



Australian Government

Attorney-General's Department

**Indo-Pacific Justice and Security Program
2017-18**

Program Design

ACHIEVING A JUST AND SECURE SOCIETY

Contents

1. Executive Summary	3
2. Analysis and Strategic Context	4
a) Strategic Context	4
b) AGD's record on strengthening justice and security in the Indo-Pacific.....	11
3. Program description	14
a) IP-JuSP program goal.....	14
b) IP-JuSP end of program and intermediate outcomes.....	15
c) IP-JuSP work plan 2017/18.....	16
d) AGD's program delivery approach.....	17
e) Resources	20
4. Program Implementation.....	22
a) AGD IP-JuSP program management	22
b) DFAT IP-JuSP program management	23
c) Reporting.....	24
d) IP-JuSP program governance.....	24
e) Monitoring and evaluation.....	25
f) Risk management	26
g) Gender equality	28
Annexure A – IP-JuSP Program Logic.....	29
Annexure B – IP-JuSP Thematic Areas of Engagement.....	31
Annexure C – IP-JuSP Work Plan 2017/18	35
Annexure D – IP-JuSP Role Descriptions.....	53
Annexure E – Risk Register	61

1. Executive Summary

The **Indo-Pacific Justice and Security Program (IP-JuSP)** will continue the Attorney-General's Department's (AGD) justice and security programming focused mainly in Asia. AGD has provided demand-driven technical assistance and capacity building to law and justice agencies in key partner countries in the Indo-Pacific for over twenty years, predominantly to address transnational crime and other security related threats.

IP-JuSP's goal is strengthened legal systems, contributing to effective governance and stability, in the Indo-Pacific region. Consistent with the Australian Government's Aid Policy, this support for effective law and justice systems helps to strengthen effective governance, recognised as being essential for state stability, and providing the foundations for economic growth, private sector investment, human development and community safety.¹

AGD partners with counterpart law and justice agencies in the region by working alongside them to support practical improvements to legal and policy frameworks, and support the effective implementation of those frameworks. This recognises the development benefits of a 'problem solving' approach to technical assistance, by which AGD assists counterpart agencies to tackle challenges which they regard as priorities, in support of the economic development and welfare of their own countries.

IP-JuSP seeks to achieve the following **outcomes** in partner Indo-Pacific countries:

1. Improved policies and legal frameworks to address transnational crime and violent extremism; and
2. More effective implementation of policies and legal frameworks to address transnational crime and violent extremism.

IP-JuSP is a four year Official Development Assistance (ODA) program (2017/18 to 2020/21), with projects to be determined on a 12 month rolling basis by a DFAT/AGD Steering Committee, and subject to a cap of annual funding of \$4 million. This joint governance model combines the aid and foreign policy expertise of DFAT with the technical capabilities and strong networks of AGD in the region to provide flexibility to respond quickly to emerging justice and security development opportunities in key partner countries.

Our **key partners** in the first year will be Thailand, Indonesia, Malaysia, Vietnam, Pakistan, Sri Lanka, Cambodia and the Philippines, consistent with existing AGD engagement. However, we envisage that engagement with partner countries will evolve over the life of the program.

In the first year of IP-JuSP, the focus of our engagement to enhance policy and legal frameworks will continue to be on the following transnational crime types: **financial crime and addressing illicit financial flows, exploitative irregular migration, international crime cooperation** (extradition and mutual legal assistance), and efforts to **address violent extremism**. However over the life of the program, this could evolve to support emerging legal developments in other areas of transnational

¹ Department of Foreign Affairs and Trade, *Australian Aid: promoting prosperity, reducing poverty, enhancing stability*, 2014, p.7.

crime which affect both the development trajectories of Australia's partner countries and Australian national interests — for example, illicit drugs and cybercrime.

Most of AGD's projects with partners in the region to address violent extremism (and our broader program of work with Indonesian partners on transnational crime including violent extremism and accessibility of laws) will be funded from AGD's existing resources and under DFAT's new Australia-Indonesia Partnership for Justice 2017-21 (AIPJ II).

In this proposal, AGD is seeking ODA funding for ODA eligible activities in support of law and justice institutions and their systems and procedures. This will involve improvements to transnational crime legal and policy frameworks and support for the effective implementation of those frameworks, including improving good governance and accountability. It will also involve some projects focused on addressing violent extremism.

Program risks include loss of support in partner agencies or governments for program projects and partner agencies being ineffective in the implementation of new laws, policies or operational practices. These risks will be addressed by ensuring that the program delivers demand-driven projects which are carefully tailored to the local context. AGD will offer support throughout the development and implementation of reforms, and work with a wide range of stakeholders to ensure that support and traction for reforms is maintained. Additionally AGD will engage regularly with senior agency leaders, to ensure visibility of the projects and why they matter, in order to maintain program momentum. Where appropriate, AGD and DFAT will also engage with relevant political-level leaders to ensure effective implementation of the initiative, and also encourage other Australian Government agencies and key stakeholders to do so.

2. Analysis and Strategic Context

a) Strategic Context

Threats to security, stability and development in the Indo-Pacific region

Effective and accountable state institutions are an essential foundation for inclusive economic growth and human development, and a buffer against state fragility. Maintaining the stability and security of states in the Indo-Pacific region requires capable state institutions that can deal effectively with the corrosive impacts of corruption, serious and organised crime, transnational crime and violent extremism.

