

# Games will bring unprecedented challenges in field of dignitary protection



Deputy Commissioner Adrien Whiddett

*The Australian Federal Police (AFP) is an amalgam of the former Australian Capital Territory Police, the Commonwealth Police and the Narcotics Bureau (previously an arm of the Australian Customs Service, responsible for drug interdiction at the barrier), and was incorporated on 19 October 1979.*

The AFP is the Federal Government's primary law enforcement agency and its charter involves responsibilities similar to the US Federal Bureau of Investigation, Drug Enforcement Administration, Secret Service and Marshals Service. In size and general functions it is similar to Germany's Bundeskriminalamt (BKA).

#### **Mandate and charter**

Apart from enforcing federal laws in Australia and its external Territories, the AFP contracts a

full community policing service to the Australian Capital Territory (ACT).

The AFP comprises about 2,800 personnel made up of 1500 federal agents, 650 community police members and 650 staff members. Its headquarters is in Canberra, with five regional commands in Brisbane, Sydney, Melbourne, Adelaide and Perth, and branch offices in several other locations. Liaison posts exist in 15 overseas locations, namely: Bangkok, Chiang Mai, Buenos Aires, Hong Kong, Jakarta, Islamabad, Kuala Lumpur, London, Washington, Los Angeles, Manila, Nicosia, Rome, Singapore and Port Moresby. The AFP has a representative at Interpol HQ, Lyon, France and training advisers in the South Pacific. In addition, as required, the AFP participates from time to time in peacekeeping operations to which Australia is committed.

Unlike most traditional police organisations, the AFP has an inverted proportion of plain clothes operational members (80 per cent) to uniformed operational members (20 per cent) and

The Australian Defence Studies Centre held a conference titled *Terrorism and the 2000 Olympics*, at the Australian Defence Force Academy in Canberra which formed the basis for a book of the same name launched by AFP Commissioner Mick Palmer at the centre earlier this year.

Edited by Alan Thompson, the book includes contributions from leading academics, government and private industry officials, diplomats, and researchers from Australia and overseas on issues such as security, violence, intelligence, approaches to counter-terrorism planning and private sector involvement in security for the Sydney 2000 Olympics. AFP Deputy Commissioner **Adrien Whiddett** contributed the following article on dignitary protection.

the percentage of the former is slowly rising, reflecting the AFP's evolving charter.

The statutory functions of the AFP are set out in the Australian Federal Police Act (1979). They are aimed primarily at the provision of police services in relation to the laws of the Commonwealth, property of the Commonwealth (including Commonwealth places), property of authorities of the Commonwealth; and the safeguarding of Commonwealth interests.

Section 13(2) of the AFP Act empowers the Minister to give a Direction to the Commissioner on the general policy to be pursued in relation to the performance of the functions of the Australian Federal Police. Since its establishment there have been five Ministerial Directions issued which have increasingly emphasised the investigative role to be performed.

The first directive in 1979 stressed the development of the Australian Federal Police as a first class police service of integrity which would be highly respected internationally. The current directive issued in 1994 stresses the need to protect the integrity of the Commonwealth's programs and interests from criminal attack; for the AFP to develop specialities in the

investigation of serious fraud, organised crime, and new forms of international crime; fraud intelligence; international strategic criminal assessments; a strategic alliance with the National Crime Authority, and closer cooperative arrangements with other agencies that administer and enforce laws.

As a result of a number of recent developments, including the 1994 report of the Review of Commonwealth Law Enforcement Arrangements, developments in the AFP strategic alliance with the National Crime Authority, and internal initiatives, the AFP has been undergoing comprehensive structural and organisational change. The principal aim of this change process is to focus the organisation on its core business and to position it to meet the challenges and demands facing it as we move towards the year 2000 and beyond.

**Dignitary protection**

One element of the present AFP structure is Protective Security, which apart from a major commitment to witness protection, coordinates AFP activities in relation to VIP and dignitary protection. The professional and high standard of



*US President Bill Clinton and his wife Hillary at Canberra Airport during their Australian visit in 1996. "The obligation to provide protection and security, particularly that applying to foreign dignitaries, is based upon Australia's adoption of obligations and responsibilities under specific laws in addition to compliance with measures afforded all citizens or visitors . . ."*

security and protection afforded to visiting and other dignitaries comes at significant cost. In 1994/95 some \$3.72 million was expended on activities associated with these functions by our Protection element.

