

Submission to the Independent Review of Aid Effectiveness

Australian Federal Police (AFP), International Deployment Group (IDG)

Supporting the rule of law: The AFP and Official Development Assistance (ODA)

By promoting improved rule of law, the AFP directly supports Australian Government efforts to advance the achievement of Millennium Development Goals (MDGs) in developing countries. Described as the “missing” Millennium Development Goal by the head of the United Nations Office on Drugs and Crime, the rule of law “is not only a goal in itself, it is also a means” of achieving all eight MDGs.¹ In support of this view, recent research based on global comparative data demonstrates strong quantitative associations between weak rule of law and weak government effectiveness, high perceptions of corruption, strong tendencies towards state failure, low human development and low GDP per capita.² As the rule of law is a fundamental precursor of socio-economic development, the AFP places a high priority on police capacity development initiatives in weak and fragile states, particularly - in keeping with the geographic focus of the Australian aid program - in Australia’s immediate region.

While the AFP recognises Government’s renewed focus on ODA expenditure in the areas of health and education, in the absence of basic security, including freedom of movement, the pursuit of improvements in these areas will be neither efficient nor effective. A child cannot attend school if they fear being attacked between home and the school gate. Returns on investment in health, education and other MDGs will therefore be limited without effective and accountable police services to underwrite human security and confidence in the rule of law. To this end, the AFP

¹ UNODC, 2008, Rule of law: A “missing” Millennium Development Goal, available at: <http://www.unodc.org/unodc/en/frontpage/rule-of-law-a-missing-millennium-development-goal.html>, 19 January 2011.

² Murney, T., Crawford, S. and Hider, A., 2011, “Transnational Policing and International Human Development – A Rule of Law Perspective”, *Journal of International Peacekeeping* 15, pp. 39-71. Through a comparison of seven empirical models (using global data sets), Murney et. al. demonstrate strong associations between rule of law and other socio-economic indicators.

believes that ODA expenditure on the law and justice sector should not be reduced in order to accommodate increased expenditure in other areas.

Reflecting Government's recognition that rule of law facilitates development - and the AFP's important contribution to promoting the rule of law offshore - "in terms of financial and operational involvement", the AFP is the largest Government (after AusAID) contributor to Australia's ODA.³ The AFP provides ODA primarily through the International Deployment Group (IDG), which was established in 2004 to promote regional stability and security on behalf of government and to manage Australia's contribution to international peacekeeping missions.

The IDG contributes to international development through both capacity development initiatives in fragile states (e.g. Papua New Guinea, Vanuatu, Tonga, Samoa, Nauru, Timor-Leste) and post-conflict stabilisation and reconstruction (e.g. Solomon Islands, Timor-Leste, Afghanistan). This work is undertaken bilaterally, regionally (RAMSI) and multilaterally, the latter being an important component of Government's commitment to the United Nations. Complementing the work of the IDG, other functional areas of the AFP – most notably Forensics and Data Centres, Serious and Organised Crime, Counter Terrorism and People Smuggling – support police capacity development initiatives in the region and beyond, including significant initiatives such as the Jakarta Centre for Law Enforcement Cooperation (JCLEC).

The IDG was the first and remains one of the only national standing deployable international policing capabilities in the world. It provides the Australian Government with a unique ability to contribute to improved rule of law in developing nations as a means of strengthening efforts to promote the MDGs, while at the same time promoting Australia's national security.

³ The Auditor General, 2010, Audit Report No. 15 2009-10 Performance Audit, *AusAID's management of the expanding Australian aid program*, available at: http://www.anao.gov.au/uploads/documents/2009-10_Audit_Report_15.pdf, 19 January 2010.

Effectiveness and efficiency: The AFP approach

The IDG is dedicated to effectively and efficiently delivering ODA. In the short time since its establishment in 2004, the IDG has acquired significant knowledge about international development by working in partnership with other Australian Government agencies, partner country agencies, civil society, non-government organisations and academic institutions. The IDG's ODA activities are subject to scrutiny through the Annual Review of Development Effectiveness, ODE and AusAID-led reviews of overseas law and justice sector assistance, and internal monitoring and evaluation processes. Due to the innovative nature of its work, the IDG has also been studied and critiqued by a number of scholars, both external and internal.⁴

The AFP, as briefly outlined below, is pursuing increased effectiveness and efficiency of its ODA expenditure through: development of an International Engagement Strategy to guide the prioritisation of offshore activity, including ODA initiatives; utilising academic knowledge to improve practice; strengthening whole of government partnerships and interoperability; and, improving internal evaluation capacity.