The Indo-Pacific region is prone to a range of justice and security threats which the international community has recognised through the Sustainable Development Goals as core development issues. Law and justice capacity building work will improve and promote access to justice and effective and accountable institutions (Goal 16); illicit financial flows and other transnational crimes limit inclusive and sustainable economic growth (Goal 8); and efforts to increase partner countries capability to respond to crimes that threaten physical safety, including human trafficking and violent extremism, will increase the safety of cities and human settlements (Goal 11).

At least a dozen of the targets set under the Sustainable Development Goals relate to major transnational and organised crime issues affecting partner countries in the Indo-Pacific region, including:

- 3.5 (narcotics);
- 3.7 (sex trafficking);
- 5.2 (women and girls / trafficking);
- 8.7 (child labour);
- 10.5 (global financial markets);
- 10.7 (migration / organised immigration crime);
- 11.3 (safety and resilience);
- 15.7 (international wildlife trafficking);
- 16.1 (organised crime);
- 16.2 (exploitation of children);
- 16.4 (reduce illicit financial flows);
- 16.5 (reduce corruption and bribery); and
- 16a (strengthen relevant national institutions, including through international cooperation, for building capacity at all levels, in particular in developing countries, to prevent violence and combat terrorism and crime).

Through IP-JuSP, AGD seeks to support countries in the Indo-Pacific region to strengthen legal and policy approaches to address transnational crime and violent extremism. These issues threaten development outcomes by reducing government revenues, undermining the integrity of financial, political and social institutions, eroding state agencies and undermining public confidence in the state, threatening public safety and security and leading to human rights violations. It is estimated that, in developing countries, illicit financial flows (money earned, transferred or used in contravention of existing law) exceed ODA levels.² Given this, it is important that our regional counterpart law and justice institutions are able to more effectively combat financial and transnational crime and other emerging threats to their security, stability, economic growth and welfare.

Transnational crime threats in the region are being fuelled by a number of emerging trends. The most significant of these is recent rapid developments in technology that have resulted in the increased ease of movement of people, goods, finance, information and ideas across national borders. Technology is fuelling new ways to commit old crimes, as well as facilitating new crimes, which often have transnational elements or are committed through electronic means by organised criminal gangs operating across state boundaries. For example, Asia is allegedly the source of over 50% of distributed denial of service attacks.³ Changes in technology are posing challenges for the region's law and justice agencies that must update legal frameworks, and develop new skills and ways of working to respond to these emerging threats to their citizens. These challenges require

² The World Bank, *World Development Report 2017: Governance and the Law*, <http://www.worldbank.org/en/publication/wdr2017>, 2017, p 278.

³ Europol, *IOTCA 2016 – Internet Organised Crime Threat Assessment*, <https://www.europol.europa.eu/activities-services/main-reports/internet-organised-crime-threat-assessment-iocta-2016>, p60.

whole-of-government responses involving justice agencies, law enforcement and border agencies, prosecution services and the judiciary.

The impact of changing technology is also exacerbated by geopolitical factors increasing violent extremism in the region. The number of terrorism incidents in the Asia-Pacific has approximately tripled in the last 10 years.⁴ As outlined in DFAT's *Development Approaches to Countering Violent Extremism*, violent extremism can create ungoverned spaces which facilitate the movement of money, drugs, arms and people.⁵

Increased opportunities for mobility amongst populations also increases the vulnerability of citizens in the region to exploitation by organised crime, including through labour exploitation, human trafficking and people smuggling. The United Nations estimates that between 2000 and 2015, Asia added more international migrants than anywhere else in the world, and now hosts 30 percent (75 million) of all international migrants.⁶ However, the Asia-Pacific region hosts the largest undocumented flows of migrants in the world, mainly between neighbouring countries.⁷

These trends pose unique challenges to the societies and economies in our region. In Southeast Asia, new opportunities for criminal syndicates are emerging from the increased integration of economies, the establishment of new transport links, the upgrade in infrastructure and rapid advances in cyber connectivity between the ASEAN economies and with India and China. Transnational crime in Southeast Asia is fast becoming the most pressing non-traditional security challenge after terrorism.

The key thematic areas for engagement in IP-JuSP have been chosen with reference to the impact of these threats on the development of countries in the Indo-Pacific region; the demands of partner countries; and the areas of policy expertise of AGD officers. As such, all AGD projects are demand driven, designed to meet the requests and priority needs of counterpart agencies.

Exploitative irregular migration remains a major regional concern. In 2014, more East Asian victims of cross-border trafficking were detected than any other region of the world.⁸ The International Labour Organisation estimates that the Asia-Pacific region accounts for by far the largest number of forced labourers, approximately 56% of the global total.⁹ Similarly, the Walk Free Foundation's Global Slavery Index estimates that two thirds of the world's 45.8 million people in modern slavery

⁴ National Consortium for the Study of Terrorism and Responses to Terrorism (START) 2016, <https://www.start.umd.edu/gtd>.

⁵ DFAT, *Development Approaches to Countering Violent Extremism*, p1.

⁶ United Nations, *Population Facts – trends in international migration, 2015*, <http://www.un.org/en/development/desa/population/migration/publications/populationfacts/docs/MigrationPopFacts20154.pdf>

⁷ International Organisation for Migration, *Asia and the Pacific*, <https://www.iom.int/asia-and-pacific>

⁸ United Nations Office on Drugs and Crime, *Global Report on Trafficking in Persons*, https://www.unodc.org/documents/data-and-analysis/glotip/2016_Global_Report_on_Trafficking_in_Persons.pdf, 2016, p 46.

