Enhancing Security Sector Governance in the Pacific Region

A Strategic Framework

PACIFIC ISLANDS FORUM SECRETARIAT

UNDP Pacific Centre

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List of Abbreviations

ACP	PNG Assistant Commissioner of Police
AusAID	Australian Government Overseas AID Program
BCPR	Bureau for Crisis Prevention and Recovery
BRA	Bougainville Revolutionary Army
CACC	PNG Central Agencies Coordinating Committee
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CIS	Commonwealth of Independent States
CJLU	PNG Community Justice Liaison Unit
CLAG	Combined Law Agency Group
CNURA	Solomon Islands Coalition for National Unity and Rural Advancement
CSO	Civil Society Organisation
DB	Development Budget
DCAF	Geneva Centre for the Democratic Control of Armed Forces
DEVAW	Declaration on the Elimination of Violence Against Women
EPG	Eminent Persons Group
EU	European Union
FRC	Solomon Islands Parliament Foreign Relations Committee
FRSC	Forum Regional Security Committee
GBV	Gender-based Violence
GDP	Gross Domestic Product
GoA	Government of Australia
GoPNG	Government of Papua New Guinea
IA	Police Internal Affairs
ICAC	Independent Commission for Anti-Corruption
IFM	Isatabu Freedom Movement
L & J	Law and Justice
LJS	Law and Justice Sector
LJSS	PNG Law and Justice Sector Secretariat
LJSWG	PNG Law and Justice Sector Working Group
LNA	Legislative Needs Assessment
MEF	Malaita Eagle Force
MOA	Memorandum of Agreement
MP	Member of Parliament
MTDS	Medium Term Development Strategy
NCBBF	Fiji National Council for Building a Better Fiji
NCM	PNG National Coordinating Mechanism
NCPR	Tonga National Committee on Political Reform
NEC	PNG National Executive Council
NGO	Non-Governmental Organisation
NSAB	Indian National Security Advisory Board
NSAC	PNG National Security Advisory Council
NSC	National Security Council/Committee
NSID	UK Cabinet Committee on National Security, International Relations and Development
NSP	National Security Policy
NSS	Jamaica National Security Strategy
NSSIU	Jamaica National Security Strategy Implementation Unit
OC	Ombudsman Commission
OECD	Organisation of Economic Cooperation and Development
OSCA	PNG Office of Security Coordination and Assessment
OSCE	Organisation of Security Cooperation in Europe
PFD	Project Formulation Document
PIC	Pacific Island Country
PIF	Pacific Islands Forum
PIFS	Pacific Islands Forum Secretariat
PNGDF	PNG Defence Force
PPC	PNG Provisional Police Commander
PPDF	Fiji President's Political Dialogue Forum
PSDA	Fiji Peace, Stability and Development Analysis
RAMSI	Regional Assistance Mission to Solomon Islands
RFMF	Republic of Fiji Military Forces
RoL	Rule of Law
RPNGC	Royal Papua New Guinea Constabulary
RSIP	Royal Solomon Islands Police
SALW	Small Arms Light Weapons
SDL	Soqosoqo Duavata ni Lewenivanua
SIG	Solomon Islands Government
SIPF	Solomon Islands Police Force
SPC	Secretariat of the Pacific Community
SSF	PNG Sector Strategic Framework
SSG	Security Sector Governance
SSR	Security Sector Reform
SWOT	Strengths, Weaknesses, Opportunities and Threats
TDS	Tonga Defence Service
TPA	Townsville Peace Agreement
TPF	Tonga Police Force
UN	United Nations
UNCAC	UN Convention Against Corruption
UNDP	United Nations Development Programme
UNFPA	United Nations Population Fund
UNMIT	United Integration Mission to Timor-Leste
UNSCR	United Nations Security Council Resolution
VAW	Violence Against Women
VMF	Vanuatu Mobile Force
VPF	Vanuatu Police Force
WPSCC	Fiji Women Peace and Security Coordinating Committee

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Foreword

In the last couple of decades, debate within the international community and the Pacific has centred on the challenges posed to socio-economic and political development by insecurity and conflict. This focus has also resulted in a shifting understanding of security, which now includes the safety and well-being of people and communities as well as the security of the state.

The Pacific, like other regions, is dealing with a difficult and diverse set of law enforcement, governance and security challenges. The region has witnessed violent conflict, civil unrest and political crises. This has led to a growing recognition of the critical role of law enforcement agencies and security institutions. However, in recent years, there have been concerns that these institutions lack capacity to meet the challenge of providing security to the general public; that governments do not have the necessary civilian security expertise to manage them; that legislatures are not empowered to oversee them; and that security forces are not held accountable under the law for their actions.

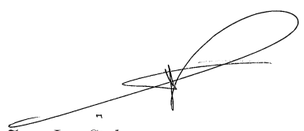
To deal with these challenges the Pacific has moved towards closer regional integration and cooperation, which is enshrined in the Pacific Plan and Pacific Islands Forum Leader's declarations. However, it is becoming apparent that more has to be done to achieve the Leader's vision for a peaceful, secure and prosperous region. Achieving the vision requires fresh thinking and new innovative approaches. Security sector governance (SSG), which links two key pillars of the Pacific Plan and aims to improve the transparency and accountability of security institutions and their interaction with government, legislatures, accountability institutions and civil society, is one such approach. In other regions of the world, improving SSG has helped to instil public confidence in security institutions by responding to both the needs of the people affected by insecurity and governments' need to strengthen such institutions.

Effective governance of security institutions is vital for the Pacific region. In the context of conflict and violence, it supports the efforts of state institutions to stabilize the security situation, begin the road to recovery and reduce the potential of relapse. In non-conflict contexts, it ensures security institutions fulfil their mandate to combat insecurity. This creates an enabling environment for poverty reduction and sustainable development.

To accelerate work to deal with the SSG challenges in the Pacific, in August 2008 the United Nations Development Programme (UNDP) Pacific Centre and Pacific Islands Forum Secretariat (PIFS) initiated a joint initiative. This began with high level discussions with key stakeholder groups in five target countries: Fiji, Papua New Guinea, Solomon Islands, Tonga and Vanuatu. These missions were supported by DCAF. The scoping missions resulted in a draft report assessing immediate SSG needs and opportunities. Subsequently, UNDP in cooperation with PIFS hosted a Regional Conference on "Security Sector Governance in the Pacific" in Tonga from 27 – 30 April 2009. This ensured that the concept was designed in a way that was relevant to the Pacific.

Following the Regional Conference, UNDP and PIFS presented a joint paper to the Forum Regional Security Committee (FRSC). The FRSC endorsed the development of regional and national policies and programming assistance to strengthen SSG in the Pacific region.

This publication is intended to support regional and national stakeholders to develop appropriate policies and programming. However, we recognise that much remains to be done in terms of reviewing, assessing, and evaluating existing efforts and capacity constraints to inform future programming. UNDP and PIFS will therefore continue to work together to further advance this agenda in the Pacific.



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Executive Summary

The Pacific region has been affected by violent conflict in Solomon Islands and Bougainville, Papua New Guinea; social unrest and riots in Tonga and Vanuatu; and political crises caused by military and civilian coups in Fiji. There have also been significant challenges to effective civilian oversight of security institutions.

Security institutions in the Pacific region have a special responsibility in society to support democracy and human rights and to protect citizens from harm. This considerable responsibility underpins the essential compact that exists between security institutions and the societies they are meant to protect and defend. Such concepts are essential to achieving the objectives of good governance and security as enshrined in the Pacific Plan.

Overall the key security governance challenges in the Pacific region, as with experiences of other nations around the globe, revolve around promoting security institutions which are transparent, accountable and fully cognizant of their roles and responsibilities. Each country needs to ensure adequate security for the population and to safeguard the civil liberties and freedoms codified in their respective constitutions and national laws.

To deal with these challenges the Pacific has moved towards closer regional integration and cooperation, which underpins the Pacific Plan and Pacific Islands Forum leader's communiqués and declarations. However, it is becoming apparent that more has to be done to achieve the leader's vision for a peaceful, secure and prosperous region. Achieving the vision requires fresh thinking and innovative approaches.

Effective security sector governance (SSG) is one such approach. It seeks to make people, communities and states more secure by emphasizing constitutionalism and civil supremacy. It does this by instilling a sense of service among security providers and by locating the functioning elements of the entire security system within the broader framework of the rule of law and respect for universally accepted human rights.

This publication focuses on the need for a new strategic framework in the Pacific, which will complement existing reform and capacity building efforts of police, military, and customs and immigration agencies and will result in greater accountability and legitimacy of security institutions. It is structured into two main parts.

Part One

Why security sector governance is vital for a secure and prosperous region

This section details the evolution of the SSG policy concept to situate the key challenges to security and stability in the Pacific. It also highlights the ways weak SSG has affected the region and the importance of a security sector that adheres to the principles of transparency and accountability. These principles enhance the protection of human rights, prevent violent conflict and political crises, ensure security for the poor and provides an enabling environment for economic development.

Key security sector governance principles, elements and actors

This section of the publication provides some key SSG principles based on United Nations (UN) and UNDP experience and an overview of the key SSG strategic elements and actors by focusing on good practice and the current situation in the Pacific. The four key strategic elements are:

- Legal Frameworks: Essential to ensure the effectiveness, accountability and transparency of security institutions. Clearly defined roles and responsibilities within and among security institutions are crucial in defining legitimate mandates for oversight.

- Executive - Strategic Security Policy Direction and Decision Making: Primary responsibility for setting security priorities, determining the roles and responsibilities of key security institutions, coordinating the implementation of security decisions and the proper institutional management of security services.

- Democratic Oversight – Legislature, Judiciary, Accountability Institutions, Civil Society and the Media: Essential to ensuring accountability of security actors and subordination to the executive branch which manages them; effective oversight also helps to ensure compliance and respect for the principles of the rule of law. Engagement with civil society and the media enables the perspectives of ordinary people and important stakeholders in the general population (such as women and ethnic and other minority groups) to be incorporated into policy making and oversight processes.

- Gender and Governance of Security Institutions: A gender analysis and perspective ensures that the different security needs and priorities for men and women inform the formulation of security policy and ensures better oversight and accountability of security institutions.

UNDP and PIFS efforts to enhance security sector governance in the region

In 2008, UNDP and PIFS designed a strategic initiative to enhance the governance of security institutions in the Pacific. The first phase involved scoping missions undertaken by UNDP and DCAF, observed and supported by PIFS, in five target countries: Fiji, Papua New Guinea, Solomon Islands, Tonga and Vanuatu. To build on the scoping missions and identify priority needs and capacity constraints UNDP, in cooperation with PIFS, organized a Regional Conference from 27 – 30 April 2009, in Tonga.

During the conference, national stakeholders had the opportunity to present their current situation and undertook group work that resulted in preliminary national priority areas. The process also highlighted key common regional priorities requiring support:

- Development of strategic security policies and strategies;
- Capacity-strengthening programmes for civil society;
- Provision of support to improve parliamentary oversight;
- Development of gender-sensitive policies and programmes; and
- Strengthening the capacity of ombudsman institutions to improve accountability of the security sector.

In June 2009, the FRSC endorsed the development of regional and national policies and programming assistance to strengthen security sector governance in the Pacific region.

Since then, given the FRSC endorsement and conference outcomes, UNDP and PIFS have undertaken national security sector governance strategic planning to agree national level priorities and programming activities to commence in 2010.

Part Two

Country Case Studies

This section of the publication provides five country case studies: Fiji, Papua New Guinea, Solomon Islands, Tonga and Vanuatu based on background research and interviews conducted in the target countries during late 2008 and early 2009.

The analysis is best described as a scoping study, which had the purpose of assessing if there was added value in developing assistance programmes to improve SSG in the Pacific region.

The scoping study mapped the regional and national contexts, key security sector governance challenges, existing security frameworks and structures in place, and identified key opportunities to enhance SSG in the five target countries.

The country case studies are structured as follows:

- Brief situation analysis
- Key security sector governance challenges
- Opportunities
- National priorities – determined by country delegations during the Regional Conference.

Summary of Country Opportunities to Enhance Security Sector Governance

During the scoping missions, a number of potential entry-points for security governance programming for each of the target countries were identified. This list is not exhaustive and is only meant to initiate country-focused discussions on programming and possible support opportunities.

Fiji Islands

- Currently, there are very few SSG opportunities evident, which will remain the case until there is a restoration of democracy and human rights in Fiji.

- However, it is important to note that the People's Charter for Change, Peace and Progress included a Working Group on the role of Fiji's security forces in national development. The Working Group came up with a number of recommendations to reform law enforcement agencies and security institutions. With this in mind, the People's Charter views are one of many possible views, which will need to be considered once the basic principles of SSG have been restored.

Papua New Guinea

Government

- The government is in the early stages of strategic planning towards the formulation of a national security policy. This provides an opportunity to set national security priorities; determine the role of security institutions and any institutional reforms required; strengthen the capacity of civilians to coordinate security actors; determine oversight mechanisms with parliament; determine the proper accountability mechanisms of the sector through formal legislation; and determine the resources needed to maintain security and law and order in Papua New Guinea.

Parliament

- There exists opportunities and demand to support the building of capacities and skills of committee members and staff to monitor and oversee security sector policy development, practices and budgeting issues.

Ombudsman Commission

- The Ombudsman Commission is actively engaged on security sector oversight activities – specifically dealing with complaints against the police through an MOA. This practice provides an excellent model to be replicated with other security institutions such as Papua New Guinea Defence Force and customs agency.

Civil Society

- The establishment of a Centre for Civil Society by the Ministry of Community Development provides an entry-point to enhance the research, advocacy and analytical capacities of a core group of civil society organisations focused on security issues.

Military and Law Enforcement

- Given that the minister of police has initiated a process to increase the human resource strength of the police to 10,000 by 2010, there is an opportunity to enhance the training of new cadets on engaging with communities, strategic planning, accountability, leadership and financial management.

- The government of Papua New Guinea Nation Building Programme with the UN Country Team includes specific work to enhance the capacity of police in their response to gender based violence, which provides a platform to improve overall internal accountability of the police.

- The military is currently assessing the issue of a Military Ombudsman in coordination with the Ombudsman Commission. The MOA between the Ombudsman Commission and police provides a model for the PNGDF, and the opportunity to harmonise approaches.

- The Intelligence Division of the Military is undertaking a security assessment process in the provinces, which could benefit from additional support in terms of strategic policy formulation and implementation.

Solomon Islands

Government

- Following the parliamentary review of the International Facilitation Act, it is an opportune time to discuss the need for an overarching national security policy that provides a long-term vision, bearing in mind a future without the Regional Assistance Mission to Solomon Islands.

- If the government decides to develop a national security policy, the Prime Minister's Office will need capacity enhancement to ensure policy direction, adequate public consultations and coordination of the process.

- Truth and Reconciliation Commission offers a space to address police involvement during the conflict and design corrective and preventative measures.

Parliament

- With the establishment of a law and justice committee in parliament, it is a suitable time to discuss the needs and priorities of the new committee.

Constitutional and Electoral Commission

- The ongoing constitutional and electoral reform process provides an entry-point for establishing appropriate and context specific legislative oversight mechanisms for the security sector.

Anti-Corruption Task Force

- The establishment of an Anti-Corruption Task Force provides an entry-point for determining which accountability institutions should be responsible for receiving and dealing with complaints and corruption claims against security institutions.

Civil Society

- A cluster of civil society organisations exist sufficient to begin a substantive start-up capacity development programme focusing on enhancing research, analytical and advocacy skills to engage with relevant security institutions.

Tonga

Government

- Given the reform processes of the constitution and police it will be necessary to focus on institutional strengthening of the executive, including the Prime Minister's Office and relevant ministries, to oversee and manage the Tonga Police Force and Tonga Defence Services.

Legislative Assembly

- With ongoing political reforms and police reform being a key issue, the capacity of the Legislative Assembly to scrutinise the development of security sector policy and practices will grow at the national level. Against the background of the ongoing reform process, there is a clear interest in developing the number and work of the committees in line with the agreed format of the reform process.

Ombudsman / Commissioner for Public Relations

- The possible role of the Ombudsman / Commissioner for Public Relations in monitoring the security sector can be clarified in order to provide a mechanism for the recording and systematic handling of public complaints about the security sector.

Civil Society

- Given current political and police reform processes, opportunities exist to support civil society to develop a more effective platform for interaction with the Legislative Assembly, the security sector and government agencies to provide valuable inputs into the police reform, general oversight processes, and the amendment of policing policy and practices.

Tonga Police Service

- The ongoing police reform process provides an opportunity to discuss: how to improve the interaction between citizens and communities; ways of dealing with complaints against police behaviour, i.e. Police Complaints Authority and Code of Conduct; and mechanisms for engagement between the police and governance institutions.

Vanuatu

Government & Parliament

- The reforms initiated by the ministry of internal affairs and justice, the creation of parliamentary committees and the high-level of awareness provide an enabling environment to discuss an overarching framework for security governance in Vanuatu. This could include the formulation of a security policy, plans to strengthen governmental coordination mechanisms, legislative frameworks and oversight mechanisms.

Civil Society

- Civil society already plays a strong role in advocacy matters. Support could be provided to improve research, analysis and advocacy to enhance their engagement with parliament and its relevant committees, and feed into security policy and debates, for example on the role of the Vanuatu Mobile Force.

Part 1

1. Why is security sector governance vital for a stable and prosperous Pacific?

"There is a growing consensus that accountability and the rule of law are necessary to strengthen citizen safety, trust and legitimacy, both in the short term peace-building scenarios and in the longer term state-building context. There is a growing understanding that if all groups in society are treated equally under the law, by the police and in the courts, the likelihood of conflict drops and the environment for development is vastly improved."[2]

1.1 Evolution of the Security Sector Governance Policy Concept

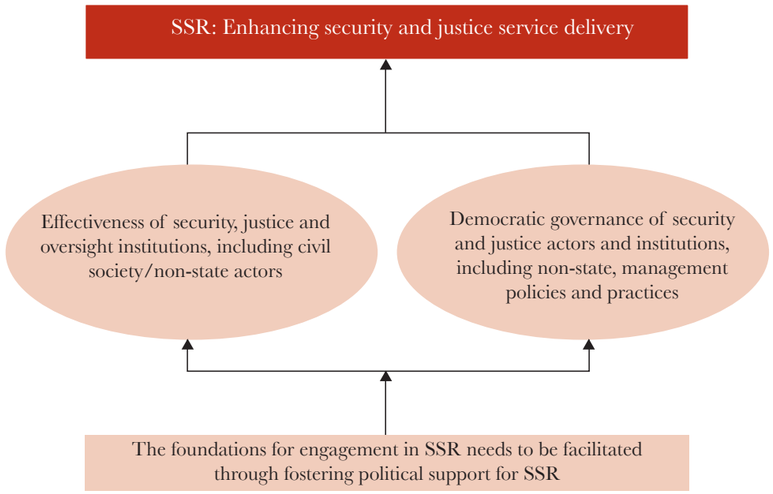
The delivery of vital services such as justice and security is one of the crucial functions of an effective state. Since the end of the Cold War in 1989 a number of countries have undertaken noteworthy efforts to reform their security institutions. This was driven by the understanding that an ineffective and poorly managed security sector does not provide security to citizens, or actively undermines it through the inappropriate use of force. This represents a decisive obstacle to development and the progressive realization of human rights.

As a result, security sector reform (SSR) as a policy concept emerged. SSR aims to institutionalize a professional security sector that is effective, responsive, efficient, legitimate, apolitical and accountable to the citizens whom it is duty-bound to protect.

Put differently, security sector reform is:

> *..at its core an attempt to make the military and police accountable to laws, democratic oversight and checks and balances, rather than subject to the discretion of individual commanders or police chiefs. Impunity in the security sector weakens legitimacy and perpetuates human rights violations.*[3]

Figure 1: OECD DAC Approach to Security Sector Reform



Since the 1990s, SSR processes have varied, taking into account the different national and regional contexts, histories and cultures in which they have taken place. The concept continues to undergo evolution through the experiences of countries, the UN system, bilateral donors, regional organizations and non-governmental organizations. For example:

- South Africa and Angola, based on their indigenous experience, are providing assistance to SSR processes in the Democratic Republic of Congo;
- In Central and Eastern Europe nations have often worked together at the regional level based on shared experiences;
- The United Kingdom has provided sustained financial and technical support to national authorities in Sierra Leone in designing and implementing SSR programmes;
- The Organisation for Economic Cooperation and Development (OECD) has formulated guidelines on security system reform;
- The European Union (EU) has established principles for provision of support for SSR. It also provides operational support at the country level through missions such as the EU Legal Assistance Mission in Kosovo, EU Police Mission in Afghanistan and the EU Advisory and Assistance Mission for Security Reform and EU Police Mission in the Democratic Republic of the Congo;
- North Atlantic Treaty Organization (NATO) provides assistance for SSR and defence reform across the Partnership for Peace space;
- The Economic Community of West African States has established guidelines on SSR and supports SSR processes in Cote d'Ivoire, Liberia and Sierra Leone;
- In the Pacific, the Regional Assistance Mission to Solomon Islands (RAMSI) has provided support since 2003 to the Government of Solomon Islands, initially to restore order but now to build capacities for long-term development and stability; and
- A number of non-governmental organizations and think tanks such as the Latin American School of Social Sciences, DCAF, International Alert and Saferworld have positioned themselves globally within the debate on SSR by documenting lessons learned and providing policy advice on issues such as democratic control and oversight, security policy and decision making, defence, justice, police, legal, intelligence, customs and immigration reform, community-policing and regulation of private security companies[4].

All these experiences have contributed to establishing a significant body of knowledge and expertise in the field of SSR (see annex two).

The term security sector governance (SSG) emerged within this broader context of SSR in the 1990s. At this time, a transition process was underway in the newly independent states in Central and Eastern Europe (see box 1) as these countries began to establish oversight frameworks for the security sector to ensure a decisive break from their authoritarian past. As part of this process, strategic planning, demobilisation and retraining took place within the defence, law enforcement and intelligence sectors, resulting in revised strategic directions, new institutions, and chains of command; the executive began to put in place security policies that reflected domestic expectations and international obligations; legislatures began to actively engage on security matters; and civil society and the media began to acquire the tools to monitor security policy and practice.

Box 1

Key Criteria for Enhancing the Governance of Security Institutions from Experiences in Central and Eastern Europe

From the experiences in Central and Eastern Europe during the 1990s, key criteria for successful implementation of reform efforts have been posited. These include:

- The early adoption of first generation reforms i.e., the establishment of appropriate institutional structures and legislation for democratic civilian control and depoliticisation;
- The adoption of clear strategies to address long-term second generation reform issues such as the consolidation of democratic procedures of oversight and transparency, the way structures and institutions implement policy, improvements in effectiveness and efficiency and the wider engagement of civil society;
- Constructive engagement with the West; and
- The importance of developing local solutions for SSR problems.

Source: *Edmunds, T (2001), "Security Sector Reform: Concepts and Implementation," Report for the Geneva Centre for the Democratic Control of Armed Forces.*

Since the early SSR efforts the UN has supported national authorities to provide effective, efficient and accountable security and justice services. In 2008 the UN Secretary-General provided much needed strategic direction to the UN's efforts through his report entitled 'Securing Peace and Development: the Role of the United Nations in Supporting Security Sector Reform.' The report described SSR as a process of assessment, review and implementation led by national authorities with the goal being to:

> *Support States and societies in developing effective, inclusive and accountable security institutions so as to contribute to international peace and security, sustainable development and the enjoyment of human rights by all.*

At the core of the UN's approach to SSR is the understanding that it should only be undertaken on the basis of a national request. The cornerstone of the UN's approach to SSR is national ownership. Laurie Nathan (2007) makes a strong case for the pragmatic importance of national ownership, which aligns with the UN's own thinking:

> *The imperative of local ownership is both a matter of respect and a pragmatic necessity. The bottom line is that reforms that are not shaped and driven by local actors are unlikely to be implemented properly and sustained. In the absence of local ownership, SSR is bound to fail. Local ownership is therefore more than an important theme. It should constitute the fundamental framework and point of departure for security reform.*[5]

In concluding the 'Securing Peace and Development UN report, the Secretary-General emphasised that there are no quick fixes for establishing effective and accountable security institutions. The development of strategies, structures and capacities is a time-consuming effort. The evolution of perspectives, dialogue and understanding is, equally, a long-term process.[6]

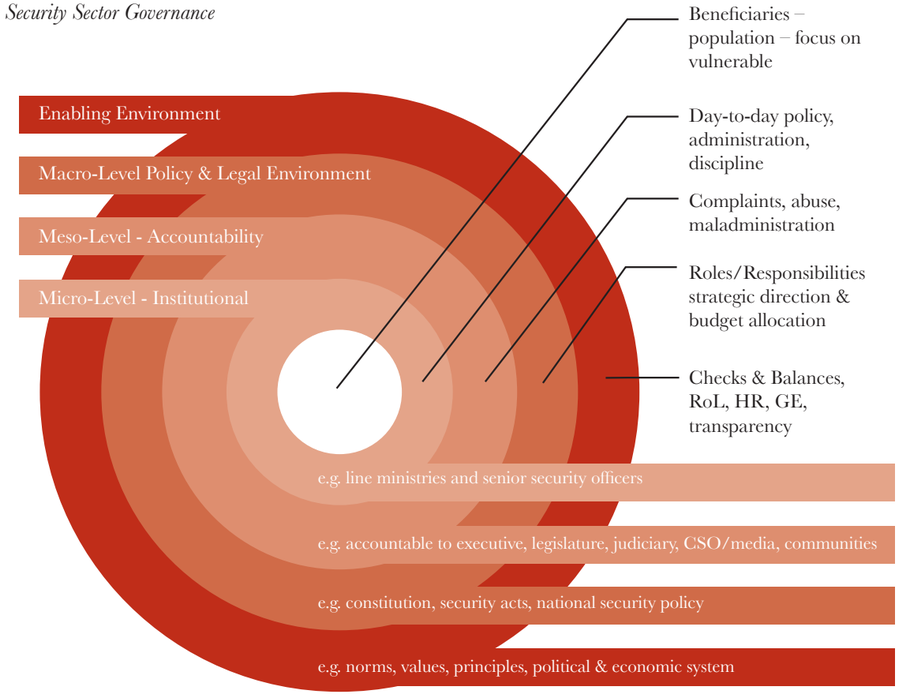
UNDP's initial thinking on security sector governance was articulated in the 2002 Human Development Report on 'Deepening Democracy in a Fragmented World,' which examined political participation as a dimension of human development.[7] The report argued that democratic governance of security forces is the way to build capacity for peace and that establishing democratic control over security forces is a human development priority.[8] Since 2002, the UNDP and its Bureau for Crisis Prevention and Recovery (BCPR) have gained extensive experience in the area of rule of law and justice and SSR through supporting a number of countries and regional efforts.

From these experiences, UNDP has learned some key lessons: that SSR plays a vital role in breaking the vicious circle of conflict, insecurity and underdevelopment, and that:

> *Such issues as normative and consultative frameworks, institutional management, and oversight mechanisms are often neglected in a security sector reform process, which can undermine the objectives, intended to be achieved by such reform and result in a net decrease in security.*[9]

Consequently, UNDP understands SSR as fundamentally a governance issue whether in conflict, post-conflict or developing country contexts. As a result, UNDP's contribution to SSR is to provide support to Member States and regional organisations to enhance the governance of security institutions. Subsequently, for UNDP SSG is an institutional framework, set of standards and practices conducive to providing effective and responsive security services to the people and ensuring security institutions' are accountable under the law. This contributes to an enabling environment for real improvements in people's lives and in the choices and opportunities open to them. It also builds and consolidates the rule of law.

Figure 2: Security Sector Governance



1.2 The Challenge of Security and Stability in the Pacific Region

"The Pacific is no longer safe: unless a real effort is made by regional governments to improve good governance, the image of the Pacific as a zone of peace and stability is fast becoming something of the past."

Noel Levi, then Secretary General, Pacific Islands Forum Secretariat, March 2002

In recent times, people within and outside the Pacific region have become increasingly concerned about stability and security. There are social factors that make for a fertile ground for conflict and criminality such as high population growth unmatched by economic development, growing levels of poverty and social exclusion, poor infrastructure and government service delivery, corruption and poor governance, land management and tenure system, internal migration and urbanization, uneven patterns of development, and the high levels of social dislocation accompanying Pacific Island Countries (PICs) difficult integration into the global economy.

The police, military, judicial officers, customs, immigration and correctional services have a vital role in ensuring security and preventing instability by upholding the rule of law, ensuring fair, timely and adequate justice and ensuring the territorial integrity and sovereignty of PICs. However, the region has had to deal with the serious political and socio-economic impacts of security institutions challenging the established governance structures (see box 2).

The following section provides an overview of these key challenges focusing on Fiji, Papua New Guinea, Solomon Islands, Tonga and Vanuatu – the target countries of the regional initiative.

Fiji Islands have experienced social tensions as a result of a range of structural factors (e.g. land management, segregated service provision in education and polarized identities primarily – but not exclusively – between Fijians and Indo-Fijians) that have originated in the colonial past of the country. In more recent history, Fiji has had to deal with the significant political, economic and social consequences of military coups in 1987 and 2006 and a civilian coup in 2000. In 2000, there was concern regarding police participation or at least there complicity in events. Local and national tensions have been exacerbated by a lack of inclusive dialogue on key issues such as land, economic development, employment, natural resources and the role of the Republic of Fiji Military Forces.

Papua New Guinea has suffered from a range of violent conflicts and high levels of violence in recent years. The island of Bougainville was devastated by a civil war between local groups and the central government. About 60,000 people were displaced and an estimated 10,000 people died. While the situation in Bougainville appears to be improving, the law and order situation on the mainland is increasingly worrying. In the oil-rich Highlands regular clashes between competing clans over resources have caused dozens of deaths, injuries, widespread destruction of private and public property, and infrastructure. There are also significant challenges to law and order due to the circulation of illicit small arms and light weapons and increasing rates of violent crime in urban and rural areas.

Solomon Islands was significantly affected by conflict and violence between the Isatabu Freedom Movement (IFM) of the island Guadalcanal and the Malaita Eagle Force (MEF), supported by parts of the Malaitan dominated police force from 1998 – 2003. This also included a joint coup by the MEF and police force in June 2000. In 2003, the Solomon Islands government requested the Pacific Islands Forum to restore law and order, which they did through RAMSI. The Solomon Islands are now in a post-conflict situation with significant state-building, law and order and economic recovery challenges.

Tonga the last absolute monarchy in the region has experienced social tensions and instability in the quest for greater democracy. In November 2006 there were riots in the capital Nuku'alofa, which was an extraordinary event that caught the Tonga Police Force unprepared, resulting in the military performing internal security functions. Since 2007 Tonga has been going through a political governance reform process and in November 2009, the Constitutional and Electoral Commission provided its final report to the King and Legislative Assembly.

Vanuatu has experienced many intra-executive conflicts that have led to considerable instability at the national level, since independence. There have also been significant security incidents, including riots in Port Vila in 2007, triggered by disputes between different sets of islanders, exacerbated by a growing young and unemployed population in the urban centres. There have also been challenges to civilian control of the police and mobile force.

Box 2 Challenges to Civilian Control of Security Institutions in the Pacific

- 1977: Tensions between the military and government came to a head in what has been called the "Diro Affair" in Papua New Guinea. Resulted in significant rumours of a possible coup in response to the Commander of the PNG Defence Force being reprimanded
- 1979 – 80: The Santo Rebellion in Vanuatu, intervention by Papua New Guinea at the request of the Vanuatu Government.
- 1987: Military Coups in Fiji.
- 1989 – 1997: Papua New Guinea Defence Force was involved in fighting the Bougainville Revolutionary Army (BRA). The Defence Force was criticized for human rights violations, poor treatment of civilians and use of mercenaries. Also there were several instances of the military failing to follow cabinet decisions, instead deciding what operations it would carry out, and when.
- 1988 – 89: Papua New Guinea Defence Force successfully defied government's decision to close the Lae Air Force Base and three to four hundred soldiers marched on Parliament demanding a pay increase.
- 1990s: Vanuatu Mobile Force intervened in politics on a number of occasions to defend its own status and privileges, including by briefly kidnapping the prime minister in 1996 and forcing the resignation of its own Commanding Officer.
- 1997: Army mutiny in Papua New Guinea, which the police helped to contain and prevent escalating into a political takeover.
- 2000: In Solomon Islands Joint forces including police and Malaitan Eagle Force, took over the armoury and mounted a takeover of government, resulting in the Prime Minister resigning.
- 2000: Civilian coup, military response and attempted takeover of the military by former counter revolutionary warfare officers in Fiji.
- 2001 – 2002: Papua New Guinea Defence Force mutiny as a response to attempts by the government to reduce their size.
- 2002: Tensions between the Vanuatu Police Force and Vanuatu Mobile Force over the appointment of the Commissioner of Police, Mael Apisai resulting in the arrest and release of the Commissioner as well as members of the Police Service Commission.
- 2006: Military Coup in Fiji and continuation of a military-led regime.

It was two of the above challenges, the civilian coup and military takeover in Fiji and the joint police and MEF's takeover of government in Solomon Islands, which led to the Pacific Islands Forum (PIF) agreeing on the Biketawa Declaration in 2000.

In 2001 the role of security institutions was further debated during the FRSC meeting. The FRSC was informed of two critical and inter-related issues: the strained relations between the military/paramilitaries and police in Fiji, Papua New Guinea, Solomon Islands and Vanuatu; and the very low level of public confidence in the police and military/paramilitary forces in the four countries. Another perception coalesced that security institutions had become overly involved in national affairs and consequently had increased their political leverage. In some cases this leverage was used to increase their budgets. As a result, during the presentation of a paper on Melanesian Security to the FRSC, it was recommended that in order to ensure effective government, restore public confidence and enhance security in the region, there needed to be a focus on "enhancing the quality, integrity and impartiality of disciplined forces." [10]

1.3 The Consequences of Weak Security Sector Governance

The incidents of violent conflict, political crisis and social unrest in the Pacific have had serious impacts on internal stability and sustainable development, some of which had immediate consequences for the region and all of which had – and still have – the potential to reverberate across the region.

A non-transparent security sector creates an environment that is conducive to a range of abuses, including: systematic violations of human rights on the part of security institutions; the direct intervention of security institutions in national political processes, including during conflict; and reduced human and economic development. These kinds of interventions reduce confidence in security institutions, which in turn affects their ability to ensure freedom from fear.

Human Rights Abuses

The state is the key duty-bearer of international and national human rights obligations, as well as having the monopoly on the legitimate use of violence within its territory. The security sector is clearly one way the state respects, protects and fulfils its human rights obligations.

Fiji, Papua New Guinea, Solomon Islands, Tonga and Vanuatu are signatories to the Universal Declaration of Human Rights and have ratified the UN International Covenant on Civil and Political Rights, which enshrine the right to security and justice. The target countries (except Tonga) are also signatories to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).

Nevertheless, despite this commitment, the Pacific region has seen incidents indicative of low levels of security sector governance in recent years. The security sectors have occasionally been a major source of insecurity (see Box 2) and have committed human rights abuses against domestic populations.[11] These types of abuses generally result in the militarization of society, making it harder to deal with existing tensions in a non-violent manner.[12]

Violent Conflict and Political Crises

Security institutions have contributed to conflict and instability in the region because they have reflected and perpetuated differences in society. This has been seen in cases where the police or military have supported particular interest groups or militias based on ethnic differences, such as in Solomon Islands and Fiji.

Security institutions in the region have also been involved in the escalation of violence and inter-group tensions, through such actions as perpetrating military coups, reacting to civil and political unrest through the excessive use of force and arbitrarily detaining political activists.[13]

These situations highlight that a badly managed or unprofessional security sector can lead to governments being unable to guarantee the security of their citizens and consequently the state governance structures losing legitimacy and authority. As has been witnessed in other regions of the world, this can also result in the civilian population seeking security guarantees by other means, leading to the proliferation of non-statutory security forces and a spread of weapons to equip them.

Reduced Human Development Outcomes

In the Pacific, violent conflicts have damaged livelihoods – caused displacement, limited movement resulting in social segregation and have affected access to capital, land and markets. They have reduced social capital by affecting the long-term health and education of the young. They have eroded institutional capacity of government and civil society, which has an effect on service delivery and meeting people's basic needs.

Armed violence and insecurity have adversely affected mobility and hence the ability to market cash crops or access essential services, which has lead to a contraction of the cash economy in rural areas, and caused small-scale producers to return to primarily subsistence-based economies (see box 3).[14]

Recent research has highlighted that security matters to the poor and vulnerable, "to one degree or another, poor people speak of declining public safety as an element of increasing insecurity in almost every country, in both rural and urban areas."[15] This situation can be seen in the Pacific with rising crime rates, especially in urban centres, and some of the highest reported statistics of sexual and gender-based violence in the world.[16] When policing is inadequate, when injustice prevails and militaries are corrupt, the most vulnerable segments of society, which are in most cases women and children, suffer disproportionately from crime, insecurity and fear. As a result, the poor and vulnerable are most in need of a professional and well-functioning security sector.

Where the security sector is not accountable to democratic institutions of governance, human development is not sustainable. Physical security is necessary to make development possible. Without reform of security policies and institutions that address incentives and expectations, other development and capacity building endeavours will be largely futile.[17]

Poor Economic Development

Recent research found a clear and straightforward effect of a coup: in the year of the shock it reduced growth around 3.5 percent, which adds up to 7 percent of national income. It also found that for the first three years after a coup there is a sharp and significant economic deterioration, and even by the fifth year the economic situation is worse than prior to the coup.[18]

Research has also found that coups and subsequent military regimes result in reduced international and local investment, increased expenditure for those security institutions that perpetrated the coup, reduced oversight of security budgets and weakened public financial management. In situations where the government is unable or unwilling to control the expenditure of security institutions it has resulted in public money being wasted on unnecessary and/or over-priced equipment; and public money has been diverted from essential services and poverty reduction efforts.[19]

In the Pacific there have been comparable results in Fiji (see figure 3). After the 1987 and 2000 coups investor confidence was undermined, the image of tourism was damaged, there were trade bans and reduced international funding. In 1987 Gross Domestic Product (GDP) fell by 6.4 percent, in 2000 the economy contracted by 9.3 percent reflecting the impact of political instability and after the 2006 coup there was close to 8 percent contraction. The four coups have resulted in emigration, an erosion of the skills base and the business community - undermining long-term growth prospects.[20]

Box 3 Impacts of Armed Violence on Human Development

In 2005 an armed violence assessment was commissioned and funded by the UNDP country office as part of preparatory assistance project, which was designed to assist the government of PNG and the UNDP country office develop an integrated strategy to respond to the challenges of armed violence in conflict and post-conflict situations.

The report was undertaken by the Geneva-based Small Arms Survey and the Australian National University's State Society and Governance in Melanesia Project in collaboration with researchers from the University of Papua New Guinea, the Southern Highlands and Meri Kirap – a local PNG based NGO.

The key findings in terms of armed violence impact on human development were as follows:

Actual and threatened violence significantly hampers mobility and restricts access to markets and essential services in both Southern Highlands Province (SHP) and National Capital District (NCD). More than a third of respondents in SHP and 21 percent of respondents in NCD reported that they had been unable to access local markets in the six months to May 2005. While 51 and 12 per cent of SHP and NCD respondents respectively reported that they or someone in their family had been unable to access health services due to actual or threatened violence.

