Solomon Islands, these conditions required police participants to engage with local youth to minimise the consequences of poverty leading to criminal activity. This form of crime prevention shows that some police participants recognised their limited ability to deal with a lack of education and a lack of money despite the intrinsic connection between poverty, lack of education, and crime.

Considerable reference was made by participants to the need to engage in community policing practices in order to contribute effectively to human rights maintenance, ethical practice, and ultimately achieving successful relationship building and subsequent capacity building in both contexts. Embracing the strengths and resources of all contributing personnel and their respective organisations demonstrates that drawing on *social capital* within the mission context facilitates better opportunities for ethical practice and human rights maintenance, especially where divisions between different cultures and nation-state contributors need to be overcome to meet the needs of the host country. While social capital is frequently attributed to reproductions of societal inequalities, particularly as people enter powerful positions using social connections, social capital can also be used to engage in collective 'restructuring' of the structures; where opportunities are presented to transcend structural conditions, such as post-conflict rebuilding.

9.4: Creating opportunities for moral agency using partnership policing

Many of the reflections offered by participants emphasised the 'importance of relationships and particularly the interdependence between individuals in achieving mutually beneficial outcomes' (Featherstone, 2010). In the peacekeeping and capacity building context, participants from both the policing and non-policing cohorts recognised the value of making an 'extra effort' towards the host community, as opposed to doing what was minimally required as part of their responsibilities.

Maintaining the integrity of the evidence can be clearly linked to maintaining human rights, particularly the human rights of the victim. By ensuring that the investigation process is standardised as best as possible, the AFP were maintaining the rights of the victim as a by-product of that endeavour.

Table 2: Theory of Practice in police peacekeeping

Structures	Agency/Practice
Cultural differences between donor/donor/host	Attempts to engage in culturally and contextually sensitive practices; Collaborative practices with local engagement (responsibility, stewardship)
Socioeconomic conditions	Provision of resources for local community (beneficence, care)
Geographic and physical isolation	Use of available resources in extenuating circumstances, particularly instances requiring implementation of immediate life-saving measures (personal autonomy, beneficence, care)
Colonialism and re-colonialism	Collaborative practices with local engagement, revaluing and application of local knowledge in practice
Experiences of crime, violence, and trauma in and after the conflict	Criminal investigation as manifestation of ethics and human rights (justice, addressing crime as human rights violation) Crime prevention and relationship building through community participation initiatives
Police corruption and experiences of violence at the hand of the police	Facilitating human rights through operational police work and through investigations related

	to experiences of violence during and after the cessation of conflict

This table draws on the conclusions made in 9.2, connecting structural conditions and the practices and use of agency that participants saw as points of transcendence of those structures. Watson, Freeman, and Parmar (2008) reinforce that 'values-based research of moral agency must allow for the practicalities of context, circumstance, and connectedness'. Particular issues within human rights were raised throughout the analysis, including the legacy of colonialism and potential for re-colonialism through the imposition of western values, and the pursuit of culturally and contextually relevant methods to improve the human rights experiences of those in the host community. The human rights of host communities in post-conflict contexts presents a range of challenges to maintaining human rights given the inherent vulnerability to human rights abuses this population experiences.

Through consideration of the themes that emerged in the analysis, and particularly in the data focused on in chapter eight, facilitating human rights maintenance required the capacity to build partnerships with other providers in the peacekeeping and capacity building setting. While not quite the same as community policing, partnership policing similarly recognises the limitations presented by insular approaches to facilitating the roles and responsibilities of police practitioners; there is particular recognition that police must engage with external partners, agencies, communities, and individuals in order to holistically address the complex needs of the community in law enforcement, crime prevention, emergency response, and peacekeeping (Bartkowiak-Theron, 2011). As demonstrated throughout the analysis chapters, capitalising on the contributions of the host community, other capacity building providers, and the positive skill sets of police from other nations presented many opportunities for adhering to ethical practice and human rights, suggesting that navigating moral dilemmas and ethical tensions requires a multi-faceted approach using the strengths of each individual towards achieving this goal. To examine this further, Musto, Rodney, and Vanderheide (2015) identify socio-political structures as constraints on nurse's capacity for exercising moral agency. As demonstrated in chapter five, similarly to police, nurses experience many similar issues in professional

practice, and these constraints drive neurological and physical responses to experiences of 'moral distress' (such as conflict with colleagues and excessive workloads). As the researchers identified, debriefing sessions and collegiality (drawing from moral agency); transparent feedback and ethics and policy support (drawing from both agency and structures); and advocacy work through professional associations (drawing from structures) are all potentially helpful strategies that could be used to develop professional and organisational values, team building, and ultimately assist nurse's development as moral agents, thus demonstrating the interplay between structure, agency, and moral responsibility. It is possible to translate these suggestions towards the potential for creating moral agency in police peacekeeping missions using partnership policing practices.