⁹ ILO Special Action Programme to Combat Forced Labour, *ILO 2012 Global Estimate of Forced Labour Executive Summary*, http://www.ilo.org/wcmsp5/groups/public/@ed_norm/@declaration/documents/publication/wcms_181953.pdf, 2012, p 2.

are located in the Asia-Pacific.¹⁰ Given the growing scale and complexity of irregular migration challenges, involving human rights abuses and other exploitation of migrants and asylum seekers at the hands of people smugglers and human traffickers, Asian people smuggling and human trafficking syndicates are often inter-twined.¹¹ Irregular migration poses social, economic, and security challenges for affected countries, as well as causing human suffering for those involved. There are also often links between people smuggling and trafficking and other serious organised crimes, such as money laundering and corruption. The work of organised criminal gangs can undermine the rule of law and regional stability, as shown by the Andaman Sea crisis in 2015, where some 8,000 people were stranded at sea, and around 370 are believed to have died.¹² The crisis highlighted the necessity of having strong, consistent regional approaches to combating people smuggling and trafficking. Without effective cooperation and collaboration to build harmonious responses to transnational crime, the region is open to syndicates who take advantage of differences in country's laws and policies, and undermine regional security by threatening the integrity of maritime borders and placing lives at risk.

Efforts to address violent extremism should also be supported. Violent extremism is a growing threat to many Asian nations and has the potential to undermine state stability and security, inhibit economic development and threaten the welfare of citizens. Violent extremism disproportionately affects developing countries, and as noted above, can create ungoverned spaces which facilitate the organised movement of money, drugs, arms and people, as well as exacerbate conflict.¹³ The prevention of disaffected and alienated citizens becoming susceptible to terrorist messaging can play an important role in bolstering State stability and security, preventing negative impacts on economic development, and increasing citizens' welfare and safety.

There is an increased merging in the social networks and environments of criminals and terrorists. Criminal networks and terrorist groups now recruit from the same pool of people, creating overlaps and synergies that provide fertile ground for radicalisation among criminals with no previous history of terrorist sympathies. Terrorist groups also benefit from transnational crime through coercion, taxation, and direct engagement in criminal enterprises. In turn, criminal networks provide terrorist groups funds, weapons and other means to sustain their activities. Effective legal, regulatory and law enforcement systems for countering terrorist financing, as part of an effective anti-money laundering system, are crucial in broader efforts to address violent extremism.

As the responsible domestic policy agency, AGD is uniquely placed to share Australia's experience in addressing violent extremism with governments and other stakeholders in South-East Asia, and is regularly requested to do so by partner countries and DFAT. AGD's efforts would complement DFAT's support for civil society and community projects focussed on preventing violent extremism. AGD would seek to maximise the Australian Government's collective capacity to support partner countries, in particular by facilitating collaboration between civil society groups across the Southeast

¹⁰ Global Slavery Index, <http://www.globallslaveryindex.org/region/asia-pacific/>

¹¹ United Nations Office on Drugs and Crime, *Transnational Organised Crime in East Asia and the Pacific*, 2013, p.ii.

¹² BBC News, *Why are so many Rohingya migrants stranded at sea?*, <http://www.bbc.com/news/world-asia-32740637>.

¹³ DFAT, *Development approaches to Countering violent extremism*, p1.

Asian region, and collaboration between civil society and government representatives working on addressing violent extremism.

Transnational and other organised crime is driven by the profit motive, and **measures to address financial crime and curb illicit financial flows** can help to address serious and organised crime and corruption more broadly. Money laundering – the ‘washing’ of the proceeds of crime through the financial system – is a serious threat to countries in the Indo-Pacific region. Global Financial Integrity estimates that almost half of all global illicit financial flows originate from Asian countries (representing approximately \$480 billion per year) and that Asia also experienced the fastest growth rate in illicit financial flows in the decade to 2013 (with an average annual increase of 8.6 percent over that period).¹⁴ The illicit economy in the Indo-Pacific region is conservatively estimated at US\$90-100 billion annually.¹⁵ This is almost the same amount as Australia’s annual two-way trade with ASEAN economies. This has the potential to destabilise financial institutions and financial systems and deter foreign investment, as well as fuelling serious and organised crime, including corruption. Money laundering activity can flourish due to the combination of cash-based economies, weak legal frameworks and regulatory mechanisms, a lack of law enforcement, and judicial and regulatory weaknesses. This imposes significant costs on, and increases risks to, regional economies, decreasing revenue flows, undermining economic development and weakening governance. Bribery and corruption further undermines economic growth and environmental sustainability and is a major source of money to be laundered.

Indo-Pacific governments are increasingly adopting the Financial Action Task Force (FATF) Recommendations, to address money laundering and terrorist financing, strengthen legal frameworks, and improve the regulation of financial transactions and law enforcement. In the Indo-Pacific region there are 39 active members of the Asia-Pacific Group on Money Laundering (APG), the FATF regional body for the Indo-Pacific region. This includes nine APG members that are also members of the FATF.¹⁶ However, compliance with the Recommendations remains uneven regionally. For example, Vanuatu has been assessed as having a low level of effectiveness against each of the FATF’s 11 immediate outcomes¹⁷ and Sri Lanka has been assessed as having a low level of effectiveness against nine of FATF’s 11 immediate outcomes.¹⁸ In addition, despite being a FATF member, Malaysia has been assessed as having only a moderate level of effectiveness against seven of these outcomes.¹⁹ Failure to comply with the FATF Recommendations can ultimately lead to black-listing. This threatens local correspondent banking relationships, increases the costs of local

¹⁴ Global Financial Integrity, *Illicit Financial Flows from Developing Countries: 2004-2013*, December 2015.