The obligation to provide protection and security, particularly that applying to foreign dignitaries, is based upon Australia's adoption of obligations and responsibilities under specific laws in addition to compliance with measures afforded all citizens or visitors; to name some of the more important, these include the:

- Diplomatic Privileges and Immunities Act 1967;
- Consular Privileges and Immunities Act 1972;
- International Organisations (Privileges and Immunities) Act 1963;
- Crimes (Internationally Protected Persons) Act 1976;
- Diplomatic and Consular Missions Act 1978; and
- Public Order (Protection of Persons and Property) Act 1971.

In relation to the Public Order (Protection of Persons and Property) Act, amendments assented to on October 19, 1995 contain new provisions to allow police and other authorised officers to take a range of protective security measures on the premises of Commonwealth Courts and Tribunals.

In the Second Reading Speech accompanying introduction of the amendments into Parliament it was stated, in part, that:

Australia has been fortunate that violent attacks upon our judicial system have been few and far between. Unfortunately, apart from well known incidents involving the Family Court, there have been occasions at the State and Territory level where people have been injured or killed in court buildings. Furthermore, recent tragic events in Oklahoma City remind us all of the fragility and vulnerability of our open society.

The actual provision of routine static security at diplomatic or consular premises has, however, since 1984, in line with changes in operational emphasis, largely passed to the Australian Protective Service. The AFP nevertheless, particularly in its community policing role in the ACT, continues to provide police services at diplomatic missions where such premises are the target of demonstrations or protest activity or the premises or occupants are under particular threat.

#### **Commonwealth-ACT arrangements**

Canberra, by dint of its position as the National Capital, is a major destination and the focus of visits by dignitaries to Australia. It is

Canberra also where the AFP, as indicated, has the dual roles of providing federal law enforcement and community policing services. In our view this existing framework provides the best mechanism for protecting the interests of both governments and the community.

The provision of high quality dignitary protection, whether it be in the ACT or any other State/Territory within Australia, is highly dependent on the joint cooperative efforts of a number of agencies at both State and Commonwealth levels. In the case of the Commonwealth, this includes, apart from the AFP, the Protective Security Coordination Centre (PSCC), the Australian Security Intelligence Organisation (ASIO) and the Department of Foreign Affairs and Trade.

The Federal Government, Prime Minister, Governor-General, and diplomatic missions are of course all located in Canberra. Visiting dignitaries almost invariably have the National Capital on their itineraries for various reasons. Security-sensitive visits are therefore commonplace with security planning and response mechanisms tailored to meet the sensitivity classification of the visit.

Besides Close Personal Protection (CPP) and advance security at venues commensurate with the threat, all other uniformed and plainclothes operational responses are designed to be fluid. This enables responses to be adjusted to cope with varying levels of threat during visits to the Territory. While visit design and program planning are integral parts of the security process, it is a fact that levels of security frequently differ in the various jurisdictions throughout Australia.

#### **Federal-State relationships**

National cooperation is the cornerstone of all Federal/State relationships. Our ongoing commitment to SAC-PAV, the National Anti-Terrorist Plan crisis management arrangements generally and coordination through the PSCC, have created an integrated and mutually beneficial approach.

Any significant deterrent to the terrorist threat in Australia must be undertaken through preventative and response measures which are capable of being coordinated nationally. They must have the support, cooperation, and participation of State and Commonwealth agencies.

The AFP recognises that within the States and Territories, the protection of VIPs both from within the Commonwealth and overseas, is primarily a responsibility of the police service within that jurisdiction. It is also the case that in most instances command and control



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arrangements rest with State/Territory authorities. Outside the ACT, AFP involvement with an overseas or interstate visit is essentially a liaison function performed by operationally experienced members. Occasions will arise however, in the absence for whatever reason of local police, where liaison officers are required to adopt an active close protection role in furtherance of their overall responsibilities.