The development of the interview narratives focused most of the insights into partnership policing based on the development of interprofessional relationships with the local police, however, the participants only provided glimpses into the complexities presented by the top-level partnerships facilitated by the decision makers in UNPOL and its counterparts. For example, Peake (2011) identified some key issues in the development of policies to improve the achievements of mandates and to address the growing concerns raised by the fact that peacekeeping missions were too expensive and were not effectively achieving what they set out to do. Four key issues in top-level partnership agendas were highlighted in the attempt to address the confusion surrounding the tasks police should and should not be undertaking as part of the mandate: firstly, that it is difficult for senior managers to find the time and energy to reflect on policy reform; secondly, that engaging with all relevant political and governmental institutions is difficult to do with the managerial and bureaucratic aspects of reform; thirdly, that the limitations presented by bureaucracy are filtered down into the slow-processes within initiating change in grassroots-level practices; and fourth, that it is difficult to pursue meaningful policy change in the 'multiple, idiosyncratic, unique, people-dependent and ever-changing task across a wide range of missions into a clear, coherent and workable doctrine' for grassroots-level police practitioners to follow (Peake, 2011). This issue is further identified by Brenner, Mergenthaler, and Rotmann (2011) who agree that the 'normative' and context-specific dilemmas presented in police peacekeeping make it very difficult to develop policy that can universalise the roles that police need

to fill and the tasks that police need to undertake. To draw this back to the issues presented by partnership policing, it was recognised that to effectively standardise the implementation of policies and training materials for police peacekeepers, there must be three tiers of partnerships: national and international police organisations, peacekeeping training centres, and academia, all need to contribute to police reform. Marotta (1999), drawing on the learning objectives developed by the OHCHR in 1992, emphasised that training needed contextualisation, particularly to facilitate professionalisation, accentuate communication between all levels within police organisations, emphasise the contextual factors (such as culture, history, political structure, legal structure, etc) where their training will be implemented in practice, demonstrate the practical implementation of UN standards through the use of case studies, and evaluate these practices to ensure that cultural-sensitivity and human rights maintenance occur.

Clearly, this presents a very different thematic representation of partnerships within top-tier levels in UNPOL and its equivalents. The partnerships that emerged from the data demonstrated that at the grassroots level, police peacekeepers had to be aware of a wide variety of contextual issues and form partnerships not unlike those forged back home. Many of the common themes represented facets of community policing required to transform the peacekeeping and capacity building mission to successful relationship building. Thus, partnership policing in all tiers – from inclusivity in incorporating the experiences of grassroots police peacekeepers in governing police peacekeeping and capacity building missions, through to encouraging interoperability between all providers of human rights in the mission setting, presents one such opportunity for facilitating moral agency in future peacekeeping missions.

9.5: Chapter Conclusion: Human rights maintenance and ethical practice – a partnership process

Perhaps of most significance here are the complex inter-relationships between ethical theory and the

use of social and political theory to generate an understanding of the contribution that Australian police peacekeepers have made to the pursuit of ethical practice and human rights maintenance. More broadly, these relationships demonstrate how multi-faceted this goal can be. The core role of police peacekeepers – to re-establish security, provide advice for domestic police services, and promote public safety through crime prevention and detection (UN, 2019) – intrinsically connects with human rights, particularly as conflict and harm to civilians are usually manifested as human rights violations. In the pursuit of engaging in ethical policing, police peacekeepers have had to draw upon community policing models from their domestic practice in order to achieve the ends they mean to meet. The sheer size of each mission inherently required the police to work not only with the local community, but with professionals from other agencies and organisations in order to achieve ethical outcomes using ethical means. Partnership building featured heavily throughout the themes presented in this thesis, demonstrating that ethical practice and human rights maintenance cannot be siloed to specific roles undertaken by individuals, instead requiring integrated practices with many stakeholders towards achieving this goal.