¹⁵ United Nations Office on Drugs and Crime, *Transnational and Organised Crime in East Asia and the Pacific - A Threat Assessment*, 2013, p1,

https://www.unodc.org/documents/southeastasiaandpacific/Publications/2013/TOCTA_EAP_web.pdf

¹⁶ Asia-Pacific Group on Money Laundering (APG), *Overview of APG Members*,

<http://www.apgml.org/members-and-observers/page.aspx?p=8c32704a-5829-4671-873c-7b5a23ced347>.

¹⁷ APG, *Vanuatu Mutual Evaluation Report*, September 2015, <http://www.apgml.org/mutual-evaluations/documents/default.aspx?pcPage=2>.

¹⁸ APG, *Sri Lanka Mutual Evaluation Report*, September 2015, <http://www.apgml.org/mutual-evaluations/documents/default.aspx?pcPage=2>.

¹⁹ FATF, *Malaysia Mutual Evaluation Report*, September 2015, <http://www.apgml.org/mutual-evaluations/documents/default.aspx>.

and international financial transactions, and damages countries' reputations as a stable investment environments, thereby inhibiting economic development and welfare.

Linked closely to money laundering is the risk that the financing of terrorism poses to certain Indo-Pacific nations. Terrorists and terrorist organisations rely on money to sustain themselves and to carry out terrorist acts, and often use money laundering methods to shift money around in order to do so. An effective legal, regulatory and law enforcement system for combating terrorist financing – as an integrated part of an effective anti-money laundering system – plays an important role in broader efforts to enhance security and curb illicit financial flows.

The very nature of transnational crime – cutting across state boundaries – means that combating it requires effective **international crime cooperation**. While police to police cooperation plays a vital operational role in addressing transnational crime, unless there is effective formal legal cooperation to (1) get evidence from overseas to use in court, or (2) extradite criminals who have fled the jurisdiction to face justice, police cooperation itself cannot result in criminal convictions. Given the ease of international movement of funds, money laundering by its nature is often transnational, requiring international cooperation to address it effectively. Hence, it is vital to improve countries' capacity to engage in the technical and formal legal processes needed to pursue crimes with transnational elements.

The Indo-Pacific region faces a range of pressing challenges to effective international crime cooperation. In some cases these challenges are the result of weak legal frameworks for the facilitation of international cooperation. In other cases, the key challenge is the inability of relevant agencies to secure sufficient resources to undertake effective mutual legal assistance, such as a sufficient number of trained staff, secure networks, means of communicating effectively with counterparts, capacity to obtain relevant legal and procedural information, foreign language skills and case management systems.²⁰ In Southeast Asia, in particular, many of the challenges to international crime cooperation are exacerbated by an increasing gap between economic connectivity and security cooperation. This means that the opportunities and rewards of transnational crime are increasing faster than the region's ability to respond in a joined up manner to such crime.²¹

A key constraint to strengthening criminal justice in the Indo-Pacific region is weak **witness and victim protection**. This often means that citizens do not report crimes and relevant information to the police. It can also mean that witnesses are intimidated into providing false or incomplete statements or not testifying in court. This problem influences a wide range of crimes and related development issues, from violent extremism to violence against women and children.

Consistency with Australian policies

The goals of IP-JuSP are consistent with AGD's mandate to promote just and secure societies, as well as the overarching purpose of Australia's aid program to promote prosperity, reduce poverty and

²⁰ For a recent overview of these challenges, see ADB-OECD, *Mutual Legal Assistance in Asia and the Pacific: Experiences in 31 Jurisdictions* (2017).

²¹ See, e.g., UNODC, *ASEAN officials and diplomatic partners gather in Bangkok to discuss criminal justice cooperation* (22 March 2017): <https://www.unodc.org/southeastasiaandpacific/en/2017/03/asean-cross-border-criminal-justice-cooperation/story.html>

enhance stability in the Indo-Pacific. The Australian Government's Aid Policy recognises that **effective governance** is essential for state stability, and provides the foundations for economic growth, private sector investment, human development and community safety. The Policy emphasises that good governance requires an effective public sector and functioning, predictable institutions, including **effective law and justice systems**.²² Transnational crime and violent extremism poses challenges for the region's law and justice agencies, with the need to update legal frameworks, and develop new skills and ways of working to ensure that there is an effective response across law and justice agencies.

IP-JuSP demonstrates strong alignment with existing Australian Aid Investment Plans and program documents, including:

- **Indonesia** – Objective 3 – an inclusive society through effective governance, including law and justice work to support our shared interests in counter terrorism and transnational crime.
- **Pakistan** – Cross-cutting theme of 'stability' and supporting Pakistan to counter-terrorism.
- **South-East Asia Regional Economic Growth and Human Security Program** – Objective 2 – strengthening regional responses to trafficking and exploitation of migrant works including strengthening the region's criminal justice responses to trafficking.

Investments through this program will be developed in consultation with DFAT bilateral and regional program areas and approved through the IP-JuSP Steering Committee.