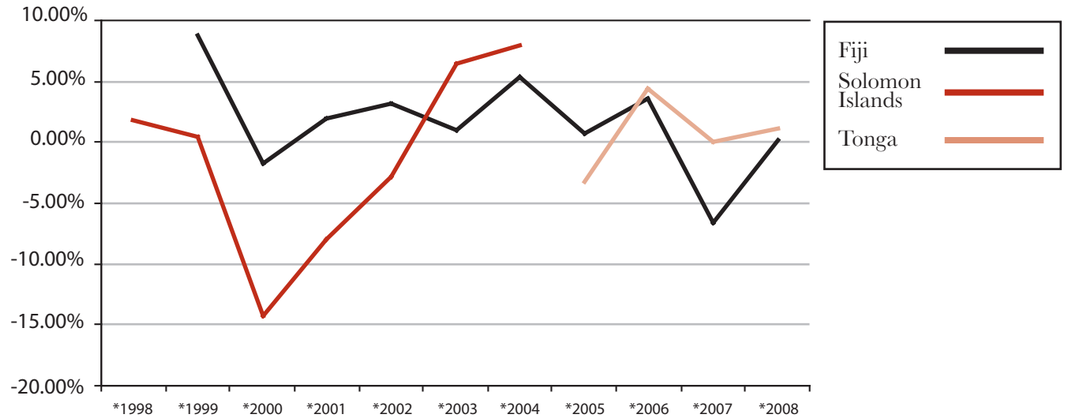
Restricted access to essential services due to violence was most pronounced in SHP's Hela region and NCD's settlements. Four out of five households in the Hela region had been unable to access essential health services in the six months prior to the survey due to actual and threatened violence. In NCD, 70 per cent of those households unable to access health services in the previous six months were located in the settlements.

Governance has been severely compromised by increasing levels of armed violence, but service delivery failure is also contributing to armed violence and insecurity. In the SHP in particular public services are privatising in response to service delivery failure, creating another potential source of conflict. People without cash resources are finding it increasingly difficult to utilise the judicial system and to access non violent solutions to their problems.

The demands of compensation are crippling livelihoods and contributing to violence escalation: Though compensation arrangements are vital factors in the promotion of social order (in areas where state presence is weak or inefficient), they can also contribute to renewed and ever greater cycles of retribution and violence. The downward spiral of compensation and violence is exacerbated by high-powered firearms availability, particularly in SHP.

Source: *Haley, N (2005) PNG Armed Violence Assessment, Unpublished Paper. Port Moresby: UNDP Papua New Guinea*

Figure 3: Affect of Coups, Violent Conflict and Social Unrest on GDP growth in Fiji, Solomon Islands and Tonga [21]



Insecurity, conflict and social unrest have also significantly affected other PIC economies (see figure 3). In Solomon Islands the Tensions caused massive economic costs (see box 4). The police played a significant role in perpetuating the conflict and contributed to significant economic underdevelopment through its inability to maintain the rule of law, its part in overthrowing the government in 2000 and subsequent demands made by special constables.

In Tonga, a 20 percent cut in the civil service in mid-2006 and riots that destroyed a large part of the business district of the capital, Nuku'alofa, in November that year led to a 3.5 percent contraction in GDP in the 2007 financial year. Also as a consequence of riots in 2006, a range of sub sectors were hurt, including commerce, hotels and restaurants, transport and communications, financial and real estate services, and manufacturing. Tourism receipts in the 2007 financial year dropped by 10.4 percent. Additionally, expenditure had to be increased for internal security purposes.[22]

In Papua News Guinea crime and armed violence has had a significant impact on the economy. It has made the cost of doing business high, through insurance premiums, staff turnover, loss of productivity and the growing costs of private security. Research has suggested that the direct financial cost of crime amounted to 4.66 percent of PNG's GDP in 1995.[23] It also hinders business expansion and the creation of employment opportunities and results in forgone foreign investment.[24]

These examples have highlighted the considerable economic impacts of coups, instability, insecurity and social unrest in Fiji, Papua New Guinea, Solomon Islands and Tonga.

1.4 The Importance of Effective Security Sector Governance for the Pacific Region

Each of the target countries has initiated national reform processes to improve security services to their populations and to ensure security institutions are accountable under the law.

Box 4 Economic Costs of the Conflict in Solomon Islands:

- Exports of palm oil and palm oil products fell from SI$97.9 million in 1998 to SI$65.1 million in 1999 and subsequently to an estimated SI$6.5 million in 2000 before production ceased altogether in that year.
- Fish export revenue, which suffered as a result of low prices and civil unrest, sank from SI$195 million in 1999 to SI$45 million in 2000. This sectors contribution to GDP fell by an estimated 42 per cent in 2000.
- Agricultural output dropped by over 50 percent from the beginning of 1999 to the end of 2000.
- Other key sectors in the economy, such as logs, copra, and cocoa suffered as a result of the disturbances, although they all continued to export in June 2000.
- Gold from the Gold Ridge mine on Guadalcanal had begun to make a significant contribution to exports before the mine was closed in June 2000.
- Rapid decline in economic growth. Between 1999 and 2003 the economy contracted by 26 percent and GDP per capita in United States dollars fell by half.
- Infrastructure damage estimated at over SI$250 million (equivalent to 20 per cent of Solomon Islands GDP).
- The government experienced acute cash flow difficulties as tax revenues plummeted and external assistance was suspended. In 2002, total revenues and grants were only 25.0 percent of GDP, compared with 44.4 percent in 1999, i.e., prior to the conflict.
- A significant increase in overseas debt incurred through loans taken out for repatriation payments to former militants and compensation to victims of the unrest.
- Disruption of economic activity placed severe strains on the delivery of government services throughout the country.

Adapted from: *Bush, K & Le Mesurier, S (2005) Peace and Conflict Development Analysis Emerging Priorities in Preventing Future Violence Conflict, Honiara: UNDP*

In ***Fiji***, during the 2000 coup the Republic of Fiji Military Forces played a crucial but also controversial role in the response to the coup and returning Fiji to a constitutional path. Since the 2006 coup the military regime has initiated economic and governance reforms, which are contained within the Strategic Framework for Change and Roadmap process. Before this, there was a working group as part of the People's Charter that was tasked with developing recommendations on the appropriate role of the Fiji security forces in national development. However, it is unclear whether those recommendations will be addressed in a genuinely consultative or participatory manner by the military regime.

In ***Papua New Guinea***, the government is working on national security policy through a well-developed security decision-making structure. There has been significant law and justice sector reform through a sectoral approach. In 2004, the Minister of Internal Security initiated a wide-ranging administrative review of the Royal Papua New Guinea Constabulary, which resulted in detailed recommendations for reform. Since 2008, the handling of police complaints has improved significantly due to a Memorandum of Agreement between the police and Ombudsman Commission, improving overall accountability (see example 5).

In ***Solomon Islands***, since the Tensions, there have been significant reforms of the economic and governance systems and a marked improvement in law and order. Significant capacity building has been focused on improving the quality, capacity and discipline of the Royal Solomon Islands Police Force. Also, the parliament has played a prominent role in determining the future direction of the RAMSI through an extensive review of the 2003 International Assistance Facilitation Act (see example 4).

In ***Tonga***, during the riots it can be argued that the system in place worked with the Tonga Defence Service designed to work as an extraordinary law enforcement agency in a time of crisis. Also, the government ensured the appropriate legislation was fast tracked to ensure any response was legal. Following the November 2006 riots, there have been extensive reform and capacity development efforts targeted at the Tonga Police Force to improve its effectiveness and public confidence in it. This has taken place against the backdrop of the Constitutional and Electoral Reform Commission looking into the future directions of the governance structure in Tonga.

In ***Vanuatu***, in 2001 under threat from an impending no confidence vote, incumbent Prime Minister of Vanuatu, Barak Sope, sought police help to stage a coup and declare a state of emergency. The Commissioner of Police's refusal to be drawn into the illegal plan allowed the constitutional order to be maintained. Recently, the Ministry of Justice has developed a law and justice sector policy and action plan to improve law and order, accountability and eradicate corruption. Moreover, the Ministry of Internal Affairs recently held a National Policy Direction Conference on Security, Decentralisation and Good Governance. This has structured discussions on the need for a comprehensive security policy and extensive consultations on the future role of the Vanuatu Police and Mobile Forces.

However, as the previous section highlighted, there have been noteworthy challenges to civilian control of security institutions in the target countries. These challenges are linked to key governance deficiencies. Recent research and consultations by UNDP and PIFS provides an initial articulation of these deficiencies:

- The lack of and weak or outdated legal frameworks to deal with security concerns;
- The lack of overarching security policies, including the appropriate role of security institutions, which are agreed through public consultation;
- Institutional and capacity constraints within line ministries responsible for security policy formulation and management;
- Executive dominance and limited capacity amongst MPs and within parliamentary secretariats to engage with security matters;
- Weak and overlapping mandates and internal capacity constraints within accountability institutions to deal with complaints against and maladministration of security institutions; and
- A lack of critical mass within civil society that has expertise on security issues and their continued exclusion from formal discussions on security matters.

Overall, the SSG challenge in the target countries, as with experiences of other nations around the world, revolve around promoting security sectors which are transparent, accountable and fully cognizant of their

roles and responsibilities; to ensure adequate security for the population and safeguard the civil liberties and freedoms enshrined in their respective constitutions and national laws.

A basis for clear understanding between the security sector and the civil administration is created through the existence of relevant policy frameworks and appropriate oversight mechanisms. These enable the police and military to provide the best support for the key objectives of good governance and the creation of secure and prosperous societies. There are many recent experiences in new democracies in Africa, coup-prone countries in Latin America and in transition countries in Eastern Europe undertaking successful reform efforts, resulting in improved relations between civilians and security services. These efforts have also contributed to the strengthening of democratic institutions and politics.

Effective SSG seeks to make people, communities and states more secure by emphasizing constitutionalism and civil supremacy, by instilling a sense of service among security providers and by locating the functioning elements of the entire security system within the broader framework of the rule of law and respect for human rights.[25] A well-managed and accountable security sector protects human rights, prevents conflict from occurring and ensures countries recover from conflict, and provides an enabling environment for sustainable human and economic development.

Human rights protection

The security sector in the region has a special responsibility within society to support democracy and human rights and to protect citizens, including those most vulnerable from harm. This considerable responsibility underpins the essential compact that exists between security forces and the societies they are meant to protect and defend. Such concepts are essential to achieving the objectives of good governance and security as enshrined in the Pacific Plan.

Conflict Prevention and Recovery

Strengthening democratic governance of security institutions is critical for states as they transcend histories of conflict and violence. In such contexts, effective and accountable security institutions are also critical to reducing the risk of a relapse of conflict.

For states that have not recently emerged from a conflict environment, effective governance of security institutions is essential in consolidating democratic gains and in preventing conflict from erupting in the first place.

In post-conflict environments there is a rare opportunity for national governments to reform and strengthen governance of security institutions to improve accountability and efficiency, as has been witnessed in the Solomon Islands through the efforts of successive governments supported by RAMSI.

In countries affected by legacies of politicized armed forces, as well as military or police intervention in politics, good security governance is essential. If properly constituted and reformed, security institutions can act as a force for good, thereby helping to reduce instability and contributing to a reduction in human suffering.

Enabling environment for economic and human development

Governance reform of the security sector is now widely recognized as one of the essential conditions for sustainable human development as it encourages national and international investment and provides an environment where individuals and communities feel safe and able to go about their daily lives. This contributes to poverty reduction efforts, which is often at the core of societal instability.

2. UNDP and PIFS support for enhancing security sector governance in the Pacific

2.1 From Honiara to Biketawa Declaration

> *"Leaders believe the Pacific region can, should and will be a region of peace, harmony, security and economic prosperity, so that all of its people can lead free and worthwhile lives. We seek a Pacific region that is respected for the quality of its governance, the sustainable management of its resources, the full observance of democratic values and for its defence and promotion of human rights. We seek partnerships with our neighbours and beyond to develop our knowledge, to improve our communications and to ensure a sustainable economic existence for all."*
>
> Pacific Islands Forum Leaders Vision to Strengthen Regional Cooperation and Integration, in response to the many challenges facing Pacific Islands Countries (2004)

The region is engaged with a difficult and diverse set of security threats such as: a) developing effective responses to political crises and violent conflict; b) rising crime rates and civil disturbances, particularly in the urban centres; c) sexual and gender-based violence, with some of the highest documented levels in the world; d) weak border security and increasing transnational organized crime, including human trafficking, drugs and small arms smuggling and illicit financial transactions; and e) the global security challenges of terrorism.

The region also faces broader governance challenges such as: enhancing the transparency of political and budgetary processes; strengthening accountability mechanisms; improving government effectiveness; managing increasing demands of public institutions with limited human and fiscal resources; and protecting human rights. The success of measures taken to address these wider challenges will remain inter-related with responses to those faced in the security sphere.

The recognition that these are the common regional security threats and governance challenges has created an impetus for collective regional responses (see Box 5). The Pacific Islands Forum (PIF) is the pre-eminent political body that is mandated to deal with the described regional security threats and governance challenges. Its approach to dealing with political crises, violent conflict, security threats and governance challenges has evolved considerably over the last two decades. The starting point was perhaps the 1992 Honiara Declaration on Law Enforcement Cooperation, which marked a new collective effort to combat transnational crime. However, the forum did not play an active role in addressing the major political and security challenges at the time in Bougainville, Papua New Guinea or in response to previous coups in Fiji (1987). This could be attributed to a lack of institutional capacity and political will based on the principles of non-interference and national sovereignty.

In 1997, Forum Leaders took initial steps towards establishing preventative diplomacy mechanisms and widening its focus from just law enforcement cooperation to the broader security concerns with the Aitutaki Declaration. The declaration:

> *"Acknowledged that existing arrangements have not provided explicit mechanisms to facilitate consultations that would enable members to respond promptly and effectively to requests for assistance [and] accepted the need for the region to take on a more comprehensive approach to regional security.*[26]

The declaration also articulated a connection between good governance, sustainable development and preventative diplomacy, as among the "most effective ways of overcoming the vulnerability, building mutual confidence and strengthening the overall security of states in the region."

Also in 1997, the Forum Leaders agreed on Eight Principles of Accountability and Principles of Good Leadership. There were a number of accompanying reform measures, which contribute not only to the achievement of accountability and good governance but also to an effective and efficient fiscal management and policy, which is also key in the law enforcement and security sector.

However, it was not until the double shock of coups in Fiji and Solomon Islands in mid-2000 that the forum developed more forthright steps to address serious regional security threats through the adoption of the Biketawa Declaration.

2.2 Biketawa Declaration and Beyond

The declaration set the framework for regional crisis management and conflict resolution. One of the guiding principles of the Biketawa Declaration recognises 'the importance of averting the causes of conflict…', and the declaration directs that the action to be taken in times of crisis:

> *…must constructively address difficult and sensitive issues, underlying causes of tensions and conflict, explicitly raising long-standing and difficult issues, "ethnic tensions, socio-economic disparities, lack of good governance, land disputes and erosion of cultural values.*[27]

The Biketawa Declaration also for the first time allowed the Secretary-General of the Forum Secretariat to act in a "good offices" capacity to address developing security crises and laid out a range of tools. These included statements by Pacific Islands Forum Members, the creation of ministerial action groups, fact-finding missions, the use of eminent persons, third-party mediation, convening of special leaders or ministerial-level meetings, and support for institutions and mechanisms which could assist a resolution.[28] The declaration also commits forum members to some key fundamental values including, among others, the importance of averting the causes of conflict, upholding democratic processes and the rule of law, and commitment to good governance, including transparency and accountability.

In August 2002, the Forum Leaders adopted the Nasonini Declaration, mainly as a response to the September 11, 2001 attacks in the United States, which had created new expectations on states in addressing the issue of global terrorism. The declaration committed member states to "good governance practices as a key fundamental strategy for addressing some of the difficult and sensitive issues underlying the causes of tension and conflict in the region."[29]

This evolution in the forum's approach to regional security led directly to a point where, in a significant shift in policy, RAMSI was overwhelmingly approved to help restore law and order in a fellow forum member country.

More recently, within the framework of the Biketawa Declaration, the forum has taken a number of actions following the December 2006 coup in Fiji, including: dispatching an eminent persons' group; forming a Foreign Ministers Action Group; establishing the Forum-Fiji Working group to engage with interim government officials on credible mechanisms for returning to democracy as soon as possible; a Special Leader's Retreat in Port Moresby, Papua New Guinea; and the suspension of the current military regime in the Republic of the Fiji Islands from full participation in the Pacific Islands Forum with immediate effect from 2 May 2009. This last action involved the implementation of two specific targeted measures, in accordance with the Biketawa Declaration:

1. Suspension of participation by the leader, ministers and officials of Fiji from all forum meetings and events arranged by the Pacific Islands Forum Secretariat, including the annual Pacific Islands Forum Leaders Meeting;

2. Ensuring the military regime in Fiji does not benefit directly from forum regional cooperation initiatives or any new financial or technical assistance, other than assistance toward the restoration of democracy.[30]

As a result of the FRSC 2007 discussions, PIFS

2.3 Evolution of Security Concept for PIFS: Human Security, Conflict Prevention and Gender, Peace and Security

For the Pacific Islands Forum the security concept has evolved considerably since the Honiara Declaration, which focused on law enforcement cooperation and transnational crime.

In 2000 Forum Member Countries endorsed the Millennium Declaration, which identified conflict prevention as a key peace and security challenge, recognised the need to strengthen respect for the rule of law in national affairs, and that good governance is necessary to reduce poverty and ensure sustainable development.

Between 2001 and 2004 the Forum Secretariat commissioned a series of national security reports, which informed regional approaches and priorities with the endorsement of the outcomes of a regional civil society workshop on peacebuilding and conflict prevention by the FRSC.

In 2004 at the 9th Triennial Conference on Pacific Women and 2nd Ministerial Meeting in Nadi to review progress on the Pacific Platform for Action on the Advancement of Women and Gender Equality 2005-2015, Pacific ministers, government officials and civil society representatives recognized peace and security as a critical and emerging issue and added it to the Pacific Platform of Action.

In 2005 the Pacific Islands Forum Leaders recognised through the adoption of the Pacific Plan that security (the stable and safe social and political condition) and good governance (the transparent, accountable and equitable management of all resources) are essential for sustainable development and economic growth. Importantly, they also sought a region that would be respected for the quality of its governance, the sustainable management of its resources, the full observance of democratic values and its defence and promotion of human rights.

In June 2006 the Pacific Islands Forum Secretariat hosted the Gender, Conflict, Peace and Security Regional Workshop, which immediately preceded the annual FRSC. It proved an opportunity to get United Nations Security Council Resolution (UNSCR) 1325: Women, Peace and Security on the regional inter-government security agenda. The conference also expressed the need to uphold women's rights and support their participation in all aspects of conflict prevention, peace negotiations and post-conflict reconstruction in the region.

In 2006 the FRSC noted 'that potential security challenges included political insecurity, population growth exceeding economic growth, land availability, ethnic politics and public policies of social exclusion, environmental insecurities (land, water, energy), urbanisation, and food shortages', and directed the Forum Secretariat to prepare a paper on human security and how it is addressed by the evolving Pacific architecture.

In 2007 a series of three regional consultations on human security was organised by the UNDP Pacific Centre, in collaboration with PIFS, the University of the South Pacific and non-governmental organisations (NGOs) FemLINKPacific and the Citizens' Constitutional Forum.[31] Following these consultations, the FRSC discussed the final UNDP paper *A Human Security Framework for the Pacific.*[32] The committee confirmed the importance of broadening the concept of security and the security concerns that the FRSC engages with. They also raised a number of concerns that indicated a wish to start the process towards the strengthening of human security and conflict prevention capacity, with a thorough investigation of existing capacities in the region, and the need to guard against a generic approach, as each PIC has a unique cultural framework and specific needs in terms of human security. Officials also warned against the establishment of new institutions to do work that was already underway and emphasised the importance of mapping existing institutions and capacities.

initiated four national level case studies into human security and conflict prevention in Vanuatu, Samoa, Kiribati and the Federated States of Micronesia (with a focus on the state of Pohnpei). In order to ensure an inclusive approach to conflict prevention across the Pacific region, countries were chosen from the three sub-regions, with the addition of Kiribati as an atoll country. The aim of the case studies was to gather deeper insights into the manifestations and causes of conflict in the Pacific by focusing on countries that had not benefited from much conflict analysis. The results of the case studies feed into the design of a Human Security Framework for Conflict Prevention.

In 2008 following initial work undertaken by the Forum Secretariat in collaboration with the UNDP Pacific Centre, the FRSC mandated the secretariat to develop a regional policy framework for conflict prevention efforts.

This framework focuses on two components:

1. Addressing the underlying causes of conflict by linking human security issues and development to conflict, i.e. strengthening analysis and monitoring of the long-term causes of conflict and ensuring development programming is sensitive and responsive to conflict dynamics; and

2. Strengthening the regional architecture for peace & security, including through the Biketawa Declaration.

As part of these efforts, the committee also underlined the importance of strengthening gender-sensitive approaches to conflict prevention and resolution.

In the last two decades, in response to increased international and regional expectations, the forum has evolved considerably as an institution, in particular, in the way it deals with political crises, violent conflict, security threats and governance challenges.

2.4 Existing Support to Address Security Challenges in the Region

There is now relatively well-developed regional policy architecture to deal with conflict, security and law enforcement concerns (see box 5). In the last few decades, key regional institutions and development partners such as Australia and New Zealand have provided significant technical assistance and funding to deal with these concerns.

The role of PIFS - the pre-eminent political and policy regional organisation - is to support annual Forum Leaders' Meetings and other Forum-based Ministerial and official gatherings; deliver advisory and technical services to Forum Member Countries; and implement the Pacific Plan.

PIFS has a Political Governance and Security Programme whose aim is to give effect to the vision and decisions of PIF leaders and members through such mechanisms as the FRSC. The principal focus of the programme is to provide strategic and political advice to assist members in developing appropriate regional, sub-regional and national responses to their key security and governance challenges.[33]

In addition to the assistance provided by the Forum Secretariat, there have been a number of regional programmes initiated to support member countries in improving security and law enforcement, including: the Pacific Judicial Development Program; Pacific Islands Chiefs of Police Secretariat; Pacific Prevention of Domestic Violence Programme and the Pacific Legal Information Institute. Also, there are a number of other regional bodies that support Forum Member Countries such as the Pacific Immigration Director's Conference and the Oceania Customs Organization.

Box 5

Pacific Islands Forum Regional Security Architecture

Forum Regional Security Committee (FRSC)

The annual meeting of the FRSC is the principal forum for setting a regional security agenda and identifying priorities for enhancing the capacity of members to respond to internal and external security threats.

Security Declarations

1992 Honiara Declaration on Law Enforcement Cooperation: Recognised that an adverse law enforcement environment could threaten the sovereignty, security and economic integrity of Forum members and jeopardise economic and social development.

1997 Aitutaki Declaration on Regional Security Cooperation: Forum Leaders agreed to a number of principles governing security cooperation in the region.

2000 Biketawa Declaration: The declaration sets the framework for regional crisis management and conflict resolution initiatives.

2000 Nadi Framework Initiative: Legal Framework for a Common Approach to Weapons Control in the Pacific region.

2002 Nasonini Declaration on Regional Security: Leaders recognised the need for immediate and sustained regional action in response to the current regional security environment.

Pacific Plan (2005) Strategic Objectives

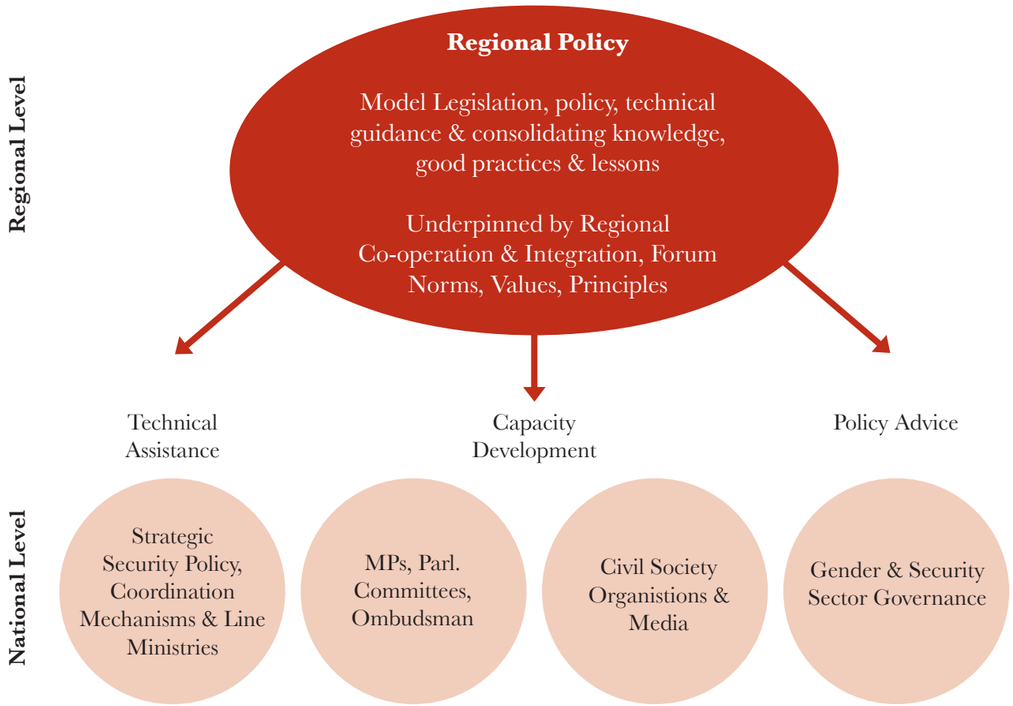
Good Governance
- Improved transparency, accountability, equity and efficiency in the management and use of resources in the Pacific

Security
- Improved political and social conditions for stability and safety

Alongside the growing collective regional efforts, key bilaterals in the region such as Australia and New Zealand have been providing extensive support to law and justice sector reforms. Targeted assistance has been provided to improve access to justice, policing and crime prevention, accountability mechanisms, the delivery of justice services and to reduce corruption for the populations in Fiji, Papua New Guinea, Solomon Islands, Tonga and Vanuatu. In addition, Australia, New Zealand, France, the United Kingdom, United States and China have provided bilateral defence cooperation and assistance to Papua New Guinea, Tonga and Vanuatu. However, to date there have been limited efforts to tackle the SSG governance challenges, which remain vital for a secure and stable region (see chapter one)

2.5 UNDP and PIFS Regional Security Sector Governance Initiative

Figure 4: Schematic of Regional Initiative



a) Regional Level

Since 2005 the UNDP Pacific Centre has been providing technical assistance and policy advice to enhance the capacity of regional organisations, governments and civil society organisations to prevent, manage and respond to conflict and carry out socio-economic activities for sustainable post-conflict recovery in the region. During that time, UNDP and PIFS have developed a strong partnership to advance the conflict prevention agenda in the region.

In 2008 the UNDP Pacific Centre undertook a thorough internal analysis of key conflict and security issues in the Pacific to identify strategic gaps with a view to anticipating rather than reacting to emerging issues that could cause tensions and instability.

This resulted in the design of a new strategic regional initiative to enhance the governance of security institutions in the Pacific. The initiative recognized not only serious challenges to the principle of civilian control of security institutions, and the need to create an enabling environment for development in the region, but also existing policy work by PIFS and assistance provided by development partners to enhance regional integration and cooperation on security and governance issues.

In pursuing their vision for the region, Pacific Islands Leaders sought partnerships within the region and beyond. The regional initiative is consistent with the Leaders' vision. It is through the Forum Secretariat's support for further exploration of the applicability of international best practice, including drawing on the lessons learned from other nations and regions, that they serve the twin mandates of bolstering security and good governance in the region. As is clear from their vision, Pacific Island Leaders have mandated an obvious body of work for the governments of the Pacific as well as PIFS, which encompasses the field of SSG in supporting two key pillars of the Pacific Plan.[34]

During the initial phase Fiji, Papua New Guinea, Solomon Islands, Tonga and Vanuatu were chosen as the target countries within a regional framework (see box 6). This was because of the complex security governance challenges they face and in recognition of reform efforts that were underway. However, in each country there has been concern expressed that more work needs to be done to support key national stakeholders to identify public security priorities, develop policy responses and institute appropriate governance arrangements to ensure security institutions are transparent and accountable.

The initial phase of the initiative focused on understanding the regional and national context, raising awareness of the key aspects of security sector governance, facilitating relationship building between multiple stakeholders, identifying what efforts already exist and offering programming options focused on opportunities at the regional and national level.

From December 2008 to February 2009 UNDP, PIFS and DCAF undertook high level consultations in the five target countries with government ministers, officials, parliamentarians and their support staff, Ombudsmen, civil society representatives and security sector personnel. The consultations provided a better understanding of the regional and national contexts, including what security frameworks and structures are in place, existing programmes of assistance and the identification of opportunities to enhance security sector governance.

The in-country consultations subsequently went through a validation process during the Regional Conference on Security Sector Governance organized by UNDP in cooperation with PIFS. That was held in Tonga from 27th to 30th April 2009. The conference was a first step in supporting Pacific Island Countries to determine their own security governance concerns, the resources they will need to deal with them and the strategies that will work best in their context. This conference also enabled participants to share views with different stakeholder groups, ensuring broad ownership of security problems across a variety of actors.

During the conference, participating ministers saw value in initiatives to improve security sector governance in the region. Ministers subsequently came up with specific recommendations:

- The designation of a focal point in the respective countries' Prime Ministers' office to coordinate activities related to security sector governance;
- Undertake national conferences on security sector governance supported by international partners, including UNDP and PIFS; and
- Raising the profile of security sector governance utilizing relevant regional mechanisms. This includes the Pacific Islands Forum Leaders, FRSC and the Pacific Islands Chiefs of Police Meetings.

Box 6 Why a Regional Approach?

- ***Dealing with emerging issues:*** In support of the implementation of the Pacific Plan, as well as part of the support at country level, the UNDP regional programme offers a platform for advocacy and advisory support to assist the region in dealing with emerging issues. Such issues are often sensitive or may lack government commitment and require regional buy-in or acceptance before moving into country specific action and follow-up.

- ***Common Security and Governance Concerns:*** At the regional and especially sub-regional level, PICS face broadly similar security and governance challenges.

- ***Common Security Sector Governance Priorities:*** At the recent Regional SSG Conference, key national stakeholders agreed on a number of key common priorities in the sub-region.

- ***Collective Response to Regional Security Issues:*** There is increasing recognition that there are a number of common challenges that require collective action. This is most clearly articulated in the Pacific Plan strategic pillars and responses within the framework of the Biketawa Declaration i.e. RAMSI, Nauru Assistance and to the December 2006 coup in Fiji.

- ***Regional principles of security and good governance:*** The Pacific region has developed a number of normative frameworks for governance i.e., Forum Principles of Good Leadership and Accountability and frameworks for crisis response and management, which are underpinned by agreed forum values including the importance of good governance for security.

- ***Economies of Scale:*** A regional approach to common challenges can reduce the costs of providing services if the number of people benefiting from the service is increased. For example, capacity development activities (e.g. training) can be done more cost effectively on a regional basis.

- ***Coordination and harmonisation of actions and policies:*** At the 40th Annual Pacific Islands Forum Meeting, the leader's agreed to the Cairns Compact on Strengthening Development Coordination in the Pacific. The key objective of the compact is to drive more effective coordination of available development resources from both Forum Island countries and all development partners. In this regard, there are a number of bilateral, regional and multilateral agencies working on security and governance issues. This requires that a common approach should be used to avoid duplication, which has the potential to enhance efficiency of aid provision for SSG activities.

- ***Regional approaches can be useful to strengthen or complement bilateral cooperation:*** The practical experiences of regions in similar situations can be a powerful way of demonstrating the benefits, risk and challenges of reform, as well as exchanging lessons learned and good practices.

During the conference, national participants had the opportunity to present on their current situation and undertook group work that resulted in preliminary national priority areas. The process also highlighted key common regional priorities requiring support:

- Development of strategic security policies and strategies;
- Capacity-strengthening programmes for civil society;
- Provision of support to improve parliamentary oversight;
- Development of gender-sensitive policies and programmes; and
- Strengthening the capacity of Ombudsman institutions to improve accountability of the security sector.

Following the Regional Conference, PIFS, with the support of UNDP, presented a joint paper to the FRSC of the results of the scoping missions and outcomes of the conference. The presentation enabled full consideration by all Forum Member Countries on how PIFS, in cooperation with other key partners such as UNDP, can support the security sector governance agenda in the region.

Subsequently, the FRSC noted the activities undertaken to date surrounding the security initiative and endorsed the development of regional and national policies and programming assistance to strengthen security sector governance in the Pacific region.

The next steps at the regional level are to:

- Develop a regional mechanism to assist countries through policy advice and technical assistance based on expressed needs and demands, including the five common priorities from the regional conference;
- Enhance regional standards and norms through provision of guidance on good practices;
- Develop and submit for possible endorsement by Forum Leaders a broad set of Pacific Security Sector Governance Principles;
- Develop model legislation and inform national policy processes; and
- Consider other candidate countries that may benefit from similar assistance.

b) National Level

PIFS and UNDP recognise that assistance provided at the national level to improve security sector governance has to be sufficiently tailored to the needs, priorities and circumstances of Forum Member Countries. Assistance also needs to be flexible enough to respond to changes in the political situation. This requires the development of a process of national debate and reflection on security sector governance. Given the conference outcomes and the FRSC endorsement PIFS, with the support of UNDP, are undertaking country level strategic planning sessions with key stakeholders from government, parliament, civil society, accountability institutions and security institutions in Papua New Guinea, Solomon Islands, Tonga and Vanuatu.

The objective of the strategic planning sessions is to agree on a set of security sector governance activities (with a time-frame and clear implementation modalities) that PIFS, with the support of UNDP, can jointly support through regional programming.

3. Security Sector Governance: Good Practice and Pacific Context

3.1 Principles of Security Sector Governance

The UN Secretary-General's report on security sector reform laid the foundation for the UN's support to member states for the development of effective and accountable security institutions. The approach is underpinned by a number of fundamental principles:[35]

- Security, human rights and development are interdependent and mutually reinforcing conditions for sustainable peace;
- Effectiveness, accountability and democratic governance are mutually reinforcing elements of security;
- Men and women have different experiences of insecurity and have specific security needs;
- SSR can only be achieved within the broad framework of the rule of law (RoL) and that strengthening the RoL is the purpose of SSR; and
- SSR is a multi-stakeholder process, which goes beyond traditional military elements and involves a much wider range of national institutions and actors.

The report also detailed a number of common features of an effective and accountable security sector, namely:

- A legal and/or constitutional framework providing for a legitimate and accountable use of force in accordance with universally accepted human rights norms and standards, including sanctioning mechanisms for the use of force and setting out the roles and responsibilities of different actors;
- An institutionalized system of governance and management: mechanisms for the direction and oversight of security provided by authorities and institutions, including systems for financial management and review as well as the protection of human rights;
- Capacities: structures, personnel, equipment and resources to provide effective security;
- Mechanisms for interaction among security actors: establishing transparent modalities for coordination and cooperation among different actors, based on their respective constitutional/legal roles and responsibilities; and
- Culture of service: promoting unity, integrity, discipline, impartiality and respect for human rights among security actors and shaping the manner in which they carry out their duties.

UNDP's experience of supporting national partners to improve the governance of security institutions has been underpinned by the understanding that uniformed and civilian security institutions function most effectively if based on the principles and practice of democratic governance. In this regard, UNDP has elaborated nine key principles of SSG:[36]

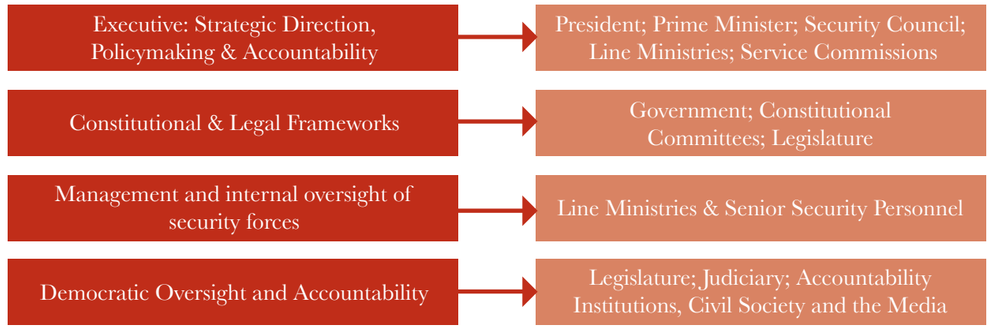
- *Civilian management of security policy and implementation.* The executive determines security policy and exercises control over the security services. It is accountable to citizens, chiefly through parliament and regular elections but also through media scrutiny and public consultation and debate.
- *Legislative oversight of security institutions.* A constitutional and legal framework, which constitutes the separation of powers (between government, legislature and the judiciary) and clearly defines the tasks, rights and obligations of the security sector within the institutional checks and balances. Parliament approves security legislation and budgets, performs oversight functions and provides a forum to debate security policy.
- *Judicial Oversight.* Independent courts perform judicial functions and various statutory bodies might have watchdog functions in relation to the security services such as Ombudsman, Leadership Code and Security Service Commissions.
- *Compliance and adherence by security institutions to domestic and international law, consistent with human rights standards.* The security services execute government policy and carry out their mandates as prescribed by law.
- *Transparency of policymaking and practice among and within security institutions,* including financial, administrative and programme management arrangements.
- *Active participation of the media and civil society in security affairs.* The engagement of civil society and the media in security affairs enables the perspectives of ordinary people and important sub-sections of the population (such as women and minority groups) to be incorporated into policymaking and oversight processes.
- *Security institutions that protect and promote women's rights.* This means not only ensuring women are participating in all processes related to governance of security institutions but also that policy makers and oversight bodies ensure that security institutions are delivering security and safety for women.
- *Fair and equitable representation in security institutions.* Women's participation in promoting governance of security institutions should not be limited to representation at the working level of the institutions but should extend to active participation at the senior management and strategic policymaking levels.
- *Security services based on, and responsive to, people's needs.* Security must be provided as a public good: ensuring the security of all citizens.

3.2 Security Sector Governance Strategic Elements and Key Actors

Based on its mandate and extensive experience, UNDP's support to enhance the governance of security institutions focuses on a number of elements and key actors (see figure 5 below).

The next section provides information on the key elements and actors with reference to experiences from outside the region and the current situation in the Pacific. It also provides an exposition of the gender dimensions of security sector governance.

Figure 5: Security Sector Governance Elements and Actors



a) Role of Executive: Strategic Security Direction, Policymaking & Accountability

The executive government exercises direct control at the central, regional and local levels, determines the budget, general guidelines and priorities of the activities of security services. Central government is responsible for setting security strategic direction and for making and implementing policy decisions through coordinating mechanisms and line ministries. They also usually make final decisions on security matters of national importance. However, in some instances there can be a particular mandate to request parliamentary approval.