What has also been made evident in this chapter is the significant impact that external structures have on the capacity for police to conduct effective operational practices. Recognising the constraints placed on police peacekeepers does not negate their responsibility for engaging in professionalism, integrity, and reflective practice; these limitations present a range of highly integrated and rather complicated factors that present challenges to the effective maintenance of human rights and subsequent ethical practice. Indeed, some of the participants recounted failures of facilitating human rights maintenance and even examples of incompetence and exploitation of and by police peacekeepers; these narratives have not been excluded from the research. However, by recognising what police peacekeepers *did* perceive they contributed to human rights maintenance and ethical practice, we are given an insight into their perspectives on what it means to be a protector and maintainer of human rights, a facilitator of ethical practice, and perhaps most importantly, the barriers and limitations to ensuring that police contribute to this phenomenon and are best equipped to do so effectively. Conclusively, since Stanley's (2007) criticism of the lack of recognition of a 'criminology of

human rights', criminological scholarship has begun to explicitly engage with a human lights lens, lending itself to acknowledging that the complexities of topics encompassing criminology can be further analysed using human rights as more than just an 'abstract legal concept' (Weber, et al., 2016). This research contributes to broadening the inclusivity of human rights and ethics research within applied criminological scholarship, paving the way for future research in the field of police peacekeeping and capacity building.

Chapter 10: Thesis Conclusion and Future Research into Police Peacekeeping

The final chapter brings together the contributions and limitations of the research as a point of reflection for potential future research. This chapter will summarise the three main thematic analyses from the thesis – sense-making, structures, and agential practices – to summarise the contributions made by Australian police peacekeepers towards ethical practice and human rights in peacekeeping Timor-Leste and the Solomon Islands. By drawing on existing ethical theory and theory of practice throughout the analyses presents a new contribution towards understanding the reflections made by police peacekeepers in their experiences achieving ethics and human rights in Timor-Leste and the Solomon Islands.

10.1: Contribution to the field of research in police peacekeeping

This thesis has demonstrated the significant structural complications and potential for transcendence in the approaches and practices made by police peacekeepers in the pursuit of police peacekeeping and capacity building through ethical means and while rebuilding and sustaining human rights-aligned practices. The research has drawn together a range of structural limitations – most of which presented significant hindrances to ethical practice and human rights maintenance, but some of which presented opportunity to use the contextual strengths of Timor-Leste and the Solomon Islands to achieve mission goals – while providing participants with the ability to reflect on their practices within those structures. Specifically, this thesis has addressed the four questions pertaining to the research. Participants provided reflections on their sense-making of human rights and ethics as concepts and in connection to policing, demonstrating that the democratic principles are core to police peacekeeping practices that align with human rights. Participants reflected on the cultural, socioeconomic, geographic, and historical conditions that underpinned the structures they worked in, demonstrating that cultural and linguistic differences between donor, host, and other donors, coupled with a lack of infrastructure,

remoteness, and the legacy of colonialism and violence all contributed to factors that undermined the pursuit of best practice. Participants then reflected on what contributions they made to ethics and human rights, starting with their motivations for deployment, towards partnership policing, engaging in humanitarian assistance, and mindfulness of relationship building and human rights maintenance while engaging in criminal investigation and crime prevention. Overall, the connections drawn throughout this thesis demonstrate that structures present complex conditions police peacekeepers must work within, however it did not necessarily hinder or render police passive in engaging with ethics and human rights. Many recollections demonstrated that police peacekeepers reflected on a multitude of ways in which they contributed to ethics and human rights, demonstrating that structure and agency are dualistic and dynamic, as is outlined in Bourdieu's theory of practice. Altogether, this thesis has examined the reflections provided by police peacekeepers and external participants in navigating ethics and human rights in peacekeeping missions, highlighting the complex interplay between structure and agency in the pursuit of ethical practice and human rights maintenance.

Current research expressed concern that human rights development in police reform remains an elusive phenomenon, particularly as it cannot be facilitated with short and small-scale interventions; it requires 'large scale, macro-contextual circumstances' that move beyond the 'good cop – bad cop' dichotomy of previous decades (Bayley, 2014). Bayley further states that police development can only succeed in states where democratic government exists, and where higher socioeconomic conditions prevail (p 543). To that end, this thesis provides an analysis of the contributions that police practitioners perceived they made to the human rights agenda to that end; indeed, it took a very different approach to most research into human rights maintenance and police peacekeeping, which has relied significantly on quantitative and large-scale analyses of data on human rights abuses by peacekeepers, and on measuring human rights outcomes. In the context of Bayley's (2014) reference to police reform, capacity building to that end r*equires* police peacekeepers to be mindful of ethical nuances and overt breaches of human rights, especially in their role as advisors in providing guidance to the local police population. Furthermore, no research in the Australian context has examined what Australian police peacekeeping participants perceive they contributed to ethical practice; this research has been conducted domestically using a mixed-methods approach through survey collection

(see Beckley, 2017 and Pettitt, 2009) to examine the current position of human rights and ethical practice in the NSW and Victorian contexts, but has not been conducted for the purpose of providing an opportunity for reflecting on ethical practice with and by Australian police peacekeepers. This thesis has demonstrated that maintaining human rights and ethical practice is a very complicated phenomenon that requires consistent mindfulness and reflection by police peacekeepers of a multitude of internal and external factors; from personal constructions and perceptions about what constitutes human rights, to how this can be put into practice, and what measures have been taken to that end. The geopolitical, legal, socioeconomic, cultural, geographical, interpersonal, and interprofessional structures that both constrained and facilitated human rights maintenance and ethical practice are all pertinent to illuminating new ideas about what Australian police peacekeepers identify as part of their contribution to ethics and human rights, and this research provides a gateway for potential further examination of how structure and agency impact on human rights, ethical practice, and wider moral decision making in other facets of practitioner experiences as well.