*International Engagement Strategy*⁵

In 2010, the AFP developed an International Engagement Strategy (IES), to facilitate whole of organisation decision making about international engagement and maximise the strategic and efficient use of AFP resources. The strategy provides decision makers with an evidence base to inform decisions about international engagement. This is based on

⁴ See for example, Dinnen, S. and McLeod, A., 2008, "The quest for integration: Australian approaches to security and development in the Pacific Islands", *Security Challenges*, 4 (2), pp. 23-43; Goldsmith, A., 2009, "It wasn't like normal policing, voices of Australian police peacekeepers in Operation Serene, Timor-Leste 2006", *Policing and Society*, 19 (2), pp. 119-133; Greener, B., 2009, *The new international policing*, New Hampshire, Palgrave Macmillan; McLeod, A., 2009, "Police capacity development in the Pacific: The challenge of local context", *Policing and Society*, 19 (2), pp. 147-160; Murney, T. and McFarlane, J., "Police development: Confounding challenges for the international community", in P. Grabowsky (ed.), *Community Policing and Peacekeeping*, Boca Raton, FL, CRC Press; Peake, G. and Studdard Brown, K., 2005, "Policebuilding: The International Deployment Group in the Solomon Islands", *International Peacekeeping*, 12 (4), pp. 520-532.

⁵ This document is an internal classified document (Protected).

analysis of the degree to which working with specific countries could assist in the mitigation of threats to Australia's national security. The AFP views capacity development as a key means of mitigating the threat posed to Australia's national security by weak local law enforcement capabilities, particularly in the Pacific region. The IES has positioned the AFP to make evidence-based decisions about where to provide police capacity development assistance so as to maximise the effectiveness of its ODA.

Utilising academic expertise

The AFP recognises the value of critical analysis and research to guide its overseas stabilisation and capacity building activities and has supported a number of Australian Research Council grants in attempts to gain external insights in to key issues. For example, the IDG supported academics at ANU and Flinders University to undertake research on Australian police efforts in the region. This led to fundamental reforms to pre-deployment training, including a greater emphasis on cultural and capacity development training. More recently, the IDG engaged the University of Queensland to develop a toolkit – with a strong emphasis on stakeholder engagement – to assess the impact and effectiveness of its capacity development work.

In addition to supporting collaborations with external academics, the IDG has directly recruited a number of academics to work within its design and evaluation areas, with disciplinary expertise in anthropology, law, psychology and criminology. These academics have assisted the IDG to expand its networks, thereby broadening IDG thinking about its role in promoting the rule of law in developing country contexts. For example, in 2010 a workshop was held in Solomon Islands to facilitate thinking about the ways in which the Participating Police Force could navigate the interface between state and non-state justice mechanisms.

Strengthening whole of government partnerships and interoperability

Strengthening whole of government partnerships, through participation in forums such as the PNG and Pacific Law and Justice Steering Group, is integral to improving the effectiveness and efficiency of the AFP's ODA

initiatives. To this end, the AFP has actively pursued closer relationships with AusAID through the development of a Strategic Partnership Agreement and through the secondment of AFP members in to AusAID and vice versa, including to the Office of Development Effectiveness (ODE). Through secondments, the AFP and AusAID have developed a better understanding of one another's expertise and have increasingly engaged in joint work, such as joint design and evaluation missions, joint development of law and justice schedules to the Pacific Partnerships for Development, and joint collaborations with notable institutions such as the Stimson Center. The AFP has a member working in the Australian Civilian Corps (ACC), and has played an important role in delineating future work of the ACC from that of other capabilities, such as police and military.

The IDG also has secondment arrangements with Defence and the Asia Pacific Civil Military Centre of Excellence, with a view to improving interoperability between not only the AFP and ADF, but rather, between Australian whole of government agencies. In time, it is hoped that these relationships will result in increasingly joined-up work in the ODA arena, resulting in greater effectiveness and efficiency for Government.

Improving internal evaluation capacity

The IDG is cognisant of its responsibility to monitor and maintain quality control over the expenditure of ODA funds, in line with the OECD DAC guidelines. However, measuring the outcomes of police development efforts in developing countries is notoriously difficult. Like others, we are working to improve the way in which we identify linkages between our activities and observable changes in our operating environments, with impact evaluation being particularly challenging. To this end, the AFP-UQ partnership has sought to develop an operationally specific performance measurement framework to assist in the refinement of ongoing IDG business. The framework differs from other widely used performance frameworks due to its emphasis upon the input of local people and other key stakeholders, and its specific applicability to the work of the IDG. Field testing of the framework has commenced in the Republic of the Marshall

Islands and outputs from this process are being used to inform the development of initiatives under the Pacific Police Development Program.

In 2010, the IDG created an evaluation team to undertake evaluations and advise and support mission commanders to create and implement monitoring and evaluation processes. Like the IDG's design and development team, the evaluation team is a multi-disciplinary unit comprising both externally recruited evaluation and country experts, and experienced sworn AFP officers. The IDG has committed significant resources to train internally sourced members of this team, with three members having completed the International Program for Development Evaluation Training through Carlton University, Canada.

