Submission to the:

Independent review of aid effectiveness

by James Ricketson, film producer

29th, Jan 2011

In 16 years of experience in Cambodia, in my capacity as a documentary filmmaker, I have yet to see evidence that Australian foreign aid has reduced the poverty of even one Cambodian. This is not to say that it has not happened. It may have, but if such a person exists, if there are indeed many Cambodians whose lives have been improved as a result of Australian foreign aid, I am not allowed, as a member of the media, to know who they are or anything about the programs that have helped the. Herein, for me as a filmmaker and journalist, lies the problem: the Department of Foreign Affairs and AusAID operate with such a lack of transparency and accountability (in areas where there are no matters of national security at stake) as to make it impossible to independently gauge the effectiveness of programs that purportedly alleviate poverty.

My submission is made up of three letters: two to Prime Minister Julia Gillard and one to Foreign Minister Kevid Rudd. They speak for themselves. I have not received acknowledgement of receipt of these letters nor answers to the many questions contained in them. I have included only three of more than 20 letters I have written this past couple of years in my attempts to get answers to questions. These will be sufficient, however, to back up my main concern in making this submission – namely that there is no mechanism whereby documentary filmmakers and journalists such as myself can access AusAID programs in such a way as to present members of the Australian public with the facts they need to make their own judgement regarding the effectiveness or otherwise of Australian aid.

My dealings with both AusAID and DFAT or, should I say, my attempts to communicate with both and acquire answers to questions, give me little confidence that, in the case of Cambodia, that "this significant investment (foreign aid) is both effective and efficient in fulfilling its objectives." I would be delighted to be proven wrong but this would require evidence and not merely rhetoric and motherhood statements of the kind that AusAID and DFAT customarily make. I would need to see, for myself, and be able to film, those programs worldwide that are being carried out in the name of Australian tax-payers and which are claimed to be alleviating poverty and achieving other stated goals. In the absence of audio-visual evidence of the efficacy of AusAID programs members of the Australian public can quite justifiably ask: "Why are we not allowed to know how our tax-dollars are being spent on foreign aid?" Needless to say, the same should apply for other filmmakers and journalists.

In fairness to the office of the Minister for Foreign Affairs I have had several conversations on the telephone (and via email) with one member of Mr Rudd's staff and these seemed to me at the time to be constructive. However, when the time came to get answers to my questions, half were not answered at all and the other half resulted in motherhood statements or the re-wording of information to be found on AusAID and DFAT websites. My second attempt to get answers to my questions was likewise met with more expanded motherhood statements, obfuscation and spin. The answers to two of my questions speak for themselves of AusAID's and DFAT's commitment to transparency and accountability:

Would it be possible for a representative of AusAID to speak to camera about the role it plays in Cambodia?

No.

Would it be possible for this person to speak to camera on location in Cambodia?

No.

The following statement is, in my experience, an example of the kind of motherhood statement that I have become accustomed to hearing from AusAID and DFAT:

"AusAID, the lead agency within the Government on the aid program, has rigorous systems and processes in place to ensure that the aid program is well managed and prioritised."

The drowning of the two children in Cambodia in may last year (see letters below) provides clear evidence that AusAID does **not** have rigorous systems and processes in place to ensure that aid programs are well managed – at least not in Cambodia. Giving AusAID the benefit of the doubt, however, perhaps these drownings are just one isolated instance in which the 'rigorous systems' have failed, but how is the Australian public to know if AusAID-plays its cards so close to its chest that filmmakers and journalists are unable to get any information from it about AusAID programs; if we in the media are unable to see these programs in action? How can the Australian public know where the truth lies if no representative from AusAID will make him or herself available to be interviewed for either a documentary such as my own or an investigative journalist's piece? How can we in the media uncover facts that are pertinent to an understanding of how foreign aid is spent if neither the Minister for Foreign Affairs nor the Prime Minister will even acknowledge receipt of letters, let alone provide answers to the questions contained in them?