Hermeneutic phenomenology is under-used in current research into police peacekeeping and capacity building. By making use of this hybridisation of methodology, the data illustrated the reflective narratives provided by the participants and their ontological positioning in the research context, then translated into an analysis of descriptive moral inquiry. By way of further explanation, it turned the themes generated by the data into an opportunity for rich analysis into the applied ethical practices that police peacekeepers were able to contribute (or failed to contribute) to the maintenance of human rights. There is limited explicit engagement with the hermeneutic phenomenological approach in research into policing and criminology, despite the use of 'bottom-up' approaches to give attention to common themes, comments, and points of concern (see Gadd, Karstedt, and Messner, 2012). To fill this gap in the research, the reflective method allowed for providing an insight into the contributions that hermeneutics can make into moral inquiry of policing practice in peacekeeping and capacity building, paving the way for potential future research methodologies into wider policing and criminology-based projects that seek to engage with ethical theory and human rights, which has been identified as a research gap in most recent criminological scholarship (Weber, et al., 2016). By using this approach in conjunction with hermeneutic phenomenology, yet another gap in policing research

has been filled; by providing voice to the participants, most of whom were police peacekeepers themselves, the research has not excluded them from engaging with the process and has in fact relied upon the view of the grassroots practitioners, which provides a different perspective to the pursuit of research into ethical practice and human rights maintenance by the police. This drew on Bourdieu's theory of practice, providing further contributions to the structure, agency, and ethical practice research that is very limited at this time. Further, including the narratives of external participants who were not deployed as police peacekeepers allowed the research to consider another, more 'objective' angle, to balance with the themes that arose from the data provided by police practitioners. A number of these participants wore multiple banners and were police officers at home while performing a different non-policing role in Timor-Leste and/or the Solomon Islands missions, which presented yet another opportunity for rich engagement with reflective narratives from the participants who straddled the insider/outsider nexus. Recognising the four key structural challenges facing police peacekeepers – cultural and linguistic differences between donor/donor/host; socioeconomic inequalities; geographical and topographical challenges; and historical and contemporary trauma; all present opportunities for more impactful learning in preparation for deployments. Encouraging moral courage within police peacekeepers as part of their pre-deployment training has the potential to facilitate their pursuit of ethical practice and human rights maintenance whilst engaged in peacekeeping missions.

Summarily, this research has placed ethics and human rights at the forefront of current and future peacekeeping and capacity building missions, demonstrating that the centralisation of the protection of human rights and adherence to ethical principles must be engaged in as part of the core focus of police peacekeepers, just as it ought to be for domestic policing. It has demonstrated that all participants had a basic understanding of human rights, but that deeper understanding of the potential manifestation of human rights could be achieved through more detailed education for all police peacekeepers on contextualised ethical issues and human rights prior to deployment. This research has revealed that human rights maintenance and ethical practice is a complex and multifaceted phenomenon which requires engagement with theory of practice and ethical theory in order to fully engage with the themes that emerged. There is no single explanation for what police

can, have, and should contribute to ethical practice and human rights maintenance. This is complicated even further by the underlying rationalities and structural factors that paved the way for engagement with peacekeeping missions to begin with, and how this competes with the agency and autonomy of police peacekeepers who operate within them.

10.2: Limitations and implications for future research

As is evident with most research projects, there are some limitations to the study which require identification. Firstly, the sample of participants mean that there was no inclusion of participants from the host nations, or of those from other nations whose construction of human rights and ethical practice may differ. For example, no Solomon Islanders or East Timorese were included in the research, nor were any participants from outside Australia and New Zealand included. Allen (2006) is critical of this kind of approach, particularly as research by the Lowy Institute for International Policy highly praised RAMSI despite a significant under-representation of the Solomon Islanders themselves. There is wider research on the perspectives of the host nation, such as the 2013 People's Survey in the Solomon Islands compiled collaboratively by Australian National University and University of the South Pacific; the recounts given the Commission for Reception, Truth, and Reconciliation (Rimmer, 2009); and the stories told to Jude Conway (2010) on the experiences of the women of East-Timor during the uprising. These narratives have not been the focal point of this research and this gap presents the opportunity for future research to explore alternative perspectives to ethical practice and human rights maintenance practices undertaken by Australian police peacekeepers as a point of comparison to the themes that emerged in this thesis. An opportunity to engage in research with a wider demographic set would facilitate richer engagement with the theoretical connections between human rights, ethics, and structure and agency using theory of practice. In particular, the hosts of offshore peacekeeping missions would provide an opportunity for fruitful future research, to provide another opportunity for examining the experiences of individuals and communities. This has the

potential to result in a more holistic analysis that could be comparatively and/or contrastingly examined alongside the findings of this thesis.