IP-JuSP complements DFAT's Indonesian Justice Program, AIPJ-II, which includes the objectives of transparency, accountability and anti-corruption reforms being imbedded, the prevention and investigation of transnational crime (including bilateral cooperation on money laundering, the financing of terrorism and asset recovery, and strengthened legal frameworks to investigate terrorism and related transnational crime) and a reduction in violent conflict. DFAT Jakarta has already funded AGD to provide some projects under AIPJ-II (as indicated in Annexure C).

IP-JuSP represents a significant contribution to Australia's commitment to supporting partner countries to implement the Sustainable Development Goals. For example, Australia advocated strongly for the inclusion of Goal 16 in the Sustainable Development Goals (discussed above) and this initiative represents a concrete demonstration of our commitment to partnering with countries in our region to realise this goal. AGD's peer-to-peer approach, and its work promoting multilateral institutions, also plays an important role in enhancing the global partnership for sustainable development (Goal 17).

IP-JuSP is also responsive to whole-of-government priorities. IP-JuSP's capacity building programs complement existing work by other Australian government agencies, such as the Australian Federal Police's international engagement network and police capacity development programs and the objectives to be outlined in the forthcoming AFP International Engagement Strategy, and DFAT's promotion of the rule of law and human rights through engagement with multilateral institutions, such as the UNODC. Building the capacity of partner countries to tackle human trafficking will also contribute to achieving the goals of *Australia's International Strategy to Combat Human Trafficking*

²² DFAT, *Australian Aid: promoting prosperity, reducing poverty, enhancing stability*, 2014, p 16.

and Slavery (2016). Countering the spread of violent extremism through online forums also aligns with the principles that underpin *Australia's Cyber Security Strategy* (2016). These activities, while supporting government priorities, remain consistent with core aid principles, in that they are demand driven and are for the primary benefit of the countries with which we will deliver the IP-JuSP program.

Regional and global significance

As already identified, IP-JuSP will be demand driven, responding to requests for assistance from counterpart agencies to address their identified areas of need and priority. This ensures that only activities of importance to our regional partners will be pursued, giving the program the greatest chance at success. IP-JuSP has also been designed to address issues that are being pursued by partner countries in regional forums, again ensuring that the program addresses regional priority issues, and is working in spaces where other actors are also driving change. For example, all IP-JuSP partner countries are members of the *Bali Process on People Smuggling, Trafficking in Person and Related Transnational Crime*, with programs of work being agreed to by consensus with member countries. Partner countries are also engaged with Australia in various other regional working groups, including those facilitated through APEC, ASEAN and the East Asia Summit, which have driven the development of new work programs.

IP-JuSP is aligned with the work of key global institutions, such as the UN Security Council, the UNODC and FATF, and the recognised international standards that these organisations set in their areas of expertise. IP-JuSP supports partner countries to establish good practice processes and develop domestic legal frameworks that reflect these global norms. For example, Indo-Pacific governments increasingly seek AGD assistance to effectively implement the FATF Recommendations to address money laundering and terrorist financing, to strengthen legal frameworks, and to improve the regulation of financial transactions and law enforcement. This also helps to improve compliance with the *UN Convention against Corruption* (UNCAC), to which all IP-JuSP partner countries are parties. DFAT supports a range of complementary initiatives, mainly through the UNODC and UNDP, to strengthen the implementation of UNCAC in the Indo-Pacific region.

Similarly, IP-JuSP will contribute to increasing regional compliance with the *United Nations Convention against Transnational Organized Crime* (UNTOC), and its Protocols relating to human trafficking and people smuggling. All IP-JuSP partner countries are signatories to UNTOC, and the majority are signatories to its protocols.

b) AGD's record on strengthening justice and security in the Indo-Pacific

AGD is well placed to deliver IP-JuSP's program outcomes, and to contribute to its long-term goal of strengthened legal systems in the Indo-Pacific. AGD has developed strong relationships with our regional counterparts from over two decades of work. Our peer-to-peer credibility is valued and our assistance is sought out. For example, AGD has worked closely with Indonesian law and justice agencies for over a decade and is considered a trusted partner on law and justice issues relating to transnational crime.

AGD's assistance is recognised internationally – for example, a recent request for AGD to provide assistance to Vanuatu with efforts to address deficiencies in its anti-money laundering and

countering-terrorist financing regime arose at the suggestion of Papua New Guinea and the World Bank, following a successful program of work with Papua New Guinea.

In addition, AGD officers have specialist and contemporary policy development capabilities in addressing law and justice challenges from within government, as well as expertise in successfully implementing policy within the thematic areas of engagement of the program. This gives the department a unique capacity to design and deliver effective capacity building programs for other government agencies in particular. The peer-to-peer modality facilitates a partnership approach to the development and delivery of projects, and the development of a productive institutional relationship between agencies – a benefit which is not as readily achieved by aid delivery by contractors. The agency-to-agency and peer-to-peer approach also allows program outcomes to be promoted together through bilateral fora, increasing the likelihood of ownership and investment from partner governments.

AGD also has extensive experience engaging with a range of regional fora relating to transnational crime and violent extremism, such as the Asia Pacific Group on Money Laundering, the Bali Process and the Asia Pacific Asset Recovery Interagency Network. Our membership demonstrates to partner countries the Australian government's commitment to working collaboratively on these issues, and in sharing ownership for effecting change in the region. It also means that the department is well placed to continue engagement in regional forums through IP-JuSP, which in turn increases effectiveness and meaningful engagement by regional partners.

