

**COMPLETE SUBMISSION TO
COMMISSION OF REVIEW
OF VETERANS' ENTITLEMENTS**

FROM

POLICE FEDERATION OF AUSTRALIA

AND

UNCIVPOL AUSTRALIA

for hearing at

NEW SOUTH WALES POLICE ASSOCIATION

Level 4, 154 Elizabeth Street,

SYDNEY

on

WEDNESDAY, 10 JULY, 2002 at 2pm

This Submission is made on behalf of the 42,000 serving Australian Police Officers, who could be called upon at any time to volunteer for service in a Peacekeeping Mission under the UN Charter, and the 15,000 associate members, who are now retired and of whom a considerable number have served as Members of a Peacekeeping Mission.

Thus far 1871 Police Officers have volunteered and served in a total of 2453 tours of duty in 11 separate Missions throughout the World.

Three have been killed, some others wounded or many others who are suffering from the effects of their duties, performed whilst generally unarmed, under circumstances of extreme danger in locations of squalor and non existent hygiene, operating without the benefit of the ancillary services that accompany military units.

Police Officers have been subjected to civil war, air attack, minefields, snipers, crossfire, taken hostage, been threatened with death, taken 'prisoner of war', stoned, spat upon, assaulted and insulted. We have witnessed and investigated horrendous crimes against humanity. Yet we have never flinched, have carried out our duties and returned to 'hot' areas after having been evacuated previously to protect those whom we gave our word that we would protect.

We seek a national recognition for these services rendered and dangers faced in the form of proper coverage under the Veterans' Entitlements Act

POLICE AND THE UNITED NATIONS

In 1945 when the UN Charter was adopted, the areas of "Peacekeeping/Peace Enforcement" were of course embryonic in the actualities of operational missions, goals and deployments and how they were to be realized.

Naturally enough, at that point of time and circumstances prevailing, it appears the thinking was that in any such Mission the major involvement would involve military personnel only

This doctrine was severely shaken by experiences in the UNOC [Congo] mission where troops were misused in performing Policing functions and eventually some two companies of Ghanaian Police Officers were sent to assist. These Police were ill trained with no clear definition of duty to assist and therefore were not operationally a success.

With the gathering of operational experiences and the broadening of the Organization itself, thinking progressed to the point where such Missions in fact needed multiple and interlocking roles to succeed, apart from the purely initial military based concept.

Therefore when conflict commenced in late 1963 on Cyprus culminating in the formation of UNFICYP, a force of 1 74 Police Officers (UNCIVPOL) were included in the Mission.

A 'bare-bone' mission statement was issued for UNCIVPOL and this was fleshed out as the mission progressed and established the framework for future missions.

Each Mission of course carries its own uniqueness and is now properly assessed, and assigned its own 'composition of units' being military, police, political and support.

Command of Mission is also assessed on its objectives, composition and location.

The UN Policing role has been developed to such a degree that some Missions/UN sponsored Missions are constructed in certain circumstances where UNCIVPOL are the main mission force. [Kosovo-Bosnia-UNAMET]

The independent Panel on United Nations Peace Operations in 2000 has recommended a restructuring of the Department of Peace Keeping Operations in particular to the current Military and Civilian Police Division moving the Civilian Police Unit out of the military reporting chain and that the rank and level of the Civilian Police Advisor be upgraded. [Rec. 16(a)] On 6 October, 1998, the General Assembly in its resolution 53/2 amongst other like issues reiterated ' their support for all efforts to effectively promote the safety and security of United Nations peacekeeping personnel serving the

international community with dedication and courage in areas of conflict around the world.'

An open acknowledgement of the true position of the dangers of "Peacekeeping"

AUSTRALIAN POLICE AS PEACEKEEPERS.