If, when the Independent Review of Aid Effectiveness hands down its findings and recommendations, the Australian media continues to be stonewalled in the way I have been, if AusAID projects are off limits to the media, the review will, in terms of transparency and accountability, have been a waste of time, effort and money and yet another exercise in government spin. If the review contains motherhood statements such as "AusAID has rigorous systems and processes in place to ensure that the aid program is well managed and prioritized" and if we in the media are not allowed to know what these systems and processes are and see evidence of their efficacy, why should the Australian public have confidence that its foreign aid monies are being well spent and not being wasted or finding their way into the pockets of corrupt government officials not just in Cambodia but elsewhere in the world?

I imagine that those Australian NGOs and businesses that are recipients and beneficiaries of foreign aid will, in this review, not only be singing the praises of AusAID and DFAT but providing cogent reasons why it should be increased. How many of these NGOs and businesses, however, are prepared to provide the media with access to their programs; allow the media to scrutinize the way in which they spend AusAID money. Without such independent scrutiny the Australian public has good reason to be sceptical as regards how its tax dollars are spent.

I trust that one result of this review may be that it is recommended to the Prime Minister and Minister for Foreign Affairs that they acknowledge receipt of letters from filmmakers and journalists; that they answer questions and that they allow the media access to AusAID programs or good reasons why such access is being denied.

My submission begins with my 6th letter to The Hon Kevin Rudd MP dated 9th. Dec. 2010, followed by my letters to Prime Minister Gillard dated 13th Dec 2010 and 14th Jan 2011:

The Hon Kevin Rudd MP
Minister for Foreign Affairs
PO Box 6022
Parliament House
Canberra ACT 2600 9th. Dec. 2010

Dear Minister

Further to my letters of 13th and 28th. September, 8th. October, 10th and 17th. Nov.

This is the 20th letter I have written regarding my documentary LOSING GROUND – eight to Margaret Adamson (Australia's Ambassador to Cambodia), four to Foreign Minister Stephen Smith, five to yourself and two to Prime Minister Julia Gillard. The net result of my attempts over 18 months to secure the co-operation of Foreign Affairs in my documentary is as follows:

- (1) No representative of AusAID or Foreign Affairs will appear on camera to talk about Australian aid to that country
- (2) It will not be possible to include in my documentary any footage shot by myself that is a record of how Australian aid money is being spent in Cambodia.

Given that Australia provides \$800 million in Official Development Assistance (ODA) to other countries, the question arises: "Is there any ODA program or initiative anywhere in the world that I would be able to document and include in LOSING GROUND as an example of how Australian aid money is spent?" If the answer is 'no' my next question is, "Why not?" There are no questions of national security involved in aid programs intended to alleviate poverty, reduce the danger of land mines, improve delivery of health services, encourage good governance etc. The audience for LOSING GROUND will, quite justifiably, wonder why it is not allowed to know how its tax dollars are being spent in foreign aid of this kind. Why must this \$800 million be spent in such secrecy?

I asked the following question of Foreign Affairs on 6th. Dec.: "Why is it not possible to film any of the foreign aid initiatives undertaken by AusAID and Foreign Affairs in Cambodia?" I have received no response so I would like to put the question directly to you, as Foreign Minister. If there is a good reason why filming cannot occur? I think the audience for LOSING GROUND would like to know what it is; that the audience has a right to know. In the absence of an answer to this question I believe serious questions relating to transparency and accountability arise in relation to the way in which Australia delivers foreign aid.

In the answers provided to me by Foreign Affairs, dated 3rd. Nov., the following is to be found: "Like many countries emerging from conflict and instability, Cambodia does have a corruption problem that is a constraint on its development." This comment raises some questions pertinent to LOSING GROUND. What 'conflict and instability' is being referred to here? Cambodia's civil war ended in 1975, the Pol Pot regime ended in 1979 and Cambodia has been a fully fledged multi-party democracy since 1993. In whatever way you choose to define 'conflict and instability', Cambodia has been conflict free and stable for at least 17 years now.