AGD has more than two decades of experience, consolidated over the past four years, in providing targeted technical and capacity building assistance to a range of priority countries in Asia. Since 2013, AGD's work has mainly focused on:

- strengthening legal frameworks to criminalise people smuggling, human trafficking and related transnational crime such as money laundering and terrorist financing,
- developing greater capacity of law and justice officials to implement legislative frameworks relating to these thematic areas, and
- improving international crime cooperation on transnational crime, including through mutual assistance and extradition, and increasing regional cooperation on transnational crime issues.

AGD has improved criminal justice outcomes by supporting the development, passage and implementation of policies and laws to counter terrorism, terrorist financing, money laundering, corruption, people smuggling and human trafficking in a range of partner countries in the Indo-Pacific region. Key highlights are set out below.

Addressing financial crime and curbing illicit financial flows

Over the past ten years, since the establishment of AGD's Anti-Money Laundering Assistance Team, AGD has built a strong reputation in the region for providing expert, targeted and practical advice to help countries address FATF recommendations and develop 'follow the money' capability.

For example:

- **Vietnam** – AGD assisted Vietnam to draft new offence provisions on money laundering through reforms to the Vietnamese penal code. AGD is now assisting Vietnam to build capacity to implement the laws when they come into force in 2017.
- **Indonesia** – AGD has built a strong relationship with the Corruption Eradication Commission (KPK) and other law and justice agencies and increased Indonesia’s capacity to make international crime cooperation requests for asset recovery. AGD partnered with the KPK to deliver judicial dialogues designed to address corruption, promote asset confiscation and prosecute money laundering, and mentored KPK officers on proceeds of crime cases.
- **Indonesia** - AGD has provided extensive technical legal assistance to the Indonesian drafting team responsible for a new Counter-Terrorism Financing Law, the passage of which resulted in Indonesia’s removal from the FATF ‘black list’. Since its introduction in 2013, Indonesia has frozen 26 bank accounts valued at over 2 billion rupiah, consistent with UN Security Council Resolutions. More recently, AGD has supported Indonesia to revise its counter-terrorism laws (currently before Parliament).
- **Pakistan** – AGD has built capacity to undertake money laundering and criminal asset tracing investigations. AGD assisted Pakistan to amend its Anti-Terrorism Act and introduce rules to implement financial sanctions related to terrorist financing, which contributed to Pakistan’s removal from the FATF ‘black list’ in 2015.

Addressing exploitation arising from irregular migration

Countries are eager for Australian assistance to address human trafficking, a significant and growing challenge for the region. Examples of AGD’s achievements in this area include:

- Working through the ***Working Group on Trafficking in Persons of the Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime***, AGD led the development of policy guides on criminalising migrant smuggling and trafficking in persons, and victim identification and protection. AGD provided training on the policy guides and other best practice approaches to investigation and prosecution.
- **Indonesia** – From 2008-2011, AGD supported Indonesia to develop strong people smuggling laws and has been working with counterparts to effectively implement these laws, including through international crime cooperation. Our ongoing assistance has contributed to the huge increase in people smuggling prosecutions (590% over four years following passage of the new laws).
- **Vietnam** – AGD worked with Vietnam and UNODC to develop amendments to the Vietnamese penal code regarding new people smuggling and human trafficking offences, which were passed in 2015 and expected to come into force in 2017.
- **Sri Lanka** – AGD (with CDPP and AFP) has run prosecutor pairing programs for Sri Lankan prosecutors on people smuggling and trafficking, to improve skills and practices around prosecutions.

Addressing violent extremism

AGD has worked in the region to support countries to address violent extremism over many years, particularly with Indonesia. Examples include:

- In 2016, AGD partnered with the Hedayah Centre, regional government representatives and experts to support the development of a how-to-guide on counter-narratives tailored for the Southeast Asian context.
- In 2016-17, AGD partnered with Deakin University to establish the *Southeast Asian Network of Civil Society Organisations Working Together against Violent Extremism (SEAN-CSO)*, which has strengthened understanding and collaboration amongst CVE practitioners in the region.
- AGD assisted Indonesia to draft its 2013 Counter-Terrorism Financing Law and amendments to its counter-terrorism laws currently before Parliament.

As a result of these achievements, AGD is often the first port of call for requests for assistance in strengthening policies and legal frameworks relating to transnational crime. Most recently, AGD has been requested to assist Vietnamese officials to implement recent changes to the Vietnam Penal Code and Sri Lanka sought our assistance in drafting new, comprehensive proceeds of crime legislation.

Reducing cross-cutting constraints to criminal justice

Through AGD's support to partner countries to develop and implement effective legal policies on specific crime types, AGD has also begun to address a range of key cross-cutting constraints to strengthened criminal justice in the Indo-Pacific region. These include, as discussed above, obstacles to mutual legal assistance and weak protections for witnesses and victims.

In Indonesia, AGD has built a strong relationship of trust with the Corruption Eradication Commission (KPK) and other law and justice agencies and increased Indonesia's capacity to make international crime cooperation requests for asset recovery, which are often the most technical, sensitive and complex cases. For example, there is currently over \$4 million in assets restrained in Australia pursuant to a request made by the KPK. AGD's work on protections for witnesses and victims has involved exposing staff of Indonesia's Witness and Victim Protection Agency to the range of witness protection strategies employed by Australian state-based law enforcement agencies.