#### **Foreign and trade policies**

There has been a marked and continuing increase in both the actual number of visitors and the percentage of those visits which attract a security rating. These increases are expected to continue and do not take account of the visits that will occur leading up to the Olympic Games and the bicentenary of Federation. Undoubtedly, as Australia continues to strengthen its economic and trade relations in the Asia-Pacific region, there will be an increase in the number and frequency of regional visitors to Australia. Significant benefits in bilateral relationships often flow from such visits including opportunities for senior and influential members of foreign governments to learn first hand about Australia's trade, services and technologies. Should such visits go badly for Australia, in a manner as to offend foreign states, there is the potential to adversely affect our economic fortunes.

The rapid developments taking place in the Asia-Pacific region generally and Australia's efforts in bodies such as APEC in particular, effectively provide a guarantee that there will be an increasing number of visitors under Australia's Guest of Government program for the foreseeable future. In economic terms, Australia is highly reliant on South East Asia and the Pacific. From an employment perspective, one in five Australian jobs are based on exports. Sixty per cent of our exports go to East Asia and in real terms these account for approximately one million jobs.

Three of the world's top 10 economies in 1995 were located in the Asia-Pacific (Japan, USA, and China). By the year 2020, it is expected these will be joined by Indonesia, Taiwan, South Korea, and Thailand to give the

region seven of the world's leading economies.

The ASEAN community is also of particular interest to Australia not only in relation to trade, but equally in securing long term security within the region. Australia will continue to play an important role in developing countries within Asia.

#### **The threat**

Monitoring and assessment of the threat applying to Australia is the primary role and purpose of the Australian Security Intelligence Organisation, assisted with inputs from local and overseas sources including state and territory police services and the AFP.

Australia has, over the years, experienced activities and threats from a broad expanse of internal and external sources. There are today few issues of conflict or dissension which arise in the world which do not attract protagonists on either side somewhere among residents or visitors in Australia. Predicting likely reactions with any degree of certainty is, however, always problematical. For example, one might have thought that the conflict in the former Yugoslavia would have sparked a degree of reaction among the expatriate Balkan communities in Australia above that which has actually occurred.

While 'traditional' acts of terrorism and politically motivated violence have a high degree of public exposure, we are now seeing disturbing new and unfamiliar expressions of violence emerging. The much publicised activities of the Aum Supreme Truth sect in Japan in 1995, one of the many sects that country hosts, which caused deaths and serious injury to many Japanese citizens, rightfully attracted international alarm and condemnation.

What was of more direct concern from Australia's point of view was the discovery, through investigation, that representatives of the sect had not only been in Australia but had engaged in experimentation and trials of the chemical agents which were later used with deadly effect in Japan. The Aum sect provided a timely and sobering reminder of the ease and speed with which individuals can form, mobilise, and act if constant vigilance is not maintained.

While the overall level of threat of international terrorism to Australia continues to be assessed as relatively low, isolated individual acts of politically motivated violence, either internationally or locally inspired will no doubt continue. We need only to look at the attack on the premises of the Honorary French Consul in Perth as an example of how legitimate protest action can quickly take on more sinister

proportions. In the USA, events such as the carnage caused in the Oklahoma bombing and the Arizona train derailment provide reminders of our vulnerability.

### Counter-terrorist arrangements

Counter-terrorist arrangements in Australia have been the subject of a number of reviews in recent years. These have included the work of Mr Justice Hope in 1979 and the more circumscribed reviews of Mr Roger Holdich in 1986 and Mr Mike Codd in 1992. In 1993 a review was also conducted under the auspices of SAC-PAV of counter-terrorism capabilities in Australia.

The underlying basis of the country's counter-terrorism arrangements is utilisation of the primary policing capacity and resources of the States and Territories, augmented by provision of funding by the Commonwealth to provide capabilities in training, equipment and operating procedures. This has also largely underscored the approach to responsibilities for VIP protection in Australia as reflected in the consideration and discussions which have taken place in conferences of the Commissioners of Police of the respective jurisdictions over the years.

In terms of day-to-day activities, dignitary protection is probably the most significant and closest we actually, and thankfully, come to 'live' counter-terrorist activities undertaken as part of the Commonwealth-State apparatus.

One aspect of dignitary protection which has been the subject of protracted consideration is the establishing of national standards of protection for holders of high office.