Hun Sen has been prime minister of the country since 1985 (the longest serving Prime Minister in the world) and Cambodia in receipt of billions of dollars of foreign aid during a period when tens of thousands of poor Cambodians have been dispossessed of their homes and land in contravention of Cambodia's own laws. The massive scale of this corruption is well recognized and yet DFAT sees fit to provide an excuse of sorts for this behaviour on the part of the Cambodian government: the country is still emerging from 'conflict and instability'. Is there a statute of limitations here? Is there a point at which the 'conflict and instability' excuse simply won't wash and the Cambodian government will be held accountable for its actions? This question will, no doubt, arise in the minds of the audience. At present there is no answer that LOSING GROUND can provide.

On 6th. Dec. I wrote the following to Foreign Affairs: "I have one last supplementary question relating to 'land-grabbing'. The 3rd. Dec DFAT answers include the following: "The Embassy in Phnom Penh also joined a World Bank-led donor statement on 16 July 2009 calling for a halt to forced relocations until a fair and transparent mechanism for resolving land disputes was put in place." The donor statement being referred to was not released until around 8 hours before the forced G78 evictions took place – at a time when military personnel were parked in the street. My question is: "Do Australia and the international donor community believe that "fair and transparent mechanisms for resolving land disputes" are now in place in Cambodia?

If the answer to this is 'no' (and all the evidence suggests that this is the case) and if "DFAT does not take a position on the legal judgments in domestic courts in Cambodia" (from 3rd. Dec. DFAT document sent to me) what is the audience for LOSING GROUND to make of the following statement: "Australia's aid programs have in place rigorous quality and fiduciary systems to protect against corruption. AusAID conducts regular monitoring and evaluation of all aid activities to ensure they are being delivered effectively." If this is so, how is it that the community in which the two children drowned had no potable water or electricity? And, if DFAT does not take a legal position, what leverage does it have when corruption has clearly occurred? The Cambodian government was contractually obliged to provide water and electricity to the above mentioned community. The Cambodian government was in breach of its contract, but with DFAT not taking a position in legal judgments, what power does DFAT have to insist that Australian aid is spent as it should be? It certainly seems, from the answers provided by DFAT, that the best Australia could do in the case of the drowning deaths of these two children was to send "an AusAID funded Resettlement Expert visited Cambodia during November" – 6 months after the deaths of Hut Heap and Hut Hoeb! In the 3rd. Dec. document sent to me by AusAID is to be found the following: "AusAID understands that different reasons have been put forward for why the children went to the pond in which they drowned." This answer fails to address the really important question: "Why was it that this community had been resettled, in a process funded by Australia to the tune of \$21 million, with no access to potable water - leaving this pond as the only source of water for the community?" Given that the investigation into the deaths of the children was conducted by the Cambodian government, whose responsibility it was to provide water and electricity, it is unsurprising that the investigation did not point the finger of blame at itself! Will DFAT, the ADB or the Cambodian government be providing any form of compensation to the family of the children that drowned?

It will be difficult for the audience of LOSING GROUND to reconcile the drowning of the two children with AusAID's insistence that "The Australian Government has rigorous measures in place to make sure Australian aid is effective and used for its intended purpose."

I have written to the Prime Minster in relation to LOSING GROUND twice now – on 20th. Oct. and 10th. Nov 2010. I hope that it will not be necessary to write a third time; that I will receive answers from you to the questions I have asked in this letter . I hope also that you will give me permission to film AusAID funded projects in Cambodia and to have someone from Foreign Affairs speak to camera for my documentary LOSING GROUND about the ways in which \$800 million of ODA is spent in Cambodia and elsewhere in the world.

best wishes

James Ricketson

Julia Gillard MP Prime Minister Parliament House Canberra, ACT 2600

13th. Dec. 2010

Dear Prime Minister

Further to my letters of 20th. Oct. and 10th Nov.

Foreign Minister Kevin Rudd has not applied his micro managing skills to dealing with any of the six letters I have written to him this past few months. Hence this letter to you.

Eight days after my 10th Nov letter to you I did received a phone call from Mr. Rudd's office. It was the first of several. I was assured that I would definitely receive answers to the many questions I had been asking of Foreign Affairs for 18 months. Two weeks later I received answers of sorts and I will include these in my documentary LOSING GROUND, though I think that they will be considered less than satisfactory by the TV audience. I was also informed by DFAT that my request for representatives from AusAID and Foreign Affairs to speak to camera had been denied and that I would not be able to document with my camera, for LOSING GROUND, any of the various initiatives and programs being conducted by AusAID and Foreign Affairs in Cambodia.