3. Program description

a) IP-JuSP program goal

IP-JuSP's goal is strengthened legal systems, contributing to effective governance and stability, in the Indo-Pacific region. Effective governance and stability in turn support poverty reduction and prosperity, all of which are key priorities under Australia's Aid Program.²³

At their request, AGD partners with regional law and justice agencies to strengthen capacity, by working alongside them to support practical improvements to legal and policy frameworks, and then supporting the implementation of those frameworks. This recognises the development benefits of building capacity through a 'problem solving' approach, focused on helping partner countries to address real issues that matter to them. Australia's Aid Policy explicitly recognises the role that AGD plays under the Aid Program to strengthen policing, increase the safety and security of communities

²³ DFAT, *Australian Aid: promoting prosperity, reducing poverty, enhancing stability*, 2014, p.7.

and improve access to justice.²⁴ Addressing transnational crime contributes to achieving all of these objectives.

b) IP-JuSP end of program and intermediate outcomes

IP-JuSP seeks to achieve the following **end of program outcomes** in partner Indo-Pacific countries:

1. Improved policy and legal frameworks to address transnational crime and violent extremism; and
2. More effective implementation of policies and legal frameworks to address transnational crime and violent extremism.

IP-JUSP will deliver demand-driven capacity development and technical assistance to key government partner agencies in the Indo-Pacific region to achieve the following **intermediate outcomes**:

End of program outcome 1		Improved policy and legal frameworks to address transnational crime and violent extremism
1.1	Improved capacity to develop policy and laws informed by international standards and good practices	
1.2	Improved capacity to draft laws	
1A	Increased awareness of international standards and good practices	
1B	Increased resources, tools and networks for policy development	
1C	Increased understanding of opportunities for reform	
1D	Increased engagement between CSOs and with government	
End of program outcome 2		More effective implementation of policy and legal frameworks to address transnational crime and violent extremism
2.1	Improved organisational practices and incentives	
2.2	More effective international cooperation	
2.3	More consistent application of policies and laws	
2A	Increased capacity to investigate offences	
2B	Increased capacity in international crime cooperation	
2C	Increased capacity to prosecute offences	
2D	Increased interagency coordination and cooperation	
2E	Increased awareness of, and capacity to understand, emerging areas of law	
2F	Increased accessibility of laws and policies	

²⁴ Ibid, p.17.

2G Improved tools and networks to support implementation

Linked intermediate outcome	3 Increased regional advocacy for better practice and increased regional information sharing
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The **program logic for IP-JuSP** is at **Annexure A**.

c) IP-JuSP work plan 2017/18

The **thematic areas of engagement for IP-JuSP** are at **Annexure B** and the **work plan for IP-JuSP for 2017/18** is at **Annexure C**.

Key partners in the first year will be Indonesia, Thailand, Malaysia, Vietnam, Pakistan, Sri Lanka, Cambodia and the Philippines, consistent with continuing existing AGD programming engagement. However, it is envisaged that DFAT and AGD may elect to shift the focus of engagement with partner countries over the life of the program.

Key thematic areas for engagement will initially be in legal and policy developments on financial crime, exploitative irregular migration, international crime cooperation (i.e. extradition and mutual legal assistance), and efforts to address violent extremism. However, once again, over the life of the program, this could also evolve to support emerging legal and policy development priorities in other forms of transnational crime, for example, illicit drugs and cybercrime.

Meeting partner countries' development objectives

AGD's projects are demand driven to meet partner country needs, with the main objective being to promote the economic development and welfare of our partner countries. AGD only undertakes projects at the request of partner countries, and all projects are designed to meet the needs of partner countries, and designed in partnership with them. While Australia's national interests will inform the selection of partners and priorities for this initiative, AGD will not deliver any activities under this initiative that have a primary objective of addressing perceived threats to Australia, rather than the economic and social development of the partner country.

AGD will ensure all program projects, including efforts to address violent extremism, remain consistent with OECD guidelines for ODA. IP-JuSP will only include projects that fall within the OECD's ODA eligibility guidelines, such as supporting the improvement of laws and regulations; supporting justice sector agencies such as ministries of justice, judges and courts; capacity building to manage maintenance of law and order and public safety, including border management, law enforcement agencies and police; training for routine civil policing functions, promoting human rights and supporting anti-corruption organisations and institutions and activities preventing violent extremism that support the rule of law. AGD projects always uphold human-rights compliant behaviours, such as methods for the collection and correct use of evidence, and procedures to conduct fair trials.

AGD neither undertakes, nor seeks ODA funding for, projects whose activities are explicitly excluded from ODA under the April 2016 Converged Statistical Reporting Directives,²⁵ such as kinetic activities

²⁵ Development Assistance Committee (DAC), *Converged Statistical Reporting Directives for the Creditor Reporting System and the Annual DAC Questionnaire*, DCD/DAC(2016)3/FINAL, 8 April 2016, available at [http://www.oecd.org/dac/stats/documentupload/DCDDAC\(2016\)3FINAL.pdf](http://www.oecd.org/dac/stats/documentupload/DCDDAC(2016)3FINAL.pdf),

to 'combat terrorism' or involving the use of force, support for armed response or combat operations or intelligence gathering, or training in counter-subversion methods or the suppression of political dissidence. Similarly, AGD does not undertake any projects which aim to target individual terrorists or particular terrorist groups.