The second limitation is posed by the sampling process. There was a lack of gender diversity in the participants that were included, as detailed in chapter 5; only 6 of the police participants out of 41 police participants were female, and contrastingly, 6 of the 15 non-police participants were female, a representation of 15% and 43% respectively. This is likely a consequence of the under-representation of women in operational policing (see Hufnagel & Hassan, 2018) and, while not conclusive, may also be a consequence of the experiences of women in the AFP receiving career-building opportunities, as stated by both women and men in Elizabeth Broderick's report into gender diversity and inclusion in the AFP (2016). In keeping with the progress towards connecting women's rights to broader human rights, this gap presents another opportunity in future research into police peacekeeping, ethics, and human rights. The benefits of doing so are broad, particularly as improving the gendered experiences of female police peacekeepers within the organisation facilitates the intended consequences of police reforms, such as transforming gender values in the host nation, reducing gender-based violence and improving the conditions for women in host nations participating in their communities (Harris and Goldsmith, 2010). Increased inclusiveness of women in a meaningful way can contribute to more frequent reporting of gender-based crimes, legitimising peacekeeping missions and developing better relationships within the host nation while further achieving Australia's obligations under the UN Security Council towards better inclusion of women in the peace and development process while affording them better protections in conflict (Westendorf, 2013; Olsson, 2007; Stiehm, 1999). The AFP have sought to increase the number of women engaged in International Operations as part of their expansion of the Gender Strategy of 2014 for the period of 2018-2022 (AFP, 2018), recognising the valuable input women in international deployment operations provide.

While the methodology facilitated an opportunity to examine the ethical and sociological dimensions of ethics and human rights in police peacekeeping, it did rely solely on the accounts the participants provided, and not on the observation of their practice. Bartlett (1932) suggest that people tend to have generalised ideas about how things happen, and recall events based on how they have stored

memories in a way that makes sense and fitting into their assumptions about the world. While thematic analysis provides a solution to this limitation, had this research engaged observational data instead, it may have potentially yielded a different range of results, and allowed for even richer and more detailed research into value judgements and practice ethics. Williams (1985) and Hallpike (2017) both recognise that intrinsic to understanding how ethical concepts work is a deeper understanding of the way that they change and how they manifest in the social structures in which they operate. Hallpike further criticises the western ethnocentric approach of most research into ethics and moral development, and including a broader range of human rights and inclusion of non-western ethical principles as points of analysis may yield different results; and, similarly to Allen's (2006) research, this may indeed demonstrate a wider range of differing opinions on the practices of Australian police peacekeepers abroad. More importantly, this limitation presents an opportunity for further exploration of the adherence to ethics and human rights should the opportunity to observe be made available.

While this research focuses on one piece of the broader peacekeeping and capacity building element, the study does illuminate what Australian police peacekeepers perceived they did to facilitate human rights maintenance and ethical practice during their time deployed. As a possibility for future research, inclusion of participants from the host nation and other donor participants would provide the opportunity for more engagement with non-western constructions of ethics and human rights, and broaden the perspectives beyond the arguably privileged notions of what constitutes human rights maintenance and ethical practice. While this is impossible to ascertain in the context of this research, there may also be issues with the recollections of police participants and of their potential unwillingness to delve into less positive experiences, which is where observational data and research has already closed some of this gap. Despite these limitations, what this research does contribute is another perspective on the complexities of human rights maintenance and ethical practice, which are often ignored or skipped over in favour of holding police personnel solely responsible for its implementation. This research could be used as the starting point of a more detailed, longitudinal study that uses what police *do* believe they contribute to police peacekeeping missions in terms of human rights and ethical practice to then build on these narratives to consider opportunities for better

engagement with practitioners on translating their understanding to more consistent and holistic ethics human rights practices.