Since 1964 the Australian Government has caused Australian Police to serve in the following UN Missions/Multi National Force/Truce Monitoring Group in the following locations;

UNFICYP - CYPRUS - 1964 -- Ongoing Peacekeeping Mission with at one point a maximum of 50 units and now 15 units serving. To maintain the ceasefire between Greek Cypriot and Turk Cypriot enclaves, joint patrols, convoy escorts, checkpoint observation, intercommunal crime investigations until Turkish Invasion of 1974. Now Ceasefire Buffer Zone patrols, humanitarian operations, refugee repatriation, certain crime investigations. AUSTCIVPOL subjected to Inter and Intra Communal War, Air Attacks [1964 & 1974], booby traps, minefields, under fire, assaults, death and kidnap threats, intimidation and intrusive observation. One fatality in minefield, two fatalities being road deaths.

UNBRO - THAILAND - 1989 Two AUSTCIVPOL units working in northeastern Thailand improving security and protection to 300000 Cambodian refugees. Units in danger from guerrilla attacks, rocket or artillery attack, mines and high levels of violence.

UNINAM - NAMIBIA 1989-90 One AUSTCIVPOL unit deployed to assist in restoration of law and order, supervision of elections. Unit in danger from landmines.

UNTAC - CAMBODIA - 1992-93 - Twenty AUSTCIVPOL units working in two contingents in Banteay Meanchey Province, the so called 'liberated zone' to restore law and order, investigate major crimes, train local Police and supervise elections. Unit isolated and in danger from factional armed bands, minefields. Also eight Police Fingerprint Experts deployed in Phnom Penh to assist in elections.

UNOSOM II - SOMALIA - 1993-95 Two AUSTCIVPOL attached, One as Police Advisor to Mission's Special Representative, second as Director of Police Services and Deputy Director of Justice. Mission upgraded to Chapter VII due to highest level of violence and Mission subsequently abandoned.

UNOMOZ - MOZAMBIQUE - 1994 - Two contingents totaling 32 AUSTCIVPOL stationed throughout Country dealing with restoration of law and order, monitoring human rights. Danger from country heavily sown with landmines [6 AUSTCIVPOL killed by landmines]

MULTI NATIONAL FORCE - HAITI - 1994 - UN Mission under Chapter VII to 'use all necessary means' to facilitate the departure of the Military Leadership and restore

'Legitimate Government". This threat eventually enabled a relatively incident free deployment of the Force and once it had fully restored law and order, its role finished and it was replaced by UNMIH. Dangers faced by both Missions included a high level of lawlessness culminating in violent demonstrations, arson, looting, murders of politicians and vigilante justice. UNCIVPOL had one killed and some woundings.

TRUCE MONITORING - BOUGAINVILLE - 1997-98 10 AUSTVICPOL over period as part of UN Chapter VIII mixed Unit monitoring ceasefire. Danger from some radical community elements.

PEACE MONITORS - SOLOMON ISLANDS - 2000-02. Mission under Chapter VIII with 85 AUSTCIVPOL Units monitoring ethnic peace accord between warring factions - Danger from complete breakdown of Government, law and order, armed bands.

UNAMET - EAST TIMOR - 1999-2000 Mission overseeing conditions in East Timor, preparing for/supervision independence referendum - 99 AUSTCIVPOL Units - Danger from Indonesian sponsored Militia, initially violent intimidation then after referendum genocide situation.

UNTAET - EAST TIMOR 2000--- Mission under Chapter VII Then to Chapter VI - 448 AUSTCIVPOL Units - restoring law and order, transition to civilian government. monitoring of human rights. Danger from attack from Indonesian sponsored Militia, areas of lawlessness.

POLICE AND PEACEKEEPING

In the summary of recommendations made by the independent panel on United Nations Peace Operations in 2000 in ISSUE 4 (d) namely

The Secretariat must tell the Security Council what it needs to know, not what it wants to hear, when formulating or changing mission mandates, and countries that have committed military units to an operation should have access to Secretariat briefings to the Council on matters affecting the safety and security of their personnel, especially those meetings with implications for a mission's use of force.

surely indicates a flawed Mission Mandate appears the norm rather than the exception and of course this flows down to Countries who are assessing whether to make personnel contributions to any such Mission.