This section focuses on the executive's role in setting strategic security direction through policymaking, different types of decision-making structures, and how security institutions are accountable to the executive.

I). Strategic Security Policy Development Good Practice

There is now a general consensus that countries embarking on efforts to enhance the governance of security institutions should have an overarching vision of security to provide a long-term perspective for reform efforts. Such a security vision will need to take into account the local history, culture, values, domestic political and governance dynamics and regional security priorities and arrangements. As the UN Security Council has expressed on several occasions, "it is the sovereign right and primary responsibility of the country concerned to determine the national approach and priorities of security sector reform." A democratic vision of security has the potential to enhance reform efforts (see box 7).

Box 7 Democratic Vision of Security

- It can provide a normative framework for determining security threats, priorities and allocation of resources in the interests of citizens and vulnerable groups.
- It can help to shift the locus of power away from informal security networks towards the official security organisations and oversight bodies.
- It can provide an authoritative mandate and guidance to the officials who are tasked with designing and implementing SSR programmes.
- It can provide progressive criteria for evaluating the effectiveness of SSR programmes and projects.
- It can provide benchmarks for civil society organisations and opposition parties to hold government to account for the conduct of the security services.
- It can provide government and the judiciary with a basis for dealing with human rights abuses and other misconduct by the security services.
- It can help to ensure that the security services do not pose a threat to citizens.

Source: *Laurie Nathan (ed.) (2007), No Ownership, No Commitment: A Guide to Local Ownership of Security Sector Reform, Birmingham: University of Birmingham.*

Strategic security policies should identify security needs and threats, set national priorities, the values underpinning the policy, the legal basis of the policy, the role of key actors and the main institutional reforms required. Box 8 describes an established process for developing a comprehensive security policy.

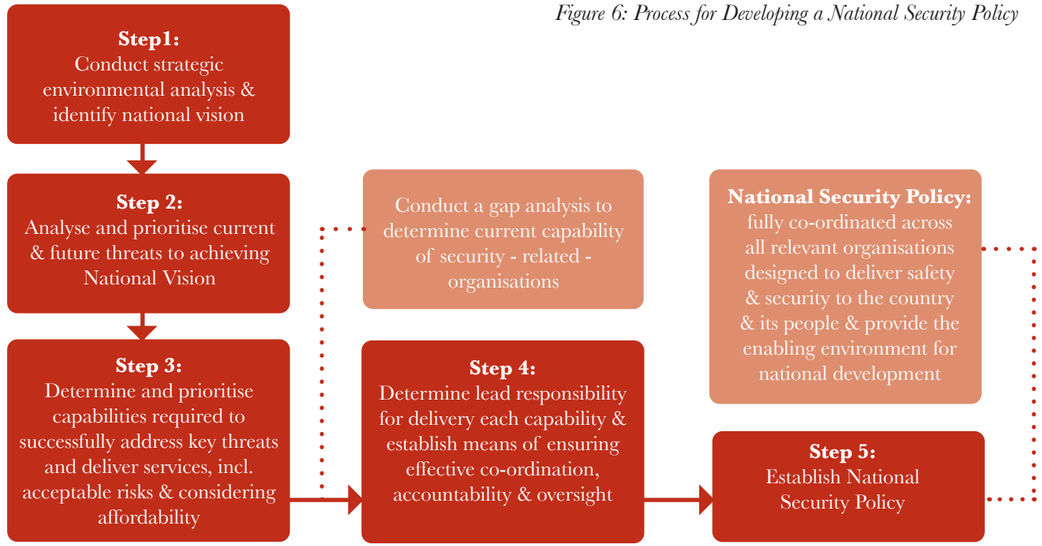
Box 8 Developing a Comprehensive National Security Policy (NSP)

1. Conduct a strategic environmental analysis and identify a 'national vision' for the country and its people through broad-based consultation. This process should encompass consultations with CSOs to discuss perceived and actual security concerns – e.g. through written submissions and direct participation in public meetings.
2. Analyse and prioritise current and future threats and opportunities to the achievement of objectives outlined in the 'national vision'.
3. Determine and prioritise national capabilities, both within the security/justice sectors and beyond, that can address security threats and deliver key security services to citizens. This includes the financial basis for implementing the NSP and the general financial management procedures of a given country.
4. Undertake a gap analysis to assess the current capability of national security/justice institutions to address threats and deliver key services, compared with required capabilities. A gap analysis should, where appropriate, be based on sources both within and outside state institutions.
5. Establish a prioritised and budgeted NSP to deliver improved security and justice in support of broader national development objectives.

Source: *Organisation for Economic Co-Operation and Development (2007), OECD DAC Handbook on Security System Reform – Supporting Justice and Security, Paris: OECD, p.92.*

Government can ensure that this policy formulation process is consultative and participatory through engaging the public, parliament, accountability institutions, civil society and the security sector in a process of dialogue and debate. This will ensure that any reform process responds to both the needs of the people affected by insecurity, in particular the most vulnerable groups in society, as well as governments' need to strengthen security institutions.

Figure 6: Process for Developing a National Security Policy



Laurie Nathan (2007) has provided a number of useful strategies to shape security policies to meet the needs of vulnerable groups in society:

- The development of a comprehensive security vision that emphasises the principles of human security, respect for human rights, the rule of law and the accountability of the security services.
- The inclusion of these principles into the constitution and legislation so that they have a binding status.
- The design of security reforms and policies in an inclusive and consultative manner that takes seriously the issues raised by citizens and vulnerable groups.
- Enhancing the capacity of citizens, vulnerable groups and their organisations to lobby for reforms that serve their interests and to participate in public debates on security.
- The design and administration of local security surveys aimed at identifying and addressing the security needs of poor communities.[37]

The level of participation and consultation and how the concerns of the population are reflected in the strategic security policy will determine its viability and legitimacy.

Line ministries play a crucial role in the formulation and implementation of security policies. Their ministers participate in national security decision-making processes and permanent secretaries work closely with relevant counterparts to ensure information, analysis and options are shared and policy is implemented.

In the formulation of the policy framework, equal time and energy should be allocated to the identification of threats and priorities, as well as the design of robust implementation and coordination mechanisms. To ensure the formulation and implementation of effective strategic security policy, national governments should have adequate institutional capacity in terms of staff size, and expertise and skill level of ministers, civil servants and security officials.

II). National Security Decision Making and Coordination Structures Good Practice

In a number of countries, national security decision-making structures have been set up for different purposes. These are generically known as national security councils or committees (NSCs) depending on whether it is a presidential or Westminster system respectively. NSCs can have different structures in place that gives it an executive decision making, advisory or implementation and coordination role.

In the United States, the National Security Council is formalized in the National Security Act 1947. The NSC is the principal forum used by the president for considering national security and foreign policy matters. The NSC also coordinates policy amongst the various government agencies.

In India, there is a national security advisory board (NSAB), which provides advice to the formal National Security Council. The NSAB consists of eminent persons outside the government with expertise on a range of security issues. It provides long-term analysis to the NSC recommends solutions and addresses policy issues referred to it.

This is similar to the UK, where the current government established a National Security Forum. The purpose of the forum is to provide independent advice on a variety of national security issues. They provide that advice to the government and the Cabinet Committee on National Security, International Relations and Development (NSID). The NSID is comprised of relevant cabinet ministers, heads of security services, the police, the armed forces, and considers and articulates national security priorities.

In formulating a security policy, an NSC can support this through coordinating assessments, identifying threats and priorities and providing a discussion forum within government for ministers and senior officials. It can also lead or provide secretarial support for public consultations.

During the implementation phase, an NSC can coordinate the various line ministries and security institutions with a role in implementing security policy and decisions. This can help to ensure a focus on the national interest above ministerial objectives. It can also provide formal or informal coordination between the executive, officials and implementing actors. An effective NSC should support information sharing to make proper decisions and would need the support of the country's senior leadership and adequate resource allocations of its own.[38]

Any NSC requires a balance between civilian officials and security personnel whether from the military, police or intelligence agencies. This is particularly important in countries transitioning from conflict and in interventions of security actors in national political affairs. A balanced NSC can help to deter interference and manage conflict.

III). Security Sector Accountability to the Executive

Government provides clear policy direction, prepares security plans, sets standards or performance indictors, and establishes strong accountability mechanisms. As such:

> *"Clear and independent systems of make it easier for security officers to assess and resist illegally motivated or inappropriate orders. Well-functioning accountability systems also generate the sort of public goodwill that makes it more difficult for governments to mistreat security officers for political reasons without public outcry"*[39]

The Chief of Police, Defence, Customs, Immigration and Correctional Services is accountable to the executive, answering directly to a responsible minister who is the political head of the organisation. The Chiefs of the respective security institutions are the administrative head responsible for day-day management, operations, discipline, administration and finances.

The responsible minister has a critical role in providing policy guidance, resource allocation through the national and ministerial budget process, and administrative and logistical support. While ministers have responsibility for overseeing the security institutions and providing strategic direction, the security institutions should be responsible for their own operational plans and activities.

The line ministries responsible for security institutions need to be based on an appropriate legal foundation, have a clearly articulated mission, function according to established administrative and operational policies, and comprise competent, properly supervised personnel (see box 9).[40]

Box 9 Transforming Line Ministries Responsible for Security Institutions

Transforming a line ministry responsible for security agencies requires a reasoned and informed process of assessment and strategic planning. Strategic planning is the process by which the ministry can visualize its future and develop the necessary operations to achieve that vision.

This involves three main steps:

- Draft a mission statement clarifying the host of issues present at the start of the planning process. Key issues to identify are the ministry's major areas of responsibility; the major objectives for the ministry and its constituent components; and the major policy questions, key actors, supporting tasks, and potential "showstoppers".
- Study of the ministry's internal environment, including analysis of its strengths and weaknesses, major challenges that must be addressed and potential barriers to progress.
- Assess the external environment, particularly opportunities and threats. What is the political, economic, and social context? The level of technology? Who are the key stakeholders, including legislative and regulatory bodies and civil society groups? This "SWOT" (strengths, weakness, opportunities, and threats) process should generate a strategy for reform by analyzing how the ministry can use its strengths, improve its weaknesses, exploit and capitalize on opportunities and mitigate threats.

Source: *Perito, R. M (2009), "The Interior Ministry's Role in Security Sector Reform," United States Institute of Peace Special Report: <www.usip.org>.*

The security line ministry is also responsible for overseeing the institutional management of the sector, which is often neglected, particularly in the field of financial management. Few countries have established internal institutional management systems to run effective, transparent and accountable security institutions. Such systems are essential in order to ensure financial and operational efficiency and to prevent corruption and abuse of power. Additionally, effective personnel policy and personnel management (recruitment, staffing, training etc.) is crucial to the development of professional security institutions that adhere to democratic principles, the rule of law and respect of civilian oversight (see box 10).

As the implications of the global economic crisis and consequent budgetary cuts are required, this is likely to be an even more pressing issue. Under certain circumstances, the economic crisis may lead some countries to increase the size of their law enforcement agencies to address anticipated law and order problems. Whether countries scale up or scale down their services and institutions, the economic crisis is nevertheless likely to have a significant impact on the security sector. Thus, it is a critical issue to strengthen the capacity of civilian authorities to manage security institutions more effectively and deliver improved security services.

Ministers may initiate reform processes. In Zambia, for example, following allegations of torture of individuals detained in connection with a 1997 coup attempt, the Home Affairs Minister announced a comprehensive police reforms strategy, including the establishment of an independent Police Complaints Authority and human rights training for all police officers.[41]

Box 10 Institutional Management Mechanisms for Line Ministries and Security Sector Agencies

Key internal mechanisms are needed to ensure that both line ministries and security sector agencies are able to deliver services that provide security as a public good, as well as effectively managing scarce resources, in a transparent and accountable manner.

Policy and Planning Cycles

Policies and planning for security provision must reflect the priorities and available resources designated by the government and legislature. Moreover, they must be updated in a timely fashion.

Budget Planning

Budgets must be planned in accordance with the policies, priorities and available resources designated by government and legislature. Procurement plans must fit within the boundaries designated by the budget plan and not focus on acquiring unnecessary technical equipment at the expense of providing key security services.

Financial Control

Financial controllers must ensure that expenditures fit with the budget plan, ensuring that procurement in particular is carefully monitored to prevent overspend and cost overruns.

Personnel & Human Resource Management

Personnel must be selected and promoted competitively. Ministries and agencies must ensure that salary scales, promotion, professional development, assessment and evaluation criteria are in place to ensure the quality of security professionals delivering security.

Adapted from: *Plamen Pantev, Valeri Ratchev, Todor Tagarev, and Viara Zaprianova, 2005, Civil-Military Relations and Democratic Control of the Security Sector - A Handbook for Military Officers, Servicemen and Servicewomen of the Security and Intelligence Agencies, and for Civilian Politicians and Security Experts & Hari Bucur-Marcu, Philipp Fluri, Todor Tagarev, 2009, Defence Management - An Introduction Todor Tagarev, 2002, Transparency in Defence Policy, Military Budgeting and Procurement.*

In terms of appointment of senior security officers, in Solomon Islands, the Head of State appoints the Police Commissioner after consulting the Police and Prison Services Commission; this is the same in Vanuatu. In Fiji, before the 2006 coup the Constitutional Officers Commission appointed the Commissioner of Police following consultation with the minister responsible for the police. In Tonga, the Minister of Police has the authority to administer, command, superintend and make all appoints to the Police Force, with the approval of Cabinet. And in Papua New Guinea, the Commissioner of Police is appointed by the National Executive Council. The NEC is a constitutional entity representing the executive. Tonga and Papua New Guinea are the only two countries that have one source deciding on senior appointments. It has been argued

that in the case of Tonga it is a dangerous precedent that is open for political patronage and in Papua New Guinea as the appointment comes from the NEC, it implies the Commissioner is a political appointee.[42]

One way of ensuring against political interference with security institutions is to support the establishment of an independent police service commission made up of eminent figures that are responsible for overseeing recruitment, promotion, discipline and other personnel issues.

Service commissions are autonomous government bodies that oversee management and disciplinary matters in security institutions. They can be drawn primarily from the executive or eminent persons from different walks of life. They are designed to be an independent voice in matters of administration and governance. Service commissions are meant to be established to limit potential political interference in selection, promotion, transfer, and removal of security officers. However, given that the President/Governor-General usually appoints on the advice of the prime minister the commissions are open for potential political patronage. They can also be designed to deal with appeals from security officers seeking redress from internal disciplinary measures.

In all the target countries, a constitutional provision to maintain the independence of Service Commissions exists, which says a person is disqualified for appointment to any Service Commission if s/he is a Member of Parliament, holds any public office, or a position deemed to be of "a political nature." It has been argued that this is an important provision and makes good on the envisaged design that the Service Commissions are not subject to any other control of authority.[43]

There are newer models that are more ambitious in composition and scope - in some cases including citizen representation, with wider powers to shape policy, set budgets, oversee ethics, examine behaviour, assess performance and go beyond making recommendations.[44]

IV). Current Situation in the Target Pacific Island Countries

Currently, none of the target countries have a comprehensive security policy. However, each country has in place mechanisms to develop strategic policies and coordinate security actors while some of the line ministries and security institutions have strategic/corporate plans.

In ***Fiji,*** the Ministry of Defence, National Security and Immigration are in the process of developing a national security policy and have undertake consultations within the administration and with select civil society groups. To support this process, in 2008 the NSC was revived to provide oversight of policy development and monitor security developments. It is comprised of the prime minister (chairman), commander of the RFMF, the attorney general and minister for justice, minister of defence, minister of finance and commissioner of police, with the permanent secretary of the Ministry of Defence providing secretariat support.

The ***Papua New Guinea*** government is in the process of developing a national security policy. This will be derived from the recently approved 2050 Strategic Vision, which includes a pillar on security and international relations. It will also take into account the Medium Term Development Strategy, the Defence Corporate Management Action Plan, which incorporates recommendations from the White Paper Defence Review in 1999, the national law and justice policy and action plan (2000), the White Paper on Law and Justice (2007) and the Royal PNG Constabulary Corporate Plan 2006 – 2010. The government has in place a national security decision-making structure, without a policy to provide strategic direction. The Office of Security Coordination and Assessment (OSCA), which performs the administrative and secretariat duties for the National Security Advisory Council (NSAC), as well as the coordination and assessment role for the Papua New Guinea intelligence community was established during the crisis in Bougainville. OSCA assists the National Executive Council (NEC) Secretariat in facilitating National Security Council (NSC) meetings. Via the NEC and the Prime Minister's Department, most strategic policy is created through this mechanism (see example 1).

In ***Solomon Islands,*** there is no formal security policy in place. However, the government has a Medium Term Development Strategy (MTDS) for 2008 – 2010. The MTDS is part of a long-term national development strategic plan, which translates the government's strategic vision into a series of programmes. The MTDS is set within the context of the Sikua Government's Policy Statements of January 2008. It includes two sections that are relevant to improving the governance of security institutions: 1) national security and foreign relations; and 2) Reconciliation and Rehabilitation. A national security council is not in place; however, the responsible line ministries have developed four-year corporate plans. To support the coordination of government and implementation of these plans there is a functioning Combined Law Agencies Group (CLAG) and there are weekly meetings between security-providing actors, including the police commissioner and representatives from the justice sector, to outline current issues.

Tonga also does not have a formal security policy. However, it has a number of mechanisms for policy formulation, which ultimately lies with the Prime Minister's Cabinet, with inputs from the Defence Board and Minister of Police. The Defence Board, which consists of the King and Privy Council (Article 19 of the constitution), is responsible for formulating defence policy, controlling services through the commander, controlling funding and acquisition, and performs disciplinary and administrative functions. Recently, the Tonga Police Force has finalised a new strategic plan and corresponding business plans. Also recently, the Constitutional and Electoral Reform Commission provided its final report with 80 recommendations on ways to structure a new system of governance for Tonga, which will have an impact on how the security sector is managed and overseen.

In ***Vanuatu***, there is a growing consensus on the need to formulate a comprehensive security policy. In support of this, the Ministry of Justice and Ministry of Internal Affairs have developed long-term corporate plans and have undertaken national policy direction conferences. The Prime Minister's Office and the government through the Council of Ministers are responsible for developing strategic policy. There is a national security apparatus in place including a CLAG but it is constrained due to a lack of technical support.

Example 1: Establishment of National Security Advisory Committee and Office of Security Coordination and Assessment in Papua New Guinea

The Office of Security Coordination and Assessment / National Security Advisory Committee (OSCA/NSAC) Secretariat was established in 1991 based on the need for coordinating timely intelligence management system in PNG. The concept of a national Security Assessment and Coordination body is reminiscent of the common international practice of the national management of intelligence and provision of timely security advice to government by different security line agencies.

In 1991 OSCA was established through a National Executive Council (NEC) Decision No. 104/91, in line with the government's policy document on "Security for Development." Despite a series of NEC Decisions to amend its shape and form from 1991 to 1994, the functions of OSCA have not been fully achieved until now. This was due to legislative, staffing, financial and other administrative challenges.

In a nutshell, the establishment of OSCA/NSAC was a policy strategy designed to effectively strengthen and streamline management issues related to the proper and efficient coordination and assessment of law and order and security intelligence reports provided to the national government by NASC agencies.

The current limited staff sealing is not adequate to manage the broad and ever-growing national security issues. More effort and resources are needed to expand the current operations of OSCA/NSAC to accommodate these changing security challenges and evolving crime trends.

As the central coordinating and assessment body OSCA performs two fundamental roles:

1. Secretariat to NSAC: Providing the secretariat duties for the NASC in the conduct of all its administrative duties and other operational functions or responsibilities. In all facets of managing national security, development of strategic plans for preservation of law and order, and maintenance of sovereignty (i.e. as Secretariat to NSAC); and

2. Security Assessment and Advisory Role: Providing high level national security research, analysis and assessment capability for efficient advice to the Prime Minister, through the Chief Secretary to government.

Source: *Ian Finga, Acting Director-General, Office of Security Coordination and Assessment, Department of Prime Minister and National Executive Council, Papua New Guinea.*

Example 2: National Security Formulation and Decision-Making Process in Jamaica

In 2003, the cabinet of the government of Jamaica decided to launch a process to develop the country's first comprehensive, whole-of-government National Security Strategy (NSS). The government initially planned to conduct a defence review but realised that the wide range of potential threats to Jamaica's national security — including organised crime, gang violence, socioeconomic problems and environmental disaster — required a broader approach. The NSS development process was carefully managed to ensure that: a comprehensive approach was maintained; NSS strategic goals and priorities were developed according to all key threats, vulnerabilities and overall national priorities; and a detailed plan for implementation was developed. The NSS includes: a comprehensive range of reform programmes, including changes in the division of responsibilities between the Jamaican police and defence forces; a review of the criminal justice and law-making systems; reviews of several specific institutions, including the police and defence forces; major reform of intelligence systems; improved environmental and planning regulation; dismantling of organised crime groups; local crime prevention; and community development projects in target neighbourhoods. To ensure inter-agency coordination and high-level political will, an Implementation unit was established that reports to the National Security Council.

A broad-based consultation was initiated, involving all potentially relevant branches of government, state agencies and CSOs, including women's groups. Under the heading 'The Effects of Violence on Communities', the National Security Policy calls for close attention to the impact of violence on individuals, communities and society. 'Domestic violence', it noted, 'is one of the more pervasive and common forms of violence plaguing the society. It contributes to the overall pattern of crime and violence due to its debilitating effects on the social fabric and its role in socialising the youths to violence as a means of dispute resolution'. Women and children are disproportionately at risk from domestic violence.

Existing mechanisms for coordinating government priorities were examined and it was determined that the National Security Council (NSC), chaired by the prime minister, is best suited to own the responsibility for the implementation of the NSP. The mandate of the NSC is to be expanded to reflect this added responsibility and to include a formal biennial review of the National Security Policy. It may be necessary to include on the council the ministers holding responsibility for finance, foreign affairs and information. This additional mandate will necessitate a schedule of regular meetings with specific agenda items relating directly to the implementation of the NSP. The NSC will report to the cabinet, and the cabinet to parliament. Parliament has recently established a Select Committee on National Security.

A National Security Strategy Implementation Unit (NSSIU) appointed by the National Security Council (NSC) is to be established in the Cabinet Office as a forerunner to the permanent structures of the NSC. The NSSIU will carry out the day-to-day coordination, target setting, monitoring and assessments required to implement the NSP, in addition to driving the transformation process on behalf of the NSC. The executive director of the NSSIU, who should be of the rank of permanent secretary, will be accountable to the NSC. Other senior members of the NSSIU staff would be drawn from relevant ministries that have a primary stake in achieving NSP goals. A small research, evaluation and administrative staff will be required.

The executive director of the NSSIU will report ultimately to the prime minister, but routinely to the cabinet secretary. He/she will temporarily function as the secretary to the NSC, in addition to providing direction and control of the NSSIU and ensuring that the NSP is implemented across government on behalf of the NSC. Functions to be performed by the NSSIU include:

- Assisting permanent secretaries, chief executive officers, and managers in making operational key

elements of the NSP and managing the integration of the NSP across government;

- The convening of joint meetings to confirm responsibilities, actions and timelines as mandated by the NSP. The NSSIU will be responsible for developing a mechanism for target setting and monitoring, which will allow for easy identification of actions required, responsibilities and the effective meeting of deadlines;

- Monitoring and technical assessment of progress in implementing the NSP. The evidence of implementation will include confirming that the required structures, policies, infrastructure, personnel and equipment are in place where necessary;

- Evaluation of general implementation of the NSP (and its Special Security Initiatives, in particular). The NSSIU will determine benchmarks in order to verify that the actions being carried out are effective in meeting the Strategic Security Goals and Objectives. Indicators of progress will be developed and this will include sector performance targets;

- Channelling of information and technical assessments on the progress of the implementation process to the NSC. The NSSIU will do some troubleshooting and will keep the NSC regularly informed on progress and challenges encountered;

- Resolving conflicts that arise during the course of implementation of the NSP as MDAs seek to coordinate their actions;

- Promoting and supporting a programme of public information to improve understanding of national security issues and to communicate progress towards achievements of national security goals;

- Reviewing policies being developed by MDAs to ensure consistency with the NSP;

- The coordination of actions relating to the implementation and review of the NSP;

- Providing an interface with the international development community for the identification of government security priorities under the NSP;

- Continuous review and updating of the NSP and production of an annual report.

Specific mechanisms to facilitate the effective functioning of the NSSIU will include:

- Establishment of Joint Committees at the levels of:
  - Relevant permanent secretaries
  - Heads of departments and agencies
  - Relevant local government authorities and civil society groups
  - Regional and international partners

- Establishment of agreed standards, procedures and indicators of progress.

- Formalisation of written reporting systems, visits and consultations.

- Special meetings with stakeholders.

Adapted from: *Government of Jamaica (2007), National Security Policy for Jamaica: Towards a Secure and Prosperous Nation, Kingston: Government of Jamaica; Luciak, I (2008), "National Security Policy-Making and Gender" in Gender and Security Sector Reform Toolkit, (eds.) Bastick, M & Valasek, K. Geneva: DCAF; OSCE/ODIHR, UN-INSTRAW & OECD (2007), OECD DAC Handbook on Security System Reform: Supporting Security and Justice, Paris: OECD.*

b) Constitutional and Legal Frameworks

I) International Good Practice

Security institutions need to be fully cognizant of their roles and responsibilities to protect and defend national sovereignty while also safeguarding the civil liberties and freedoms enshrined in their respective constitutions and national laws.

National constitutions, laws and regulations governing security institutions are essential to ensure their effectiveness, accountability and transparency. Without legislation it is impossible to entrench the rule of law. Legal frameworks are the foundational basis for establishing the ultimate objectives of security policies.

Legal frameworks provide the legitimate mandate for oversight, including establishing professional standards and codes of conduct, and should clearly define the roles and responsibilities within and among security institutions. This facilitates the institutional design of the security sector.

Security-related legislation should include the following elements:

- The mandates, functions and powers of each of the security services;

- The powers, responsibilities and accountability of key officials such as the president, prime minister, ministers for policing and defence; the police commissioner; and the chief of the Defence Force;

- The appointment process for security service chiefs;

- Responsibilities for certain disciplinary actions, which can include the establishment of a Service Commission;

- Adherence to international human rights standards;

- Criminal offences and penalties, in particular those criminalizing forms of gender-based violence;

- The rights and duties of members of the security services;

- Authority and procedures for the use of force;

- Authority and procedures for expenditure of funds and procurement of assets; and

- Authority and procedures for the use of emergency powers that are permissible under international standards, which limit derogations of human rights and freedoms

- Protection of non-derogable human rights;

- Reflect, among others, the standards embodied in the Basic Principles on the Independence of the Judiciary, Basic Principles on the Role of Lawyers, and Guidelines on the Role of Prosecutors;

- The conduct of police and other security forces consistent with, among others, the Code of Conduct for Law Enforcement Officials and Basic Principles on the Use of Force and Firearms by Law Enforcement Officials;

- Penal laws, including for transnational crimes, and criminal procedure laws that ensure the effective and fair administration of justice for perpetrators, including juveniles in conflict with the law as well as victims and witnesses, consistent with, among others, the Basic Principles of Justice for Victims of Crime and Abuse of Power and;

- Prison laws and regulations that are consistent with, among others, the Standard Minimum Rules for the Treatment of Prisoners.[45]

As a result, the security sector will:

- Be governed by statutory laws;
- Operate on the basis of clear and transparent rules and procedures;
- Operate within a human rights framework;
- Be staffed with officials who are recruited and selected through transparent and public processes;
- Possess whistleblower protections; and
- Be accountable to independent courts and ombudsmen.

Additionally, the legislative framework needs to ensure that the dialogue between democratic institutions on security issues is underpinned both by laws defining the responsibilities and available means for each of these institutions and laws ensuring that there is neither intended nor unintended immunity for any security sector institution.

It is crucial that legislators have the necessary skills and capacities to conceptualise, scrutinise and draft appropriate security-related laws. However, legislation only provides a formal guideline for the roles and responsibilities of security institutions. As was noted by the Commonwealth Human Rights Initiative:

> *…a law alone is often too blunt an instrument to provide appropriate solutions to the daily dilemmas faced by police [security] officers on the ground and by police leaders engaging with governments and communities; but the law provides the framework for the difficult exercise of police discretion. In a proper democratic system, police accountability solely to the law is not sufficient – police must also be accountable to communities, government agencies and independent oversight bodies.*[46]

Nevertheless, by establishing a legal framework that encompasses the security sector's activities, legislators provide the legal basis for a series of checks and balances on security sector policy and practice, executive decision making and the rights of citizens. This process anchors the concept of democratic oversight of the security sector in society as a whole and allows an independent judiciary to prosecute wrong-doing.

Box 11 Model Law on Civilian Oversight of the Security Sector

Developed in 2002 by the Geneva Centre for the Democratic Control of Armed Forces (DCAF) in partnership with the Commonwealth of Independent States (CIS) Parliamentary Assembly, the Model Law on Civilian Oversight of the Security Sector was created to help former Soviet countries create legislation, which embeds the concept of democratic civilian oversight of the security sector in their countries as per the obligations of the OSCE Code of Conduct. The law was used as a basis for similar laws adopted in Ukraine and Kyrgyzstan.

The model law can be found at:
http://www.dcaf.ch/_docs/bm_fluri_nikitin_cis_model.pdf (English).

Box 12 Recommendations for Improving Democratic Oversight and Guidance of the Security Sector – Creating a Legal Framework

- Develop legislation specific to each security sector component and law enforcement agency in accordance with international precedents, given their different mandates and competencies;
- Develop legislation which guarantees the independence, functioning and availability of suitable instruments for democratic institutions to monitor the security sector;
- Provide an effective counterbalance to the powers of the executive branch and serve as a "voice" of the people;
- Debate and shape strategic security policy;
- Determine budget allocation and oversee expenditures;
- Hold security institutions accountable through interpolation, hearings and investigations;
- Ensure the subordination of security institutions to the law and to judicial oversight;
- Oversee the implementation of laws that relate to security institutions.

Ensure:

- The ombudsman institution has a statutory right to monitor, enquire and report on security actors' activities;
- The judiciary can oversee court cases against security actors;
- That prosecuting lawyers in those trials, as well as law-enforcement investigators investigating crimes or accusations, can gain access to documents, employees and premises of the security sector actors to fulfil their tasks;
- That adequate state funding is made available for all of the actors concerned, not only for procedural activities but also in the event of emergencies;
- That security services address the real security concerns of the people, and that taxes and other resources are used for their intended purposes; and
- That the security services operate in the interests of society and observe the human rights of men and women.

Source: *UNDP and DCAF (2006), 'Recommendations for Improving Democratic Oversight and Guidance of the Security Sector' in Democratising Security in Transition States. Katrin Kinzelbach and Eden Cole, eds., Bratislava: Renesans, pp. 59-69.*

To apply these principles in practice, one method chosen has been to adopt a specific law on civilian oversight of the security sector (see box 11). A more common method is to include provisions that guarantee civilian oversight in each of the laws that regulate the security sector, e.g. the police act, protection of official secrets act, internal security services act, foreign intelligence act, states of emergency act, national defence act, financial accountability act, military (and alternative) service act, conscientious objectors act, defence procurement act, ombudsman act and a freedom of information act.[47]

II) Current situation in the target Pacific Island Countries

Pacific Island countries are in the process of reviewing, updating and reforming legal frameworks that govern their security institutions. This section highlights a number of existing constraints with the legal framework in the target countries, which will need to be addressed to ensure the effective accountability and oversight of security institutions in the region:

- Given the changing regional and national security environment, there is a need for legislation on such issues as transnational crime, counter-narcotics and counter-terrorism.

- Generally, the security legislation in the Pacific do not make reference to the protection of human rights and civil liberties. For example, the functions of the police relate to "maintenance of law and order."

- The constitution and acts of parliament related to the police or military contain the concept of operational independence, vesting the police commissioner or commander of the military with responsibility and ultimate accountability for operational and administrative decisions, which aims to reduce the likelihood of political interference. However, in Tonga the minister of police has command, superintendence and direction of the force. This includes maintaining discipline, efficiency and making appointments. This results in the police not being politically autonomous. Also, the existing emergency legislation in Tonga was not sufficient to deal with the 16/11 riots in Nuku'alofa and had to be amended accordingly (see example 3).

- There was a critical weakness of the Fiji Constitution (Amendment) Act 1997, that the role of the Republic of Fiji Military Forces was not defined except to say that "the Republic of Fiji Military Forces established by the Constitution of 1990 continues in existence." This leaves open claims that the repealed 1990 Constitution's definition remains in force, namely: "It shall be the overall responsibility of the Republic of Fiji Military Forces to ensure at all times the security, defence and well being of Fiji and its peoples." According to the Forum Eminent Persons Group Report in 2007, this situation lead the RFMF to believe the "Constitution provides it with a political mandate to influence government policy in the interests of Fiji, however they may be defined."[48]

- Also in Fiji, in October 2008 the Fijian High Court upheld presidential decisions and promulgated legislation made after the December 2006 coup as lawful in the intervening period prior to parliamentary elections, rendering inoperative the conventional separation of powers between civilians and the military. On April 9 2009, Fiji's Court of Appeal ruled that the 2006 coup by military leader Commodore Frank Bainimarama was illegal, as were all decisions made by his military-led government. Since that decision and the purported abrogation of the constitution, the interim military-lead government in Fiji has issued decrees to prevent legal challenges to decisions made by President Ratu Josefa Iloilo since the December 2006 coup; a decree setting up the framework for a new court system and the appointment of judges, which would require the president's approval; public emergency regulation; and decree on Executive Authority of Fiji (Amendment Decree) (Decree No. 28), which states that "if the Office of the President becomes vacant, the Chief Justice, acting on the advice and nomination of the Cabinet, shall appoint another person to become President."

- The Police Acts of Fiji, Vanuatu and Solomon Islands all contain a provision that allows the Head of State to unilaterally declare, when faced with what s/he considers a grave threat to the defence or internal security of the country, that the police will be used as a military or internal security force and in doing so will comply with military orders. A danger here is that the decision to invoke a state of emergency is left to the sole discretion of the executive, with no input from Parliament or any other agency of government. This could create tensions and complications over the lines of accountability and supervision.[49]

- In Vanuatu, the mobile force is unmentioned in legislation. The parliament has passed a Police (Amendment) Act 1994 specifying in section 4 that 'members of the Force may be engaged in Peace Keeping duties outside Vanuatu with the approval of the Council of Ministers on the recommendation of the Prime Minister and Minister of Foreign Affairs'.

- The police and defence acts currently in force in the target countries predate the creation of external oversight bodies, which means there is a focus on only internal police disciplinary systems to investigate police misconduct and maladministration.

- There has been little progress in changing outdated laws that are discriminatory against women in Fiji, Papua New Guinea and Tonga. Only Vanuatu has comprehensive legislation that deals with domestic violence. Fiji has addressed some elements of domestic violence in its family law but has not amended sexual and domestic violence in its criminal or civil codes. Papua New Guinea has made changes to sexual assault laws but has not legislated on domestic violence. In Tonga, CEDAW has not been ratified. Solomon Islands have recently changed its sexual assault legislation to comply with CEDAW.[50]

- There are currently no regulations governing private security companies in Tonga and the legislation in Papua New Guinea needs updating.

Example 3: Security Sector Legislation in Tonga: Responding to 16/11 Riots

A The Tongan Government

At the top of every security sector in the country there is the government, which formulates policies and enacts laws to govern and administer the security sector. The Tongan security sector therefore has its origins in the Tonga Constitution in the provisions that created the Tongan Government.

B The Tongan Security Sector

The main players in Tonga's security sector are the Tonga Police Force ('TPF') and the Tonga Defence Services ('TDS'), who are in turn supported by the Crown Law Department in conducting criminal prosecution and the provision of legal advice and legislative drafting services.

The constitution presupposes the establishment of the TDS consisting of land and sea forces, with the King as the "Commander-in-Chief".[51] The constitution also empowers His Majesty to appoint all officers and make regulations for the training and control of the forces. The constitution, however, limits the powers of the commander-in-chief in that war cannot be made without consent of the Legislative Assembly. The constitution also presupposes the existence of the TPF in empowering His Majesty to appoint a Ministry of Police.

C Tongan Security Sector Legislation

The Police Act

The Police Act was enacted in 1968, replacing the old Police Act 1923. The act establishes the TPF. The TPF is now in the process of modernising their legislation and such process may likely be complete in 2010. One area that may be considered for better security sector administration is linking the current Police and TDS Acts to the Public Order (Preservation) Act for clearer provisions when dealing with law and order threats or civil emergency.

The Tonga Defence Services Act 1992

The Tonga Defence Services Act 1992 was brought into effect to replace the Tonga Defence Services Act 1952. In relation to assisting the civil authorities to maintain order in the Kingdom, His Majesty may call out the TDS in aid of the services once a proclamation is made under section 3(1) of the Public Order (Preservation) Act.[52] In relation to assisting the civil authorities in the case of civil emergency, the board may direct the TDS to assist civil authorities upon request from the civil authorities, and upon determination of the board that it is in the national interest to do so. The TDS Act is fairly recent with only fourteen years in existence and is also comprehensive.

D General Background to 16/11 Riots

On 16 November 2006, Tonga suffered its first ever threat to its peace and security. The Nuku'alofa riots of 16/11 were the lowest point of law and order since modern government started in Tonga 134 years ago. About eighty per cent of buildings in the central business district were either destroyed or damaged after smashing, looting and arson.

Proclamation under the Public Order (Preservation) Act

After the first attack on the Prime Minister's Office, Finance, the Legislative Assembly, the Courts and other businesses in Nuku'alofa, Crown Law was summoned to provide a proclamation under the Public Order (Preservation) Act to be signed by the prime minister to declare the Nuku'alofa area a proclaimed area.

Immediately after the prime minister signed the proclamation, the commanding officer of the TDS at the time advised His Majesty that the proclamation was issued and recommended that the TDS be released to assist the civil authorities in accordance with section 18 of the TDS Act. His Majesty agreed and TDS soldiers were sent to secure vital installations and government buildings in Nuku'alofa, and also to assist in the restoration of order on the streets.

Emergency Powers (Maintenance of Public Order) Regulations 2006

Crown Law was also directed to draft regulations under the Emergency Powers Act. The following day the Privy Council meeting was held as per normal for every Friday morning. Privy Council considered the draft regulations and then they were approved by His Majesty in Council as the Emergency Powers (Maintenance of Public Order) Regulations 2006.[53] The regulations came into effect on 17 November 2006, and they were effective for thirty days unless renewed by Cabinet.[54] The main purpose of the thirty days period was that government wanted to avoid appearing to be heavy handed in using emergency powers, and also to send a message to the public that the emergency powers had a time limit, unless the circumstances required it to be renewed. Cabinet was also given the power to make orders for the purposes of securing public safety and the maintenance of public order.[55] Emergency powers were then given to any persons authorised by Cabinet, and all members of the TPF and TDS to secure public safety and maintain public order. The emergency powers were drafted incorporating the same powers in the Public Order (Preservation) Act. So in effect it gave the law enforcement authorities the same powers to be applied throughout the kingdom as if it were a proclaimed area.