The report of the 1993 SAC-PAV review on this issue noted that:

There has been an emerging acceptance that, because of differing circumstances and level of threat, the adoption of national standards of protection for dignitaries may neither be realistic nor able to be realised and that the better course is to achieve commonality of arrangements across the States and Territories for the protection of individual dignitaries.<sup>1</sup>

The Review subsequently recommended that:

In lieu of seeking to establish national standards of dignitary protection, SAC-PAV continue to seek commonality in the level of protection afforded by jurisdictions to an individual dignitary.<sup>2</sup>

The Review, in noting the value of the close relationship between the protection of dignitaries against politically motivated violence and counter-terrorism contingency planning, also recommend that the dignitary protection function (in terms of SAC-PAV) remain with the PSCC.

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### Dignity protection

Relatively recent visits to Australia by certain overseas visitors, such as the Chairman of the National Peoples Congress of China, have drawn attention to the notion of dignity protection over and above conventional dignitary protection.

Normally the focus of security arrangements has been on ensuring the actual physical security of the visiting dignitary and, where protests are involved, preserving public order. Minimising the potential for affront caused by intimidatory or even peaceful forms of protest has been a lesser, if not non-existent, consideration.

As a result of government concerns at the Commonwealth level, implementation of a new process, in the context of visit preparation and planning, is currently being considered. This includes:

- a new sensitivity assessment for each 'guest of government' visit, separate from, but complementing, the existing threat assessment process;
- standardised planning action for visits with higher sensitivity ratings;
- close attention to the shaping of the visit program so as to avoid trouble spots and undue vulnerability;
- managing and sometimes restricting the public release of program details;
- closer coordination and heightened monitoring of arrangements through advance security reconnaissances, including during the particular visit.

The process includes consideration of the option of providing a sound legislative basis for police action to protect the dignity of visitors through an amendment to extend to visiting dignitaries the legal protection from harassment currently enjoyed by diplomats in Australia.

As to whether, at a practical level, the dignity of a particular dignitary has been truly offended will depend on individual perceptions, and there is scope for the concept to be manipulated as part of a diplomatic or bargaining ploy. In a country where free speech and political dissent are taken for granted, endeavours to constrain reasonable

public demonstration or protest, on the basis of its perceived offence to a visitor's dignity, will be difficult to police. It will also add significantly to the costs and resources involved.

There is nevertheless a recognition that in taking its place in the wider world, particularly in Asia and countries with different mores and levels of tolerance, Australia must be sensitive to the offence which can be caused, even if unintentional, when leaders and dignitaries from these countries are exposed to intense dissent when visiting Australia.

**National Counter Terrorism Conference 1994**

In November 1994 a National Counter Terrorism Conference was held in Canberra, under the auspices of the Standing Advisory Committee on Commonwealth State/Cooperation for Protection Against Violence. The Conference, which attracted participants from throughout Australia and overseas, addressed a range of matters dealing with the measures for countering terrorism. A session dealing with dignitary protection highlighted a number of themes. These included:

- the need for an effective, coherent strategy which has regard to jurisdictional differences;
- the relevance of culture and attitudes to security;
- the preservation of the dignity of the principal as an integral element of visit planning;
- a need for responsiveness to developments; and
- dignitary protection is a resource-hungry

process and so adequate and appropriate risk reduction is critical.

It was suggested an adequate response to dignitary protection can only be achieved with an appropriate level of cooperation centred around resource and information sharing. This was seen to require:

- timely identification of the threat level;
- effective media management; and
- certainty in the designation of responsibility.

Other themes identified at the conference were:

- the importance of the communication process through consultation and briefing; and
- the need for appropriate training/briefing of officers in dignitary protection.

Ultimately it was considered that there is a strong need to find solutions for providing protection which is balanced to the threat, the wishes of the principal, and the purpose of the event.

**Privacy and individual rights versus public interest**

Australia recognises and indeed holds as basic tenets the rights of the individual to freedom of speech and privacy. People are entitled to lawful, peaceful demonstration, however, when reasonable bounds are broken, law enforcement action is generally necessary and justified. Law enforcement in these circumstances involves the exercise of balance between protecting the rights of the individual on one hand, and on the other, ensuring, in the case of visiting dignitaries, that their safety and security is not prejudiced by the actions of individuals.