Curious to know whether I would be able to document **any** of the Official Development Assistance (ODA) programs funded by Australian tax-payers to the tune of \$800 million per annum anywhere in the world, I put the question to Mr. Rudd in my letter of 9th. Dec. (enclosed).

Given that Mr Rudd has not responded to any of my letters (nor even acknowledged receipt of them), perhaps I could ask your office if it would be possible to document any of the ODA programs being conducted anywhere in the world. If the answer is 'no' I am curious to know (as indeed will be the audience for LOSNG GROUND) why this should be so. Surely there are no national security issues involved in how Australian aid is spent. What purpose is served by denying the Australian public the right to know how ODA money is being spent to alleviate poverty, improve the delivery of medical services etc?

I trust that you will see fit to allow me to document the good work being done through the ODA programs and initiatives and to have some representative of your government speak to camera about it for my documentary.

yours sincerely

James Ricketson cc Kevin Rudd, MP Julia Gillard MP Prime Minister Parliament House Canberra, ACT 2600

14th. Jan 2011

Dear Prime Minister

Further to my letters of 20th. Oct, 10th Nov and 13th. Dec.

In Nov. 2009, in relation to education reform, you said, "Today I want to talk about our drive to create a new era of transparency." When asked if you hoped the new My School website would pressure some institutions into lifting their standards, you replied:

"Transparency does place pressure on people. Pressure to improve, that's a good kind of pressure."

Why does this same spirit of transparency not apply to the delivery of foreign aid? Might not the pressure applied to DFAT and AusAID by transparency likewise lead both to improve the delivery of services? Why is it impossible to find out, in any but the most vague and generalized way, what Official Development Assistance (ODA) programs worldwide are being paid for in full or in part by the Australian tax-payers? Why not allow the Australian public decide for themselves, on the basis of information provided to them, in this instance, my documentary 'Losing Ground', just how effectively Australian aid is being spent through ODA programs?

On 9th. Dec. I asked Mr Rudd:

"Is there any ODA program or initiative anywhere in the world that I would be able to document and include in LOSING GROUND as an example of how Australian aid money is spent?"

I received no response (or even acknowledgement of receipt of my letter) though I was informed by AusAID that the answer to my filming request was no. I asked why. I received no response. It is a waste of time writing to Mr Rudd. He neither acknowledges receipt of letters nor answers questions.

In writing to senior members of your government and its bureaucracy I have become familiar with the modus operandi applied to questions they do not wish to answer: (1) Ignore letters and emails for as long as possible, (2) Have the woman at the front desk (sometimes a man but not often) say, "I'll get someone to call you back." No-one ever does. (3) If the questioner has not given up by now (after more than 20 letters, in this instance) get some junior member of the Minister's office to call and apologize for the lack of response to date, make an excuse and promise a response shortly, (4) Provide the questioner with motherhood answers to questions that are merely a rewording of the motherhood statements to be found on the relevant Ministry's website, (5) If the questioner persists, insists on answers, not spin, offer responses such as the following, in relation to corruption in Cambodia:

"Like many countries emerging from conflict and instability, Cambodia does have a corruption problem that is a constraint on its development."

At this point the questioner, the seeker after dialogue, with some familiarity of the history of that country asks:

"What 'conflict and instability' is being referred to here? Cambodia's civil war ended in 1975, the Pol Pot regime ended in 1979 and Cambodia has been a fully

fledged multi-party democracy since 1993. In whatever way you choose to define 'conflict and instability', Cambodia has been conflict free and stable for at least 17 years now. Hun Sen has been prime minister of the country since 1985 (the longest serving Prime Minister in the world) and Cambodia in receipt of billions of dollars of foreign aid during a period when tens of thousands of poor Cambodians have been dispossessed of their homes and land in contravention of Cambodia's own laws. The massive scale of this corruption is well recognized and yet DFAT sees fit to provide an excuse of sorts for this behavior on the part of the Cambodian government: the country is still emerging from 'conflict and instability'. Is there a statute of limitations here? Is there a point at which the 'conflict and instability' excuse simply won't wash and the Cambodian government will be held accountable for its actions? This question will, no doubt, arise in the minds of the audience?"