E Issues

With the benefit of hindsight, the main issues from the riots emerged in no uncertain terms. From the outset it was clear that this was the first time the Tongan Executive was faced with such a situation. Faced with an unprecedented event, the TPF found themselves unprepared to respond in a timely and effective manner during the initial phase of the riots. Consequently, preparations, mainly in building resources and also improved training, should be undertaken by both the TPF and the TDS. Furthermore, preparations should be made to establish early conflict prevention strategies.

F Assessment of the Executive's Response

First, the executive's response in issuing the proclamation and making the emergency regulations was within the legislative framework, and therefore according to law. It was also a vital requirement for government not to take advantage of the situation and come down on the people with a clenched iron fist, so to speak. The rule of law was never far away from executive decision making. This was confirmed when soon after 16/11 the Supreme Court held that the executive was empowered within the law to make the emergency regulations and the proclamation it did.[56] Secondly, the TDS's and TPF's joint response were effective and swift in restoring public safety and public order overnight. Thirdly, some TDS and TPF personnel are the subject of legal challenges as to how they utilised their enforcement powers under the emergency regulations. Some of these cases have been resolved and others are still pending. The legal challenges have mainly been about excessive force and unlawful arresting powers. In relation to those claims that have been resolved and were successful, they clearly involved officers who acted beyond their legal powers. This indicated either a lack of aptitude for law enforcement work or a lack of simple training on professional standards and ethical behaviour. The main area for concern therefore seems to be the training of soldiers and police officers on accepted professional standards and ethical behaviour.

Adapted from presentation: *Security Sector Legislation in Tonga, given by Aminiasi Kefu, Solicitor-General, Crown Law Department, Government of the Kingdom of Tonga, 29th April 2009 at the Regional Conference on Security Sector Governance in the Pacific, Nuku'alofa, Tonga, 27- 30 April 2009.*

c) External Oversight and Accountability

Democratic oversight of security institutions is essential to ensuring accountability of security actors and the executive branch that manages them; effective oversight also helps to ensure compliance with the rule of law. Oversight bodies should be independent, well-resourced, and able to understand and execute their respective mandates. Rarely, however, do governments establish such robust oversight mechanisms until a crisis has already occurred.

The focus of this section is on the role of the legislature, ombudsman institutions, judiciary, civil society and the media in ensuring external oversight and accountability of security institutions (see figure 7 below).

figure 7 External Oversight and Control of Security Institutions by Accountability Institutions

Legislature	Justice System & Ombudsman Institutions	Civil Society and the Media
■ Budget Allocation ■ Overall democratic control of security policy orientation ■ Control of career progress	■ Case-based legality control ■ Control of misuse of force or abuse of powers by security personnel & institutions ■ Independent wachdogs ■ Determination of disciplinary matters	■ Monitoring ■ Advocacy ■ Awareness-raising ■ Communications ■ Policy & practice inputs

Legislature

I). International Good Practice

The legislature has a very important role in developing and strengthening a culture of accountability and transparency. Legislators have three pivotal roles: legislating or enacting laws; representing constituencies and passing ideas of various kinds on to decision makers; and monitoring and overseeing government policies and practices, particularly in terms of public expenditure.

As a result, legislatures play a central role in security sector oversight. They can provide an effective counterbalance to the powers of the executive branch and serve as a "voice" of the people. In their oversight capacity, parliaments can debate and shape strategic security policy, determine budget allocation and oversee expenditures, hold security institutions accountable through interpolation, hearings and investigations, ensure the subordination of security institutions to the law and to judicial oversight and oversee the implementation of laws that relate to security institutions.

Legislators need to ensure that: accountability institutions have a statutory right to monitor, enquire and report on security actors' activities; that the judiciary can oversee court cases against security actors; that prosecuting lawyers in those trials as well as law enforcement officers investigating crimes or accusations can gain access to documents, employees and premises of security institutions to fulfil their tasks; and that adequate state funding is made available for all of the actors concerned, not only for procedural activities but also in the event of emergencies. Overall, although overlaps do occur occasionally, the division of labour should be based on the free flow of information between all these institutions, as accelerated by the activities of civil society and the media.

Notably, the legislature is only one element of a network of accountability institutions that can be utilized to oversee the security sector. anti-corruption commissions, ombudsman institutions, the auditor-general, the media and civil society all have a role to play. The legislature can be strengthened in its own oversight activities if it collaborates, or at least coordinates, with other agencies.

Legislatures ultimately ensure that security institutions address the real security concerns of the people and that tax and other resources are used for their intended purposes, seeing to it that the security services operate in the interests of society and observe human rights.

Box 13 UNDP and DCAF: 'Recommendations for Parliamentarians to Improve Democratic Oversight and Guidance of the Security Sector'

1. Develop an over-arching legislative framework that will create an optimal environment for democratic civilian oversight of the security sector, which reflects international norms and adjusts the constitution to reflect those norms.
2. Develop legislation specific to each security sector component and law enforcement agency in accordance with international precedents.
3. Develop legislation which guarantees the independence, functioning and availability of suitable instruments for democratic institutions to monitor the security sector.
4. Integrate human rights norms into laws relevant to the security sector.
5. Develop strategic documents outlining the specific roles, tasks and means available to security sector components.
6. Demand democratic, accountable and effective executive control and well-functioning internal control mechanisms within the military, police, border police and intelligence services.
7. Ensure that security services address the real security concerns of the people and that tax and other resources are used for their intended purposes, seeing to it that the security services operate in the interests of society and observe the human rights of men and women.
8. Create specialised committees to deal with each component of the security sector.
9. Create ad hoc inquiry committees to deal with unexpected incidents and issues.
10. Establish balanced policies and clear terms of reference for the defence, intelligence

and law enforcement committees based on the principles of transparency and accountability.

11. Ensure balanced representation in all committees, including by opposition members and female and minority parliamentarians, facilitating fair representation of the interests of the whole population.

12. Create effective rules and procedures for each committee.

13. Hold regular committee hearings on security sector oversight issues.

14. Train and use civilian permanent parliamentary staffers within parliamentary committees to work alongside parliamentarians and advise on oversight issues.

15. Broaden the consultation process on policy development by holding public hearings on budget, legal, human rights, law enforcement and defence issues.

16 Encourage parliamentary unity on security sector oversight issues.

Source: *UNDP and DCAF (2006), 'Recommendations for Improving Democratic Oversight and Guidance of the Security Sector' in Democratising Security in Transition States. Katrin Kinzelbach and Eden Cole, eds., Bratislava: Renesans, pp. 59-69.*

II). Current Situation in target Pacific Island Countries

In the Pacific, legislatures are variable in size, capacity and engagement in national governance activities. Tonga has 33 members in its legislature (1 female member of parliament (MPs)), Solomon Islands has 50 MPs (no female MPs), Vanuatu has 52 MPs (1 female MP) and PNG 109 MPs (1 female MP). All four legislatures have only a single chamber. Fiji had a bicameral legislature, with 71 elected members in the House of Representatives and 32 members appointed to the Senate. Since the 2006 coup, the Parliament of Fiji has been suspended.

Due to the colonial history of the region, the parliaments of the South Pacific by and large follow the Westminster model, although as the only monarchy in the region, the Tongan system varies somewhat. Nonetheless, all of five legislatures have an executive which sits within the legislature. At a structural level, this has arguably contributed to the diminished ability of parliaments to engage in effective oversight because the government usually has sufficient numbers to suspend debate in the chamber and/or limit the capacity of parliamentary committees to undertake effective inquiries. At an operational level, staffing and funding limitations have also weakened parliaments, as MPs are often not provided with sufficient technical support to discharge their law making and oversight responsibilities. Most notably, committee secretariat support is often limited and there is sometimes no legal counsel available to non-executive members of the legislature.

In terms of security sector oversight in ***Fiji*** before the 2006 coup there was a Standing Committee on Justice, Law and Order, which is one of six committees established to scrutinise and review all bills and government policies that relate to security, law enforcement and the prosecution of crime and other related issues. However, these committees do not currently function. Prior to the coup, the committees functioned on their described basis – the Justice Law and Order Committee reviewing, for example, bills on bail, civil evidence, passports, family law, arms and ammunition and reconciliation issues between 2002 and 2003.

In ***Papua New Guinea***, sections 118-123 of the National Constitution provide for permanent parliamentary committees. This constitutional provision was reinforced in 1994 with the introduction of the Permanent Parliamentary Act 1994. The committee system prohibits ministers to sit on committees and, at the same time, tries to be inclusive by accommodating as many backbenchers as possible. There are at present thirteen parliamentary committees in the PNG parliament.[57] Although the parliament has committees mandated to deal with foreign affairs, security and law enforcement related matters; it is currently unable to adequately provide human or financial resources to support their work. Moreover, parliament has limited capacity to revise legislation, lacking legal experts with the ability to re-draft acts submitted by the government.

In ***Solomon Islands*** there is currently no dedicated defence and security committee. However, there are ongoing discussions about the establishment of a law and justice committee. Before the establishment of such a committee, the Foreign Affairs Committee has undertaken relevant activities. For example, it undertook a field survey across Solomon Islands to address public perceptions of RAMSI and its effectiveness. The survey was a component of a parliamentary inquiry to review the International Facilitation Act (see example 4) conducted from July 2008 onwards, inviting submissions on the act and the work undertaken by RAMSI 'and to suggest any improvements or changes to the functions and relationship between RAMSI, assisting countries and the people and Government of the Solomon Islands'.[58] The Foreign Relations Committee submitted its final report on 12th November 2009. Similarly, an inquiry was held into the April 2006 civil unrest in Honiara,[59] which contributed to the acknowledgement that the police needed a riot unit to contain such events.

In general, in the context of the current ***Tongan*** political system, parliament has a limited mandate and only two committees exist which do not have a statutory security oversight role. However, the Tonga legislature has also used the chamber of the House as a place to discuss the riots and follow up issues, not necessarily as a deliberate strategy but as part of Question Time. The parliament will be expanded as part of the ongoing reform process. Legislation has already been passed so that the majority of positions in the country's government are already elected representatives rather than hereditary noblemen or those directly appointed by the King, with the first commoner prime minister elected and taking office in 2006. National elections to elect the majority of parliament by popular vote are scheduled for 2011 and the number of MPs expanded two-fold. The Tongan legislature also has the responsibility to discuss the Nov 2009 report of the Constitutional & Electoral Review Commission.

Parliament currently plays a very limited role in security oversight in ***Vanuatu***. This is unsurprising as there is weak parliamentary oversight of public finances – with limited meetings and effective scrutiny by the Public Accounts Committee and auditor-general; parliament currently has no role in developing legislation; it is only being asked to pass bills by the government and has only in 2009 established permanent committees with no mandate on security matters. Whilst private members' bills can be advanced, there is no parliamentary legal counsel in place to draft legislation independently. There is also a high turnover of parliamentarians at each election and lack of regulation and transparency of MPs allocations.

Within this context and without the need for wholesale reform, there are numerous opportunities for legislatures to be involved in security sector oversight in the target countries. For example, the legislature can:

- Be used as a forum to air the concerns of constituents, rather than letting tensions fester in communities without any public forum where issues can be mediated;

- Be used to engage with regional issues: by asking members for their input on key security issues; tabling reports by UN / PIFS in parliament for discussion, e.g. Pacific Plan updates; and by officials providing an update to parliament through ministers on return from security meetings e.g. FRSC;

- Be a key player in minimising partisan political interference with the security sector through engaging in key appointment processes for senior posts, such as the head of the military or the police commissioner, ideally this would be done by a cross-party selection committee;

- Undertake reviews where public interest issues arise, e.g. scandals, deaths in custody etc;

- Be given a role in overseeing the imposition of emergency rule by the head of state. For example, in Vanuatu and Solomon Islands, parliament must meet to endorse a state of emergency within 1-2 weeks or the state of emergency will cease;

- Exercise its law making functions to ensure that security sector laws respect human rights and entrench proper principles of good governance (independence, impartiality, equality, etc.);

- Review the annual budget to analyze whether spending was effective and efficient on military and police activities and whether it included specific budgets for training on such issues as ethics and human rights;

- Use its parliamentary committees to oversee the security services, either through issue-specific committees (e.g. law and order, foreign affairs) or general finance/budget committees. For example, in Solomon Islands, the parliament's foreign affairs committee has been used to undertake hearings on the performance of the Regional Assistance Mission to Solomon Islands, which was mandated to support the government to restore law and order, among other things (see example 3);

- Use its parliamentary committees to oversee key anti-corruption institutions, including those responsible for overseeing security services. For example, in the Australian State of New South Wales, a parliamentary committee has the mandate to oversee the work of the Police Integrity Commission;

- Establish ad hoc committees or commissions of inquiry to investigate specific security sector issues. These benefit from focusing on a single issue, are time bound and supported by experts. For example, in Papua New Guinea the parliament set up a special bi-partisan committee to look at recent street rioting and looting that targeted Asian owned businesses;

- Be used as a forum to table relevant reports and discuss global/regional/national security issues. For example, in Papua New Guinea, the internal security minister in June 2009 called on all MPs to support him in implementing recommendations of a major Gun Committee Report;

- During parliamentary sessions, members can ask specific questions (with/without notice) e.g. current national topics (police brutality, domestic violence, role of the military etc.). They can draw on civil society for ideas and expertise. Questions can also be asked during chamber debate when a security bill or policy is being discussed. Adjournment of debate speeches provides an opportunity to talk about a security issue; and

- Outside the parliamentary process, members can discuss issues with constituents through public debate and with the media. Members can also invite CSOs and partners to regular meetings to discuss issues with legislators and provide briefings to committees and MPs on security matters.

Example 4: Parliamentary Strengthening Support Project in Solomon Islands

The genesis of the Solomon Islands Parliamentary Strengthening project was provided by a Legislative Needs Assessment (LNA), undertaken in 2001 by the UNDP at the behest of the speaker of the National Parliament. The LNA pointed to a number of major shortcomings in the operation of the National Parliament including: lack of independence of parliament and dominance of the executive; lack of access to and availability of information for members to perform their roles effectively; performance issues such as infrequent parliamentary and committee meetings and poor attendance of members at those meetings.

In 2005, the parliamentary strengthening project was established with the support of UNDP with the aim to improve the capacity of parliament. The project was designed to address five outcomes, namely:

- Effective and efficient parliamentary services, management and administration;

- Representative role of the Solomon Islands parliamentarians strengthened;

- Law making procedures of Solomon Islands Parliament strengthened;

- Capacity of the Solomon Islands Parliament to exercise its oversight role strengthened; and

- Increased representation of women and gender perspectives in governance.

In order to strengthen these five key areas the project facilitated the development of a revised organizational structure that created new and revised positions in key functional areas of the secretariat and also established a Graduate Trainee Program of eight officers who provide procedural and administrative support to the speaker, clerk and members.

Gradually, the graduate officers (secretariat) embarked on providing research and information services for the members of parliament, which accelerated over the life of the project. For example, the secretariat has achieved international best practice for prompt and regular posting of Hansard the next day, which has already established an expectation for a high standard of service amongst regular users of Hansard.

The parliamentary administration, in particular the speaker and clerk, also benefited from the secretariat's support in areas such as members' entitlements and matters relating to the Public Service. This is a significant area of achievement for the parliament, which now has the capacity to deal with issues properly and with strict adherence to the administrative regulations – an area that has not been adequately resourced in recent years.

Likewise, parliamentary committees have been strengthened through the increased technical support given by the secretariat. One aspect of this support is an analysis of bills, which is prepared by the secretariat for the Bills and Legislation Committee before it deliberates on the proposed legislation.

This entails extensive research in the area that the bill seeks to address and the production of a comprehensive brief on any issue (particularly contentious issues) that the bill raises. Such briefs would also typically include any discrepancy or drafting error that the secretariat identifies in the bill. Given this type of support, the Bills and Legislation Committee has been increasingly well equipped to scrutinize legislation and report its findings to the House before the bill proceeds.

Another select committee whose work has been enhanced by project support is the Foreign Relations Committee (FRC). This committee was all but defunct when the project was established. Under the Standing Orders, the FRC has the mandate to review and advise parliament and the executive on matters such as international instruments and the administration of any foreign assistance, to name a few. Prior to 2008, however, the FRC did not carry out its mandate fully for many reasons including a lack of direction and financial constraints.

In July 2008, the gazetted notice made under the Facilitation of International Assistance Act 2003, which brought the RAMSI, was up for review under the same act. The secretariat was called on by the prime minister to advise on how parliament can procedurally 'review' the notice. The ensuing advice was that parliament could only undertake a complete review through one of its select committees, the most appropriate one (in terms of mandate) being the FRC. This was taken up by the government and when parliament met on 24 July 2008 to review the notice, it resolved instead, on a motion by the prime minister, that this review be referred to the FRC.

The FRC, with strong support from the secretariat, responded quite enthusiastically to the referral. With the joint financial support of both the government and the project, the FRC embarked on a provincial tour of the country to get an insight into how rural communities view RAMSI and its work. The FRC was not asked by parliament or the government to extend the inquiry to the provinces but it resolved to do so. The actual inquiry took a year.

During the inquiry, the project supported the FRC through the secretariat, which was responsible for identifying and mobilizing witnesses to hearing venues in nine different provinces. The secretariat produced the final report of the inquiry, which was tabled in November 2009 before the budget meeting. The inquiry was the first of its kind and has been hailed as the first occasion on which a parliamentary committee literally took parliament to the people. The fact that this achievement was formulated and guided by the project through the secretariat should be sufficient as an indicator of the extent of the project's success in terms of supporting the capacity of parliamentary committees.

Apart from committees, it is safe to add that as each key project outcome was strengthened, parliament began to effectively carry out its mandate. For instance, there has been:

- An increase in attendance by MPs in parliamentary sittings.[60] The improved attendance of MPs was noted by an editorial in the Solomon Star following the August 2007 meeting of parliament, which described the meeting as 'a great success' as a result of 'a marked improvement in the attendance of our MPs'.[61]

- An increase in activity and scrutiny of government by parliamentary committees including an increase in the number of reports tabled or drafted by committees. Whilst there were only nine hearings held by the five parliamentary standing committees in 2004 and 2005 in total, 40 hearings were held by committees in 2006 alone and a similar amount in 2007.[62] Between 2008/09 there have been 50 public hearings.

- Acceptance by the government of committee recommendations, including proposed amendments to certain bills before the House. There has also been increased coverage of parliamentary proceedings in the media, including through 'OneNews' television broadcasts, and in newspapers, partly as a result of the improved quality of parliamentary debates.

Other key areas which the project has also developed and strengthened are:

- Information Services – development of the parliament website and Information Communication Technology;

- Corporate Services – corporate planning and Parliament Open day; and

- Parliament Education and Community engagement – curriculum development and school visits.

Source: *John Taupongi, Legal Officer, Solomon Islands National Parliament.*

Ombudsman Institutions

I). International Good Practice

Ombudsman institutions have a critical role to play in oversight of security institutions. They protect the public against violations of rights, abuses of power, and maladministration, and can serve to make the government more accountable to the public by ensuring compliance with policy and rule of law. They perform these functions by raising awareness of human rights within the general public and within security and justice institutions, carrying out investigations and issuing recommendations and drafting monitoring reports.

While some countries establish ombudsperson offices with wide-ranging mandates, others establish security-specific ombudsperson offices. In such circumstances, ombudspersons may be responsible for overseeing security-related legislation, complaints and investigations against security institutions, and reporting on financial and administrative security-related matters.

Ombudsmen often have powers to demand papers, to interview officials and to visit premises (such as military barracks or security establishments). They may also have their own power to initiate investigations and to make recommendations concerning legislative reform or compliance with International Human Rights Law. These offices can be useful in bringing systematic human rights violations by security sector agencies to the attention of relevant governmental bodies or the parliament, through their investigations.

In some states the general ombudsman for the administration as a whole also acts in relation to the armed forces or other security agencies. The existence of offices of this type can enhance the confidence both of the public and of security sector personnel by ensuring transparency and respect for the rule of law in the security sector.

In other states, specialized military ombudspersons or commissioners to examine issues such as surveillance or data handling by the security and intelligence agencies have been created to exercise detailed oversight on behalf of parliamentarians. As a separate institution, an independent ombudsman for the military appears in several countries under different names, such as the Parliamentary Commissioner for the Armed Forces (Wehrbeauftragter) in Germany and the Ombudsman for National Defence Forces in Canada. They have often been used as models by other countries, for example, the Irish Military Ombudsman and the Czech Republic Armed Forces Ombudsman.

The ombudsman may also have power to investigate and report on a complaint against a security or intelligence agency, as is the case in the Netherlands. In other countries, an independent inspector-general of security and intelligence deals with complaints against the services as part of the office's overall oversight remit in a rather similar way. This is the case, for example, in New Zealand (Office of Inspector-General of Intelligence and Security, established in 1996) and South Africa (Office of Inspector General of Intelligence, appointed pursuant to section 12 of the Constitution). In addition, specific offices established under freedom of information or data protection legislation may have a role in investigating complaints against these agencies.

At the very least, ombudsman need to collate information of alleged human rights abuses by security and intelligence agencies and document them in their annual reports, recommendations to prosecutors, and highlight them with presentations to the parliament and the media.

The arguments for a specialised military or security ombudsman as opposed to a generic ombudsman covering the public service as a whole (including the security sector) are finely balanced. The advantage of a military or security ombudsman is that it is a specialised office that can operate in a way that is adapted to the special aspects of military life or of the security sector. However there is a risk that the office may become too closely associated with the security sector to be seen as independent and it may lack the visibility and accessibility of a general ombudsman. If their jurisdiction does not cover the

entire security sector, there is a risk that investigations may be incomplete or that controversial issues may gravitate to agencies beyond their reach. On the other hand, a general ombudsman with jurisdiction over the security sector may encounter difficulties that require a different way of working, leading in practice to establishing a specialist sub-ombudsman. A general ombudsman may be excluded from operating and investigating more easily by securitised bureaucracies.

Box 14 Police Ombudsperson: Northern Ireland and New South Wales, Australia

The Northern Ireland Police Ombudsman was set up by the Police (Northern Ireland) Act of 1998 and 2000 as an independent police complaints mechanism. The office deals with complaints from the public about how police officers operate. On the basis of these complaints, the police ombudsman produces an annual report. The office also reports to the secretary of state and may carry out research on an issues referred to by the secretary of state. The reports of the Ombudsman Office are used by both parliament and a number of CSOs to hold the police accountable.

Source: *http://www.policeombudsman.org*

In 1996 in New South Wales, Australia, a Police Integrity Commission was established as an independent agency by virtue of Subsection 6(1) of the PIC Act. The PIC is headed by a commissioner, who is appointed by the governor (PIC ACT, Subsection 7[1]). The commission may not appoint any staff which serve or have served with the NSW Police Force. The Parliamentary Joint Committee on the Office of the Ombudsmen and the Police Integrity Commission monitors and reviews the PIC in the exercise of its functions (PIC Act, Section 95). The commission is required to report on its operations annually to the Houses of Parliament (PIC Act, Subsection 99[1]). The principal functions of the PIC, in accordance with Subsection 13(1) of the PIC Act, are :

- To prevent serious police misconduct;
- To detect or investigate, or manage other agencies in the detection or investigation of serious police misconduct ; and
- To detect or investigate, or oversee other agencies in the detection or investigation of, other police misconduct, as the PIC may see fit.

The PIC has similar extensive powers as the Independent Commission Against Corruption to conduct investigations into police misconduct or corruption.

Source: *UNDP (2005), Institutional Arrangements to Combat Corruption: A Comparative Study, New York: UNDP.*

II). Current Situation in the target Pacific Island Countries

The five target Pacific Island countries covered by this initiative together have some of the most developed accountability institutions in the Pacific. All five have an auditor general who reports regularly. However, the auditors' reports have variable impact, with limited action taken to implement recommendations or prosecute criminal actions. In Fiji, since the coup, the auditor reports to a government-appointed Public Accounts Committee.

All countries also have some form of ombudsman-style complaints mechanism. However, these are also of limited capacity and effectiveness. While the Papua New Guinea Ombudsman Commission is considered the strongest in the region, in Tonga only a Public Relations Commissioner is currently in place, and in Fiji, since the abrogation of the constitution, the ombudsman has not been reappointed. Notably, both the Papua New Guinea and Vanuatu ombudsmen have a mandate to examine complaints of maladministration and to monitor the Leadership Code; however, in Vanuatu in reaction to a very active campaign against corruption in the late 1990s the government reduced the Ombudsman's powers to bring action under the Leadership Code. In Solomon Islands, there is an Ombudsman Commission, but it is administered by the Prime Minister's Office. Also a separate Leadership Code exists.

Both Fiji and Tonga have recently established Independent Commissions Against Corruption (ICAC), though each has had some establishment challenges. In Solomon Islands, the government is currently exploring options for streamlining their accountability institutions, including considering the possibility of setting up an ICAC. In Papua New Guinea, there has been considerable discussion around establishing an ICAC. However, more recently a National Anti-Corruption Alliance of key accountability bodies has been developed, which may reduce the need for a separate body.

Only Fiji has established a National Human Rights Commission, although following the coup, a chairperson has not been reappointed. The draft Solomon Islands Constitution proposes setting up a national human rights institution and in Papua New Guinea and Vanuatu, the governments have indicated an interest in establishing such a body. In the meantime, the Papua New Guinea Ombudsman Commission primarily deals with human rights cases as well as more recently complaints against the police (see example 5).

Although Pacific Islands Countries (PICs) now have various accountability institutions, recent research[63] has found that they are generally ineffective. Possible reasons include:

- Lack of 'fit' between introduced and local institutions;
- Lack of investigative skills, legal capacity, or essential personnel;
- No powers to enforce its recommendations;
- Weak links between accountability and enforcement institutions;
- Poorly defined roles and functions;
- Limited operational autonomy;
- Weak leadership;
- Lack of political will; and
- Poor public education and support.

Example 5: Role of Ombudsmen in Security Sector Governance in Papua New Guinea

Background

The Police Review of 2004, established by Hon. Bire Kimisopa, minister for internal security, made several recommendations. Number 29 recommended the police enter into an agreement with the Ombudsman Commission (OC) to immediately oversee the review and investigate all complaints made by the public about police actions/inactions.

On 2 March 2006, then Commissioner of Police Mr. Sam Inguba wrote to the Chief Ombudsman Mr. Ila Geno requesting the OC to oversee the complaints handling process of the Royal Papua New Guinea Constabulary (RPNGC) and eventually establish a police ombudsman.

The chief ombudsman, then Mr. Ila Geno, accepted the invitation but proposed that both the OC and the RPNGC work in partnership to restore the integrity of the police complaint handling process. As a result police officers from the Internal Affairs Directorate of RPNGC and the Complaint and Administrative Investigation Branch of the OC were tasked to implement Recommendation 29.

Implementation of the Project

The project was implemented in four phases.

Phase One

Recommendation 29 was too general and the Ombudsman Commission had to work from scratch to come up with a model to be able to assist the RPNGC. In August 2006, research was undertaken into the concept of police oversight and four models were identified. These include current, minimal, moderate and radical models. A submission was made to the members of the OC to choose a model that would be used by the OC to assist the RPNGC in restoring their integrity and public trust and confidence.

Phase Two

The Police Ombudsman Team then conducted a series of meetings and discussions with respective personnel and divisions within RPNGC as a prelude to implementing the recommendation of the Police Review of 2004.

The Police Ombudsman team travelled to the four regions in the country and talked to the assistant police commissioners (ACPs) and provincial police commanders (PPCs) on the importance of the oversight role of the OC and gauge their views on the four models. The police officers opted for the radical model that is to come up with a Police Complaints Act to address the problems faced in the police force. However, the police ombudsman team chose to start with the moderate model and slowly work towards the radical model.

Initially there was a bit of resistance that the OC was trying to interfere with their internal affairs or impose on them an arrangement contrary to the police culture. However, having explained to them the advantage of the whole exercise, they accepted it and contributed meaningfully to the discussion.

Phase Three

The issues discussed during the meeting with the ACPS and PPCs were integrated into a Memorandum of Agreement (MOA). Given capacity constraints with the OC it was decided the OC would oversee only high profile cases. The other administrative complaints were to be addressed by the Police Administration.

The MOA was signed by the Commissioner of Police Mr. Gari Baki and the Chief Ombudsman Mr. Ila Geno on 1 June 2007. On 3 September 2007, the commissioner of police issued Circular Number 08/2007 for the RPNGC to adhere to the MOA.

Phase Four

After the signing of the MOA on 1 June 2007, the Police Ombudsman Team conducted a MOA awareness meeting in all four provinces and began joint investigations into high profile cases.

Investigation

Two high profile cases were investigated jointly by the police and ombudsman officers under the MOA. These include the Kimbe Police Raid case and the alleged rape case of the Provincial Police Commander East Sepik.

The police personnel involved in the raid in Kimbe were arrested and detained. They were also suspended on administrative charges and are awaiting trial.

The PPC East Sepik was suspended and arrested for alleged rape and he is now awaiting trial in National Court. This was a test case were the PPC was reinstated by the ACP for Momase Region Mr. Labi. The OC wrote to the commissioner of police to provide reasons for uplifting the suspension of the PPC when the National Court trial was still pending and the PPC was suspended again. Mr. Kabilo is no longer a police officer and his criminal trial is pending.

According to the OC's records, some of the other high profile cases that were referred to Internal Affairs for investigation and overseen by the OC were successfully resolved. This would not have been possible without the OC oversight under MOA.

Review of the MOA

The initial MOA signed between the RPNGC and the Ombudsman Commission was to be in operation for a year (1 June 2007 – 31 June 2008). The views and issues that were raised by the senior police officers during the MOA Awareness Meetings were considered and a review was undertaken. Some of the issues raised were integrated into the MOA. The Reviewed MOA was signed between the Commissioner of Police Mr. Gari Baki and the Chief Ombudsman then Mr. Ila Geno to work together for another three years on 11 June 2008. The Reviewed MOA will lapse when the Police Complaint Handling legislation comes into place.

Phase Five

On 4 July 2008, the Police Ombudsman Team met and formed a Steering Committee comprised of the Director of Internal Affairs Directorate of RPNGC Chief Superintendent Mr. John Maru, Director of CAID of the Ombudsman Commission Mr. Joseph Molita and the Counsel of the Ombudsman Commission. Further, a working group was formed comprised of the officers of Internal Affairs and Team 7 from the CAID. They are now working on a discussion paper, which is the first step towards drafting of the Police Complaints Handling Act.

Impact of the MOA

The MOA is beginning to have a great impact on the thinking and work practice of the police force.

First, there is overwhelming support from the police officers of the provinces that the MOA become an act. They see it as the only way forward to restoring accountability, integrity and lost confidence and trust to the Royal Papua New Guinea Constabulary.

The most encouraging experience is that the Mobile Squad officers from McGregor Barracks – who have a reputation for unlawful actions – have given their full support for the MOA to become an act.

Even the officers from the Internal Affairs Unit of RPNGC admitted to the commission that for the first time they were able to resolve cases or perform their function without interference from the top management of the police force.

Moreover the number of high profile investigations that were conducted jointly by the police and the officers of the OC under MOA produced very good outcomes.

Investigation

To date, a number of high profile joint investigations have been conducted by the Internal Affairs Directorate and the OC.

The MOA has also protected the commissioner of police from political interference. In the case of the former PPC East Sepik Province, whom allegedly has political connections with the prime minister, Mr. Kabilo was suspended and charged. If it was not for the MOA, the commissioner would have been directed to reinstate the then suspended PPC. Hence the commissioner has been assisted to do his job without political interference because of the OC's involvement. Since then, numerous other cases have been addressed with OC oversight.

Successes

- The Police Oversight MOA has assisted the RPNGC to achieve a number of results as described above as a way of making government departments responsive to the needs and aspirations of the people, help improve their work and also be seen to be fulfilling its constitutional duties.
- Police officers from the Internal Affairs Unit of RPNGC are now able to resolve cases or perform their duties without interference from the top management of the police force. Furthermore, the complaints handling system is now more independent.
- More police officers have become aware of the existence of the MOA and oversight of complaints against police.
- Police Internal Affairs is now investigating complaints lodged with them knowing that their failure to investigate will give people reasons to complain to the OC.
- Successfully undertaken joint investigation into high profile cases.
- Closer working cooperation between the OC and the police in dealing with cases, e.g. through monthly case reviews and informal contact at the director and officer level.

Challenges

- The challenge now is to draft the Complaint Handling Act, have it debated and passed in parliament to be enacted as law. There must be political will to get the legislation through parliament. The legislation will regulate the way complaints against police are dealt with.
- The other challenge is to ensure there is not too much reliance on OC oversight to deal with all cases as the idea is really to assist police to improve their internal complaint handling mechanism through the Internal Affairs Directorate.
- There is still a disconnection between Provincial IIUs (who are under the command of the PPC) and the Internal Affairs Directorate.
- Police informants – most of whom are officers – still lack protection from their superiors, especially when giving evidence against those higher up the hierarchy. The MOA is only an agreement between the two agencies to work together and the protection for the complaints cannot be accommodated.
- Delay in adjudication of some cases by police.
- The transfer of officers out of IA is an internal matter for the police commissioner but one that can stabilise the gains that have been made.
- There continues to be stories in the media of police abuse. Some of the cases have been dealt with. However, the challenge to improve the work of police is enormous and a lot of work still needs to be done.
- Funding will continue to be a challenge to deal with cases in a timely manner.

Source: *Ila Geno (Former Chief Ombudsmen) and Chronox Manex, Chief Ombudsmen.*

Judicial Oversight

"There can be no peace without justice, no justice without law and no meaningful law without a Court to decide what is just and lawful under any given circumstance."

Benjamin B. Ferencz, former Nuremberg Prosecutor[64]

I) International Good Practice

Security and justice are inextricably linked. A justice system that is strong protects and enforces the rights of individuals and communities, which deters would-be human rights violators. Justice reform (see box 15) is beyond the scope of this publication, however, it is worth noting its primary role and the ways it supports the efforts to make security institutions accountable and transparent:

- Developing a fair and equitable constitution and laws based on international standards and human rights instruments;
- Introducing legislative and enforcement mechanisms to promote and protect human rights and to overcome barriers confronting marginalised and vulnerable groups;
- Developing a credible, effective, impartial, legitimate and accountable judiciary;
- Developing an integrated approach to criminal justice and effective enforcement of laws, legal rights and judgments ensuring due process;
- Strengthening the linkages and cooperation between state and non-state institutions; and
- Establishing mechanisms for oversight of the justice system as well as strengthening it.[65]

The judicial branch has an important role to play in overseeing security institutions. Judicial oversight over the actions (or inaction) of security institutions and their individual members is crucial to ensure an accountable security service and to provide a secure environment for the public. Where there is an alleged breach of criminal, civil or human rights law, individual or corporate responsibility can be investigated and determined in a transparent process consistent with human rights standards. Provided a suitable legal framework exists, judicial oversight can curb and punish the excessive use of force by security actors, and can ensure that policies, practices and actions are limited by legal norms and standards, including human rights law.

The judiciary's core tasks in relation to the security sector are to judge whether its actions conform to the constitution, relevant legislation, whether they infringe human rights either of citizens at large or citizens in uniform (members of the armed forces), or civil and criminal law. These tasks take on special significance in times of emergency.

Unlike parliament or the executive, the courts have no power to hold public officials accountable on their own initiative – the ability of judges to do so depends entirely on appropriate cases being brought to court. Civil society organisations (CSOs) can play a vital role here in defending the public interest and upholding the rule of law by using litigation to expose abuse and to defend human rights.

The courts can be engaged in two basic ways. The first is where state authorities themselves bring legal action, for example prosecution in a terrorism or official secrets case or disciplinary proceedings against a member of the armed forces. In such instances the courts may act as an indirect control over the security sector, especially by considering whether certain types of evidence (for example evidence obtained by torture, illegally or deceptively) should be permitted. Where, however, prosecution or disciplinary action is brought against a member of the armed forces, or a police officer alleged to have abused their position, the element of control is direct. Secondly, the courts can be used by individuals or organisations to challenge the legality of the actions or policies of the security sector. Thus, for example, the courts may be called upon to judge the legality of committing members of the security sector to engage in or support an armed conflict.

Box 15 Justice Sector Capacity Building and Security Sector Governance

Sudan

UNDP's Rule of Law Programme in Sudan is comprehensive, covering capacity development of the national judiciary, Ministry of Justice, law enforcement agencies, corrections services, legal aid and the dissemination of legal information at the community level. The programme also has a strong reconciliation and confidence building element.

UNDP also works to reduce sexual violence against women and girls by conducting awareness raising and training for the judiciary, law enforcement agencies, leaders and civil society, facilitating access to justice through legal aid centres, networks of lawyers and engaging with local courts, judges and prosecutors, and managing legal information centres.

Source: *UNDP BCPR (2008), 'Rule of Law': www.undp.org/cpr/documents/fastfact_ruleoflaw_final_mar08.pdf.*

East Timor

To address the changing needs in Timor-Leste, UNDP developed and launched a revised justice system support programme, with activities expanding to district-level (with the full equipping and staffing of district courts); access to justice for communities, with a special focus on women; and traditional conflict resolution. UNDP also worked with the UN Integrated Mission in Timor-Leste (UNMIT) to implement an ongoing security sector project, support a comprehensive review of the security sector by the government and help to enhance civilian oversight of security institutions.

Source: *UNDP Bureau for Crisis Prevention and Recovery (2009), 'Annual Report 2008', New York: UNDP BCPR, p. 15.*

II). Current Situation in the target Pacific Island Countries

In the Pacific there has been a strong push to reform the law and justice systems to make them more effective. This has included work to develop police forces, courts, legal institutions and correctional services. The focus has been on improving access to justice, policing standards and practices, preventing crime, establishing and enhancing accountability mechanisms, improving the delivery of justice services and reducing corruption. In Papua New Guinea, Solomon Islands and Vanuatu a sectoral approach has been used (see examples 7 and 8). These reform efforts have been supported by key bilaterals in the region, such as Australia and New Zealand.

In addition to law and justice sector reform efforts, there is relevant case law that highlights the role played by the judiciary in overseeing security institutions in the Pacific in terms of: adjudicating cases against security services; upholding the rule of law; providing effective remedy; assessing constitutionality; and monitoring special powers of the security services (see example 6).

Example 6: Judicial Oversight of the Security Sector in the Pacific

Adjudicating Cases Against Security Services, Fiji:
Baleinamau v. Commander of the Fiji Military Forces [2001] FJHC 126; Hbm0014.2001s (8 May 2001)

This case concerned the unlawful detention of Lieutenant Penaia Vetaukula Baleinamau for 277 days by the commander of the Republic of Fiji Military Forces (RFMF) on allegations of his involvement in the 19 May 2000 coup and the mutiny at the Queen Elizabeth Barracks.

Lt. Penaia was detained for 48 hours on 27 July 2000 under section 18(2) of the Emergency Decree (No. 4) of 2000. Thereafter he was kept in custody for 67 days before being released on 5th October 2000 under Rule 6 of the Rules of Procedure (Army) 1972.

After the alleged mutiny at RFMF on 2 November 2000 he was again arrested on 5 November 2000 and kept under 'protective custody' under section 202. The commander stated that the detention was not in breach of section 23 of the Fiji Military Forces Act Cap. 81 on the applicability of the Army Act 1955.