As missions are required to report on key measures of effectiveness, the evaluation team is working with missions to ensure that oversight requirements are clearly understood, that suitable monitoring and evaluation processes are developed, and that lessons learned are used to improve mission performance and inform future AFP developmental assistance. In addition, larger missions such as RAMSI have hired external evaluation experts to assist in the development of coherent M&E frameworks that are capable of capturing the breadth of work undertaken in such complex environments.

The AFP and AusAID are increasingly working together to ensure that internal AFP reporting is able to feed in to broader whole of government reporting, such as that required during the Annual Review of Development Effectiveness. So too, the coordination of oversight with other key donors is improving. For example, the mid term review of the Tonga Police Development Programme will be led by the primary partner, NZ aid, with support from the AFP.

Working in the ODA space: AFP Challenges

While the AFP's ability to operate in the ODA space is maturing, a number of challenges remain. First, as a member of the national security community, when operating in the development space, the AFP is required

to simultaneously negotiate two very different policy and operational arenas. Despite the widely acknowledged security-development nexus, in practice the national security and development communities report to different Ministers and separate parliamentary entities (e.g. the National Security Committee), lack shared terminology and understanding of key concepts, and often face competing political imperatives (e.g. domestic versus international).

Adding to this complexity, the breadth of AFP international activities – many of which result in immediate security dividends – makes it difficult to manage stakeholder expectations about the benefits of AFP ODA initiatives. For example, while the IDG's post-conflict stabilisation work (some of which is ODA) generates immediate security improvements for partner countries and Australia, capacity development efforts often take many years to generate demonstrable changes within partner country policing organisations. Significant time is then required before such capacity gains translate in to security dividends, such as improved law and order. Communicating this reality is an ongoing challenge.

Second, as recently highlighted by both the Federal Audit of Police Capabilities and the Independent Review of the AFP International Deployment Group Future Strategy (IFS), existing funding arrangements make it difficult to maintain the IDG's standing deployable capability and difficult to respond flexibly to demand for IDG support. The latter's recommendations, focussing on possible models for a sustainable international policing capability, are currently being considered by Government.

Given the size and scope of its ODA commitment, the AFP is keen to increase its involvement in decision making about whole of government ODA expenditure. Yet this would require a number of alterations to existing practice. Each time an agency submits an ODA eligible New Policy Proposal, it is initially assessed by the Development Effectiveness Steering Committee (DESC) for eligibility. However, no provision is made within ODA forecasts for the continuation of AFP programs beyond their nominal

termination date, despite awareness that law and justice programs are necessarily focussed on long-term commitments to achieve sustainable gains. This has resulted in ODA funding currently allocated to AFP programs being reallocated in the out-years to other initiatives, regardless of the consequences for AFP initiatives. AFP proposals seeking continued funding are therefore considered against available funding for new proposals, rather than against the priorities of the aid program as a whole.

A key step towards integrated planning is greater whole of government representation on the DESC. Although the AFP is the second largest provider of ODA, AFP participation in DESC deliberations pertaining to AFP proposals has only been secured following senior representations to AusAID. This is despite the DESC's terms of reference, which include provision for co-opting agencies intending to carry forward proposals. Similarly, while a comparable provision exists in the terms of reference for the Development Effectiveness Working Group (DEWG), the AFP has not been systematically afforded an opportunity to be represented at DEWG meetings. This has resulted in the AFP having to proactively meet information gaps which could have been routinely addressed by this forum.

The AFP suggests that consideration be given to the ways in which agencies can participate in discussions and decisions about the effectiveness, appropriateness and alignment of the aid program with broader national interests. Consideration should also be given to the means through which agencies that do not report to the Foreign Minister can obtain greater visibility of Ministerial direction and influence Ministerial thinking about their respective areas of expertise.

Government's commitment to increase the aid budget to 0.5% of Gross National Income (GNI) by 2015 presents the ideal opportunity to initiate such thinking. If increased AFP involvement in the DESC process is not possible, the AFP would welcome the opportunity to engage in strategic

decisions about ODA expenditure through an alternative senior-level mechanism.

Recommendations

In keeping with the above comments, the AFP offers the following recommendations:

- In acknowledging that rule of law is integral to the achievement of the MDGs, Government should ensure that the aid program's focus on health and education does not result in reduced expenditure on support to the law and justice sector.
- In acknowledging the significant ODA role of the IDG, Government should consider the type of deployable international policing capability that Australia wishes to maintain in to the future.
- In acknowledging the significant ODA role of the IDG, AusAID should consider the expansion of DESC and DEWG representation to enable adequate AFP participation.
- In light of Government's intended expansion of the aid program, consideration should be given to broader involvement in processes that influence the shape and alignment of the Australian aid program.