To such questions - explicit and implicit – I have received no response and it occurs to me why it is that DFAT and AusAID prefers not to answer questions. The problem with questions is that if they are answered they may give rise to more questions and (God forbid!) dialogue. And dialogue, if conducted with appropriate transparency and a respect for facts (as opposed to 'spin') has the potential to lead to questions such as those I have been asking for which there is no answer that reflects well on either either AusAID or DFAT. Questions like:

"If the Cambodian government cannot be held accountable for its actions as a result of events of 17 years ago, how many years must DFAT and AusAID wait before the government can be held accountable?"

Twenty years? Twenty five?

Another example of this dynamic (one question leading to another) is to be found in an incident a couple of years ago that went largely unreported in the Australian media: a well-established community of long standing, living alongside the newly built Australian Embassy in Phnom Penh being illegally evicted from their homes at gunpoint – an event that I filmed. In the long build-up to this eviction the Australian Embassy and the Department of Foreign Affairs said and did nothing to support the community or to prevent this illegal eviction from occurring. Eighteen months later DFAT explained its actions thus:

"The Embassy in Phnom Penh also joined a World Bank-led donor statement on 16th July 2009 calling for a halt to forced relocations until a fair and transparent mechanism for resolving land disputes was put in place."

What DFAT fails to acknowledge is that the 16th. July statement was not released until around 8 hours before the forced illegal eviction of the Australian embassy's neighbors took place – at a time when military personnel were parked in the street, along with dozens of men with crow bars, and sledge hammers. The Australian Embassy's limp wristed wringing of diplomatic hands was long overdue. The horse had well and truly bolted. By the end of the day the community had been destroyed – overseen by AK-47 and plexi-glass shield wielding soldiers. Such illegal evictions continue today with monotonous regularity. Given that Australia continues to provide aid to Cambodia, my next question for Mr Rudd in December was:

"Do Australia and the international donor community believe that 'fair and transparent mechanisms for resolving land disputes' are now in place in Cambodia?"

If the answer to this is 'no' (and all the evidence suggests that this is the case) and if "DFAT does not take a position on the legal judgments in domestic courts in Cambodia" (such as the case brought by the community of Australian Embassy neighbors to prevent their illegal eviction) what is the audience for LOSING GROUND to make of the following AusAID statement:

"Australia's aid programs have in place rigorous quality and fiduciary systems to protect against corruption. AusAID conducts regular monitoring and evaluation of all aid activities to ensure they are being delivered effectively. If this is so, how is it that the community in which the two children drowned had no potable water or electricity? And, if DFAT does not take a legal position, what leverage does it have when corruption has clearly occurred? The Cambodian government was contractually obliged to provide water and electricity to the above mentioned community. The Cambodian government was in breach of its contract, but with DFAT not taking a position in legal judgments, what power does DFAT have to insist that Australian aid is spent as it should be?

Mr Rudd has nor responded to these questions in any way and I ask you, Prime Minister, to ask him to do so or, if he refuses, (he certainly seems a law unto himself!) ask someone in your own office to do so. There are no questions of national security involved here, though there are questions relating to the difference between AusAID and DFAT rhetoric (spin!) and what occurs in reality.

It certainly seems, from the information provided by DFAT, that the best Australia could do in the case of the drowning deaths of these two children was to send "an AusAID funded Resettlement Expert visited Cambodia during November" – 6 months after the deaths of Hut Heap and Hut Hoeb!" \$21 million of Australian tax-payer's money was spent on a program that included the incompetently implemented relocation of an entire community and (indirectly at least) in the deaths of two children and it takes six months to send in a Resettlement Expert! Why did the 'Expert' not look at the relocation site BEFORE the community was moved to it?