However, the presiding judge ruled that the RFMF's right to detain the Lt. Penaia was not being disputed but the RFMF's powers of detention are limited by time. Section 202 of the Emergency Decree provides for detention for a period not exceeding seven days. The judge further added that the purpose of the said Emergency Decree was to maintain law and order but not to deprive a citizen of his constitutional rights. The court ordered Lt. Penaia's immediate release from detention and/or arrest.

Adjudicating Cases Against Security Services/ Upholding the Rule of Law, Solomon Islands, 2006:
On August 24, former Guadalcanal Liberation Front leader Harold Ke'ke was convicted of murder for ordering the killings of seven men in 2002 and sentenced to an additional life term, to be served concurrently with a 2005 life sentence imposed for the killing of Father Augustine Geve in 2002.

Adjudicating Cases Against Security Services/ Upholding the Rule of Law/Protecting Human Rights
Solomon Islands, 2003-to-date:
RAMSI apprehended and charged persons allegedly responsible for human rights abuses and other criminal acts. Over 160 former Solomon Islands Police Force officers have been arrested for serious offences including corruption, murder, assault, rape, intimidation and robbery.

Upholding the Rule of Law, Tonga, 2007:
Three police officers were investigated over allegations of police brutality in connection with the riots of 2006. As a result of the investigations by the unit, one of the three accused was convicted and dismissed from the force.

Upholding the Rule of Law: Vanuatu, 1997:
The security forces abducted President Jean Marie Leye in 1996 during a dispute over salaries: almost half of the defence force was arrested and charged with kidnapping, carrying weapons and unlawful assembly. However, only eight Vanuatu Mobile Force members were convicted in June 1997 for kidnapping President Jean Marie Leye. This decision was later upheld by the Court of Appeal in Oct 1997.

Providing Effective Remedy, PNG, 1995:
Koimo v. Independent State of Papua New Guinea [1995] PNGLR 535 (31 May 1995)

The plaintiff in this case, Mr. Koimo, claimed damages on behalf of himself and twenty-seven others for an illegal search and raid conducted by the police on the plaintiff's village. The police had entered the village, fired shots, burned down houses and their contents, shot and killed livestock and carried away the personal property of the plaintiff and others. The courts ordered that the plaintiff be awarded exemplary damages.

Assessing Constitutionality, Fiji, 2000:
Chandrika Prasad v. The Republic of Fiji and the Attorney-General of Fiji (High Court Action No. HBC0217.00L, Lautoka

This case concerned the status of the constitution in Fiji following an armed invasion of parliament on 19th May 2000, a hostage crisis, a military takeover, and latterly the installation of an Interim Administration.

The decision, and that of the High Court, demonstrates that the judiciary can play an important role in maintaining the rule of law, even in the immediate period after a coup. The decisions are unique in that they represent the only time that a domestic court has pronounced that a coup is illegal and that the abrogation of a nation's constitution is legally ineffective. Even more remarkable (and commendable) was the announcement by the military-supported Interim Civilian Government that it would implement the decision of the Court of Appeal.

Example 7: Sector Approach to Law and Justice Sector in Papua New Guinea

Context for Law and Justice Sector Reform

The Papua New Guinea Law and Justice 'sectoral approach' is driven by a number of important government decisions beginning with the National Law and Justice Policy of 2000. This National Policy, together with the Law and Justice Sector White Paper and Sector Strategic Framework (SSF), captures the essence of the 'sectoral approach' and is complemented by the Medium Term Development Strategy (MTDS) and the Public Sector Reform that the government is actively pursuing. These key documents emphasised the importance of improved service delivery through effective coordination and accountability among the various stakeholders.

In 2003, the Government of PNG (GoPNG) and the Government of Australia (GoA) entered into an agreement to collaborate to drive these important policy documents through the 'Law and Justice Sector Program'. The program phase lasted for five years, from 2003-2009. In April 2009 the collaboration was renewed for another five years under the name 'Papua New Guinea-Australia Law and Justice Partnership' (PALJP). The Department of National Planning & Monitoring and AusAID continued to be the major coordinating agencies representing the respective governments.

Why the Sector Approach was used

The sectoral approach was employed in principal to improve coordination and collaboration among the eight main law and justice sector agencies and key stakeholders and to ensure law and justice services are effectively delivered to people at the community level.

The sector agencies include the:

- Police
- Correction Services
- Ombudsman Commission
- Magisterial Services
- National Judiciary Staff Services
- Department of Justice & Attorney General
- Public Prosecutor
- Public Solicitor

As the mandated office, DNPM oversees the management of this partnership arrangement in collaboration with the National Coordinating Mechanism (NCM). The NCM is comprised of the heads of all the eight sector agencies and the sectoral approach is based on three main pillars:

- Improved functioning of the formal law and justice system;
- Improved sectoral coordination; and
- Increased focus on crime prevention and restorative justice.

The SSF take its cue from the overarching direction set by these three pillars.

How does it work in practice?

Funding arrangements under this partnership come under the Development Budget, to which the GoPNG and GoA counter funds. These funds are pooled under the 'one-basket policy' since 2006. Every year the agencies send in their Project Formulation Documents (PFDs) for planned projects in the next year. The PFDs go through an annual mini-screening process that the sector has to determine its relevance to the MTDS, SSF and NCM priorities. The approved projects from these submissions are forwarded to the NCM for their endorsement before being sent to the DNPM, who then submits to AusAID for release of the GoA component for LJS funding. These funds are managed by the Law and Justice Sector Secretariat (LJSS) under the GoPNG Financial Management Manual & LJSP Imprest Account Procedural Manual and related statutes.

What have been the challenges and lessons that have been learnt that could be usefully shared in the region for other countries in a similar situation?

The LJS being a huge sector with eight constitutional offices and other subsidiary offices has few common challenges you expect to find in any sector.

Capacity Building

Building the capacity of officers in the agencies continues to be a major concern, especially in terms of being able to effectively coordinate and manage the Development Budget (DB) activities in their agencies besides attending to their core business.

Coordination

Continuous efforts are being made to improve the coordination and collaboration of DB activities given the complexity of the law and justice sector issues and the agencies' constitutional mandate as independent entities.

Ownership

Agency ownership of DB activities or projects continues to be a challenge as the sector moves into the new partnership agreement over the next five years. Ownership issues include not having an efficient reporting system, delaying projects and under spending/overspending by agencies or AMTs.

Despite these challenges, the sector is able to adapt and make inroads in its endeavour to ensure quality and reliable law and justice services are delivered, even down to local communities.

How do the oversight mechanisms function?

There are unique arrangements in terms of the governance and reporting processes under the sectoral approach. The DNPM, as the government rep, oversees the overall coordination and management of the partnership arrangement. However, the NCM, whilst maintaining its members' integrity as constitutional office holders, plays an oversight role of the LJS agencies' operations as a sector. Besides the DNPM, the NCM actively engages with the ministers and the Central Agencies Coordinating Committee (CACC).

The LJSWG is next in line to the NCM and is comprised of two senior officers from the sector

agencies. LJSWG functions as a conduit relaying strategic directives from the NCM to the AMTs, LJSS and generally the sector and supply the NCM vital information and guidance on the operations of the sector.

Future direction

The future direction taken by the sector is aligned to the government's thinking towards improved service delivery through effective partnerships and coordination with key stakeholders. This is currently being undertaken through the sector's Provincial Engagement Strategy, the Community Justice Liaisons Unit and other cross-cutting issues. The approach is constantly being refined to complement and co-exist with the existing government service delivery mechanisms such as the PPII, PLASMA, DNPM, and provincial and local level governments.

Source: *Joe Kanekane, Director – Law and Justice Secretariat*

Example 8: Law and Justice Sector Reform in Vanuatu

Context of Law and Justice Sector Reform in Vanuatu

In the mid 1990's, the Vanuatu Government saw the critical need for, and undertook reforms in public service sector, including reforms of public financial institutions which included the National Bank of Vanuatu, the National Provident Fund, and the winding up of the Development Bank of Vanuatu.

In June 2008, I was appointed as the Director General of Ministry of Justice and Social Welfare. On appointment I decided after much personal analysis and assessment of the law and justice sector that it was critical that there was a review. This focused on the law and justice institutions as a package in the context of a growing economy, changing needs, demands and expectations and there need to dispense efficient and quality services.

We started with a historical look at our law and justice institutions, its place and performance in our governance framework, to see if it could stand scrutiny and the test of its strength, integrity, performance and service delivery to the nation's satisfaction and pride. For example: A strong, able, independent and transparent judiciary, public prosecutor and Ombudsman. And if not why not? How could we make things work better?

No effort according to my knowledge had ever been done to attempt to review and reform the law and justice sector as a whole. In addition, it was not seen by past governments in Vanuatu, nor anyone for that matter, as a sector that should be dealt with in a coordinated manner.

Why a Sector-wide approach?

In the context described, it made sense that if we wanted to address law and justice, (justice includes human rights - (MDGs, UNCRC, UNCRPD, CEDAW), anti-corruption and good governance we needed to do it properly and deal with all the sector's key institutions and partners, such as CSOs. At least, at this point in time in our history, it made sense to do it that way. It seemed responsible, to make a start to address law and justice issues, and the institutions providing those services underpinning our economy and nation.

We recognised that law and justice issues are cross-sectoral. This meant we needed to place them in context and scrutinise their standing, capacity, caliber, integrity, structures, human resources, and financial and management systems against their performance and public opinion.

We could not deal with our criminal justice systems and the legal sector without involving CSO's, human rights (our UN obligations), culture and traditions, good governance and transparency issues.

For example, correctional services needed to be able to articulate their functions, challenges and concerns to other law and justice institutions in the policy development and decision-making process. Whilst also listening to the views of CSOs such as Transparency International and Ombudsman on the running of prisons, management of detainees and juveniles and how to protect and ensure human rights.

What was the Process to design the strategy and Action Plan?

The Director General led a process of drafting the proposed strategy with support of the Ministry of Justice. This included consultations with the key sector institutions, Chiefs, churches, women and youth groups and other CSOs. This was subsequently presented to wide range of stakeholders from government and civil society. They were given one month to meet and consider the strategy in line with their institutional mandates. A month later all heads of the sector agencies and civil society attended a week long law and justice conference. It was the first of its kind in Vanuatu. With the leadership of the Ministry, they worked on, and agreed the strategy in line with the government national agenda. During the conference they also developed an action plan linked to the strategy. This was later presented to and approved by the Council of Ministers.

Oversight and Coordination Model

During the conference a model was proposed and accepted to establish a law and justice agency head's group. This group works with the government through the Ministry of Justice. Its purpose is to develop policy, coordinate the sector and recommend directions to government.

The unique aspect of the model is that the judiciary, police, ombudsman, public prosecutor, public solicitor, state law office (attorney-general's chambers) sit at the same table with women, youth and disability groups, other CSOs, chiefs, churches, and the children's desk to discuss and decide on law and justice issues for the country and make recommendations to government on the best way forward for the sector. Those recommendations are relayed by the Minister of Justice to the Council of Ministers for approval and implementation.

Challenges?

Two main challenges encountered:

The first challenge is the buy-in process – getting heads of institutions are their staffs to own the vision, and understand and agree that there needs to be coordination of policy and implementation to address key issues.

We are already seeing that working as a sector enhance our ability to lobby government and development partners. For example, the recent successful "Law Week" and the effective 2010 budget presentation by the law and justice sector institutions within the sector strategy, to the government's ministerial budget committee.

Second challenge is managing the model, making it work, and maintaining interest and commitment of institutional heads. This requires strong leadership, expertise in law and justice issues, and a vision for the sector to maintain interest and lead the implementation of the strategy and action plan.

Key Lessons learnt

Law and justice institutions are put in the spotlight when there is political instability in the executive and legislative branches of government. This necessitates

a strong, independent, neutral and impartial judiciary and Ombudsmen to produce public reports on allegations of abuse and maladministration of public funds.

The government requires a vision and needs to lead the way, by committing itself to effective law and justice policy development and giving the necessary funds to improve performance.

Regular review of such an important sector is vital to scrutinise the nature, structure, legal framework, role, systems (management, human resource, financial, IT etc) and determine necessary reforms.

Examples:

- The structure of the public prosecutors office was revised to enhance capacity without the need for amendment of the constitution.
- The Ombudsman Act and Leadership Code are currently being reviewed. This process will result in recommendations to government on the way forward in the current national context, including streamlining and simplifying processes e.g. leader's annual returns.
- A discussion paper on review of the public defenders office has been drafted. The objective is to improve capacity and better equip the office to deliver services to those in need, under the national constitution, who cannot afford a private lawyer, but who is charged with a serious offence.

Future Directions

1. Review Law and Justice Strategy and Action Plan 2009-2014. Making sure it maintains its relevance.
2. Build capacity of law and justice agency heads (Registrar of Supreme Court, Ombudsman, Commissioner of Police, President of National Council of Chiefs, President of National Council of Women, Chairperson of National Youth Council, Chairperson of national Council of Churches, etc).
3. Strengthen and enhance functioning of Law and Justice Agency Heads Group.
4. Ensure that needs within the sector are addressed, improving capacity and performance.
5. Streamline legislation.
6. Build human resource capacity and management and IT systems across the sector.
7. Stay "one step" ahead of community expectations, by thinking and planning ahead.

Source: *Joe Ligo, Director General, Ministry of Justice and Community Services*

Civil Society and the Media

I). International Good Practice

The engagement of civil society in security affairs enables the perspectives of ordinary people and important sub-sections of the population (such as women and minority groups) to be incorporated into policymaking and oversight processes. Citizen participation can strengthen the basis for democratic governance of security institutions as popular participation begets transparent decision making. CSOs can provide a number of contributions to ensuring the democratic governance of security institutions (see box 16).

Box 16 Contributions civil society can make to security sector governance

- Facilitating dialogue and debate on policy issues
- Educating politicians, policymakers and the public on special issues of concern
- Empowering groups and the public through training and awareness-raising on specific issues
- Lobbying for groups who require better services or for individual victims of abuse by security actors
- Sharing specialized information and knowledge of local needs and conditions with policymakers, parliamentarians and the media
- Improving the legitimacy of policy processes through broader inclusion of societal groups and perspectives
- Encouraging security policies that are representative of and responsive to local communities
- Representing the interests of groups and communities in the policy environment
- Putting security reform issues on the political agenda
- Providing a pool of independent expertise, information and perspectives
- Providing training to security personnel on gender and human rights
- Providing counselling and anger management services
- Undertaking policy-relevant research
- Providing specialized information and policy input
- Promoting transparency and accountability of security institutions
- Monitoring reform and policy implementation
- Maintaining sustained policy scrutiny
- Promoting responsive government
- Creating platforms which decisively affect the policies and legitimacy of executive level bodies in the interests of the public good

An independent media can contribute to oversight of security institutions by collecting and disseminating information on policies, strategies, practices and cases. This enables the public, policymakers, parliamentarians and others to play a more effective role in their oversight roles. To perform this role, the media must be free and independent and information on the policy, operations and activities of security institutions must be accessible. The media itself may require technical support to promote accuracy and fairness in reporting.

Advocacy by civil society groups representing the interests of local communities and groups of like-minded individuals helps to give voice to often marginalized actors and opens up the policymaking process to a wider set of perspectives. In this way, CSOs have a vital role to play not only in established democracies but also in post-conflict, post-authoritarian and undemocratic states, where the activities of CSOs can still affect the decision making of politicians, government officials and security sector managers.

Civil society groups often have no inkling that their activities can contribute to democratic oversight and governance of the security sector. Those groups professing to deal with peace and security issues – disarmament groups, academic departments and research or policy institutes dealing with criminal justice – constitute the most obvious types of civil society groups likely to become involved in the security sector reform and governance agenda.

However, the spectrum of civil society organisations that can play a role in security sector governance is potentially much broader. Accountability and democratic oversight of the security sector, for example, are often directly linked to questions of human rights, civil liberties and social and transitional justice.

Minorities and other marginalised groups may find that their security needs are not being met, or alternatively, that they are victims of excessive use of force, unwarranted monitoring or other types of behaviour on the part of security sector personnel. Police accountability is a primary concern, and a subject about which a broad range of community groups and associations can provide information and on which many are already engaged. Additionally, different CSOs have different – but relevant – skills to contribute to the process of public oversight of the security sector.

The key areas in which CSOs can contribute to the development of security policy and practices in the interests of the general public are:

- Research and information;
- Advocacy;
- Awareness raising;
- Training;
- Monitoring;
- Budget analysis;
- Promoting women's empowerment and gender equality;
- Human rights promotion; and
- Legal assistance and reform

The ability of civil society actors to participate effectively in the processes of public oversight of the security sector is contingent on their core competencies. All CSOs, regardless of their specific focus, should seek to progressively develop their skills to maintain a consistent level of service provision to their constituencies and enable interaction with their peers and interested parties, including at the international level.

Box 17 Media and Security Sector Governance in the Palestinian Territories

In established democracies, the media helps to strengthen accountability and good governance of the security sector. Along with civil society organisations, the media informally oversee the security sector. They complement the work of official oversight institutions, such as the executive authorities, parliament or the judiciary. The media are also instrumental in revealing human rights violations and cases of mismanagement in the security sector.

In 2008, DCAF and AMIN Media Network jointly launched the project 'Strengthening the Role of the Palestinian Media in Security Sector Governance'. The aim of the project is to identify opportunities and challenges facing the Palestinian media in their task of overseeing the security sector.

How can the media help improve security sector governance?

- Obtain access to government records and publish them;
- Cover parliamentary and court hearings, executive decisions, and security operations;
- Cooperate with human rights and civil-society groups during awareness campaigns;
- Conduct programmes to monitor the state's management and actions related to security sector governance; and
- Publish investigative reports on human rights abuses, mismanagement and corruption.

Source: *Khaled Abu Aker, Intisar Abu Khalaf, Majed Arouri, Roland Friedrich, Regula Kaufmann, Jonas Loetscher, Arnold Luethold and Nicolas Masson, eds. (2009), 'The Palestinian Media and Security Sector Governance', Geneva: DCAF.*

Civil society organisations such as research institutions, academic departments and think tanks can also conduct policy-relevant research and analysis of existing policies and identify ways to improve these in specific areas. Additionally, they undertake research on other relevant issues, including:

- The security and justice requirements of local communities or regions;
- The security interests of groups such as minorities and women;
- The impact of security approaches on key areas of concern, such as the environment;
- The implications of developing security technologies, such as for privacy;
- The effectiveness of security sector reform approaches; and
- Transparency of the budget process and public spending in the security field.

Overall, the engagement of CSOs in the security policy domain strongly contributes to accountability and good governance: CSOs not only act as a government 'watchdog' but also as an index of public contentment with the performance of institutions and agencies responsible for public security. Actions such as monitoring government performance, policy, compliance with laws and human rights observance all contribute to this process.

II). Current Situation in the target Pacific Island Countries

CSO capacity, reach and impact are variable throughout the Pacific. Fiji and PNG are generally considered to have fairly strong civil society sectors, though capacity challenges still exist. Women's organisations are particularly strong, as are service delivery NGOs who often deliver services in rural areas in the absence of a strong government presence. Accountability and democracy organisations are more limited, though all four countries of Melanesia have functioning Transparency International chapters. In all countries, the churches have strong influence and outreach.

The media is generally strong in all countries. All have newspapers, radio and television stations. However, in Fiji, three publishers have been deported by the government and the current Public Emergency Decree permits censors to sit inside media bodies.

Any drive towards comprehensive security in the Pacific must ensure that policy and practice is embedded in the needs and experiences of communities affected by conflict and insecurity. Through their proximity to communities, NGOs are uniquely placed to deliver this. However, civil society organisations face a number of key challenges: (a) shortage of skilled human resources (particularly on security matters); (b) lack of management, leadership and technical capacity; (c) no stable financial sustainability, which undermines long-term planning and the development of a long-term vision; (d) limited cross-fertilisation of expertise and learning; (e) difficulties in fundraising for rapid micro-level responses to violence; and (f) highly fragmented initiatives.[66]

An approach to building civil society is needed that enables these groups to effectively engage with state actors on security issues, creates synergy in application of expertise, while also building their capacity for effective response to conflict.

Box 18

Civil Society and Security Issues in the Pacific

Civil society organisations working on conflict prevention in the Pacific are few in number, fragmented and isolated. They have, nonetheless, very important insights, expertise and experiences that are not shared region-wide. PNG civil society organisations are known for their work on restorative justice at the community level and in mediation of clan-related conflicts. In Vanuatu the Great Council of Chiefs has been crucial in mediating land disputes and putting an end to social unrest in Port Vila. In the Solomon Islands, NGOs have monitored the implementation of the peace agreement, worked on community mediation, raised awareness on the gender dimensions of security and systematically engaged government on peacebuilding and reconciliation issues. In Fiji, NGOs have done extensive work on community-mediation, trauma healing, and constitutional reform and provided inputs on security matters during Defence Reviews and the People's Charter process. In Tonga, the Movement for Democracy has been advocating for political, electoral and constitutional reforms.

d) Gender and Governance of Security Institutions

In recognition of UNSCR 1325 on Women, Peace and Security[67] and UNSCR 1820 on Sexual Violence in Conflict and Post-Conflict Situations,[68] CEDAW, the Declaration of the Elimination of Violence Against Women (DEVAW), and in line with BCPR's 8 Point Agenda on Women's Empowerment and Women's Equality, the meaningful representation of women and their perspectives is vital to ensuring the democratic governance of security institutions.

There is strong recognition that governance of security institutions should be on the basis of dealing with the different security needs of men, women, boys and girls. The integration of a gender analysis and perspective is central to the effectiveness and accountability of the security sector, and to local ownership and legitimacy of reform processes.

Adopting a gender perspective makes these differences visible and enables action to be taken by the security sector to better guarantee that the diverse security needs of men, women, girls and boys are met. As such, gender is not something that only concerns women.

Though full and equal representation of women is an essential step towards gender equality, it does not ensure that gender perspectives are taken into account. Instead, the integration of gender issues, known as gender mainstreaming is:

> *…the process of assessing the implications for women and men of any planned action, including legislation, policies or programmes, in all areas and at all levels. It is a strategy for making women's as well as men's concerns and experiences an integral dimension of the design, implementation, monitoring and evaluation of policies and programmes in all spheres so that women and men benefit equally and inequality is not perpetuated.*[69]

Stereotypes of masculinity and femininity can stand in the way of gender mainstreaming and women's participation in the security sector, and can also serve to perpetuate insecurity. Women are often stereotyped as weak, dependent, innocent victims while men are seen as strong, independent providers of security or perpetrators of violence.

In reality, women can also be providers of security and perpetrators of violence, and are often experts on community security needs. However, this means efforts need to focus on ensuring women's right to agency over their own security, and indeed, their own lives is realised in practice. In many countries, the security of women warrants special attention for a number of reasons:[70]

- Women are subject to a high level of general violence and insecurity, and also to pernicious gender-based violence and fear.
- Women are marginalised in political decision making and the determination of security priorities and resource allocation.
- Public discussion of sexual and domestic violence is taboo.
- The security services, headed and predominantly staffed by men, neglect gender-based violence, are themselves guilty of this form of violence, and discriminate against their female members.

However, it is important to recognise that men are also negatively impacted by these stereotypes as the expectation of security provision is fully placed on their shoulders. There is a growing awareness that addressing gender issues requires a closer look at men in terms of their gender needs and the critical role that the concept of masculinities play in the formation of ideologies, cultural norms and individual behaviour. As the World Bank states, "the subject of male identities, the link between masculinity and violence, the need to encourage a non-militarized masculinity and the particular positions of adolescent and young men require considerable attention in research, programme design and planning."[71]

By integrating a gender perspective into security governance reform efforts, a clear emphasis is given to prioritising needs-based policies, more operationally effective security institutions, representative parliamentary decision making on security issues, as well as equitable budgeting and resource management.

Effectively Addressing the Security Needs of Men and Women

Because of the different roles that women and men play in society, largely based on their socially prescribed gender identity, they have different security needs. In a democratic security sector, these needs will be equally prioritised. As it stands today, threats to women's security are oftentimes not effectively addressed which results in a negative impact on women, families, communities and society as a whole.

One of the largest gender-based security threats is the violence that is perpetrated against women globally. From domestic violence, stalking and harassment to human trafficking, rape and murder, women around the world live in insecurity due to the daily threat of violence. Globally, one out of every three women will be the victim of such violence, which often occurs within intimate relationships.[72] High rates of violence against women also negatively impacts families, as children often fall victim to beatings or secondary trauma. Trauma also has large financial costs to be born by society as a whole: in the United States for example, where it is estimated that every year 1.3 million women are physically assaulted by their intimate partner, the health costs amount to US$5.8 billion annually.[73] As the security sector, especially the police and justice systems, is responsible for preventing and responding to violent crime, security sector actors have the potential to effectively combat violence against women.

Hidden in statistics from conflicts and instability in Papua New Guinea, Bougainville, Solomon Islands, Fiji and Vanuatu is the fact that women and children constitute a disproportionate number of those affected, whether at home, in flight, in camps for displaced people, and/or in the resettlement and reconstruction period. Even in periods of post or non-conflict, women are still at greater risk of other threats to human security than men, such as violence, sexual exploitation, disproportionate economic hardship, and in some cases trafficking and prostitution. Furthermore, while women have played a vital role in day-to-day peace work during times of instability, they are not accorded an equal place at the negotiating table for peace agreements, and not adequately consulted or involved in post-conflict decision-making processes.

The risk of violence and constant presence of violence in communities affects many women in the Pacific. Gender-based violence (GBV) is endemic with some of the highest reported incidences in the world. However, the reported levels do not give a full picture of the nature of GBV, because of substantial levels of under-reporting of (for example) domestic violence, which is normalized in many societies, and the stigma attached to sexual violence. These forms of violence are predominantly an expression of aggression, power and dominance. Gender inequalities and power relations are at the core of these manifestations of violence.

CSOs have initiated extensive work to address GBV in the Pacific. For example: community-based projects focused on attitudinal, knowledge and behavioural change among individuals, efforts to reform the response of police and the judiciary to GBV, promoting women in leadership through temporary special measures and advocacy for new, enhanced and reformed laws and policies to increase gender equality and prevent violence. There are also numerous public awareness campaigns on issues including the criminality of domestic violence and the rights and safety of girls and women. In addition, there are an increasing number of initiatives with a focus on engaging men and boys to prevent GBV and promote gender equality in the Pacific.

Gender and Strategic Security Policy

Gender is important in strategic security policymaking as it ensures a people-centred approach to security provision, not least through promoting participatory policymaking processes. By focusing on the sometimes different needs of men, women, boys and girls, objectives can be specified which allow planning, resource management and budgeting to be focused on providing a secure environment in which all segments of society can conduct their daily life. Such an approach assists in the creation of a comprehensive security policy that addresses diverse security needs, and it reduces discrimination in security policies and security sector institutions.

Key questions need to be considered to ensure that gender issues are addressed in security policymaking, including:

- Does it address threats to security as identified/prioritised and experienced by people and communities, not only state interests?
- Have internal security threats and day-to-day threats to human security been included?
- Has the policy been developed in a participatory manner, including women's groups and other CSOs, staff from the ministry of women's affairs, female parliamentarians and gender experts?
- How does the policy address the different security needs of women, men, girls and boys?
- How does the policy address GBV?
- How does the policy emphasise the importance of gender equality goals, including non-discrimination and the equal participation of women and men?
- Is the policy formulated in gender-sensitive language?
- Is the policy in line with international, regional and national legislation and policies on gender issues?
- Will the policy be implemented, monitored and evaluated in a gender responsive manner?[74]

Gender and Oversight of Security Institutions

In order to create a democratic and inclusive security sector, it is essential that security institutions be representative of the population they serve. As men are highly overrepresented in security institutions, targeted initiatives are needed to increase women's participation. Women not only have the right to full and equal participation in security institutions and reform processes, as stated in various international mandates, but their participation has a positive influence on the security sector.

Gender and Security Sector Oversight – Parliaments

A gender perspective is important to parliamentary oversight of the security sector because:

- It helps promote inclusive, needs-based security laws and policies;
- It encourages effective and representative security sector institutions;
- It supports equitable budgeting and resource management;
- Gender equality in parliamentary decision making strengthens the legitimacy and representativeness of parliamentary oversight of the security sector.

To integrate a gender perspective into parliamentary oversight of the security sector, it is recommended that parliaments formulate inclusive, needs-based security laws and policies, build representative and effective security institutions, address gender-based violence, increase women's representation in parliaments and parliamentary security decision making, and implement equitable budgeting and procurement.[75]

The Pacific has the lowest proportion of women in national legislatures of any region in the world, with only 4.3% women legislators.[76] The table below highlights the number and percentage of women in the legislature in the target countries. However, in the case of Fiji the Parliament has been suspended since December 2006 and the one woman in the Tongan legislature was appointed by the King.

Box 19

Creating Gender Responsive National Security Policies

The 1996 White Paper on National Defence for the Republic of South Africa was drafted by Laurie Nathan of the University of Cape Town. The first draft of the paper was widely commented on by civil society organisations and members of the defence industry. It included a focus on human security and emphasised the creation of a non-sexist institutional culture, including an obligation of the Ministry of Defence to identify and eliminate discriminatory practices and attitudes in the armed forces. In addition, it called for affirmative action and equal opportunity programmes as well as acknowledgment of the right of women to serve in all ranks and positions, including combat roles.

The White Paper also called for a defence review to outline operational details such as doctrine, force design, logistics, armaments, human resources and equipment. At the insistence of women parliamentarians, the Parliamentary Joint Standing Committee on Defence called for a national consultation as part of the defence review process. A variety of measures were taken to ensure public participation, including using military planes and buses to transport religious and community leaders, CSO activists and representatives of women's organisations to regional meetings and workshops.

Grassroots women's organisations were vital in drawing attention to previously ignored issues such as the environmental impact of the military and the sexual harassment of women by military personnel. To respond to these issues, two new sub-committees were formed within the Defence Secretariat. Ultimately, the participatory nature of the Defence Review was credited with assisting the process of building national consensus around defence issues and generating public legitimacy for new security structures.

Source: *Luciak, I (2008), "Parliamentary Oversight of the Security Sector and Gender" in Gender and Security Sector Reform Toolkit, (eds.) Bastick, M & Valasek, K. Geneva: DCAF, OSCE/ODIHR, UN-INSTRAW.*

Figure 8: Women in Target Countries Legislatures as of November 2008

Country	Size of legislature	Number of women	% women
Fiji	103	13	12.6
Papua New Guinea	109	1	0.9
Solomon Islands	50	0	0
Tonga	33	1	2.9
Vanuatu	52	2	3.8
Average	**347**	**17**	**4.04**

Given this situation there needs to be complementary efforts to increase women's political participation and there involvement in policy formulation, legislative reviews and change and budgeting, thus demonstrating that women can be politically active and effective as citizens, advocates and not only in the capacity of elected members.

Recently UNIFEM Pacific has launched a five year regional gender equality and political governance (GEPG) Programme. The aim is to increase women's understanding of democracy, citizenship and leadership especially at community and local government level; to support the application of democratic principles and accountability of leaders in local organisations, including women groups.

Also in recent years, the issue of promoting more women in national legislatures using temporary special measures such as reserved seats or political party quotas has gained increasing attention amongst policy-makers and civil society alike in the Pacific. Article 4 of CEDAW, which has been ratified by all but three Forum Islands Countries, recognises that sometimes governments need to implement affirmative action initiatives or "temporary special measures" to advance gender equality. The Revised Pacific Platform for Action 2005-2015 also recommends that governments "take affirmative action in policies and practices that enhance gender parity in political representation".

Discussion is now actively underway in Papua New Guinea, Solomon Islands and Tonga regarding the possibility of using some form of temporary special measure to promote gender balance in their national legislatures. In fact in 2005, the Autonomous Region of Bougainville, Papua New Guinea held its first elections under a new constitution, which reserved three seats for women. The constitution also requires that at least one woman be appointed to Cabinet. In Tonga and Solomon Islands, submissions have been made to their respective constitutional review bodies, arguing for the reservation of a set number of seats for women.

In Papua New Guinea, in support of a proposal from the Minister of Community Development, Dame Carol Kidu, the government has been pushing for approval by the National Parliament of the nomination using s.102 of the constitution, which prescribes that "…Parliament may, from time to time, by a two-thirds absolute majority vote, appoint a person (other than a member) to be a nominated member of the Parliament." In March 2008, a motion in parliament failed to attract the two-thirds majority vote required by the constitution in support of such nominated candidates, but the government has flagged its intention to submit the motion again in a later session. In the longer-term, both the government and the opposition have indicated their support for reserving a set number of elected reserved seats in parliament for women and developing a more comprehensive gender equality law.

Increasing the number of women in parliament helps to strengthen the legitimacy and representativeness

of parliamentary oversight of the security sector. Parliament, itself also stand to benefit from addressing the unequal power relations found in society, by ensuring formal legal equality between women and men.

Gender and Security Sector Oversight - The Legal Framework

To fully integrate gender into security policy and practice, it is vital for a society to integrate relevant international and regional laws, instruments and norms concerning security and gender into their legislative framework. This not only provides a legal foundation for accountability on security provision but also enables the security sector, democratic institutions and government to better develop their focus on gender issues. In terms of security sector governance, certain instruments have targeted a specific security sector component.[77]

Parliamentary Oversight

- CEDAW (1979): Of particular importance to parliamentarians is the emphasis on the right of women 'to vote in all elections and public referenda and to be eligible for election to all publicly elected bodies' (Art. 7-a) and 'to participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government' (Art. 7-b).

- United Nations General Assembly, DEVAW (1993): The declaration stipulates that 'States should pursue by all appropriate means and without delay a policy of eliminating violence against women and, to this end, should… Include in government budgets adequate resources for their activities related to the elimination of violence against women'(Art. 4).

- Beijing Declaration and Platform for Action (1995): Governments committed to make available gender-sensitive human rights education and training to members of parliament.

- UNSCR 1325 on Women, Peace and Security (2000): All actors involved in negotiating and implementing peace agreements are called upon to adopt a gender perspective, including 'measures that ensure the protection of and respect for human rights of women and girls, particularly as they relate to the constitution, the electoral system, the police and the judiciary' (para. 8-c).

National Security Policymaking

- CEDAW (1979): Article 7 of CEDAW commits States Parties to 'take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular… ensure to women, on equal terms with men, the right…To participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government'.

- United Nations General Assembly, DEVAW (1993): The declaration stipulates that 'States should pursue by all appropriate means and without delay a policy of eliminating violence against women and, to this end, should... (e) Consider the possibility of developing national plans of action to promote the protection of women against any form of violence… (h) Include in government budgets adequate resources for their activities related to the elimination of violence against women' (Art. 4).

- Beijing Declaration and Platform for Action (1995): It is emphasised that 'governments and other actors should promote an active and visible policy of mainstreaming a gender perspective into all policies and programmes, so that, before decisions are taken, an analysis is made of the effects on women and men' (para. 79).

- UNSCR 1325 on Women, Peace and Security (2000): UN SCR 1325 'urges Member States to ensure increased representation of women at all decision-making levels in national, regional and international institutions and mechanisms for the prevention, management, and resolution of conflict' (para. 1).

Civil Society Oversight

- CEDAW (1979): States Parties commit to ensure to women, on equal terms with men, the right: 'To participate in the formulation of government policy and the implementation thereof' and 'to participate in non-governmental organizations and associations concerned with the public and political life of the country' (Art. 7).

- Beijing Declaration and Platform for Action (1995): The platform calls for the removal of all 'obstacles to women's active participation in all spheres of public and private life through a full and equal share in economic, social, cultural and political decision-making' (para. 1).

- United Nations General Assembly, Resolution 52/86 on Crime Prevention and Criminal Justice Measures to Eliminate Violence against Women (1998): The resolution urges Member States to cooperate with 'non-governmental organizations, including organizations seeking women's equality' and 'relevant professional associations' to provide gender sensitivity training for police, criminal justice officials, practitioners and professionals involved in the criminal justice system (Annex para. 12-a).

- UNSCR 1325 on Women, Peace and Security (2000): The resolution calls on all actors involved in negotiating and implementing peace agreements to include 'measures that support local women's peace initiatives' (para. 8-b).[78]

In the Pacific, in recent years there have been significant gains in terms of improving the legal framework of gender equality between men and women. In Solomon Islands, the parliament made changes to four legal practices, which reduce discriminatory evidence practices in sexual assault law, when it passed the Evidence Act 2009. In 2008, the Vanuatu Parliament passed the Family Protection Act, which provides for an offence of domestic violence and family protection orders in the cases of domestic violence. It was signed into law by the president in 2009. It is the first PIC to pass stand alone comprehensive domestic violence legislation. The Vanuatu legislation complies with global best practices by stating that the payment of bride price in custom marriage and compensation shall not be a defence against prosecution for domestic violence.[79] In 2003, the Papua New Guinea Parliament passed new legislation on sexual offences, including marital rape and offences against children, however, such changes have not been forthcoming on domestic violence and family law. Also in 2003, in Fiji the Family Law Act was passed by parliament after years of lobbying, awareness raising and training by CSOs. The act established the Family Law Court and counselling facilities.

However, Pacific laws on violence against women (VAW) are outdated and treat women with indifference despite the globally high rates of VAW in the Pacific region. The Secretariat for the Pacific Community – Regional Rights Resources Team have initiated a regional project to change laws protecting women and lobbying for legislative change in violence against women and family law in order to enhance protective legislation for women and girls in six PICs, including Solomon Islands and Tonga. The project recognises that laws are not the be all and end all but can be an effective catalyst of social change.[80]

Gender and Democratic Oversight – Ombudsman Institutions

Ombudsman institutions play an important role in addressing gender-based violence, principally through aggregating data that reflects the incidence of GBV, but also through monitoring the security sector's own practices when interacting with society. Ombudsmen can also oversee the integration of gender issues within defence and other security sector institutions, and/or ensure that any such oversight positions examine gender issues. Overall, ombudsmen can be effective advocates and play a key role in highlighting the impact of both domestic violence and of conflict related crimes.[81]

Gender and Democratic Oversight – Line Ministries

A gender perspective is vital to ensuring that policy and planning of ministries responsible for security sector institutions meets the needs of all stakeholders across society. For example, ensuring that interior ministries budget for training and services dedicated to addressing the security needs of women and children involves both strategic planning, knowledge and relevant capacity to prioritise gender issues. Moreover, line ministries also need to address human resource and personnel management issues (including their own in-house policies) that reflect good practice in terms of gender equality, as well as aggregating gender data that can guide the development of policy and planning.

Gender and Security Sector Accountability – Civil Society and the Media

Gender is important for civil society oversight because it helps to strengthen local ownership and the sustainability of security sector governance reforms, it promotes effective and comprehensive oversight mechanisms through the integration of gender issues and it enhances oversight through the involvement of women's organizations. Integrating gender into oversight may entail the following:

- Ensuring transparent and equitable disciplinary procedures;
- Setting minimum standards of behaviour and codes of ethics for security service personnel;
- Ensuring that gender-specific needs are identified and incorporated into security sector structures and practices;
- Advocating for more women in the security services, particularly at senior decision making levels;
- Raising awareness of key security issues among the general population, particularly as they relate to women and vulnerable groups; and
- Channelling complaints from the public to the appropriate individual or organization within the security sector.