10.3: Final reflections

While the UN peacekeeping missions to Timor-Leste, and the RAMSI mission, have both ended, Australia and the AFP remain committed to seeing long-term success in capacity building and reform in the region. The UNDP, with bilateral support drawn from the AFP, NZ, and the EU, continue to provide capacity building support to the PNTL, with Australia committing over $46 million to the Governance for Development program which the AFP contribute towards in order to reduce future conflict and increase access to legitimate justice systems for women and the wider community (DFAT, 2018). Despite RAMSI officially ending in June 2017, the Solomon Islands Police Development Program has been implemented as its successor. The AFP provide mentoring for professional standards, governance, capacity development, and prevention of violence all within four key priority areas of improving operational capability, service delivery, community relations and ethical leadership and management practices (DFAT, 2018). Clearly, lessons learned from Brahimi, HIPPO, and the countless pieces of scholarly research that insist on long-term sustainable development for successful capacity building and reform have been adhered to, to at least some extent. The future of Australian police peacekeeping is only becoming more prevalent as policing in the 21st century continues its transformation in the wake of globalisation, and this thesis has demonstrated the value of considering the viewpoints of agents who operate within these complex and conflicting structures.

Australia's future in contributing to post-conflict peacekeeping and capacity building in the region continues to be sought; as Michael Stefanovic, former Victorian Police homicide detective now seconded to the US State Department's inquiry into Myanmar military attacks on the Rohingya ethnic minority, told to *The Age* journalists Nick McKenzie and Nicole Precel (2018), the release of the US State Department's inquiry is cause for Australia to act to

"provide stability to enable to return of the Rohingya into Myanmar [and] to set up methods to ensure they have … some sort of justice mechanism in place. This is where the Australian government can come in. Some sort of regional approach might be more palatable and much quicker to come to bear. I think Australia could bring its experience from [the Solomon Islands], Bougainville and other places to help drive that".

How Australia chooses to respond to these issues alongside long-term assessments of the success of RAMSI and the TLDP will undoubtedly culminate in the inclusion of Australian police in the pursuit of global policing here and abroad, with implications for ethical practice and human rights maintenance presented by the structural conditions within each context and the capacity for moral agency and action to transcend them.

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Appendix A Information Sheet

Participant Information Sheet

Project Title: Human Rights and Global Policing in an Australian Context: Examining the human rights policies, practices and perceptions of Australian police involved in peacekeeping and capacity building in Timor-Leste and the Solomon Islands.

Who is carrying out the study?

Kelly Moylan, PhD Candidate at the School of Social Sciences and Psychology, University of Western Sydney, Dr Michael Kennedy, Philip Birch, A/Prof Mary Hawkins.

What is the study about?

The research will explore the experiences of federal police, state police seconded to the federal police, and significant others who were present during one or both missions to Timor-Leste and the Solomon Islands. The research will focus on the opinions of police officers relating to human rights policy and practice throughout their engagement in either mission, and how this was affected by the perceptions, training and previous experiences of the police officer. It will also explore the external perceptions of significant individuals who worked with the police during either mission.

What does the study involve?

The study will involve participation in a semi-structured interview at an agreed upon location. It will be audio recorded with your permission. You may be asked to sign a Participant Consent Form before the interview commences.

How much time will the study take?

The interview will take approximately one hour.

Will the study benefit me?

The study will not immediately benefit you.

Will the study involve any discomfort for me?

The study should not involve any discomfort for you unless you do not wish to discuss specific aspects of your participation in an overseas mission. You may choose not to answer questions throughout the interview process and you may withdraw from the study at any time without consequence. A list of counseling services will be made available to you.

How is the study being paid for?

The study is being sponsored by the Australian Government and the University of Western Sydney as part of the Australian Postgraduate Award and UWS Top-Up schemes.

Will anyone else know the results? How will the results be disseminated?

All aspects of the study will be confidential and only the researcher will have information on participants. The results will be published as part of the doctoral thesis of the researcher. Results may also be published as part of journal articles or conference papers. All identifying factors will be removed prior to publication to ensure your anonymity and privacy are protected and you will have the opportunity to make amendments to any data you provide.

Can I withdraw from the study?

Participation in this study is entirely voluntary. If you choose to participate you are free to withdraw at any time without giving reason and without consequence.

Can I tell other people about the study?

Yes, you can tell other people about the study by providing Kelly Moylan's details. They may be provided with an information sheet if they wish to discuss involvement in the study themselves.

What if I require further information?

When you have read this information, Kelly Moylan will discuss it with you further and will answer any questions you may have. If you would like to know more, feel free to contact Kelly Moylan on 0422707218 or k.moylan@uws.edu.au, or Dr Michael Kennedy on 0418669584 or m.kennedy@uws.edu.au.

What if I have a complaint?

This study has been approved by the University of Western Sydney Human Research Ethics Committee. The approval number is H10200.

If you have any complaints or are concerned about the ethical conduct of this research, you may contact the Human Research Ethics Committee through the Office of Research Services on 02 4736 0229 or humanethics@uws.edu.au.