The United Nations further states the 'bitter setbacks in Somalia and the former Yugoslavia' and 'genocide in Rwanda' are as a result of flawed Mission Mandates and these statements are supported by internal inquiries.

Indeed "Peacekeeping" as defined under Chapter Six of the Charter relative to UN Missions is acknowledged as far easier to get through the UN Security Council, General Assembly, affected National Governments and the involved parties/factions than the

harsher, yet more appropriately reflecting the true position, of a Chapter Seven Peace Enforcement Mission.

This, plus a local lack of bureaucratic interest here to establish the factual situation of each Mission, has led to the term 'Peacekeeping' being viewed as the ultimate Motherhood context of a benign situation where all parties are as one in effecting the goal of a lasting Peace with no danger to any of the Peacekeepers involved.

The darker reality is that Peace is imposed or invoked by compromise using political/economic/military sanctions wherein one, if not all of the parties may not leave the table happily.

Therefore flawed Missions present to UNCIVPOL and other PKO personnel a much higher level of danger than might reasonably be expected, most definitely in the early stages and then periodically as the parties themselves dictate for any number of reasons.

As and at 3 June, 2002 the number of all Mission fatalities have been 1767 and fatal casualties through hostile acts are 581 of that number.

If one accepts the formula of 1:8 then for each death (hostile) there are some 4648 wound casualties through hostile acts inflicted upon United Nations personnel involved in UN Missions for the period.

Further when one looks at non hostile deaths/injuries at 1186/9488 occasioned, a high proportion must attributed to abysmal road conditions hygiene and exotic diseases not experienced in one's own Nation, therefore contributing through a Mission location to a higher than normal rate.

Specifically relating to UNCIVPOL the deaths/woundings would be:-

- Deaths - 69
- Woundings/injuries - 552

The last report of hostile woundings of UNCIVPOL is reported in the Sydney Morning Herald [P.11] of 10th April, 2002 where 'at least 16 UN police were wounded, some by grenade shrapnel, during a clash with hundreds of Serb protesters '.

POLICE AND THE MISSION

Since the end of the 'cold war' period the nature of Missions has changed from 'ideology' based and indeed increased in 'ethnic/religious' intra state peacekeeping Missions wherein resolution of each side's grievances is less important than the retention of the enmity and violence that has never been far from the surface of veneer of mutual tolerance and trust, a prerequisite for any civilized State.

Consequently, whilst Missions in the former circumstances were principally Military oriented, the latter type Missions have had to undergo a radical expansion of objectives.

These objectives have been recognized by the former SG, Boutros Boutros Ghali who emphasized PKO's have been established after negotiations [have] succeeded with the mandate of helping the parties implement to comprehensive settlement they have negotiated. The negotiated settlements involve not only military arrangements but also a wider range of civilian matters. As a result the UN found itself asked to undertake an unprecedented variety of functions, the supervision of ceasefires, the regroupment and demobilization of forces, their reintegration into civilian life and the destruction of their weapons, the design and implementation of demining programs, the return of refugees and displaced persons, the provision of humanitarian assistance, the supervision of existing administrative structures, the establishment of new police forces, the verification of respect of human rights, the design and supervision of constitutional, judicial and electoral reforms the observation, supervision and even organization and conduct of elections, and the coordination of support for economic rehabilitation and reconstruction.

These now multi-function PKOs have required the UN to acquire a range of civilian personnel to assist in fulfilling this much expanded peacekeeping mandate.

This demand has been especially intense in regard to civilian Police whose unique experience and training in the maintenance of internal law and order has been seen as a distinct advantage in contrast to the Military. .

It is easy to recognise the fundamental differences between Police and Military. These differences, despite the fact both institutions wear uniform. exist in organisational structure, mission, equipment and last but not least in professional approach.