The media also plays an important role in promoting public scrutiny of the security sector and communicating information about security sector governance. CSOs can collaborate with the media in order to strengthen their awareness-raising and advocacy campaigns. CSOs can also work with the media to train them on how to collect information and report on security issues in a gender-sensitive manner and can also play a role in facilitating the sharing of stories of GBV and in providing the necessary care and assistance to victims who are willing to share their stories in public.[82]

Box 20

Defence Reform in South Africa: Institutional Mechanisms for Gender Equality

As part of the long process of post-apartheid transformation, CSOs, especially women's organisations, mobilised to ensure women's equal participation and the inclusion of gender issues in the new government structures. The White Paper on Defence for the Republic of South Africa and the highly participatory Defence Review process firmly integrated gender issues into South African security policy. The White Paper called for non-sexism and affirmative action, including the right of women to serve in all ranks and positions. The Defence Review highlighted the need to address sexual harassment and create an environment that accepts and respects women.

Specific initiatives were taken to mainstream gender issues and increase women's participation:

- Women were appointed to senior positions with the Ministry of Defence and the Defence Secretariat to demonstrate a commitment to gender equality and to serve as role models.
- Gender training was given to personnel at all levels of the Defence Ministry.
- Male and female military personnel were jointly trained to emphasise equal treatment and non-sexism.
- Personnel policies that directly affected women were changed, such as those governing maternity leave and equal benefits for dependants of men and women in the forces.
- A gender focal point was created within the Equal Opportunities Directorate.
- A gender forum was established to implement gender policies at the lower levels of the Department of Defence.
- A telephone hotline was created in order to report cases of sexual harassment and violence against women within the defence forces.
- The annual organisation of "Women at the Peace Table", a Deputy Defence Minister-hosted gathering of women in the armed forces and civil society to discuss people and security issues.

Source: *Anderlini, Sanam Naraghi and Camille Pampell Conaway (2004), Negotiating the Transition to Democracy and Reforming eh Security Sector: The Vital Contributions of South African Women, Washington DC: Women Waging Peace Policy Commission.*

Example 9: Pacific Peacewomen's Work on Security Issues and Exclusion in the Region

Some of the most interesting and ground breaking work on peacebuilding has been and continues to be done by women's organisations across the region. In the 1980s, women's groups initiated and provided sustained leadership to the anti-nuclear movement.

At the regional level through advocacy, awareness-raising and policy documents, women's organisations have advised and informed the evolving agenda of the Forum Regional Security Committee. In Bougainville, PNG, Solomon Islands, and Fiji, women's organisations were among the first to actively work across ethnic divides at considerable personal and organisational risk. They have been instrumental in providing basic assistance to affected communities and in demanding accountability and respect for human rights. For example, in the Solomon Islands, the first efforts towards peacebuilding before the peace accords were from women who engaged militias of both sides to discuss issues around community-based security and to prevent further violence.

In Bougainville, women's organisations started work with young men on peacebuilding and reducing the extent of domestic violence and stood in front of troops to protect communities. They initiated the informal peace talks that subsequently led to the peace agreements. Yet they were not invited to the negotiating table. They have also provided gender training to new police recruits and worked in collaboration with the police to highlight the negative impact of violence against women and children.

In Fiji, they have been involved in community mediation, trauma healing, providing counseling services to victims of domestic and sexual violence, played an instrumental role in supporting soldiers returning from peace keeping operations and raised gender issues with the military. However, their perspectives are not reflected in regional policy or national peacebuilding efforts and their voices continue to be marginal.

In Vanuatu the Women's Centre has been instrumental in advocating for the Family Protection Act, supporting a network of male advocates, including training police officers and magistrates.

Source: *UNDP Pacific Centre*

Example 10: Fiji's National Security Defence Review 2003

In Fiji, integration of gender concerns in security sector governance initially took place within a broader framework of efforts for implementing UN Security Council Resolution 1325: women, peace and security. In 2003, the Women, Peace and Security Fiji Coordinating Committee on 1325 (WPS Fiji) was established, following consultation with the Ministry of Women's Affairs and a range of women's groups and NGOs (under the umbrella of the National Council of Women Fiji) that had consistently addressed women and peace issues. Subsequently, in 2003 women contributed to the National Security and Defence Review.

This was an opportunity to not only become informed about national security processes but to also raise critical issues such as:

- The way in which the review process was being conducted;
- Who was being consulted;
- The issues being identified as security threats; and
- How international standards and norms, including UN Security Council Resolution 1325, were being incorporated into the process.

It was recognized that the reform of the National Security Council could pave the way for the inclusion of women's civil society representatives with relevant expertise. They would be involved in helping to redefine and ensure implementation of the new human security agenda, including through representation on national security councils and other local or district/provincial level committees and delegations addressing security issues. It was thus critical that the reform process recognise that women's organisations can:

- Provide policy advice on improving transparency, accountability and responsiveness.
- Monitor the implementation of international and regional agreements, as well as national and institutional policies.
- Provide capacity building for oversight bodies on gender issues.
- Identify early warning indicators or security threats and issues facing individuals and communities.
- Facilitate dialogue between local communities and security sector oversight bodies.
- Raise public awareness of how to hold security sector institutions accountable.

In December 2003, The Fiji WPS Coordinating Committee, together with the National Council of Women, made formal submissions to the National Security and Defence Review. Recommendations included:

- The Minister of Women should be included as a member of the National Security Council;
- The Permanent Secretary of the Ministry of Women should be included as a permanent member of the National Security Advisory Committee;
- Women should be effectively and equitably represented on Provincial and District Security Committees;
- Women should be included in the National Security Assessment Unit;
- Gender balance in the decision-making levels of the security forces should be ensured and efforts made to recruit women into the Republic of Fiji Military Forces.

The submission built on women and peace initiatives during the May 2000 hostage crisis in Fiji, including a dialogue between leaders of the National Council of Women and the Military Council. The submission noted "the National Security and Defence review provides an opportunity to take corrective measures of existing structures and processes that are out dated." These structures, according to the submission, excludes half of Fiji's population from being involved in security and defence matters and should be dismantled and re-structured. "Defence and security is the business of men and women, therefore the organizational mechanism that deals with it should ensure that issues of men and women are given the same level of attention."

Because of the role of the military in both conflicts, and its recurring role in addressing instability in Fiji, women learnt to negotiate and communicate with the security forces. In 2000, as a result of discussions at the Peace Vigil, the National Council of Women Fiji made contact with the military and, as a result, the commander of the Republic of Fiji Military Forces, Voreqe Bainimarama, brought together the members of the military council and other senior officers to meet with the representatives of the Peace Vigil. The delegation presented what has become known as "The Women's Letter." It outlined various suggestions, particularly the need for Fiji to return to parliamentary democracy, and for the military to uphold the 1997 Constitution as the supreme law of the country. The women also requested that the military respect human rights. From this initial meeting, women learned the importance of using the language of the military/security sector for future dialogue and peace initiatives. The letter was received respectfully and favourably, and a critical lesson learnt from this process was to ensure that future communication was more in line with the style of communication that the army was familiar with.

Source: *Sharon Bhagwan-Rolls, Founding Coordinator - FemLINKPacific.*

PART 2

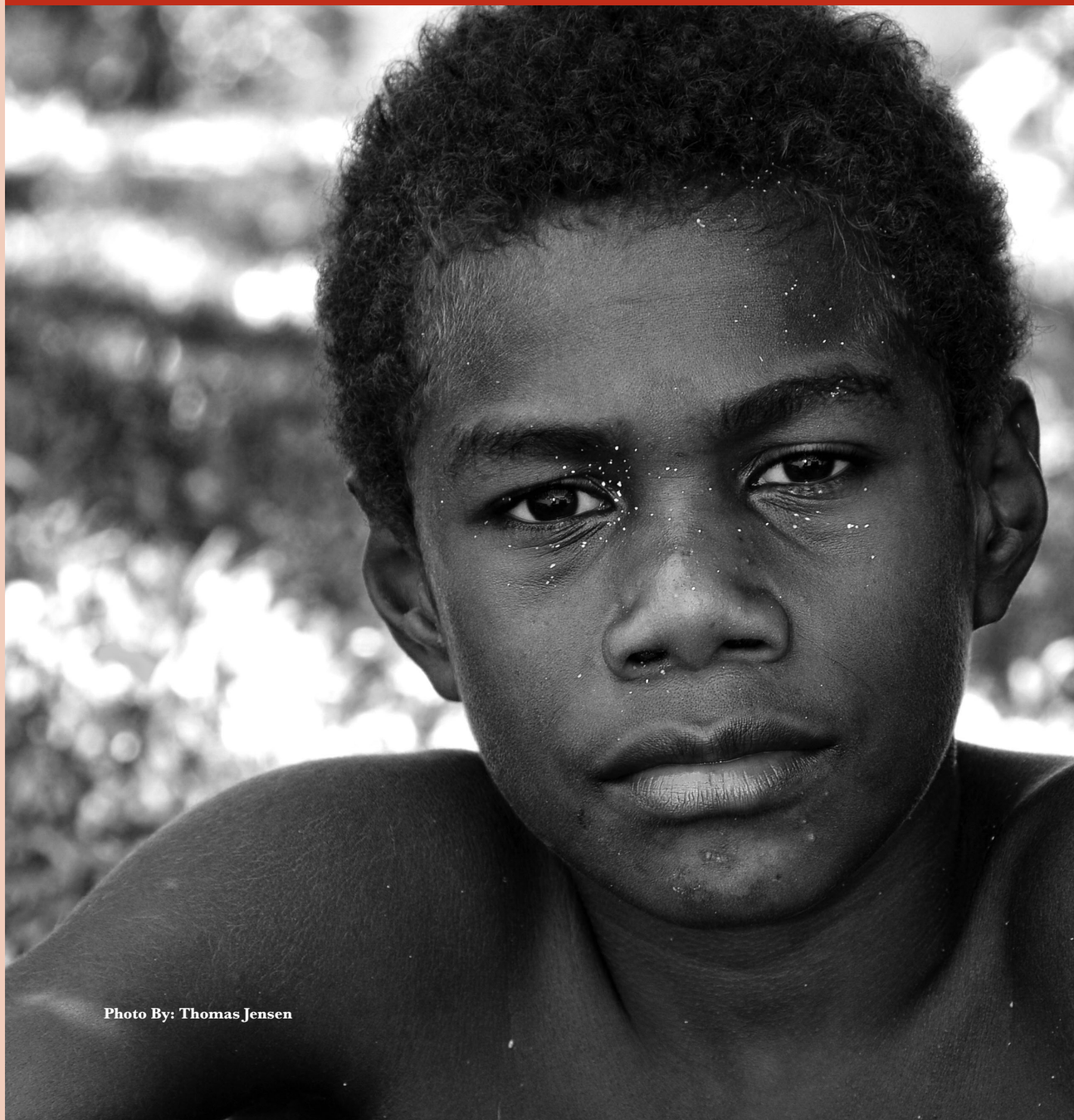


Photo By: Thomas Jensen

Country Case Studies

UNDP and PIFS note that each of the target countries have initiated and are at different stages of nationally owned reform processes that include exploring the most appropriate governance arrangements for the security sector.

The scoping missions highlighted that there is a complex and diverse regional security environment and relatively well-developed regional security cooperation and integration. However, local stakeholders during the missions have highlighted gaps that require further cooperation at regional and national levels.

This section of the publication provides five country case studies: Fiji, Papua New Guinea, Solomon Islands, Tonga and Vanuatu based on background research and interviews conducted in the target PICs during late 2008 and early 2009.

The analysis here is best described as a scoping study, which had the purpose of assessing if there was added value in developing assistance programmes to improve security sector governance in the region.

The scoping study mapped the regional and national contexts, key security sector governance challenges, existing security frameworks and structures in place, existing programmes of assistance, and the identification of opportunities to enhance security sector governance.

The findings were presented and went through a validation process during the Regional Security Sector Governance Conference, held in Tonga from 27 – 30 April 2009. Each country had delegations consisting of representatives from government including defence and police ministers and permanent secretaries, members of Parliament, Ombudsmen, civil society and security sector officials. Delegations were given the opportunity to review the findings, provide inputs and they made presentations in response highlighting key national priorities based on their collective experiences (please go to www.undppc.org.fj for a list of those consulted during the scoping missions and regional conference).

It should be noted that the scoping study only provides a "snapshot" of the local context with the findings being neither comprehensive or complete and only tentative in nature. It also only focuses on formal governance systems, while noting that any reform efforts will have to take into account the local context in particular the relationship between formal and traditional and informal systems. The scoping has provided an opportunity to identify programming options and where more detailed assessment is required.

The second phase of the programme development entails strategic planning sessions with key stakeholders in Papua New Guinea, Solomon Islands, Tonga and Vanuatu to identify areas where assistance from UNDP and PIFS could add value.

Subsequent programme development would require a full assessment, which would provide an overview of the national context, the drivers and opponents of change and the needs of different stakeholder groups. It would also identify if more detailed sector-specific needs assessments are required.

The following country case studies are structured as follows:

- Brief situation analysis
- Key security sector governance challenges
- Opportunities
- National priorities – determined by country delegations during the Regional Conference.

Fiji

Population 2008:	838, 724
Political System:	Military Regime since 2006 coup. Previously a parliamentary republic
GDP (US dollars at current prices) 2008:	$3.53 Billion
GDP Growth Rate 2008:	0.2%
GDP Per Capita (PPP US$) 2007:	4,304 – Rank 115th
Human Development Index 2007 :	0.741 – Rank 108th
Human Poverty Index:	21.2 – Rank 79th
MDG Progress 2009:	One of six countries in the region slightly off track and/or demonstrating mixed progress

FIJI SECURITY SECTOR OVERVIEW

Actors in the Security System	**Core Security Actor:** Republic of Fiji Military Force; Fiji Police Force; Fiji Inland Revenue and Customs Authority - Border Control (Customs Marine Unit & Transnational Crime Unit); Fiji Intelligence Services (FIS); Fiji Prisons Service **Management and oversight bodies:** Military Council; The Ministry of Defense; National Security and Immigration; Parliament of Fiji *(Currently suspended)*: Standing Committee on Justice, Law and Order; Constitutional Offices Commission; Discipline Service Commission & Auditor General; *(Currently suspended)* **Law and Justice Sector:** Supreme Court, Court of Appeal, High Court, Magistrate Court; Ombudsman Office (currently vacant); Fiji Independent Commission Against Corruption (FICAC); Fiji Human Right's Commission Attorney General & Ministry of Justice and Anti-Corruption
Personnel	**Military:** 3,500 - Active Army; 6,000 - Reserves **Police :** 2,779 - Regular Police Force; 1,345 - Special Police Force
National Security Policy	Currently working on a security policy
National coordinating body for security	National Security Council
Security Legislation	Public Safety ACT - Extension of the Public Emergency Regulations 2009; Decree No. 1 - Fiji Constitution Amendment Act 1997 Revocation Decree 2009; Decree No. 2 - Executive Authority of Fiji Decree 2009; Decree No. 3 - Fiji Existing Laws Decree 2009 ; Decree No. 10 - Administration of Justice (Amendment) Decree 2009; Prisons and Corrections Act 2006; Police Act (Chapter. 85); Royal Fiji Military Forces Act (Chapter. 81)
Recent cases against security actors in the courts	**Assessing Constitutionality:** **2000: Chandrika Prasad v. The Republic of Fiji and the Attorney-General of Fiji (High Court Action No. HBC0217.00L, Lautoka:** This case concerned the status of the Constitution in Fiji following an armed invasion of Parliament on 19th May 2000, a hostage crisis, a military takeover, and latterly the installation of an interim administration. The High Court decided that the coup was illegal and that the abrogation of the constitution was legally ineffective. This is a unique decision by a domestic court. **2008 - 2009: Qarase and Others v. Bainimarama and Others, Fiji High Court, Suva Civil Actions, HBC60.07S** The deposed Prime Minister Laisenia Qarase challenged the legality of the 2006 military takeover and president's powers to appoint an Interim Government in the High Court. The courts held valid the decision of the president to appoint an Interim Government. The decision was later appealed by Qarase. On April 9th, 2009 the court held that the appointment of the Interim Government by the president was invalid since the 1997 constitution did not give the president express written powers to do so.
Mandate of accountability institution to deal with complaints against security sector	**Fiji Independent Commission against Corruption (FICAC)** - Is mandated by the Fiji Independent Commission Against Corruption Promulgation No. 11 of 2007 ('Promulgation'). The primary objectives of the promulgation are to promote the integrity and accountability of public administration. **Office of the Department of Public Prosecution (DPP)** – An independent body created under Section 114 of the 1997 Constitution. Tasks include the determination of complaints against police and prison officers; the director also considers written representations concerning criminal cases from aggrieved persons, defendants or from their counsels. **Discipline Service Commission** – Under Sections 152 through 154 the commission is empowered to appoint, remove, or discipline officers of the police force and the prison services. The commissioner of police and officers holding any rank equal or inferior to senior inspector are excluded from this provision. Over such officers, the commissioner of police, rather than the Discipline Services Commission, exercises authority, although he or she must obtain the approval of the commission to dismiss or demote any police officer.

Situation Analysis

Social tensions in Fiji are the result of a range of structural factors (e.g. land management, segregated service provision in education, polarized identities primarily – but not exclusively – between Fijians and Indo-Fijians) that have originated in the colonial past of the country. In more recent history, ethnic based tensions have manifested in political coups between 1987 and 2006. Local and national tensions have been exacerbated by a lack of inclusive dialogue on key issues (land, employment, natural resources, political governance system etc). Dialogue has often taken the form of inflammatory and confrontational exchanges between political figures in public.[83]

Despite the recent political turmoil, Fiji still remains one of the most developed economies of the South Pacific. The main generators of income are minerals, fish resources, and tourism and remittances. However, remittances from abroad were down 22.3% in January-May 2008 from 2007 levels.[84] Its principal imports include mineral fuels, machinery and transport equipment, as well as an increase in food imports.

Fiji's ***economy*** has been severely affected by the December 2006 coup. The coup caused important disruptions of economic activity and many of Fiji's economic partners – including Australia, New Zealand and the European Union – suspended most of their foreign assistance to Fiji. After a prolonged period of economic growth, Fiji's GDP contracted by 6.6 percent in 2007. Many sectors have suffered, including construction (-20.6%) and mining (-97.9%). In addition, the trade deficit deteriorated in the first half of 2008.[85]

In 2009, the economy is further expected to contract by 1 percent, due to decline in earnings from tourism and exports partly as a result of the global economic crisis. However, growth is expected to return in 2010, due to a pickup in tourism.

The government devalued the Fiji dollar by 20% in April in an effort to stimulate exports and tourism and so boost declining foreign reserves. The reserves have increased since that policy took effect, but it "remains less than half the target of four months of import cover." The devaluation also significantly increased inflation to 5 percent in June 2009. It is argued that rising inflation could erode export competitiveness, which would undermine any gains from the devaluation. The ADB forecasts that there is a risk that fiscal constraints will further delay much-needed public works and, more broadly, reduce development spending unless the Government reins in its operating costs.[86]

Fiji has significant ***human development*** challenges. Since 1996 the percentage of the population living below the basic needs poverty line has increased from 25.5 to 34.3 in 2003. The depth of poverty as measured by the poverty ratio gap is the highest in Fiji at 11.2 percent (2003). This indicates that the average income/expenditure of poor households is about 11.2 percent below the basic needs poverty line. This means it would take an increase in real income of at least eleven percent on average to enable poor households to rise above the poverty line. It is estimated that since 2008 real incomes of the poor have fallen sharply, bringing more households into poverty.

Figure 9 highlights Fiji's progress towards the achievement of the MDGs. It is one of six countries in the region that is "slightly off track" and/or demonstrating "mixed progress." The most acute is efforts to combat the spread of HIV/AIDS and other diseases. On a positive, note Fiji is making progress on the promoting of gender equality and women's empowerment.

Figure 9: Fiji's progress towards the achievement of the MDGs [87]

Goal 1	Goal 2	Goal 3	Goal 4	Goal 5	Goal 6	Goal 7	Goal 8
Eradicate Extreme Poverty & Hunger	Achieve Universal Primary Education	Promote Gender Equality & Empowerment of Woman	Reduce Child Mortality	Improve Maternal Health	Combat HIV/ AIDS and other Diseases	Ensure Environmental Sustainability	Develop Global Partnership for Development
Low level of Food Poverty	Slightly off-track	On-track	Slightly off-track	Slightly off-track	Off-track	Some data gaps and slightly off-track	Data gaps, slightly off-track

In 2005 a Peace and Stability Development Analysis (PSDA) was initiated by UNDP and the Government of Fiji (Ministry of Multi Ethnic Affairs and National Reconciliation and Unity), in collaboration with the Ecumenical Center for Research, Education and Advocacy. The decision to undertake the PSDA in Fiji was guided by a desire to obtain a comprehensive overview of wide cross-section of society's perceptions of the issues/problems around ***peace, stability and development*** to complement available knowledge and understanding.

The PSDA provided entry-points and options for government, civil society and the international community to address the causes and dynamics of social tensions in Fiji. From the nationwide consultations, UNDP, the Ecumenical Center for Research, Education and Advocacy and the Ministry of Multi Ethnic Affairs and National Reconciliation and Unity produced a synthesis document, 'The People's Strategy for Peace, Stability and Development', which brings together in an action-orientated framework the concerns, aspirations and messages of consulted individuals.

There was also a framework for action formulated with entry-points and recommendations in four main areas: (i) strengthen constructive and inclusive governance; (ii) strengthen government and civil society capacities; (iii) strengthen peacebuilding and build confidence amongst stakeholders; and (iv) focus on inclusive and pro-poor development in key sectors for people in Fiji. The figure below gives an overview of the recommendations offered to government, civil society, the private sector and the international community.

Figure 10: PSDA Recommendations [88]

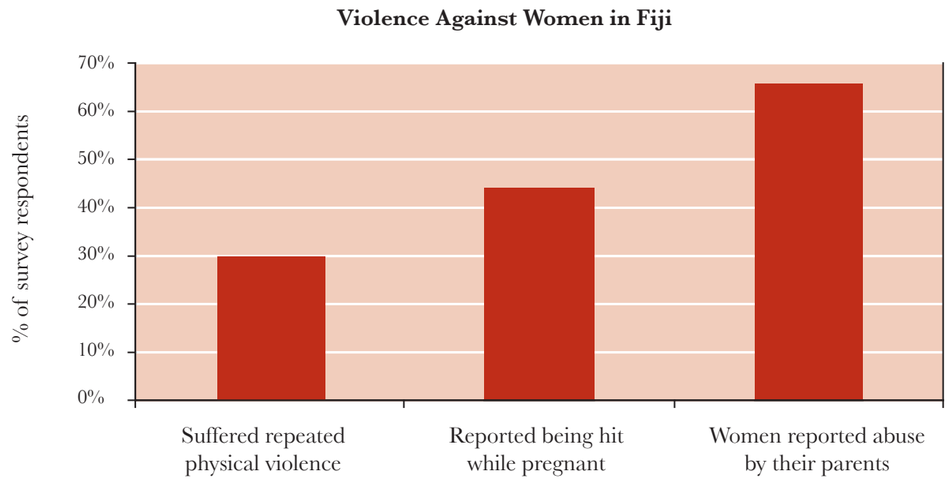
Inclusive governance	Peace Building	Sustainable development and economic growth
Amend discriminatory legislation and policy	Amend the Media Code to improve media behaviour	Generate livelihoods and employment particularly for young people and the poor
Modify electoral legislation to reduce polaristion and enhance representation	Engage in a strategic review of school curricula and other training initiatives	Focus on effective and inclusive service delivery that addresses the needs of the poor
Promote better interfaces between the community and law and order forces	Engage in an inclusive policy dialogue on how to address national and local challenges	Develop a business Code of Practice for Workplace Equality
Develop accountable and inclusive leadership	Strengthen civil society capacity to address the causes of instability	Maximise land production and producivity as a cornerstone of Fiji's economy
Strengthen national and local government capacity to address the causes of instability		Maximize the use of marine and other key economic resources as a source of economic growth

The PSDA also provided an analysis of the ***law and order and security challenges*** to Fiji's development. This included crime, burglary, theft and home invasions, domestic and sexual violence, drug abuse and prostitution. It recommended that the police needed to be empowered with adequate training and resources, as well as to make neighbourhood watch/ crime prevention committees more effective. As well, continued support to the judiciary was noted as important to tackle corruption and ensure the rule of law is upheld at all times.

> *"Extensive efforts are being undertaken to improve the performance of the justice sector as a whole. The newly established (2006) Family Court provides an opportunity for improved access to justice for women, children and their families; police training and institutional strengthening has resulted in tangible improvements in policing but these may be concentrated in urban centres – increased efforts to extend community safety initiatives out to isolated communities and rural areas may be required; extensive efforts have been made to strengthen the judiciary – judicial training continues to be a high priority – particularly at the level of the Magistrates' courts. Equitable distribution of resources throughout the justice system needs careful consideration to ensure equal access to justice for residents (victims and offenders) in rural and outer areas, as well as those within urban areas."*

It also recommended that active work was needed to reduce violence against women and minorities. In Fiji national research on domestic violence and sexual assault found that 80 percent of survey respondents had witnessed violence in their home. The figure below highlights other findings. However, it was found that 74 percent of female victims did not report violence to the police and counsellors at the Fiji Women's Crisis Centre believe that "the Fiji police records are not representative; assault of women is a commonly recorded offence but most women who have been assaulted do not report it, because they have been taught to accept violence, or because of family pressure, or because of fear of reprisals if complaints are made."[89]

Figure 11: Violence Against Women in Fiji [90]



As well as these challenges, there has been growth in serious crime in recent years and the emergence of transnational crime such as people and drug smuggling, fraud and money laundering. The recent working group three: role of Fiji's security forces in national development, as part of the People's Charter for Change, Peace and Progress expanded on these challenges:

> *"The main issues that these law enforcement agencies face include inadequate enforcement of legislation in light of manpower, equipment and resource constraints; a backlog of cases in the judicial system; access to law and justice; defense and security; weaknesses in internal discipline; prison overcrowding, and the need for human resource development within law enforcement agencies to deal with more sophisticated crimes such as white collar and internet fraud. Related to terrorist activities but also to corruption and wider economic crimes is the need to monitor flows of funds through the financial system both domestically and internationally."*

Figure 12: Reported crime in Fiji from 2001 to 2008 [91]

Offences	2001	2002	2003	2004	2005	2006	2007	2008
Against lawful authority	483	518	484	562	634	556	541	624
Against Public Morality	439	511	490	461	718	763	758	714
Against the Person	4565	4523	4109	4031	4765	4611	4596	4071
Against the Property	11328	10458	10367	10270	11185	11699	10714	10040
Other Offences against the Penal Code	1583	1266	2849	1250	1748	1514	2014	2297
Total	**18398**	**17276**	**18299**	**16574**	**19050**	**19143**	**18623**	**17746**

Given these significant development, security and governance challenges in 2008, UNDP and PIFS agreed that Fiji would be a target country of the regional security sector governance initiative. Discussions were initiated with representatives of the Interim Administration, security services, parliamentary staff, human rights commission and civil society organisations. Following the consultations, a delegation from the Fiji Islands was invited to attend the Regional Security Sector Governance Conference in April 2009. The aim was to prepare the ground for possible future engagement when the political situation permits.

On 9th April 2009 the political environment in Fiji significantly changed with the purported abrogation of the 1997 constitution by President Ratu Josefa Iloilo. Consequently, on 2nd May 2009, the current administration in the Republic of the Fiji Islands was suspended from full participation in the Pacific Islands Forum.

The PIF leaders' decision involves implementation of two specific targeted measures, taken in accordance with the 2000 Biketawa Declaration. The first involves suspension of participation by the leader, ministers and officials of Fiji from all forum meetings and events arranged by the Pacific Islands Forum Secretariat, including the annual Pacific Islands Forum Leaders Meeting. The second measure involves ensuring the military regime in Fiji does not benefit directly from forum regional cooperation initiatives or any new financial or technical assistance, other than assistance facilitating the restoration of democracy.[92]

Security Sector Governance Challenges

Since independence there have been serious challenges to civilian control of security institutions. In 1987, the coalition of the newly formed Labour Party and the National Federation Party, led by Timoci Bavadra, won the general election and set about forming a government. On May 14th 1987, one month after the government was formed, Lieutenant-Colonel Sitiveni Rabuka, third ranking military officer at the time, led a military coup, which resulted in the overthrow of the coalition government. It was the first action of its kind in the Pacific region. On 28th September 1987, Rabuka perpetrated a second coup, subsequently proclaiming Fiji a Republic on 7th October 1987.

In 2000, a group lead by businessman George Speight executed a civilian takeover of parliament, deposing the democratically elected People's Coalition Government led by Mahendra Chaudhry. The coup was supported by the Counter Revolutionary Warfare unit of the Republic of Fiji Military Forces (RFMF) established by Rabuka during the 1987 coup. The RFMF played a crucial but also controversial role in the response to the coup and returning Fiji to a constitutional path.[93]

Following months of disagreements between the military and the government on 5th December 2006, military commander Commodore Bainimarama announced that he had assumed executive power, that he had dismissed the elected government of Fiji and declared a State of Emergency, justifying his actions principally by reference to the Doctrine of Necessity.

Subsequently, on 4 January 2007, Commodore Bainimarama returned executive authority to President Iloilo, who then appointed him as interim prime minister. The commodore set a broad agenda of reform including: commitment to upholding the constitution, validating the legality of the military's actions, an enquiry into the judiciary, investigation into alleged corruption by the ousted government (including plans to establish an anti-corruption commission), and the conduct of a census and the undertaking of electoral reforms, to precede the holding of a democratic election in an as yet unspecified timeframe.

This subsequently has been broadened further into the 'People's Charter for Change, Peace and Progress', the overall objective of which is to "rebuild Fiji into a non-racial, culturally-vibrant and united, well-governed, truly democratic nation that seeks progress, and prosperity through merit-based equality of opportunity, and peace."[94] The People's Charter aims at providing a road map to address the underlying causes of instability, amending the constitution and in particular the electoral system. The People's Charter process has received a mixed reaction from key stakeholder groups in Fiji and the region.

The reasons for the 2006 coup are hotly debated, which is a result of Fiji's complex history and politics. Despite this, however, a number of issues have been highlighted:

- Soqosoqo Duavata ni Lewenivanua (SDL) attempts to pardon coup perpetrators of 2000;
- Attempts to remove Commodore Bainimarama from office and review of the RFMF;
- Police investigations of Commodore Bainimarama relating to sedition and his alleged role in the death of four Country Revolutionary Warfare soldiers in 2000;
- Introduction of alleged racially decisive legislation and the RFMF's role in politics; and
- Issues relating to the conduct of the 2006 election and alleged widespread corruption.[95]

Since the December 2006 coup there have been a number of processes initiated to try to resolve the political situation. At the regional level, following a decision by the Forum Foreign Affairs Ministers' Meeting an Eminent Persons' Group (EPG) was tasked with visiting Fiji to meet all relevant parties to the current crisis and to make recommendations for a way forward, which they did from 29 January to 1 February 2007. At the Forum Foreign Affairs Ministers' Meeting held in Port Vila on 16 March 2007, ministers agreed that:

> *Depending on the willingness of the Fiji interim authorities to participate in the process, the Forum could move to the establishment of a joint working group of officials from Member countries, with Fiji, to engage with the interim government including on credible mechanisms for returning to democracy as soon as possible. The joint working group would report to the EPG.*[96]

In 2008, Fiji did not attend the Pacific Islands Leaders Meeting in Niue and for a period of four months ceased participation in the Pacific Islands Forum – Fiji Joint Working Group before resuming attendance in October 2008. At a Special Leaders Retreat at the beginning of 2009, the Pacific Islands Forum Leaders called on the interim administration to take actions to demonstrate its commitment to the restoration of parliamentary democracy. Fiji did not respond to this call and also, again, ceased engagement in the Joint Working Group from the end of January 2009. Following the purported abrogation of the constitution on 9th April 2009, and in accordance with the Port Moresby Forum Leaders' Retreat outcome, the military regime was suspended from the Pacific Islands Forum effective immediately from 2nd May 2009.

At the national level, former President Ratu Josefa Iloilo initiated the President's Political Dialogue Forum (PPDF). In this regard, a request was made to the Commonwealth Secretariat and the UN to facilitate the PPDF. Missions were undertaken by both organizations to explore ways in which support can be provided for inclusive and genuine political dialogue in the context of international efforts to help restore democratic order in Fiji, without prejudice as to the outcome. A number of Leaders of Political Parties meetings were held to determine the terms of reference, scope of the PPDF and the selection of mediators, the last of which was on the day of the Court of Appeal decision regarding the legality of the interim administration. The agreed topics of discussion at that time included: a) the democratic experience in Fiji; b) electoral reform; and c) the People's Charter. However, since the events of Easter 2009 the PPDF has been abandoned and the regime had announced new processes for possible national dialogue, which involved restrictions on the scope of subjects and limits on eligibility for participation that would not meet international calls for Fiji authorities to pursue a genuinely inclusive dialogue without preconditions and pre-determined outcomes.

Looking into the future before and after the proposed elections in 2014, it is clear that inclusive dialogue needs to take place to agree on the following:

- The role of the RFMF in the affairs of the state. This requires overcoming different interpretations. For example, the abrogated Fiji Constitution (Amendment) Act 1997, does not define the role of the Republic of Fiji Military Forces except to say that "the Republic of Military Forces established by the Constitution of 1990 continues in existence." This leaves open claims that the repealed 1990 Constitution's definition remains in force, namely: "It shall be the overall responsibility of the Republic of Fiji Military Forces to ensure at all times the security, defence and well being of Fiji and its peoples." According to the Forum Eminent Persons Group Report in 2007, this situation has led the RFMF to believe the "Constitution

provides it with a political mandate to influence government policy in the interests of Fiji, however they may be defined."[97] Before the 2006 coup, there was discussion of the president referring the case to the Supreme Court for clarification. Any new constitution will need to determine the role and responsibilities of the RFMF i.e., defending Fiji from external aggression; rationale and methods for their involvement in providing internal security; role and responsibilities of the police, prison service, customs and immigration; and the mandate for oversight of security institutions.

- Strategic security policy, which identifies national priorities, the values underlining the policy, the legal basis for the policy and the role of key actors. Given the fragile relationships between the security services, political parties, chiefs, churches and CSOs, participatory consultations, dialogue and debate will be needed to ensure public confidence in the process and outcomes.

- The terms of reference, role and composition of the NSC and whether a parallel broader security forum should be created to include the views of civilian experts and relevant citizen groups.[98]

- The future role of parliament in overseeing security policy and institutions, including whether a specific committee on security is needed and how it can be a moderator between government and the security sector.

- The roles and responsibilities of the various accountability institutions (Fiji Independent Commission Against Corruption, Ombudsmen and Human Rights Commission) in dealing with complaints against and maladministration of security institutions.

Opportunities

Currently, there are very few SSG opportunities evident, which will remain the case until there is a restoration of democracy and human rights in Fiji. However, it is important to note that The People's Charter for Change, Peace and Progress included a Working Group on the role of Fiji's security forces in national development. The working group came up with a number of recommendations to reform law enforcement agencies and security institutions (see box 21).

With this in mind, the People's Charter views are one of many possible views, which will need to be considered once the basic principles of SSG have been restored.

National Priorities

During the Regional Security Sector Governance Conference, each country delegation was given a chance to discuss their key priorities. The Fiji delegation provided the following, detailing key areas, activities and support required:

- There is a need to initiate discussion on the most effective security system in Fiji in order to provide good and just governance;

- These discussions need to be supported by dialogue, reviews, reforms, capacity building, and developing effective information and communication channels:

  - In particular, an inclusive and result-oriented dialogue process is needed to start discussions on security sector governance;

- There is a need to build the capacity of parliament to deal with security governance issues in the future. In specific terms:

  - The term parliamentary responsibility needs to be defined;

  - The terms of reference for committees needs to be defined;

  - Effective participation in the work of committees needs to be ensured;

  - The transparency of the parliamentary system will need to be enhanced; and

  - The capacity building of parliament needs to be a component of a medium- to long-term governance enhancement strategy.

Box 21

Recommendations – Working Group on the Role of Fiji's Security Forces in National Development

The National Council for Building a Better Fiji (NCBBF) calls for a national dialogue on the RFMF's role. There are also a number of consequential recommendations for increasing ethnic and gender representation in the military, for parliamentary oversight of the military and for improving the relationship between the public at large and the military.

Fiji's national security policies should be reworked to take account of contemporary national security threats and the new paradigm of human security. In addition, a comprehensive national security framework for systematic and participatory engagement between the state and its citizens should be put in place to bridge the gap between the state and the community. This framework will identify how state security institutions such as the police and military can take part in normal institutional engagement with civil society organisations, religious organisations and other community organisations in various programs. This institutional engagement should be an ongoing process.

The NCBBF proposes that the National Security Council expand its membership to incorporate wider representation — including the military and police, civil society organisations, women's organisations, academic institutions and community groups. In addition, mechanisms such as the National Intelligence Committee and the proposed National Peoples Charter Council should be established.

Source: *People's Charter for Change, Peace and Progress Working Group on the Role of Fiji's Security Forces in National Development.*

Papua New Guinea

Population 2008:	6,448,918
Political System:	Federal Constitutional Monarchy and Parliamentary Democracy
GDP (US dollars at current prices) 2008:	$8.17 Billion
GDP Growth Rate 2008:	5.75%
GDP Per Capita (PPP US$) 2007:	2,084 – Rank 138th
Human Development Index 2007 :	0.541 – Rank 148th
Human Poverty Index:	39.6 – Rank 121st
MDG Progress 2009:	One of three countries in the region that are off track

PAPUA NEW GUINEA SECURITY SECTOR OVERVIEW

Actors in the Security System	**Core Security Actors:** Papua New Guinea Defense Force (PNGDF); Royal Papua New Guinea Constabulary (RPNGC); National Intelligence Organization **Management and Oversight bodies:** Ministry of Defence; Ministry of Internal Security; Parliament of Papua New Guinea: Standing Committee on Foreign Affairs and Defense and Law and Order Committee; Office of the Secretary and Attorney General; Auditor General Public Service Commission; National Anti-Corruption Alliance (NACA) **Law and Justice Sector:** Supreme Court, National Court, Magistrates' Courts, Village Courts; Ministry of Justice and Attorney General Ombudsman Commission
Personnel	**Papua New Guinea Defense Force :** 6,000 **Royal Papua New Guinea Constabulary:** 5,200 - Regular Forces; 2,000 – Reserve Force
National Security Policy	Currently working on a security policy
National coordinating body for security	National Executive Council (NEC); National Security Advisory Council (NSAC); The Office of Security Coordination and Assessment (OSCA); Defence Council
Security Legislation	Constitution of the Independent State of Papua New Guinea (1975); Defence Act; 1974 (and its subsequent amendments of 1975 and 1976); The National Disaster & Emergency Act; The National Surveillance Act; The Royal Papua New Guinea Constabulary Act; The National Intelligence Organization Act; Public Services (Management) Act 1995; Correctional Service Act No. 6, 1995; Prime Minister and National; Executive Council Act 2002 ; National Intelligence Organization Act 1984
Recent cases against security actors in the courts	**Providing Effective Remedy** **1995: Koimo v. Independent State of Papua New Guinea [1995] PNGLR 535 (31 May 1995)** The plaintiff claimed damages on behalf of himself and 27 others for an illegal search and raid conducted by police on the plaintiff's village when police entered the village, fired shots, burnt down houses and their contents, shot and killed livestock and carried away the personal property of the plaintiff and others. The courts ordered that the plaintiff be awarded exemplary damages. **Monitoring special powers of the security services** **1998-1999: Supreme Court Reference No. 3 of 1999, unreported, 25 June 1999, SC 628** The Ombudsman Commission challenged the long (222 day) adjournment of the parliament **Assessing constitutionality** **2003: Supreme Court Originating Summons No. 2 of 2003; Supreme Court Originating Summons No. 3 of 2003:** The Ombudsman Commission tested the constitutionality of the parliament's nomination of Governor-General on two occasions in 2003
Mandate of accountability institution to deal with complaints against security sector	**Ombudsman Commission:** Constitution, Sections 219(1) (a) (b) & (c); Organic Law on the Ombudsman Commission: Investigation of alleged misconduct and defective administration by governmental bodies, Investigation of alleged discriminatory practices, by any person or body, Investigation of alleged misconduct in office under the Leadership Code. A Memorandum of Agreement between the police and Ombudsman Commission was signed to enable the officers of both organizations to assist the police to improve complaints handling. There is an ongoing liaison between the Defence Force, Prison Institution Services and Ombudsman Commission to improve the handling of complaints.