Any issues you raise will be treated in confidence and you will be informed of the outcome of the investigation.

Appendix B Consent Form

Participant Consent Form

I, …………………………………………………………….., consent to participate in the research project titled 'Human Rights and Global Policing in an Australian Context'.

I acknowledge that:

I have read the participant information sheet and have been given the opportunity to discuss the information and my involvement in the project with the researcher/s.

The procedures required for the project and the time involved have been explained to me, and any questions I have about the project have been answered to my satisfaction.

I consent to participating in a semi-structured interview of approximately one hour duration which will be digitally audio recorded.

I understand that my involvement is confidential and that the information gained during the study may be published but that no information about me will be used in any way that may reveal my identity.

I understand that I will not be disclosing any illegal activity during the interview, nor will I disclose any information pertaining to national security.

I understand that I can withdraw from the study at any time, without affecting my relationship with researcher/s now or in the future.

Name:

Signed:

Date:

Return Address: Kelly Moylan, School of Social Sciences and Psychology, University of Western Sydney, UWS Locked Bag 1797, Penrith South DC, Penrith NSW 2751

This study has been approved by the University of Western Sydney Human Research Ethics Committee

Approval Number: H10200

If you have any complaints or reservations about the ethical conduct of this research, you may contact the Ethics Committee through the Office of Research Services on Tel +61 2 4736 0229, Fax +61 2 4736 0013 or humanethics.uws.edu.au. Any issues you raise will be treated in confidence and investigated fully, and you will be informed of the outcome.

Appendix C Counselling Services Sheet

Dear Sir/Madam

Counselling services available to you

Thank you for participating in the research project *Human Rights and Global Policing in an Australian Context.* If you have any concerns regarding what was discussed in your interview and would like to talk to someone, please contact one of the following available counselling services:

The Police Post Trauma Support Group: **0468 832 564 or visit** http://www.pptsg.org.au/

Lifeline: 13 11 14*

Salvocare line: 1300 36 36 22*

Mensline Australia: 1300 78 99 78 or visit http://www.menslineaus.org.au/*

Women's Information & Referral Service: Monday to Friday from 9am to 5pm 1800 817 227*

Sydney area

Traumatic Stress Clinic: Brain Dynamic Centre, Acacia House, Westmead Hospital, WESTMEAD NSW 2154 (02) 9845 7979 or (02) 9845 6904

St John of God Hospital, 177 Grose Vale Road, North Richmond 2753 02 4570 6100 or 02 4570 6128

Australian Capital Territory

Lifeline: 24 hours 7 days, Office: 9am to 5pm Mon to Fri. Phone: 131 114 Fax: 6257 4290 TTY 03 96639030 Baillieu House, 71 Northbourne Ave, Canberra 2601

None of these organisations are affiliated with the University of Western Sydney. If you wish to speak to a counsellor within the University of Western Sydney please contact (02) 9852 5199 between 9am

and 4:30pm Monday – Friday. Please contact your immediate supervisor if you wish to speak to a counsellor within your organisation.

*These services are available to those outside of the Sydney and Canberra metropolitan areas.

Appendix D Interview Schedules

<u>Interview Schedule for Federal Police Participants</u>

Background

What overseas mission did you participate in?

When did you go and for how long were you there?

What professional experience did you have as a police officer before you participated in the overseas mission?

What was it like working with the state police officers seconded to you?

Did their background in policing differ from your own?

Did you work with any NGO's or other government organisations while you were there? If so, can you describe how they assisted you in your work?

Training

What training did you receive before you went overseas?

What training did you receive specifically relating to human rights?

What ethics training have you received since joining the police?

Did your training assist you while you were overseas?

Perceptions

What do you perceive are the roles of the police? (If they ask domestically or during a peacekeeping mission, say both)

How would you describe human rights?

What do you think of human rights and its application to the mission?

Do human rights principles apply everywhere, regardless of the situation? If so, why, if not, why not?

What is your professional opinion on human rights and policing?

 Do the two go hand in hand or does it make it more difficult to investigate crime and provide justice?

Policy

What input did the UN have on your participation in policing overseas?

What policies governed human rights training and practice?

Practice

Did your practical approach to policing differ from those of international police serving overseas?

Did it differ from the state police? If so, can you explain how?

Were your skills and training utilised in the overseas mission?

In your opinion, were you there to help the individuals you were policing, or were you there to benefit the society as a whole? How did you go about this?

Were you there to follow a rules based approach to policing, or to provide a positive outcome for the benefit of the community as a whole? How did you go about this?

Did you provide humanitarian assistance to the community, or to any particular individuals? Explain.