Banner waving, chanting, or the jostling of dignitaries can result in representations being made about police inaction. On these occasions some principals may question why Australia does not adopt the more draconian powers or responses applied in their countries of origin. It is important that Australia does not over-react to such representations.

Intelligence collection has been and is a key aspect of our law enforcement efforts. While the actions of Police Special Branches and their equivalents have been criticised for monitoring those who exploit legitimate protest or dissent, we must not leave ourselves vulnerable, through ignorance or apathy, to those who turn to violence to further their aims.



*Crowds at the 1996 Olympic soccer final between Argentina and Nigeria played at Athens north of Atlanta. The Sydney 2000 Olympics will bring the world's focus not only to Sydney, but to all of Australia with international dignitaries visiting in the lead up to, and during the Games.*



*“The Games will test us all, and the systems and arrangements we have put in place over the years, to a point where we have not been extended before”.*

A proper balance and regard must of course be maintained between the legitimate exercise of individual rights and the ‘breaching of the barrier’ by individuals where their actions reach a point where an equally legitimate right and public interest comes into play and countermeasures are necessary.

#### Environment

The year 2000, which so recently used to be on the distant horizon, is now only some three years away and closing rapidly. Australia will not only be hosting the largest sporting event on the world’s calendar but about the same time marking the bicentenary of Federation. Depending on political developments, we may also be embracing a republic.

The new millennium will therefore be a milestone in Australia’s history, in more ways than one. While Sydney will be the venue and focus of the 2000 Games, it is Australia as much as Sydney which will be the focus of the world’s attention in the lead up to and staging of the event. Australia will be effectively elevated to the world stage and in so doing will become an ideal place for those, either organised or seeking individual notoriety, to engage in acts aimed at capitalising on international attention.

Dignitaries from all over the world will visit Australia for the Games. Some will be in the internationally protected person category and this will involve a huge demand on human resources. Cooperation at all levels of government will be required to supply the degree of security required for these persons before, during and after the Games. Apart from ongoing daily commitments, the AFP at this stage is planning to have a sizeable, fully trained reserve available to meet contingencies as they arise.

Security planning for the Games themselves is of course primarily an issue for NSW and its Police Service with the blueprint to be approved by the International Olympic Committee.

There are currently eight Games security working groups with Commonwealth representation. These have the daunting task of addressing Intelligence, Communications, Venues, Villages and Sites, Security Volunteers, Training and Equipment, Personal Safety,

Accreditation, and Community Safety.

There has not been a major terrorist incident at an Olympic Games since the Munich Olympics of 1972. However, the historical background associated with that incident, as with a myriad of other international tensions, remains as much an issue today as it was some 25 years ago. The list of causes and issues that could conceivably motivate an act of terrorism in Australia to capitalise on the 2000 Games is endless. We can and must do our collective best to ensure that every effort is made in terms of cooperation and pooling of knowledge, resources and skills to minimise the likelihood of any major hostile act succeeding.

The Games will test us all, and the systems and arrangements we have put in place over the years, to a point where we have not been extended before. We all need to embrace the challenge and not be merely content to see the event safely pass us by or hope that we can escape exposure or scrutiny. It will require a national effort to achieve national success and we will all share, one way or another, in the outcome.

In the wake of the disintegration of the so-called communist bloc there was hope for a ‘new world order’, an expectation of peaceful global coexistence. Yet, if anything, the world is more unstable, more unpredictable as old alliances crumble and new and unfamiliar ones take their place or are in the process of being forged. Nationalism and tribalisms are on the rise, and some states and their boundaries are being dismantled. Amidst this turmoil the anarchist, the terrorist and the psychopath circulate relatively freely, individually or in groups, with deadly purpose, the weapons at their disposal no longer the exclusive property of a properly constituted and regulated military or the once select nuclear ‘club’.

That Australia has thus far eluded the more horrendous acts of terrorism experienced abroad ought not be seen complacently as a measure of our success in prevention, rather it is, more soberingly, a case of finite luck.

#### Notes

1 Frank Honan and Alan Thompson, *Report of 1993 SAC-PAV Review* (Canberra, Department of the Attorney General, 1994) p. 34.

2 *Ibid.*