Situation Analysis

Papua New Guinea has over 850 different languages spoken by a population of close to six million people. There is little sense of national identity, with the ethnic composition both diverse and extremely fragmented. Ethnic groups are small and multiple, with no dominant majority ethnic group. Ethnic identity as a political factor tends to be played out at the tribe, clan and sub-clan level.

Distortions of tradition have negatively impacted on the status of women in Papua New Guinea. The unequal status and power relations of women's conditions in Papua New Guinea are most graphically illustrated by extreme forms of GBV. Papua New Guinea suffers from some of the highest rates of domestic violence per capita in the world and also has high frequencies of rape and sexual assault. GBV both reflects and reinforces inequalities between and among men and women and compromises the health, dignity, security and autonomy of its victims and survivors. National research highlighted that two out of three women experience domestic violence as a national average and 60 percent of men interviewed for a national study participated in gang rape. For the same study 50 percent of married women interviewed said their husbands had forced them into sex either by beating them or threats.[99]

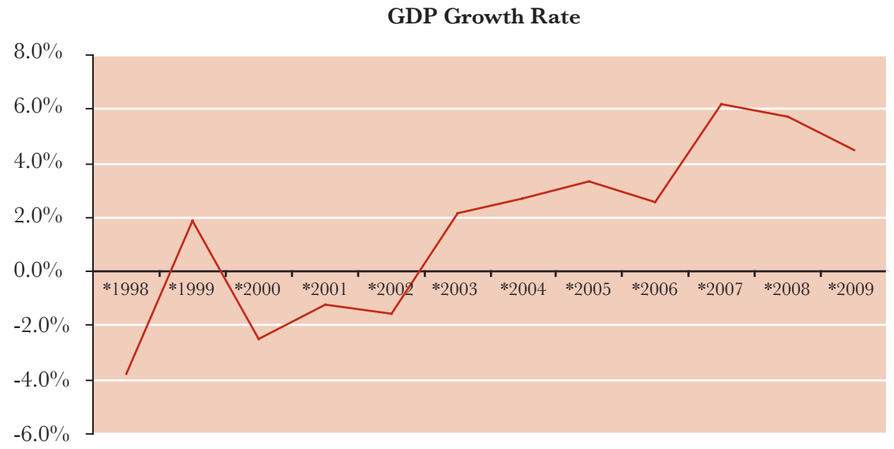
Papua New Guinea faces severe ***human development*** challenges. In recent years there has been growing rural poverty and urban migration with less than 10 percent of the population employed in the urban-based formal sector. The Human Development Index (HDI)[100] in 2007 was 0.541, which gives the country a rank of 148th out of 182 countries with data. The Human Poverty Index[101] is 39.6%, which ranks it 121st among 135 countries. Papua New Guinea is last among Pacific countries on both indexes. There has been a significant increase in the percentage of the population that lives below the basic needs poverty line from 37.5 percent in 1996 to 53.8 percent[102]. In terms of progress towards the MDGs Papua New Guinea is one of three countries in the Pacific region that is off-track in meeting the goals[103]. These indicators highlight significant economic and social disparities.

Figure 13: Papua New Guinea's Progress on Achieving the MDGs[104]

Goal 1	Goal 2	Goal 3	Goal 4	Goal 5	Goal 6	Goal 7	Goal 8
Eradicate Extreme Poverty & Hunger	Achieve Universal Primary Education	Promote Gender Equality & Empowerment of Woman	Reduce Child Mortality	Improve Maternal Health	Combat HIV/ AIDS and other Diseases	Ensure Environmental Sustainability	Develop Global Partnership for Development
Off-track	Off-track	Slightly off-track	Off-track	Off-track	Off-track	Some data gaps but generally off- track	Data gaps, slightly off-track

The ***economy*** has fluctuated significantly over the last decade (see figure 14), with GDP growth rate in 2009 predicted at 4.5 percent in 2008. However, this growth comes against a backdrop of a six year period (1997 – 2002) where real GDP declined by an average of 1 percent per annum.

Figure 14: Papua New Guinea GDP Growth Rate from 1998 to 2009[105]



This, together with the rapid population growth rate, has led to a dramatic increase in the level of poverty in PNG—it almost doubled between 1996 and 2002. It also directly limited the provision of basic services. However, there is has been recent improvement in economic performance and two major resource projects have the potential to further improve the government's revenue position. Estimates for the gas project point towards an increase in government revenues by 10 to 20 percent. The anticipated increase in revenues should enable the government to focus on its development priorities; however, in the past public expenditures have not been well targeted to the government's high-priority development goals.[106]

Papua New Guinea has a history of changes in ***government*** coalitions and leadership from within parliament during the five-year gaps between elections. It has been argued, that the frequent changes in government led to the long-term deterioration of the integrity of budget institutions and systems, significant political instability and lack of consensus on strategic development issues.[107] Recent legislation has significantly affected this situation. With new governments legally protected from votes of no confidence for eighteen months after an election and votes of no confidence not permitted twelve months before an election.

Papua New Guinea has had to deal with significant ***violent conflict*** on Bougainville (box 22). Despite a relatively successful weapons collection programme following the 2001 Peace Agreement, Small Arms and Light Weapons (SALW) are still readily available. The presence of SALW in Bougainville poses a continuous threat to human security, with guns being used to extract compensation and money at check-points and road-blocks. Overall security has also been affected recently in some parts of the island, with the area around and south of the former provincial capital Arawa being particularly exposed. The presence of small arms also poses a future threat in terms of their potential destabilising impact in the lead-up to the referendum on Bougainville's future.[108]

Box 22 The Bougainville Conflict

The island of Bougainville was devastated by a civil war between local groups and the Papua New Guinean government. Much of Papua New Guinea's post-independence prosperity was due to a copper mine in Bougainville, a region which had always deliberately protected its distinct local culture and traditions.

In the late 1980s, a group of Bougainville locals demanded a larger share of the mine's revenues and compensation for the environmental degradation caused by the mine. Dissatisfaction with the government response to the claims, led to the creation of the BRA and its sabotage of the operations of the mine. The situation further escalated when the Papua New Guinean government deployed troops to quell unrest. The ensuing confrontation led to a violent conflict over the island that lasted for a decade.

Due to a blockade by the Papua New Guinea Defence Force (PNGDF), the civilian population not only suffered from armed conflict and human rights violations but also from disease and starvation. About 60,000 people were displaced and an estimated 10,000 people died. In August 2001, a Comprehensive Peace Agreement was reached in which the government conceded autonomy to Bougainville and held out the prospect of a referendum on independence in 10 to 15 years.

The Peace Monitoring Group that was led by Australia but included as well Fijian, New Zealanders and ni-Vanuatu ensured the peace process until the end of June 2003. The first autonomous government of Bougainville was elected in 2005; a referendum on the final political status of Bougainville is to be held no later than 2015. The mandate of the UN Observer Mission in Bougainville expired in June 2006.

While the situation in Bougainville appears to be improving, the ***law and order and security*** situation on the mainland of Papua New Guinea is increasingly worrying. Its principal manifestations are land disputes; ethnic tensions; protracted inter-group tribal fighting in parts of the Highlands - it is estimated that around 100 people are killed every year in tribal fighting and that 20 percent of the population is affected by such fighting, most of whom live in highland regions;[109]election-related violence; raskol gangs in urban centres; sexual violence; violence against women and children; robbery, armed hold-ups and banditry along major highways; and growing levels of corruption and white-collar crimes. The widespread availability of SALW is further undermining security and safety in Papua New Guinea. Homemade guns are widely possessed and used in the tribal conflicts, while leakages from state armouries and illegal weapons imports mean that high-powered weapons are also readily available. The incidence of armed violence in urban centres, such as Port Moresby, Goroka and Lae, are now amongst the highest in the world.[110]The relatively easy access to guns is also contributing significantly to the vulnerability and human security concerns of women and young men.

In late 2004, the then Minister of Internal Security ordered a complete review of the Royal Papua New Guinea Constabulary in response to escalating violent, social unrest and use of SALW. The review concluded that "policing was close to total collapse" in most parts of the country.[111] Segments of society nurture distrust towards the state and this extends to the police, who are often accused of human rights abuses, poor discipline and misconduct while on duty.[112] The established Administrative Review Committee publicised systemic failures in the working of internal police accountability mechanisms, as well as significant evidence of illegitimate political interference.[113] Responsibility for this situation was attributed to:

- Lack of government support and direction;
- Ineffective police leadership;
- Inadequate and unreliable provision of resources to do the job;
- Unpaid allowances and entitlements;
- Barely adequate salaries;
- System-wide lack of discipline, accountability and self-respect;
- Almost total absence of community trust and respect; and
- Political interference in police operations.

However, it has been argued that part of the problem with law and order in Papua New Guinea has been the quite unrealistic expectations that key agencies can deal with the challenges given prolonged government neglect and under-resourcing. Furthermore, these agencies have been expected to deal with the complex fallout from broader processes of social and economic change over which they have little control but are nevertheless regularly blamed when levels of lawlessness and disorder increase.[114]

The police are still in the process of implementing the recommendations of the Administrative Review. It has been noted the long-term challenge to dealing with Papua New Guinea's law and order problems is to build the regulatory capacities of both state and local (non-state) institutions and enhance complementarity between them. Moreover, state justice needs to be rendered more accessible, accountable, and responsive to local needs, while community justice practices need to [be] brought into a human rights regulatory framework. Among other things, the successful mobilization of local cultural resources — at little or no cost to the state — will relieve some of the pressure on the over-burdened and extremely costly formal justice system.[115]

The PNGDF is responsible for defending Papua New Guinea's territory; assist in the fulfillment of international obligations; provide assistance to the civilian authorities in meeting civil disasters, the restoration of public order and security and meeting national emergencies; and contribute to national development tasks. The objectives of defence policy and the role of the PNGDGF have been reviewed on several occasions since independence against the background of growing problems of internal security culminating in the Bougainville conflict of 1988–2001, increasing pressures on government resources, occasional tensions between the PNGDF and civil authority, and recurring problems of discipline within the PNGDF .[116]

The PNGDF have played a significant role in ensuring regional security by assisting the Vanuatu Government to put down the Santo secessionist rebellion and its participation in RAMSI since 2003. It has also supported the RPNGC in internal security operations. However, the record of defence policy-making and implementation has been a mixed one, with changing (and sometimes conflicting) objectives, poor follow-through in policy decisions, and a perception, both within the PNGDF and amongst many outsiders, that the resources allocated to defence have been less than adequate and often poorly managed.[117]

There has also been a long history of strained relations between the police and the defence force in Papua New Guinea and specific instances of challenges to the principal of civilian control of security institutions.

In 1987, the Military Commander Ted Diro made it clear he would spark a coup if he was disciplined for alleged misconduct. In 1988, the PNGDF defied the government's directive to close the Lae Air Force Base. In March 1989, approximately four hundred soldiers marched on parliament demanding a pay increase that they believed was overdue. In 2001, the Commonwealth Secretariat supported the government

to undertake a security and defence review that led to an army mutiny in Port Moresby. The review made recommendations on the future roles and tasks, structure, size, capabilities and financial requirements of the Papua New Guinea Defence Force. The recommendation to halve the size of the PNGDF and to sell military real estate resulted in an army mutiny at the military barracks in Port Moresby due to lack of consultation with the PNGDF. The government quickly reversed its decision and agreed to consult the military on any reforms. Also it should be noted that in both 1997 and 2001 the police helped contain the army mutinies and prevent them from escalating into political takeover attempts.[118]

In March 1990, Police Commissioner Paul Tohian announced over the police radio his intention to mount a coup. This ended up being known as the 'barbe-coup' as it was later found that he was intoxicated at a barbeque at the time. He was charged for treason along with two other senior police officers but the charges were later dropped.

Despite these significant challenges, according to the previous Justice Minister Jack Genia, the country's ethnic diversity provides natural checks and balances that would neutralize any plans for a coup in Papua New Guinea.[119] It also may, according to many analysts, play in favour of accountable governance. Key agencies of the security sector, such as the police or the armed forces, tend to be organised in such an ethically heterogeneous way that no one group dominates inside these agencies, while centre-based civilian politics is itself so heterogeneous as to act in most cases as a relatively neutral agent on ethnic issues.[120]

Given this context, the principal challenge facing Papua New Guinea's security sector is the growing problem of public insecurity in urban areas, high prevalence of GBV, maintaining law and order in remote areas, and managing financial and human resources to ensure security for citizens across the country.

Security Sector Governance Challenges

Consequently, there are a number of key security sector governance challenges:

- There is no overarching security policy identifying threats, priorities and institutional reforms and financial and human resources needed to ensure security and law and order in Papua New Guinea.
- Security legislation needs to be updated to deal with emerging security threats such as transnational crime and to formalise the police and defence complaints handling process.
- The security sector faces severe capacity and resource constraints, which hinders its ability to provide justice and security services to rural and urban areas.
- The capacity of parliament to work on security sector oversight issues needs to be addressed as it is – despite the considerable infrastructure available to parliament – heavily underdeveloped. Parliament has limited capacity to revise legislation, lacking legal experts with the ability to re-draft acts submitted by the government. Also, there is a lack of capacity to scrutinise expenditures and enforce accountability for budget management.
- There is currently a lack of civil society groups that promote security policy development through research, analysis and advocacy mechanisms.
- There are high levels of GBV and a lack of women in leadership positions, especially in parliament and the public sector.

Opportunities

The MTDS sets the government's broader development goals. The MTDS retains the philosophy of the former development strategy, namely that government will help out, not hand out, and that broad-based development must principally arise from the collective efforts of ordinary Papua New Guineans. Recently, the government launched its 2050 strategic vision, which includes a pillar on security and international relations.

Papua New Guinea stakeholders have already begun addressing many of the key reform challenges needed to create the basis for security sector oversight, not least in the justice sphere.

With the support of AusAID, the government has taken a sectoral approach to the law and justice system (see example 7). The sectoral approach to justice reform – including not only government agencies but also bringing in civil society and community outreach initiatives – is indicative of the capacity of state institutions to focus on delivery of justice and security. Moreover, there are many well-trained and well-motivated professionals working in relevant government agencies. This provides a potential model that could be replicated to improve the coordination and delivery of security services.

Government

The government already has in place a sophisticated national security decision-making structure, which is supporting strategic planning towards the development of a national security policy. This provides an opportunity to set comprehensive security priorities; determine the role of security institutions and any institutional reforms required; strengthen the capacity of civilians to coordinate security actors; determine oversight mechanisms with parliament; determine the proper accountability mechanisms of the sector through formal legislation; and determine the financial and human resources needed to maintain security and law and order in Papua New Guinea.

Parliament

Given the Parliamentary Committee structure, which includes security, defence, law and order specific committees and the request articulated by the committee chairman and committee support staff, opportunities exist to support the building of capacities and skills to monitor and oversee security sector policy development, practices and budgeting issues. Parliament could also be supported to develop appropriate mechanisms to improve their interaction with civil society to provide inputs from the community level on security oversight issues.

Ombudsman Commission

The Ombudsman Commission is actively engaged on security sector oversight issues, having received complaints about human rights violations by the police as well as military personnel. Via a Memorandum of Understanding with the police signed in June 2007, the ombudsman is able to ensure that police officials accused of serious crimes are held accountable and cannot be promoted, while jointly investigating complaints against personnel (see example 5).[121] There are also discussions underway to formalise police complaints handling with legislation. This practice provides an excellent model to be replicated with other security institutions such as PNGDF and customs.

Civil Society

Given that the Ministry of Community Development is supporting the establishment of a Centre for Civil Society, this could provide an entry-point to enhance the research, advocacy and analytical capacities of a core group of CSOs to constructively engage with parliament, government and the security sector on developing and implementing comprehensive security policy.

Security Sector

Given that the minister of police has initiated a process to increase the human resource strength of the police to 10,000 by 2010, there is an opportunity to enhance the training of new cadets on engaging with communities, strategic planning, accountability, leadership and financial management.

The government of Papua New Guinea's Nation Building Programme with the UN Country office includes specific work on enhancing the police response to GBV, which provides a platform to improve overall internal accountability of the police.

The military is currently assessing the issue of a military ombudsman in coordination with the Ombudsman Commission. The MOA between the Ombudsman Commission and police provides a model for the PNGDF, and the opportunity to harmonise approaches in practice and legislation.

Also the military, in particular the Intelligence Division, is undertaking a security assessment process in the provinces, which could benefit from additional support in terms of strategic policy formulation and implementation.

National Priorities

During the Regional Security Sector Governance Conference, each country delegation was given a chance to discuss their key priorities. The Papua New Guinea delegation endorsed the opportunities identified by UNDP and PIFS and provided some additional comments:

- The Papua New Guinea government is currently working on a National Security Policy as part of a government plan as a whole of Government Business that takes on board the Medium Term Development Plan and the 2050 Strategic Vision:
  - A wide consultative approach is required in developing the National Security Policy;
  - Governance of Private Security Companies (by revisiting the Security Act); and
  - Assistance will be required in formulating this policy.
- There is a need to reinforce the capacities of relevant Parliamentary committees:
  - Assistance will be required.
- The Parliamentary Committee on Ombudsmen needs to work in close consultation with the Ombudsmen Commission.
- There is a need to revisit functions of the Community Justice Liaison Unit (CJLU), which is the mechanism by which the Law and Justice Sector (LJS) seeks to work with civil society and the formal law and justice agencies. The CJLU works to promote the engagement of civil society organisations in the law and justice sector with a focus on crime prevention, restorative justice and partnerships for change. Since the conference, a review has been completed of CJLU.
- There is a need to increase women's political participation. In this regard, women should be nominated to parliament through Temporary Special Measures, as provided by the constitution.

Solomon Islands

Population 2008:	506,967
Political System:	Constitutional Monarchy and Parliamentary Democracy
GDP (US dollars at current prices) 2008:	$647 Million
GDP Growth Rate 2008:	7.36%
GDP Per Capita (PPP US$) 2007:	1,725 – Rank 145th
Human Development Index 2007 :	0.610 – Rank 135th
Human Poverty Index:	21.8 – Rank 80th
MDG Progress 2009:	One of six countries in the region slightly off track and/or demonstrating mixed progress

SOLOMON ISLANDS SECURITY SECTOR OVERVIEW

Actors in the Security System	**Core Security Actor:** Royal Solomon Islands Police (RSIP) force; Regional Assistance to Solomon Islands (RAMSI) Participating Police Force; Solomon Island Prisons Services (SIPS); **Management and oversight bodies:** Ministry of Police, National Security and Correctional Services; Ministry of Foreign Affairs & External Trade Ministry of Reconciliation, Peace and National Unity; Parliament of the Solomon Islands – Standing Committees: Foreign Relations Committee Truth and Reconciliation Commission; Office of the Leadership Code Commission (LCC); Anti-Corruption Taskforce to establish an Independent Commission Against Corruption; Anti-Money Laundering Commission **Law and Justice Sector:** High Court, Magistrates Courts and local courts; Ministry of Justice and Legal Affairs; Department of Public Prosecution & Solicitor General; Ombudsman Commission Non-Statutory security forces: Malaita Eagle Force (not active); Isatabu Freedom Movement (not active)
Personnel	Solomon Island does not have a military force **Royal Solomon Islands Police** (RSIP) Force – 1,050 **Participating Police Force** (PPF) – 250-300 police from 14 countries, RAMSI
National Security Policy	None
National coordinating body for security	Council of Ministers; Combined Law Agencies Group (CLAG)
Security Legislation	Truth and Reconciliation Commission Act 2008; Facilitation of International Assistance Act 2003 (RAMSI); Police Act (Cap 110); Leadership Code (Further Provisions) Act [Cap 86]; Constitution
Recent cases against security actors in the courts	**Adjudicate Cases Against Security Services/Upholding the Rule of Law** **2006:** On August 24, former Guadalcanal Liberation Front leader Harold Ke'ke was convicted of murder for ordering the killings of seven men in 2002 and sentenced to an additional life term, to be served concurrently with a 2005 life sentence imposed for the killing of Father Augustine Geve in 2002. 2003-to-date: RAMSI apprehended and charged persons allegedly responsible for human rights abuses and other criminal acts. Over 160 former Solomon Islands Police Force officers have been arrested for serious offences including corruption, murder, assault, rape, intimidation and robbery.
Mandate of accountability institution to deal with complaints against security sector	**Corruption Squad within SIPF:** established in 2004 specifically to combat corruption of public officials. The squad has two main avenues for receiving complaints: (i) Audit Reports from the Office of the Auditor General; and (ii) complaints from the public. **Professional Standards and Internal Investigations (PSII) Section within the SIPF:** The PSII is charged with policing internal police matters and staff issues. SIPF are currently exploring options for signing an MoU with the Leadership Commission to share information between the two agencies when conducting investigations, but have no similar plans with the ombudsman. They are also considering developing a similar MoU with the Office of the Auditor General.

Situation Analysis

In 1998 ***conflict*** emerged from the struggle of indigenous inhabitants of the main island of Guadalcanal against the growing influence on their land and economy by settlers from the neighbouring Malaita Island. The conflict resulted in loss of life, destruction of property, significant sexual and gender-based violence, internal displacement and massive economic losses.

On 17 January 2000, the Malaita Eagle Force (MEF) raided the police armoury at Auki (the capital of Malaita), and officially began its own military offensive against the IFM, using police weapons. This signaled the beginning of the battle between the two militias, as well as the full-fledged disintegration of the police force. The police did not provide protection for the civilian population and armed militias began to rule both urban and rural areas.

On 5 June 2000 the Honiara-based Maliata Eagle Force supported by paramilitary police officers teamed up and raided the Rove Armoury. This was made possible due largely to the fact that 75 percent of the police force were Malaitans. They subsequently put the then Prime Minister Bartholomew Ulufa'alu under house arrest whilst taking control of key installations in Honiara and pressured Parliament to elect a successor.

On 3rd August the government signed a ceasefire between the combatants, which was followed by the signing of the Townsville Peace Agreement (TPA) on 15th October 2000. The ceasefire and peace agreements became enabling mechanisms for the facilitation of development assistance.

During the conflict, the Solomon Islands Police became embroiled in the conflict and were directly involved in the June 2000 coup. The TPA endorsed a police restructuring process that allowed for one hundred members from each warring faction to join the Special Constabulary division of the Royal Solomon Islands Police (RSIP). It has been argued that leaders of the coup within the police inducted many MEF members as special constables, who were culpable in human rights violations.[122] As the new special constables had not entered the constabulary through normal recruiting channels, including approval by the police commissioner and circumventing the regular police budget, the special constables were receiving large sums of money through un-transparent and unaccountable means. By demanding payment (sometimes with the threat of force) for full-time employment, the special constables drained public finances and fuelled insecurity across the country. In short, rather than helping to improve the country's law and order situation, the special constables were often identified as a major problem.

In July 2003, Regional Assistance Mission to Solomon Islands (RAMSI) arrived in the Solomon Islands. RAMSI intervened to restore law and order and help rebuild the machinery of government.[123] The first phase of the intervention was targeted at the law and order sector (approximately 2,200 police, defence and civilian personnel were on the ground in Solomon Islands, covering the capital Honiara and all provinces). Since then, RAMSI has continued to evolve, progressively shifting the focus away from operational work towards building the capacity of the personnel and institutions of the Solomon Islands public sector.

The recent Foreign Relations Parliamentary Committee report summarised the achievements of RAMSI from 2003 – 2009 as follows:

- The immediate restoration of law and order in Solomon Islands upon its arrival following the 1998 – 2003 period of ethnic tension, with weapons seized and removed permanently from the community and militant leaders arrested.
- The building of stable long term security arrangements with the rebuilding of the Royal Solomon Islands Police Force, the Correction Service of Solomon Islands and the courts.
- The stabilisation of government finances and the balancing of the national budget with the assistance of advisers deployed to the Ministry of Finance and Treasury. Government revenue has increased by over 50 per cent, and Solomon Islands' economy has grown by an average of 5 per cent per year since RAMSI's arrival.
- Machinery of government reforms such as the developing of a professional and committed Public Service, and the strengthening of formal accountability institutions such as the Office of the Auditor General and the Office of the Ombudsman.
- Rebuilding of Solomon Islands infrastructure.

However, in April 2006, the fragile peace was highlighted by serious riots and looting in the main business district of Honiara following the election of the Hon. Snyder Rini as prime minister. The riots signal the lack of resolution to long-standing grievances and the inability of the political processes of Solomon Islands to address them through non-violent conflict resolution systems. The subsequent Commission of Inquiry also highlighted the disastrous consequences of an un-prepared police force, a finding which has resulted in the development of a police response team trained in all aspects of public order management.

There are still long-standing and unresolved disputes over land rights and the distribution of natural resource revenues, which have the potential to re-ignite conflict and cause insecurity if not dealt with appropriately. In 2004, the United Nations Development Programme commissioned a Peace, Conflict and Development Analysis in Solomon Islands to examine the root causes of the Tensions. The report identified five themes as core issues affecting peace, conflict and development in Solomon Islands that were seen as integral to understanding the root causes of the tensions. The five themes were:

- Land (fundamental to Melanesian people's identity, group allegiances, spiritual beliefs and livelihoods);
- The clash between traditional and non-traditional authority structures;
- Government services, public resources and information;
- Economic opportunity; and
- Law and justice.[124]

The recent Foreign Relations Parliamentary Committee noted that the underlying causes of the ethnic tension identified remain the same today. As such, many of the issues were raised during the committees' hearings.[125]

Figure 15: Solomon Islands GDP Growth Rate between 1998 and 2009[126]

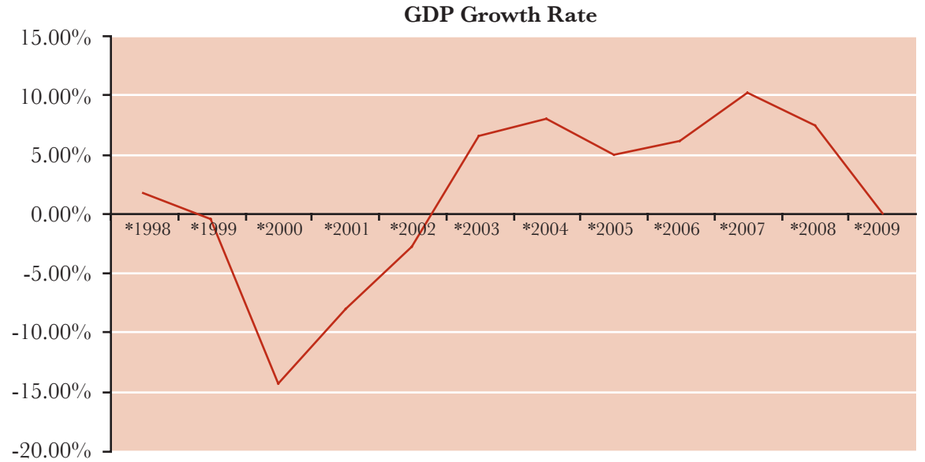


Figure 16: Solomon Islands Progress Towards the Achievement of the MDGs[128]

Goal 1	Goal 2	Goal 3	Goal 4	Goal 5	Goal 6	Goal 7	Goal 8
Eradicate Extreme Poverty & Hunger	Achieve Universal Primary Education	Promote Gender Equality & Empowerment of Woman	Reduce Child Mortality	Improve Maternal Health	Combat HIV/ AIDS and other Diseases	Ensure Environmental Sustainability	Develop Global Partnership for Development
Low level of Food Poverty	On-track	Off-track	Weak data	On-track	Weak data	Some data gaps and slightly off-track	Data gaps, slightly off-track

The ***economy*** in Solomon Islands was severely impacted by the conflict from 1998 to 2002 (see page 26). It has a narrow base with more than 80 percent of the population relying on subsistence agriculture and fishing. However, since the conflict it has recovered with average economic growth between 2003 and 2008 of 7.2 percent (see figure 15).

In 2009 the economy was affected by the global economic crisis, bad weather and a sharp drop in logging volumes. GDP in 2009 is projected to be flat, from a revised estimate of 2.2 percent and government revenues fell short of expectations by 11% in the first quarter of 2009. According to the ADB, as the government is committed to avoid borrowing, it will need to consider a combination of trimming expenditure, raising additional revenue, and refocusing public resources to prioritize basic needs such as health and education.[127] A key challenge will be to broaden the economic base beyond forestry and fisheries.

Solomon Islands have critical ***human development*** challenges. In 2007, the Human Development Index was 0.610 placing Solomon Islands at 135th in the world and second lowest among all Pacific Island Countries. Solomon Islands are on track to meet Millennium Development Goals (MDG) 2: achieve universal primary education and MDG5: improving maternal health. However, it faces serious challenges to meeting the other goals, in part due to lack of capacity to provide essential services.

Solomon Islands have the lowest per capita gross national income (GNI) in the Pacific region at $730 in 2007. In terms of Solomon Islanders living a long and healthy life, having access to education and a decent standing of living, the country ranks 80th in the world.

In terms of poverty and hardship, 22 percent of the population in Solomon Islands live below the basic needs poverty line.[129]

Poverty reduction efforts are affected by the post-conflict recovery situation, social dislocation, history of underinvestment in public services, and fragile political institutions. The most pressing issues for the country are creating sustained economic growth, adapting to the global economic crisis, increasing employment and income-generating opportunities for its fast growing population, ensuring access to basic services and improving human and institutional capacity.[130] This will only be possible if the multiple root causes of the conflict are addressed in a timely manner,

The current Coalition for National Unity and Rural Advancement (CNURA) is clearly reform minded and has developed policy and legislation to deal with pertinent structural and long-standing issues. The government's policy statements clearly establish that "reconciliation is the number one priority of the government."[131] In this regard, in 2008 the parliament approved the establishment of a Truth and Reconciliation Commission. The commission's main objective is to engage stakeholders in a reconciliation process premised on truth seeking, examination of the root causes of the ethnic conflict and the Honiara riots and development of strategic policies to prevent recurrence of conflict.

In the same year, the Cabinet approved a socio-economic rehabilitation package for ex-combatants, vulnerable groups and hosting communities. The objective is to reduce the recurrence of violent conflict by providing 'front line' former combatants with training and socio-economic rehabilitation packages. The strategy is to adopt a holistic approach that moves away from monetary based approaches to strategic interventions such as capacity development, vocational training and income generation.

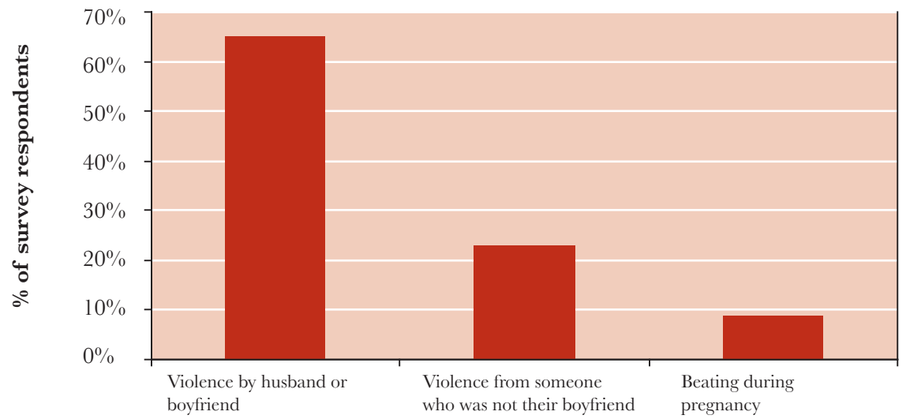
The government is also in the process of establishing the National Peace and Integrity Council to strengthen institutional mechanisms to safeguard against future conflicts. The CNURA government has acknowledged the longstanding land tenure issues on Guadalcanal and has established a Commission of Inquiry to review the sale of land on Guadalcanal. This is linked to ongoing post-conflict reconciliation processes.

Alongside these reforms since 2000, the Solomon Islands have been undergoing a constitutional reform process as required by the TPA. Importantly, the agreement allowed for a Constitutional Council to rewrite the constitution, giving more autonomy to the provinces.[132] A Constitutional Reform Unit exists within the government to focus on such constitutional changes, not least to reflect the diversity of the islands. A new constitution is expected by the end of 2009.

The government is also addressing key governance concerns such as: corruption, through the ratification of the UN Convention against Corruption (UNCAC) and the development of a national anti-corruption policy; promoting freedom of information; improving political stability through the enactment of a political parties' integrity bill; launch of a new public service code of conduct; and establishing a task force to coordinate the implementation of governance reforms.

Since 2008, Secretariat of the Pacific Community (SPC), United Nations Population Fund (UNFPA) and the Australian Overseas Development Aid Program (AusAID) have been supporting the Solomon Islands government to understand the pervasiveness of GBV and child abuse. The newly published Family Health and Safety Study (see figure 17) shows that 64 percent of women aged 15 to 49 who have been in a relationship have reported experiencing physical or sexual violence, and sometimes both, by an intimate partner.[133] This research is forming the basis of a national strategy to eliminate violence against women and child abuse in Solomon Islands.

Figure 17: Violence Against Women in the Solomon Islands [134]



Security Sector Governance Challenges

- Given the involvement of the police during the tension, their reform has been a key priority for successive Solomon Island governments (SIG) and the RAMSI mission. While the focus of much re-training and re-equipping through RAMSI, the police retain a controversial image as many citizens – particularly women – are still opposed to police rearmament. There remains doubt in the ability of the police to address internal security problems due to capability as well as organisational discipline.

- There is no overarching security policy in Solomon Islands, which takes into account the post-conflict and statebuilding challenges and starts to envision a future without RAMSI.

- Designing the appropriate role and oversight of the security sector as part of the constitutional reform process.

- There is insufficient numbers of trained public servants to deal with security matters in particular policy development and oversight of practice and budgets.

- There is a generalized concern that there is a lack of substantive human and other resource constraints within civil society and currently a lack of formal engagement processes between civil society, government, parliament and security institutions. This is particularly acute in terms of security issues.

- High levels of domestic violence and lack of women in leadership positions, especially in parliament.

- The increase in discretionary budgets assigned to government departments is indicative of the inability of the wider public service to coordinate expenditure and implement planning, and this applies to most government ministries.

- Symptomatic of this problem, the lack of auditing records and transparency and accountability procedures renders every line ministry open to ongoing efficiency problems.

Opportunities

Entry points already exist in several areas to address the longer term needs of key stakeholders on security governance issues not only during the current RAMSI mission but after its conclusion. Moreover, the representatives of RAMSI perceive a clear need for such programming as a complement to rather than a duplication of existing activities.

Government

The government's priorities are clearly articulated in the respective policy statements and MTDS.

Following the parliamentary review of the International Facilitation Act, it is an opportune time to discuss the need for an overarching security policy that provides a long-term vision, bearing in mind a future without RAMSI.

If the government decides to develop a comprehensive security policy, the Prime Minister's Office will need capacity enhancement to ensure policy direction, adequate public consultations and coordination of the process.

The Truth and Reconciliation Commission provide a space to address concerns of police involvement in the conflict and offers an opportunity to develop appropriate preventative and corrective measures for the future.

Parliament

On security issues, the Foreign Affairs Committee has already taken a field survey across Solomon Islands to address public perceptions of RAMSI and its effectiveness (see example 4). The survey was a component of a parliamentary inquiry to review the International Facilitation Act conducted from July 2008 onwards, inviting submissions on the act and the work undertaken by RAMSI 'and to suggest any improvements or changes to the functions and relationship between RAMSI, assisting countries and the people and Government of the Solomon Islands'.[135] This is a significant example of effective parliamentary scrutiny in a post-conflict recovery situation and provides initial thinking on an exit strategy for RAMSI.[136]

With the establishment of a law and justice committee in parliament, it is an opportune time to discuss the needs and priorities of the new committee. Support could be provided through the existing UNDP/AusAID Parliamentary Support Project on security oversight norms and good practices, relationships with the government, executive, civil society and the security sector, as well as policy development and consultation processes.

The establishment of the new Parliamentary Committee provides an opportunity to establish horizontal accountability measures with National and Provincial Crime Prevention Councils.

Constitutional and Electoral Commission

The ongoing constitutional and electoral reform process provides an entry-point for establishing appropriate and context specific legislative oversight mechanisms for the security sector. This includes establishing ultimate objectives of security policies, drawing the institutional design of the security sector, delimiting the powers of the security sector and establishing professional standards and codes of conduct.

Anti-Corruption Task Force

The establishment of an Anti-Corruption Task Force provides an entry-point for determining which accountability institutions should be responsible for receiving and dealing with complaints and corruption claims against security institutions.

Civil Society

The activities of the National Peace Council and the network of church groups throughout Solomon Islands were the fertile ground within which civil society grew in Solomon Islands. In particular, the activities of women's groups were an important part of the peace process and dialogue that led to the end of organized hostilities in 2000. There has also been some active dialogue between CSOs and government agencies since the end of the tensions in the country. For example, the Law Reform Commission consulted with CSOs during the formulation of the new Penal Code. In the security governance field, activities have included community outreach on human security (particularly gender) issues, efforts to facilitate better coordination of security provision and creating platforms for citizens to express their insecurity concerns. However, engagement with government and parliament is generally unstructured with no 'formal' partnerships on or platforms for engagement on policy development.

There exists a cluster of CSOs sufficient to begin a substantive start-up capacity development programme focusing on enhancing research, analytical and advocacy skills to engage with relevant security institutions constructively.