Military in general prepare to deal with an 'enemy', who is also military and in so doing it must be prepared to maximize force to eliminate the 'enemy' As such dealings are infrequent, their preparations are by way of training.

Police on the other hand continuously deal with the citizens of their country, whether people who need help or people who violate society's laws, using the minimum force to achieve these objectives. So these day to day responsibilities involve operational command. conflict resolution and crisis management

The new approach to peacekeeping where rebuilding and reconstruction of societies is the main mandate, especially civilian Police will play an increasingly important role, since civilian Police are used to work in the midst of society and law enforcement is virtually a prerequisite for a successful reconstruction of any society.

So the "New Mission" concept further codifies what UNCIVPOL has in fact been doing from 1964 in Cyprus and subsequent Missions in what we had identified as important roles/functions through what is known in Police jargon as 'mission creep'. Also greater exposure means greater dangers.

It is the experience of our Organizations that the Policing Roles carried out by AUSTPOL and the multitude of dangers faced in UN Missions not experienced in a dangerous enough profession in Australia, are not known by the Public, avoided by the Bureaucracy and ignored by the Government.

POLICE AND THE VETERANS' ENTITLEMENTS ACT

The Act was solely and is now principally an Act designed to meet the needs of Military Veterans. AUSTPOL, although not specifically named, were included when Part IV included "peacekeeping" in approximately 1971. The only specific mention of 'Police' occurs in Schedule 3.

Since 1995 our organisations have sought a review of the Act seeking legislative amendments that would give us full coverage upon AUSTPOL being eligible for Operational and Qualifying Service/Warlike Service for appropriate UN Missions where Police were involved.

In spite of numerous meetings and submissions the Commonwealth Bureaucracy found it intellectually exhausting to assess the Police role in PKOs. Indefensibly no formalised attempt was ever made. Defense and Defense alone advised the Minister as to whether a Mission would be 'warlike' or 'non-warlike'. Amazement was even expressed as to why Police were ever in the Act.

Indeed the nature of the Act makes it impossible for the assessment 'Warlike' to be applied to AUSTCIVPOL as this cannot, nor should it be applied to any Police function. It stands alone as a military term.

In Cyprus, Mozambique and Haiti no Australian Military Units were deployed so a reasonable presumption must arise that Defense would not have been fully equipped to make any judgment at all as to what dangers were faced by AUSTCIVPOL.

Where the Australian Military and AUSTPOL were deployed together in a

Mission the Australian Military were granted 'warlike' benefits in

1. Somalia.
2. Cambodia
3. UNAMET
4. UNTAET [early deployment]

yet AUSTCIVPOL only receives cover under Part IV. in spite of common dangers with the Military.

Vide UN Resolution 678 [1990] Military action was taken against Iraq for its invasion of Kuwait. Involved Australian Military received full coverage for Service including those

stationed on Cyprus. AUSTCIVPOL with UNFICYP were not considered to be in allied danger, yet how this is to be reasoned is somewhat bewildering.

Coverage is granted under Schedule 3 for Australian Defense Support for service on Bougainville as and from 21.9.1 994 yet no such coverage has been passed on to the 10 AUSTCIVPOL Units who also served on the Island.

No coverage under Schedule 3 of the Act for Chapter VIII Mission to Solomon Islands [2000...] for 85 AUSTCIVPOL Units in spite of the danger of the Mission and exotic diseases encountered.

The Veterans' Entitlements Act in its current form can never meet the needs of it's client policing community.

POLICE AND FUTURE REQUIREMENTS UNDER THE ACT.