Did you provide justice for the community, or for any particular individuals? Explain.

How did you achieve the aims of the mission while maintaining human rights?

How were you received by the community you were policing?

How did this reception impact your work?

Final Thoughts

Do you have any recommendations for human rights training, policy and/or practice for police who intend on participating overseas?

Interview Schedule for State Police participants

Background

What overseas mission did you participate in?

When did you go and for how long were you there?

What professional experience did you have as a police officer before you participated in the overseas mission?

What was it like working with the AFP?

Did their background in policing differ from your own?

Did you work with any NGO's or other government organisations while you were there? If so, can you describe how it assisted you in your work?

Training

What training did you receive before you went overseas?

What training did you receive specifically relating to human rights?

What ethics training have you received since joining the police?

Did your training assist you while you were overseas?

Perceptions

What do you perceive are the roles of the police?

How would you describe human rights?

What do you think of human rights and its application to the mission?

Do human rights principles apply everywhere, regardless of the situation? If so, why, if not, why not?

What is your professional opinion on human rights and policing?

Do the two go hand in hand or does it make it more difficult to investigate crime and provide justice?

Policy

What input did the UN have on your participation in policing overseas?

What policies governed human rights training and practice?

Practice

Did your practical approach to policing differ from those of international police serving overseas?

Did it differ from the AFP? If so, can you explain how?

Were your skills and training utilised in the overseas mission?

In your opinion, were you there to help the individuals you were policing, or were you there to benefit the community as a whole? How did you go about this?

Were you there to follow a rules based approach to policing, or to provide a positive outcome for the benefit of the community? How did you go about this?

Did you provide humanitarian assistance to the community, or to any particular individuals? Explain.

Did you provide justice for the community, or for any particular individuals? Explain.

How did you achieve the aims of the mission while maintaining human rights?

How were you received by the community you were policing?

How did this reception impact your work?

Final Thoughts

Do you have any recommendations for human rights training, policy and/or practice for police who intend on participating overseas?

Interview Schedule for 'significant other' participants

Background

What organisation did you work for during the overseas mission?

Which overseas mission/s did you work in, and for how long were you there?

What previous experience have you had working with police officers?

Perceptions

What do you perceive are the roles of the police?

What are human rights to you?

What do you think of human rights and its application to the mission?

Do human rights principles apply everywhere, regardless of the situation? If so, why, if not, why not?

What is your opinion on human rights and policing?

Policy

What policies governed your work in the overseas mission?

Did the UN have any impact on your work?

Interaction with police

How much contact did you have with Australian police overseas, if any?

What did you think of their work?

In your opinion, did the Australian police overseas understand what human rights are?

How did Australian police put this understanding into practice?

What were the perceptions of the local community on Australian police?

Did the Australian police focus more on the greater mission, or were they more focussed on addressing more local and individual issues, and can you give any examples?

Did the Australia police work more with the community as a whole, or did they assist individual needs throughout their work?

Did the Australian police follow a rules based approach to policing, or to provide a positive outcome for the benefit of the community as a whole? How did they go about this?

Did Australian police provide, or assist in the provision of humanitarian assistance? Explain.

Did Australian police provide, or assist in the provision of justice for the community or for individual citizens? Explain.

Did the Australian police practices differ from those of other police present, and if so, how?

Final Thoughts

In your opinion, did Australian police set an example to other police organisations present on maintaining human rights?

Do you have anything else to add on your interaction with Australian police overseas?

Appendix E AFP Approval

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Kelly,

The Research Committee has authorised AFP members to meet with you during your research. Should further information be required please contact myself as Coordinator IDG Design and Evaluation of Mr Tim Slattery, Manager Policy.

Good luck in your endeavours.

Regards

Mike

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UNCLASSIFIED

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Penrith NSW 2751 Australia

Appendix F HREC Approval

Office of Research Services

Our Reference: 13/005440 | H10200

HUMAN RESEARCH ETHICS COMMITTEE

21 May 2013

Doctor Michael Kennedy
School of Social Sciences and Psychology

Dear Michael

I wish to formally advise you that the Human Research Ethics Committee has approved your research proposal **H10200** *"Human Rights and Global Policing in an Australian Context: Examining the human rights police involved in peacekeeping and capacity building in Timor-Leste and the Soloman Islands"*, until 27 February 2015 with the provision of a progress report annually and a final report on completion.

Please quote the registration number and titled as indicated above in the subject line on all future correspondence related to this project.

This protocol covers the following researchers:
Michael Kennedy, Philip Birch, Mary Hawkins, Kelly Moylan

Yours sincerely

Associate Professor Anne Abraham
Chair, Human Researcher Ethics Committee