Is it unreasonable, Prime Minister, for me to be asking these questions on behalf of the audience for 'Losing Ground'? Given your oft professed commitment to transparency and accountability, what is the audience to make of your government's refusal to answer questions about how foreign aid monies are spent; its refusal to allow any filming to occur; its attempt to forestall any dialogue at all that raises awkward questions about foreign aid.

What started out as a documentary to look, in an even-handed way, at the role that Australia plays (on both a governmental and private enterprise level) in the development of Cambodia has become, alas, a film about the impossibility of getting public servants within AusAID and DFAT, at any level, to answer any questions at all about the way in which Australian tax-payers dollars are spent in third world countries such as Cambodia. Why is transparency a good thing when it comes to education and not a good thing when it comes to the delivery of foreign aid?

I am sure that that part of the Australian public interested to know how its \$800 million dollars are being spent **would** be interested that AusAID and DFAT are:

"focusing on reducing poverty and ... helping people in need. Addressing these needs and pressing for improved human rights and a fairer, more transparent justice system."

I feel sure that the Australian public **would** be pleased to see (and so be reassured) that its tax dollars were being spent on such initiatives. The same goes for the "Cambodia Agriculture Value Chain Program (which) uses the private sector to improve agricultural production..." and AusAID's support focusing "on enhancing government effectiveness, building accountability, supporting democratic institutions and processes..." And in encouraging "better public financial management and efforts to empower Cambodia's citizens and civil society to work constructively with government and hold it accountable..." Then there is Australian aid "helping to improve agriculture production, the health of women and children, transport infrastructure and to promote a fair and transparent law and justice system in Cambodia." And Australian aid recognising "the importance of human

rights to development and (being) committed to promoting and protecting all human rights – civil, political, economic, social and cultural..."

These are all positive and worthy initiatives and ones that I would like to include in 'Losing Ground' so that the Australian audience can see its tax-dollars at work. It is very difficult to do justice to such schemes and initiatives if I am unable to document any of them. What purpose is served by denying the Australian public the right to know how ODA money is being spent to alleviate poverty, improve the delivery of medical services etc?

Why does your government seek to keep them secret? To do so makes it seem that all these declared positive initiatives contain more spin than substance – thus providing conspiracy theorists with ammunition in their argument that foreign aid's primary purpose is to grease the wheels of industry; to open doors for (in the case of Cambodia) mining and agribusiness companies.

In my last email to Mr Rudd's office, last December, I asked "could you please send me a list of all the ODA projects worldwide that I am not allowed to film?" I received, of course, no response. Could I rephrase the question and ask it of you: "Could I please be provided with a list of all the ODA projects, schemes, initiatives being funded, through AusAID and DFAT by the Australian tax-payer?" If the audience is not allowed to see its tax-dollars at work it should at least, surely, be able to view a list of the programs that AusAID and DFAT are funding – either in part or in full!

I ask again that you override Mr Rudd's decision to allow no filming to occur, no questions to be asked on camera and no answers given. Yes, I will look with a critical eye, in 'Losing Ground' at the effectiveness of Australian aid in achieving its stated goals. That's my job. I will, however, also be documenting the good work being done through the ODA programs and initiatives if, that is I am allowed to document them.

In the production of LOSING GROUND I must, of course, present a balanced view of the subject matter in hand. This is made difficult, in the case of Foreign Affairs and AusAID, if I don't have answers to questions. It is not impossible, however. AusAID's and DFAT's presence in 'Losing Ground' could well be their absence – all the questions that I would like to put to AusAID and DFAT put to others with extensive experience in the aid business who can either guess how AusAID and DFAT might answer the questions or provide reasons why they think Australia wishes to keep its ODA programs secret. And, if AusAID and DFAT continue to refuse to allow me to film ODA projects, I will film some of them anyway until I am chased away – leaving the audience to wonder "Why on earth the secrecy?" I am hoping that such guerrilla filmmaking will not be necessary and that you will encourage Mr Rudd to act in accordance with the transparency that you repeatedly declare your government to be committed to.

best wishes

James Ricketson cc Minister for Foreign Affairs, the Hon Kevin Rudd