- There must be a separate Part within the Act dedicated wholly to AUSTPOL to acknowledge and deal with the specific 'veterans' requirements of overseas policing under Chapters VI, VII and VIII of the UN Charter.
- That a special definition of 'extraordinary overseas policing' be included in the such Part of the Act. Such definition to include policing circumstances not met in Australia.
- That a special definition of 'overseas policing' be included in such Part of the Act where the policing circumstances are of a lesser degree than 'extraordinary'
- That the Commissioner, Australian Federal Police, have the responsibility of recommending to the Minister for Veterans' Affairs, being the Minister responsible for the Act, of any UN Mission involving AUSTPOL that should be declared an 'Extraordinary Overseas Policing' Mission.
- That any AUSTPOL member of such a declared Mission be entitled to full coverage and benefits under the Act.
- That any AUSTPOL member who serves in a Mission being nominated as an 'Overseas Policing Mission' be entitled to our current coverage and benefits under Part IV, Schedule 3 of the Act.
- That the Commissioner, Australian Federal Police, have the responsibility of recommending to the Minister for Veterans' Affairs of such UN Mission involving AUSTPOL to be included in Part IV, Schedule 3 of the Act.
- That Section 5B and Section 7A of the Act dealing with

"Operational" and "Qualifying" Service be amended to include AUSTPOL for the purposes of full coverage under the Act.

If the above is considered unwieldy then appropriate Sections covering the aspects of "Operational" and "Qualifying" Service be included in the proposed Division of the Act

- That all such amendments be made retrospective to 14 May, 1 964, being the date of the first UN overseas deployment of AUSTPOL.

- That the Minister for Veterans' Affairs give favourable consideration to the appointment of a full time Member of the Veterans' Review Board under 158(3) of the Act from a person jointly nominated by the Police Federation of Australia and our UNCIVPOL Association. It is submitted that this should follow to ensure fair representation for AUSTPOL and the continuing increase in its client base at Veterans' Affairs.
- That the Government review the provisions of Section 159(2) and Section 159(2A) to bring the Age limit to 70 years of age, in line with other Judicial/Quasi Judicial appointments.
- That where any legislative amendments are to be made respecting AUSTPOL, then a member of this joint submission be part of such legislative review.

POLICE AND ENTITLEMENTS.

It is recommended that the Committee of Review consider a 'sea change' in relation to the naming of benefits under the Act. Current namings run somewhat parallel to domestic social security benefits and thereby become difficult to distinguish in the mindsets of the Community, Bureaucrats and Politicians. \Indeed there appears under the current description a causal link between Veterans and Domestic benefits whereby if not checked, parity will be reached and the Nation's 'reward' to the Veteran wiped out. A modern description of benefits could only enhance the community's acceptance, bring reality to the Bureaucracy, a reasoned view to the Politicians and a higher self esteem to the Veterans.

- Rename the 'Disability' Pension the 'CONFLICT INJURIES PAYMENT'
- Rename the "Service' Pension the 'VETERANS' CONFLICT PENSION.'
- Not alter the wording of "TPI" as this does carry a mark of respect within the general community.

Concern is expressed re the following and recommendations are thereby included;

- That the TPI/Disability Pension be restored to at least \$26,000.00 per year, thereby reversing the erosion of this compensation.
- That such Pension be indexed to future rises in the MTAWWE rate.
- That as the TPI/Disability 'Pension" is in fact compensation, Centrelink cease assessing this amount as income.

That the War Widow Pension be assessed as compensation and Centrelink cease counting such pension as income. This also acknowledges the stress placed on spouses, their 'caring' functions and the generally early demise of the veteran.

CONCLUSION.

There can be no doubt that Australian Police have been woefully ignored and neglected by the Nation in relation to their Overseas Service in UN Missions under Chapters VI, VII and VIII of the United Nations Charter.

All are volunteers, who have operated, operate and will continue to operate under such conditions of danger that have no equal to their service as Police Officers in Australia.

There is no doubt that UN Missions in the future will rely more heavily on the use of UNCIVPOL in reaching mission objectives and therefore the call on AUSTCIVPOL will increase.

Accordingly we ask The Commission to recognise the role of UNCIVPOL and recommend to Government that this submission be met in its totality.

RW

Tea Gardens

26.6.02