National Priorities

During the Regional Security Sector Governance Conference, each country delegation was given a chance to discuss their key priorities. The delegations stressed that Solomon Islands is in a post-conflict context, with numerous efforts under way to improve governance, the economy and law and order. However, prioritization is difficult, especially considering the lack of human capacity and resources, which can be linked to the devastating effect of the earlier tensions in the country. They also stressed the need to broaden the focus on security. They came up with a number of priorities:

- Strengthen capacity in the Prime Ministers Office
  - Policy and Evaluation Unit – because then they can more strategically assess and advise on security sector governance issues
  - National Security Council – support them to address broader security concerns
- Creation of an independent National Research Institute
  - Inform evidence-based policymaking
- Develop National Security Policy
  - That is underpinned by a broad understanding of security
  - It needs to be inclusive and participatory, however this might be costly
  - The policy needs to envision long-term security, which lasts beyond a single government
- Provide support to the Anti-Corruption Taskforce
  - Long-term support needed to strengthen capacity of government to better manage natural resources for the country's benefit
- Within context of ongoing RAMSI work, strengthen the police force in key ways
  - Capacity building to be: (i) sustainable, (ii) culturally sensitive, and (iii) draws on the experience and expertise of other Pacific Island countries
  - Strengthen Police Domestic Violence Unit
  - Explore future options for new Public Response Team
- Exchange skills across the region, including in particular on women and security
- Capacity building for civil society in research, analytical and advocacy skills
- Provide capacity building for new Security and Justice parliamentary committee and to all MPs on security sector governance
- Strengthen mutual assistance across the region to deal with transnational crime such as small arms and light weapons smuggling
- Capacity building for Ministry of Women to input into security sector governance policy development
- Support to increase women's representation in national parliament through temporary special measures by reserving 10 seats

Tonga

Population 2008:	103,566
Political System:	Constitutional Monarchy
GDP (US dollars at current prices) 2008:	$264 Million
GDP Growth Rate 2008:	1.2%
GDP Per Capita (PPP US$) 2007:	3,748 – Rank 120th
Human Development Index 2007 :	0.768 – Rank 99th
MDG Progress 2009:	One of five countries in the region which is on track

TONGA SECURITY SECTOR OVERVIEW

Actors in the Security System	**Core Security Actor:** Tonga Defense Services (TDS) Tonga Police Force (TPF) Correctional Service (Part of the Tonga Police Force) Customs Department **Management and Oversight bodies:** Ministry of Police, Prisons and Fire Services Fale Alea (Legislative Assembly): Finance Committee (the equivalent of most Pacific countries' Public Accounts Committee), Standing Committee on Privileges **Law and Justice Sector:** Court of Appeal, the Supreme Court, the Police Magistrate's court, a general court, and a court of review for the Inland Revenue Department. Ministry of Justice Anti-Corruption Commission Tongan Commissioner for Public Relations (Operates like the ombudsman system)
Personnel	**Tonga Defense Services** (TDS) - 500 **Tonga Police Force** (TPF) – 400
National Security Policy	None
National coordinating body for security	The Defence Board Combined Law Agency Group (CLAG)
Security Legislation	Constitution (1875); Tonga Defence Services Act 1992; The Police Act 1988; Anti-Corruption Commissioner Act 2007; The Public Order (Preservation) Act 1969; The Emergency Powers Act 1959; The Criminal Offences Act (Cap 18); Emergency Powers (Maintenance of Public Order) Regulations 2006; and Constitutional and Electoral Commission Act 2008
Recent cases against security actors in the courts	**Upholding the rule of law** 2007: Three police officers were investigated over allegations of police brutality in connection with the riots of 2006. As a result of the investigations by the unit, one of the three accused was convicted and dismissed from the Police Force. **Executive Authority** 2006: Puloka and others v. Kingdom of Tonga, CV 965, 968 and 970/06 (20 December 2006, Ford CJ, unreported): The Supreme Court confirmed that the executive was empowered within the law to make the emergency regulations and the proclamations it did following the 16/11 riots.
Mandate of accountability institution to deal with complaints against security sector	Anti Corruption Commission Act 2007 – however, unclear whether it has a mandate to deal with complaints brought against the military or police.

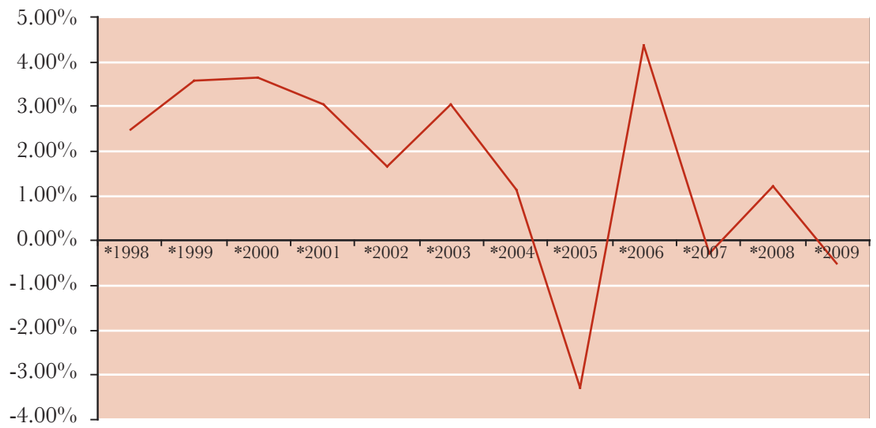
Situation Analysis

In comparison to other countries in the region, Tonga is a relatively homogenous and stable country. It's people have a single language and culture, a single religion (with very minor exceptions) and no land boundaries with other countries or separatist movements. However, the riots of November 2006 highlighted the potential for certain underlying tensions to become violent, exacerbated by growing criminality. Tonga also has other security concerns including violence against women and children and the presence of deportees in Tonga – and their alleged involvement in criminal activities.

The Tonga ***economy*** has a narrow export base in agricultural goods – squash, vanilla beans and yams are the main crops – and agricultural exports make up two-thirds of total exports. The country must import a high proportion of its food – mainly from New Zealand – and remains dependent on external remittances and other aid as sources of foreign currency. Following foreign aid and remittances, tourism is the second-largest source of hard currency.

The GDP growth rate has fluctuated significantly in the last decade. It is one of five in the region that has been projected to contract in 2009, primarily because of the global economic slump has eroded income from tourism and remittance. It is estimated that the contraction will be about 0.5 percent. Growth is expected to resume in 2010 at about 0.5%.[137]

Figure 18: Tonga GDP Growth Rate from 1998 to 2009[138]



In 2009 government revenue and grants received at the end of the first quarter were about 20% under budget. Total expenditure was also below budget, resulting in a fiscal surplus at end-May 2009. The surplus appears to reflect controls on spending for operation and maintenance, which could reduce delivery of public services, rather than controls on the government's wage bill.[139]

Tonga is on track to meet the MDG Goals to promote gender equality and empowerment of women, even though it has not ratified CEDAW; achieve universal primary education; reduce child mortality; improve maternal health and; combat HIV/AID and other diseases. It is however, off track in ensuring environmental sustainability. The latest figures (2001) found that 22.3 percent of the population in Tonga live below the basic needs poverty line.

Figure 19: Tonga's Progress Towards Achieving the MDGs[140]

Goal 1	Goal 2	Goal 3	Goal 4	Goal 5	Goal 6	Goal 7	Goal 8
Eradicate Extreme Poverty & Hunger	Achieve Universal Primary Education	Promote Gender Equality & Empowerment of Woman	Reduce Child Mortality	Improve Maternal Health	Combat HIV/ AIDS and other Diseases	Ensure Environmental Sustainability	Develop Global Partnership for Development
Low level of Food Poverty	On-track	On-track	On-track	On-track	Slightly off-track	Some data gaps but mostly on-track	Data gaps, mostly on-track

In Tonga, as other PICs, there is a lack of employment opportunities in the formal sector and there are difficulties in creating sustainable livelihoods in the small informal sectors. Also the rate of growth in the population and numbers entering the labour market far outstrip the number of jobs being created. In Tonga the employment to population ratio over the last decade has significantly reduced from 50.7 percent in 1996 to 37.2 percent in 2006.

High unemployment among the youth, a continuing upturn in inflation, pressures for reform, and rising civil service expenditures are some of the most pressing socioeconomic issues facing the government.

The ***political governance*** system in Tonga is a constitutional monarchy, which gives its King authority and power. The King oversees a Privy Council of cabinet ministers, presides over the governors of Ha'apai and Vava'u island groups and appoints the cabinet ministers and governors of the legislature. The 33 Nobles of the Kingdom select the 9 nobles' representatives and Tongans aged 21 and over elect 9 peoples' representatives.

In 2004, a motion for the formation of a National Committee of the Kingdom of Tonga on Political Reform was passed by the Legislative Assembly. The National Committee was tasked with considering submissions, holding consultations and facilitating talanoa related to political and constitutional reforms and recommending legislation and/or other changes with a view to building national unity and promoting the social and economic advancement of the people of Tonga.

In 2006, the National Committee on Political Reform (NCPR) recommended that all seats in parliament be subject to elections, while also proposing ways to ensure policy continuity and ensure the views of Tongans living overseas are taken into account.[141]

Riots occurred in Nuku'alofa in November 2006, triggered, for some, by increased demand for democratic reforms,[142] partly by the preceding year's strikes by public workers, and for others instigated by criminal elements led by citizens deported from other countries. During that period the Emergency Power Regulation 2006 was enforced following the burning of central Nuku'alofa on November 16, 2006 and has been extended every 30 days since then. On May 16, 2007 the Emergency Powers Regulations 2006 was replaced by the new Emergency Powers Regulations 2007, which removed some powers that were given to the TPF and TDS under the old regulation (see example 4).

The political situation in Tonga is still affected by the fallout from these riots. A 2007 report by a community task force on human rights revealed that 41% of individuals arrested since the riots experienced violence during their arrest, reportedly perpetrated by the TDS. Many claimed to have been interviewed with violence or intimidation and all reported overcrowded and unhealthy prison conditions.[143] In addition, during the riots the integrity and image of the police force was damaged due to it being seen as unprepared to deal with such an extraordinary event. However, it should be noted that based on the evidence and complaints so far, the alleged unlawful actions were not widespread or an organised misuse of power. There was also glaring evidence that if the police had not called for the assistance of the TDS, the rioters would have done more destruction to the capital.[144]

In 2008 the Legislative Assembly passed the Constitution and Electoral Commission Act, with the commission given ten months to submit a report and recommendations to the Privy Council and the Legislative Assembly. It is then up to the Privy Council to reject or accept the recommendations. With the deadline for public submissions closed, twenty-nine written submissions had been received.

In April 2008, elections were held in Tonga under the existing model of representation. Following the completion of the constitutional reform process underway, it is expected that the composition of the Legislative Assembly will be significantly amended, such that elections in 2010 are expected to see an increase in the number of People's Representatives directly elected by the Tongan people. In November 2009, the Constitutional Reform and Electoral Commission submitted its final report to King Tupou V. For a summary of some of key recommendations (see box 23).

In parallel, a number of other reforms have been initiated to improve governance, security and stability in Tonga:

- The establishment of an Anti Corruption Commission through the Anti Corruption Commission Act 2007, with extensive powers to investigate suspected corruption and prosecute civil servants of wrong doing;
- The organization of a conference in early 2009 on reconciliation and civic education was organised by the prime minister's reconciliation advisor, which brought together people from across Tonga to discuss an 18 month reconciliation program aimed at restoring and reinforcing Tongan heritage of respect and honour; and
- The police force has undertaken nationwide community consultations and a survey to develop a community policing concept unique for Tonga. Through this process, information was gathered from ordinary Tongans on what they perceive as the most important crime threats and how the police force can improve its services. This process will result in a TPF new strategic plan and four year business plan using the survey as a baseline for measuring any improvements in policing.

Security Sector Governance Challenges

- The principal challenge facing Tonga is to restore confidence and capacity in the police to provide public security against the background of the national reconciliation process.
- There is no overall security policy in Tonga; this might be required to ensure coordination of the different security actors at a strategic level, to set security priorities and appropriate resource allocation.
- Sustaining mechanisms for civil society organisations to provide structured input to the law enforcement reform process, at a local level on citizens and communities' needs, as well as at the national level with government agencies and the Legislative Assembly.
- There is a need to address key resource allocation issues regarding budgeting for domestic security and justice agencies versus defence prerogatives. If police reform proves successful, the justice sector needs adequate capacity to deal with criminal and civil cases at a grassroots level.
- As part of ongoing reform efforts, recommendations will be made on the governance structure, which will impact on the type of policies the TPF and TDS will implement.
- The TPF is in the process of modernising its legislation, which will require looking at options to make the police commander operationally accountable. Currently, the minister of police has command of the force. This is a key way of protecting against the problem of wrongful political interference.
- In the context of the current Tongan political system, parliament has a limited mandate and only two committees exist that do not have a statutory security oversight role.
- There is a need to clarify the roles of the ombudsmen and public relations commissioner in order to determine the most appropriate mechanism for dealing with public complaints against the security sector.

Box 23 Summary of Key Recommendations of Constitutional and Electoral Commission

The King:

- Remain Head of State but no longer participate in the executive government. The Executive government shall be the Cabinet, which answers to the Legislative Assembly (Parliament).
- No longer choose his own Prime Minister and Ministers, but appoint the PM on the advice of the Legislative Assembly, and appoint the Minaisters on the advice of the PM.
- Only appoint judges to the Supreme and Appeal Courts on the advice of the Chief Justice (rather than the Privy Council).
- Retain the power to withhold assent to laws and dissolve Parliament, if necessary, as a safeguard against unlawful acts by the government.

The Privy Council:

- Exist solely as an advisory body, with all executive, legislative and judiciary powers removed.
- While members are to be appointed at the King's pleasure, they should not include members of the Legislative Assembly (including the PM and Cabinet). The commission recommended the governors of Ha'apai and Vava'u, two nobles, a church leader, and the Secretary of the Traditions Committee be ex officio members.

Parliament:

- The number of People's Representatives in Parliament would increase from nine to 17 (nine for Tongatapu District, three each for Vava'u and Ha'apai, one each for Niua and 'Eua), while the number of Nobles Representatives remain at nine (as elected by the 33 titleholders).
- The King would appoint a PM at the recommendation of the House of Representatives, and for this Prime Minister to advise the King on the appointment of Cabinet ministers, now limited to 10.
- Cabinet ministers would be appointed from the MP's but will remain as representatives at the same time.

Voting system:

A single transferable vote system i.e. one person gets one vote, but if his/her choice for representative reaches a certain quota of votes to get elected into Parliament, then the voter's second choice receives the vote and so on.

- Needs to have an up-to-date electoral roll.

Source: http://pacific.scoop.co.nz/2009/11/tongan-commission-calls-for-more-peoples-seats-less-political-power-for-king/#more-4777

Opportunities

Executive

Given the reform processes of the constitution and police it will be necessary to focus on institutional strengthening of the executive, including the Prime Minister's Office and relevant ministries, to oversee and manage the TPF and TDS.

Legislative Assembly

Against the background of ongoing political reform, there is a need to increase the role of the Legislative Assembly in security oversight with the aim of improving transparency and accountability of security policy and programming, especially the police.

There is a clear interest in developing the number and work of the committees in step with the agreed format of the reform process itself and the need for more active public consultation on legislative policy matters and scrutiny, particularly in the law enforcement field. To do this, however, the parliamentary support staff will require extra training and skills. The existing staff and new committees' capacity development would ideally focus on security oversight norms and good practices, relationships with the government, executive, civil society and the security sector, as well as policy development and consultation processes.

Ombudsman/Public Relations Commissioner

The ombudsman and public relations commissioner could benefit from the experiences, lessons learned and good practices being shared across the Pacific.

Civil Society

Given the valuable inputs civil society organisations have already given as part of the constitutional, electoral and police reform processes, opportunities exist to support civil society to maintain an effective platform for interaction with the Legislative Assembly, the security sector and government agencies.

Tonga Police Service

The ongoing police reform process provides an opportunity to discuss: how to improve the interaction between citizens and communities; ways of dealing with complaints against police behaviour, i.e. Police Complaints Authority and Code of Conduct; and mechanisms for engagement between the police and governance institutions. This approach would help ensure solid oversight of the law enforcement sector and improved feedback loops for citizens to help shape policy and practice.

National Priorities

Overall, the Tongan delegation agreed with the recommendations of the UNDP and DCAF scoping mission report and had a number of specific inputs:

- Support is needed for institutional strengthening of the executive and parliament for the management and oversight of the security sector.
- There is a need to clarify the role of ombudsman and public relations commissioner because of lack of understanding of its role within the public. It was stressed that this should not become a monitoring body.
- Civil society oversight and input on security issues is important.
- There is the need to regulate private security services. Currently there is no legislation to hold private security companies accountable. This issue needs to be reviewed and explored as part of the ongoing security reform process.
- In terms of police reform, it was noted that it is ongoing and the emphasis is on ensuring that it continues and is fully implemented.
- Finally, the Tongan delegates expressed the need for continued and sustained support for civic education for political reforms, through enhanced public awareness throughout the country.

Vanuatu

Population 2008:	231,142
Political System:	Parliamentary Republic
GDP (US dollars at current prices) 2008:	$574 Million
GDP Growth Rate 2008:	6.6%
GDP Per Capita (PPP US$) 2007:	3,666 – Rank 122nd
Human Development Index 2007 :	0.693 – Rank 126th
Human Poverty Index:	23.6 – Rank 83rd
MDG Progress 2009:	One of five countries in the region which is on track

VANUATU SECURITY SECTOR OVERVIEW

Actors in the Security System	**Core Security Actor:** Vanuatu Police Force (VPF); Vanuatu Mobile Force (part of the VPF); Vanuatu Department of Customs and Inland Revenue (DCIR); Department of Immigration **Management and oversight bodies:** Vanuatu National Parliament – Standing Committees: the Publics Account Committee (PAC); Police Service Commission; Ministry of Foreign Affairs; Ministry of Finance and Economic Management; Ministry of Internal Affairs; Ministry of Justice, Culture and Women's Affairs; Vanuatu National Audit Office (VNAO) **Law and Justice Sector:** The Ombudsman's Office; Office of the Public Prosecution (OPP); Islands Courts, Magistrates Courts, Supreme Court, Court of Appeal, Custom tribunal system; The Leadership Commission; Malvatumauri, or National Council of Chiefs (NCC)
Personnel	Vanuatu does not have a military force but it has a paramilitary wing within the Police Force. **Vanuatu Police Force:** 500 officers (includes a Police Maritime Wing and Paramilitary Vanuatu Mobile Force)
National Security Policy	None
National coordinating body for security	Council of Ministers; Combined Law Agencies Group (CLAG),
Security Legislation	Police Act [Cap 105]; Police (Amendment) Act 1994; Vanuatu Department of Customs and Inland Revenue (DCIR); Department of Immigration – Immigration ACT [66]; Financial Intelligence Unit - Financial Transaction Reporting Act 2000 (FTRA); Counter Terrorism and Transnational Organized Crime Act [Cap 313] ; Leadership Code Act [Cap 240]; National Disaster Act [Cap 267]; Ombudsman Act [Cap 252
Recent cases against security actors in the courts	**Monitoring Special Powers of the Security Services** 1995: Attorney General of Vanuatu v. President of Vanuatu Civil 124/1994 The AG testing the validity of the president's action to exercise power of pardon to release of 21 prisoners and a captain of a Taiwanese seized fishing boat. Former Chief Justice of Australia, Sir Harry Gibbs ruled that the letter sent by the president requesting the necessary steps to release prisoners was not an exercise of the power of pardon. The Supreme Court also held that the president had no immunity from court proceedings and that the AG could bring civil proceedings against the president. **Upholding the rule of law** 1997: Eight Vanuatu Mobile Force members were convicted on June 1997 for kidnapping President Jean Marie Leye, this decision was later upheld by the Court of Appeal in Oct 1997
Mandate of accountability institution to deal with complaints against security sector	**Office of the Public Prosecution:** The OPP also has the mandate to prosecute breaches of the Leadership Code Act 1998 and to prosecute offences that are raised in the ombudsman's reports. **Ombudsman Office:** Is responsible for enquiring into: (i) maladministration and malpractices in government and semi-government institutions; and (ii) Leadership Code breaches. In relation to his/her traditional ombudsman

Situation Analysis

Vanuatu is a small island developing country made up of 80 islands with a population of 230,000 with the coexistence of two legal and political governance systems – state and customary. It is one of the five least developed countries in the Pacific.

Vanuatu's ***economy*** is built on agriculture, fisheries and tourism resources. Since 2002 when the economy contracted by -7.9 percent, it has improved significantly with estimated growth of 7.43 percent in 2006. Growth has been driven by foreign investment in tourism and land development, attracted by the liberal tax regime, relative political stability, sound macroeconomic management and successful institutional reforms.[145]

This situation was facilitated by the Comprehensive Reform Programme (CRP) that focused on good governance and came during a backdrop of political instability and low public confidence. The key features of the CPR were: renewal of the institutions of governance; a redefined role for the public sector; improved public sector efficiency, private sector-led growth (including small businesses and the rural sector) and; improved equity between sections of the population.

However, it has been argued that growth is not improving the lives of most ni-Vanuatu. Vanuatu is one of six countries in the region that are "slightly off track" and/or demonstrate "mixed progress" towards the achievement of the MDGs (see figure 21). The government has made progress in reducing poverty, which dropped from 40 percent in 1998 to below 16 percent in 2008. Poverty in Vanuatu is defined in terms of lack of opportunity to access health and education services, the labour market and life opportunities.[147] In Vanuatu poverty is concentrated in urban areas affecting 33 percent of people in Port Vila, the capital.

Figure 20: Vanuatu GDPtftGrowth Rate from 1998 to 2009[146]

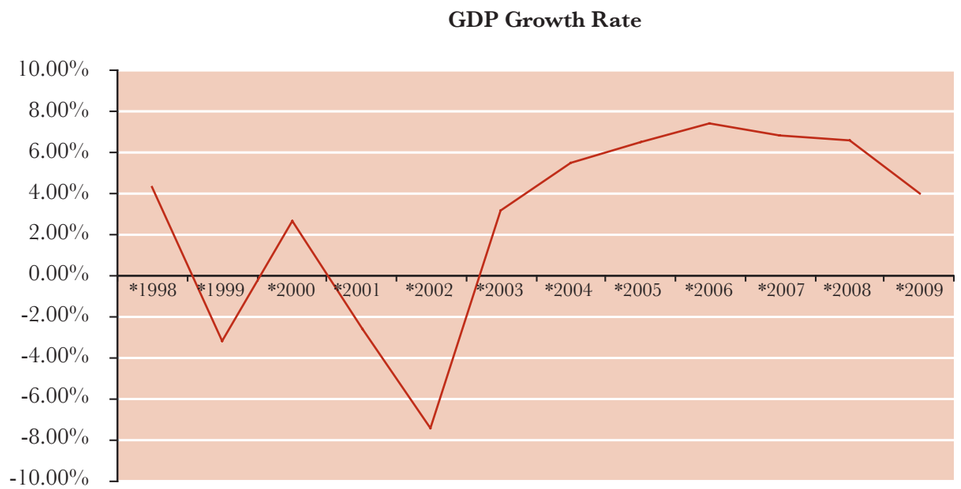


Figure 21: Vanuatu's Progress Towards Achieving the MDGs[148]

Goal 1	Goal 2	Goal 3	Goal 4	Goal 5	Goal 6	Goal 7	Goal 8
Eradicate Extreme Poverty & Hunger	Achieve Universal Primary Education	Promote Gender Equality & Empowerment of Woman	Reduce Child Mortality	Improve Maternal Health	Combat HIV/ AIDS and other Diseases	Ensure Environmental Sustainability	Develop Global Partnership for Development
Low level of Food Poverty	Slightly off-track	Slightly off-track	Slightly off-track	Slightly off-track	Weak data	Some data gaps but mostly on-track	Data gaps, slightly off-track

With formal employment under 15% and a micro-business sector that is heavily overcrowded, most ni-Vanuatu have little opportunity to participate directly in the formal economy. As a result, the income differential between the urban and rural populations is growing sharply. Vanuatu's Gini coefficient (a measure of income inequality) is among the highest in the world (0.56-0.58) although this data excludes most of the informal sector. One recent study concluded,

> *"Formal wage employment is unlikely to touch the majority of Vanuatu's population even in the medium to long term… If it is to touch the majority of the population – economic growth must therefore derive in the main from the activities of the majority of the population itself."* [149]

Women are disadvantaged socially, economically, and politically, especially rural women in Vanuatu. Vanuatu has high levels of domestic violence, which the government has taken steps to address through the passing of the Family Protection Act 2009. Women are more likely to be involved in unpaid tasks and work, on average, longer hours than men. Women are generally more successful in small businesses and are more reliable borrowers of bank funds. Nevertheless, women are rarely involved in formal decision-making.[150] This is evident by the low number of women in senior public sector positions and as members of parliament,.

With Vanuatu's high rate of population growth, achievement of optimistic forecasts for economic expansion would imply a medium-term decline in per capita income, increased unemployment and underemployment, and little alleviation of hardship in rural areas.[151]

Vanuatu's ***political system*** has rarely been stable since independence, with governments falling through the use of no-confidence votes in the parliament on multiple occasions.[152] There were no fewer than 16 changes of government in 13 years leading up to the 2004 election. This situation has not changed since with the current government having faced six votes of no-confidence. These intra-executive conflicts have led to considerable national instability. It has been argued that this has led to chronic short-termism that undermines any sustained approach to development.[153]

The formal accountability institutions – parliament, the Auditor General, the Ombudsman – have proved to be largely ineffective. Parliament currently has no role in developing legislation; it is only being asked to pass bills by the government. Whilst private members' bills can be advanced, there is no parliamentary legal counsel in place to draft legislation independently. The committee system is not functioning; the only two committees that meet regularly are Standing Orders and Privileges, dealing with internal matters. The Public Accounts Committee met only once, in 2003. Additionally, there is a high turnover of parliamentarians at each election and they receive little substantive research support.

Since the government in the late 1990s reduced the Ombudsman's powers to bring action under the Leadership Code there have been concerns about lack of effectiveness in curbing abuses. The Public Prosecutor is a political appointee, and lacks the resources for the complex prosecutions required for corruption cases. The Auditor-General has not been active in recent years.[154]

By contrast, customary and informal institutions at local level are seen as legitimate and relevant to people's lives. However, their capacity to support community development is limited. Whilst the chiefs are seen as the 'back-up' of both the police commissioner and parliament on key issues, the primacy of elected institutions is somewhat unclear as a result. Whilst

this is predictable in many developing societies, any programming on public security issues needs to be able to address both sets of stakeholders. Ultimately, the lack of capacity among state institutions in any case necessitates an ongoing reliance on traditional dispute resolution mechanisms.

In recent years, significant ***law and order problems*** have emerged in Vanuatu. In 1988 there were riots, looting and destruction of businesses in Port Vila. In 1998 there were riots due to concerns surrounding the Vanuatu National Provident Fund. There was also confusion in command causing delays in response by the Vanuatu Mobile Force (VMF). In 2005 the Eric Wong Store, Air Vanuatu building and UNELCO power plant was held. The VMF was involved in a hostage rescue mission. In 2007, there were riots in Port Vila triggered by disputes between different sets of islanders and exacerbated by a growing young and unemployed population in the urban centres. Sixty percent of Vanuatu's population is under twenty-five years old. Because of the lack of employment opportunities in both rural and urban areas, young people are feeling disenfranchised. This is unlikely to lead to civil conflict but it has certainly contributed to worsening crime rates in recent years.[155] Again, there were concerns of confusion in command between the Vanuatu Police Force (VPF) and the VMF, which caused a delay in response to the situation.

Historically, there have also been problems with the security forces.[156] The security forces abducted President Jean Marie Leye in 1996 during a dispute over salaries. While he was returned safely to the capital, almost half of the defence force was arrested and charged with kidnapping, carrying weapons and unlawful assembly,[157] ultimately provoking riots in 1998.[158] Secondly, during the political crisis of March-April 2001, it was alleged that the then prime minister approached the police to facilitate a coup but that the approach was rebuffed. Thirdly, in 2002, a group of young men from the island of Tanna were recruited initially as auxiliaries while the VMF conducted an operation to arrest a number of VMF officers on mutiny charges, however, they refused to disband.[159]

However, Vanuatu's security services have not played a significant political role in the last few years and during the 1990s the police and VMF also played a constructive role during constitutional crises, acting as a guarantor of constitutional process.[160]

Many stakeholders voiced a common sentiment about the current status of security governance in Vanuatu. They acknowledged a growing set of public security problems, that solutions are not immediately available to solve them and that new tools are needed to address them.

Vanuatu faces key choices in how to develop, manage and control its security sector and stakeholders are currently receptive to guidance on implementing good practices in what is a crucial window of opportunity. At this juncture in Vanuatu's development, there is a strong case to develop the oversight roles and capacities of democratic institutions and civil society and to assist the security sector in focusing on its law enforcement role.

Security Sector Governance Challenges

Consequently, there are a number of key security sector governance challenges in Vanuatu:

- There is currently no comprehensive security policy in place.
- There is a concentration of considerable responsibilities in the hands of the police commissioner without requisite oversight by parliament.
- Vanuatu's participation in regional and international peacekeeping and stabilisation missions beyond their domestic riot control mandate is seen as raising Vanuatu's international profile. At the same time, the role of the Vanuatu Mobile Force in these missions poses management problems for the Vanuatu Police Force and questions concerning proper resource allocations when extensive domestic challenges need to be addressed.
- Parliament currently plays a very limited role in developing, debating and scrutinising legislation this is particularly acute in the security field.
- There is the need to professionalize and revitalize the current national security apparatus because there is currently a lack of analysis and reporting;
- Currently, the independent Police Service Commission does not have sufficient capacity to ensure police accountability and oversight.
- The level of civil society engagement on security sector oversight issues is currently at a low level.
- There is a lack of women in leadership positions, particularly in parliament and the public services.

Opportunities

Entry points exist with several sets of stakeholders on security sector oversight issues to improve the current level of security governance in Vanuatu.

Government

In 2009, the Ministry of Internal Affairs introduced a paper to the Council of Ministers on the future role of the Vanuatu Mobile Force. Discussions remain ongoing. The ministry is also in the process of reviewing the Police Act Cap 2.5 and other relevant national security legislation to identify gaps and draft relevant legislation. In October 2009, the Ministry of Internal Affairs held its first ever policy direction conference on security and good governance. From that conference, the security policy direction for 2010 – 2020 was to create a National Security Council within the PM's Office in liaison with the minister of internal affairs, minister of justice, speaker of parliament and the president. Approval will be sought through the Council of Ministers for its establishment.

Under this there was a key security policy priority to provide effective security and border control services throughout Vanuatu. This was supported by a number of key activities:

- Conduct legislative review, amendment and creation of new security legislation;
- Review the organisational and human resources management structure of the Vanuatu Police Force, immigration and passports:
  - Create a new Ministry for Security, Border Control and Labour Services;
  - Strengthen the capacity of the Police Service Commission;
  - Conduct a scoping study on the cost-benefit analysis of whether Vanuatu should have a unified or separate police and VMF;
- Develop and implement a human security resource development plan;
- Conduct remote and community police initiatives.

In addition, there was a policy priority on good governance for the Ministry of Internal Affairs and Security Forces to establish links with community CSOs, the Vanuatu Association of NGOs, and Chiefs and Churches to provide security to the people of Vanuatu where there is no police.[161]

The Ministry of Justice has undertaken a comprehensive review of Vanuatu's legislation to ensure access to justice and the upholding of fundamental freedoms and human rights. This takes the form of an extensive review of existing laws, the promulgation of new legislation and a comprehensive approach to managing the interaction of the formal and informal law systems. The ministry seeks to work constructively with CSOs and the parliament but plans remain at an early stage and linkages to the provision of public security by the VPF also need to be explored.

These separate activities and stakeholder awareness provides an enabling environment to discuss the following:

- How will the proposed security policy be developed, implemented and coordinated, including the level of public consultation;
- What security legislation needs to be revised and updated;
- The most appropriate legislative frameworks and oversight mechanisms;
- The capacity building needs of civil servants to develop and coordinate security policy; and
- The capacity building needs of security personnel to implement the policy.

Parliament

As the parliament creates new committees in 2009, there will be the need to train MPs and committee secretariat staff to scrutinise legislation and budgets.

With the ongoing discussions of the need for an overarching security policy, the future role of the VMF and the Ministry of Internal Affairs developing policy direction on security and good governance, discussions will need to take place on the appropriate role of parliament in scrutinising any new policy and legislation and monitoring its implementation.

Civil Society

Some NGOs have already been able to work with government ministries on policy issues, including violence against women, corruption, transparency and accountability, and others have scrutinised new legislation.

The ongoing discussions about the role of the VPF and VMF would greatly benefit from insights by civil society organisations that work at the community level. In order to do this, support needs to be provided to improve their research, analysis and advocacy capacities.

National Priorities

During the Regional Security Sector Governance Conference, each country delegation was given a chance to discuss their key priorities. The Vanuatu delegation endorsed the opportunities identified by UNDP and PIFS and provided some additional comments:

- Introduce an SSG concept to key stakeholder groups and undertake media discussion awareness raising;
- Financial and technical assistance to hold a national conference on SSG to discuss possible action plans is needed;
- Conduct a national conference on SSG to develop a comprehensive national SSG strategy (held in October 2009).
- There is a need to look at the role of the police and VMF. What are Vanuatu's needs and what constitutes 'security' in Vanuatu? This process can benefit from the sharing of experiences, lessons learned and good practices from within and outside the region.
- There is a need to mobilize support for any designed SSG strategy, in order to create the political will necessary for its effective implementation.
- There is a need to implement a comprehensive national SSG strategy with a potential implementation date of 2010 – 2015.
- There is a need to support ongoing capacity development for chiefs, churches, people in rural areas, counsellors, women and youth, as well as for training for SSG implementers.

Annex 1: Regional Conference Co-Chairs' Outcome Statement

Preamble

Ministers, Members of Parliament, Ombudsmen, civil society representatives and security sector officials from Fiji, Papua New Guinea, Solomon Islands, Tonga and Vanuatu, where brought together in Nuku'alofa, Kingdom of Tonga from 27 – 30 April 2009 for the Pacific Regional Security Sector Governance Conference. The Conference was organized by UNDP in cooperation with the Pacific Islands Forum Secretariat to provide countries with an opportunity to discuss key Security Sector Governance priorities.

The conference heard that the Pacific faces a complex set of interrelated development, security and governance challenges as addressed through the Honiara, Nasonini, Aitutaki and Biketawa Declarations of the Pacific Islands Forum.

Further, it was recognised that Pacific Islands Forum Leaders have identified Security and Good Governance as two of the four pillars of the Pacific Plan adopted in 2005. Those pillars were developed from Pacific Islands Forum Leaders vision statement which collectively committed the nations of the Pacific region to a set of principles to ensure the prosperity and stability of our region to the benefit of all its peoples.

Fundamentally, security is essential to providing the necessary stable foundation for economic development which is the key to the people of the region being able to live what Pacific Leaders described as "free and worthwhile lives" in their vision for a peaceful, harmonious, secure and prosperous region.

In pursuing this vision, Leaders have sought partnerships within the region and beyond. This conference has been consistent with the spirit of the Leaders' vision in ensuring that international good practice and lessons learned are brought to the Pacific and that Pacific experiences can be shared at the global level.

Presentations from country delegations highlighted that Human Security is a crucial issue in the Pacific region. Insecurity remains a recurrent theme affecting many communities. All the Pacific Islands face the common challenge of providing services to communities and access to public institutions, as well as finding solutions within financial and human resource constraints.

Presentations from a wide range of international and Pacific experts in the field, gave national delegations a comprehensive understanding of international good practice and global norms on security sector governance. This provided a key opportunity for detailed exploration of the relevance and applicability for Pacific security sector governance programmes and the possibility of pursuing complementary regional activities.

On this basis, the Co-Chairs recognise that in facing the complex security environment and challenges in the Pacific, international norms of security sector governance have some usefulness and relevance in the region. Nevertheless, it was important that national ownership be achieved and the diverse character of the Pacific be recognized. There could be no rigid models or "one size fits all" approaches and sensitivity and recognition of national circumstances needs to be exercised in approaching the issue.

In partnership with executive, legislatures, judiciaries, accountability institutions and security forces, it was important to encourage and facilitate the development of well trained and skilled civil society bodies to monitor, advise and hold to account security sector institutions. Fundamentally, the protection of human rights must be recognized as underpinning collective and individual efforts to ensure effective security governance. Noting that security is different for men, women, boys and girls, security needs to be provided in a gender responsive way, in accordance with international obligations and with due regard given to existing national gender priorities.

The Co-Chairs would like to highlight the importance of external accountability and oversight mechanisms including an effective Parliament with adequate resources and capable and independent accountability institutions including Ombudsman, Leadership Code Commission, Human Rights Commission and Independent Commission against Corruption. The integrity and independence of officials engaged in such institutions needed to be supported and protected by all arms of government. Further, it is necessary to recognize the importance of security institutions having internal accountability mechanisms to ensure efficient and transparent delivery of security as a basic service to the population and to allow security institutions to retain public confidence and support for their vital work.

The Co-Chairs also note the importance of strategic security policies being based on country needs and priorities, taking into consideration international good practice in the security sector governance field. Flexibility and appropriate scaling of possible solutions, reflecting the limited resources available to countries, are key in creating sustainable and credible outcomes.

Executive Level Priorities

Participating Ministers expressed their support for this conference and saw value in initiatives to improve Security Sector Governance. Ministers have undertaken to report back at Cabinet-level on the SSG Conference and saw value in adding Security Sector Governance to the agenda of the 2009 Forum Leaders' meeting. In addition, specific recommendations provided by the Ministers included: a) the development of a focal point to co-ordinate activities related to Security Sector Governance in the respective countries' Prime Ministers' office; b) the development of a national conference on Security Sector Governance supported by international partners including UNDP and PIFS; and c) raising the profile of security sector governance utilizing relevant regional mechanisms. This includes the Forum Regional Security Committee (FRSC) and the Pacific Islands Chiefs of Police Meetings.

Key Country Priorities

National delegates facilitated by relevant international and regional resource people identified the following:

- Development of strategic security policies and strategies;
- Capacity-strengthening programmes for civil society;
- Provision of support to improve parliamentary oversight;
- Development of gender-sensitive policies and programmes; and
- Strengthening the capacity of Ombudsman institution to improve accountability of the Security Sector.

Other matters highlighted in these presentations included the need to ensure adequate government and public consultation and awareness around security sector governance; regulation and oversight of private security firms; as well as the importance of donor co-ordination to avoid duplication.

Conclusion

Based on these identified priorities, development partners stand ready to support national actors and civil society to develop appropriate strategies to respond to priorities identified through regional assistance.

Following the Regional Conference, the Pacific Islands Forum Secretariat and UNDP proposes to jointly present a paper of the results of the scoping missions and outcomes of the Regional Security Sector Governance Conference at the FRSC.

This is to enable full consideration by all Forum Member Countries on how PIFS, in cooperation with other key stakeholders and partners, such as UNDP can support the Security Sector Governance agenda in the region.

Annex 2: Available Resources

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XV. General resources on Security Sector Reform Issues

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- A lack of access to basic services such as health care, education and clean water.
- A lack of opportunities to participate fully in the socio-economic life of the community.
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