However, we note that DAC guidance does state that ODA does have an important role to play in "building the capacity of security and justice systems in specific skills required for the prevention of extremist or terrorist threats, such as in the collection and correct use of evidence or fair trial conduct, to ensure more effective and human rights-compliant behaviours".²⁶ AGD's work to strengthen legal and policy responses to transnational crime and violent extremism aims to strengthen justice and security systems, and hence falls squarely within these parameters. Such work focuses on advancing key development interests of partner countries and has important secondary benefits for Australia's security and economic interests.

d) AGD's program delivery approach

IP-JuSP will be demand driven, responding to requests for assistance by counterpart agencies. IP-JuSP seeks to strengthen partners' law and justice systems by improving legal frameworks and capacity to address transnational crime and violent extremism. AGD will use both bilateral engagement and existing regional mechanisms and organisations to accomplish this. We will use a combination of capacity building (including training, mentoring, twinning and study visits), technical assistance (including peer reviewing, advising and collaborating with counterparts) and knowledge-to-policy engagement (commissioning analytical products and policy briefs, then supporting structured dialogue with policymakers on relevant recommendations).

In doing so, AGD will work closely with whole-of-government partners (such as DFAT (including posts), AFP, DIBP and AUSTRAC) and other international and regional organisations (such as the International Organisation for Migration, the UN Office on Drugs and Crime, the Asia-Pacific Group on Money Laundering and the Australia-Asia Program to Combat Trafficking in Persons). AGD already has strong linkages with such agencies, through its work in the region over a number of years, and will continue to coordinate closely with them.

IP-JuSP will be delivered by a team of AGD staff with aid experience and technical and policy expertise in transnational crime and/or violent extremism. The team will comprise AGD officers posted in Thailand (Bangkok) and Indonesia (Jakarta), a law enforcement adviser and Canberra-based staff, who work closely together to design, manage and deliver IP-JuSP projects.

AGD will use its transnational crime and violent extremism expertise as well as broader legal policy development and legal drafting capabilities to build the capacity of partner governments to address transnational crime and violent extremism, informed by international standards and good practices. AGD is an experienced provider of government-to-government capacity building work, and our peer-to-peer approach is appreciated by our partners. Our contemporary expertise and policy experience within government systems brings credibility and helps to foster durable institutional relationships of trust and confidence.

²⁶ Development Assistance Committee (DAC), as above.

The use of technical assistance to provide targeted advice that is flexible, efficient and demand-driven will be a key element of AGD's approach. AGD will build on the relationships and networks established already and built through specific requests from governments in the region.²⁷

The following **principles** guide AGD's approach to program delivery:

- *Working in partnership:* AGD's programming engagement is demand driven, and hence IP-JuSP will respond to the priorities of, and work collaboratively in partnership with, peer agencies in partner countries, where those priorities align with Australia's.
- *Sustainability:* To ensure that the program promotes sustainable benefits, AGD does not promote 'cookie cutter' approaches to law reform that are not suitable for the local context or seek to impose Australian-centric solutions. We will take a politically informed approach to our work and ensure that there is local ownership of and commitment to any reforms.
- *Whole-of-government approach:* AGD will ensure that our work aligns with Australian Government foreign policy and aid priorities, and that we work collaboratively with Australian Government partners (such as DFAT (including posts), AFP, DIBP and AUSTRAC). AGD recognises that IP-JuSP activities take place within a broader bilateral and regional policy context, and will liaise closely with relevant posts and DFAT desks for advice and coordination as projects progress. AGD already has strong relationships with most relevant posts through existing and past programming and policy engagement. In addition, when developing the annual work plan and/or new projects under IP-JuSP, AGD will work with DFAT and engage relevant posts so as to ensure IP-JuSP aligns with DFAT's strategic objectives for partner countries and fully takes account of current political economy issues. AGD already also coordinates and collaborates with other donors (US, NZ, UK etc), international agencies and regional bodies, such as UNODC, IOM, the Asia-Pacific Group on Money Laundering, APEC and the Australia-Asia Program to Combat Trafficking in Persons, and will continue to do so under IP-JuSP. AGD will develop a stakeholder analysis matrix that sets out key stakeholders and how we will engage with them on IP-JuSP activities to ensure the program is well coordinated and takes a strategic approach to delivery.
- *Accountability:* AGD will take opportunities to strengthen state accountability and transparency, and promote reforms which are consistent with the rule of law.
- *International standards:* AGD's work is informed by international standards, including the *United Nations Convention against Transnational Organised Crime* (UNTOC) and associated Protocols, the *United Nations Convention against Corruption* (UNCAC), the FATF

²⁷ Examples include requests from:

- the Government of Vietnam to implement recent changes to the Vietnam Penal Code
- the Government of Malaysia for Australian support in strengthening its protection framework for victims of people smuggling and human trafficking, and
- the Government of Sri Lanka for AGD assistance to draft new standalone proceeds of crime legislation.

AGD's Financial Crime Section has also recently received requests from Malaysia to continue counter terrorism financing training; from Indonesia to provide training on asset recovery and management; and from Pakistan to create a study tour to prepare officials for their upcoming FATF mutual evaluation.

Recommendations, United Nations Security Council Resolution 2178 on foreign terrorist fighters, and the United Nations Plan of Action to Prevent Violent Extremism.

- *Human rights and do no harm*: AGD will ensure that our programming minimises unintended harm, by basing activities on robust analysis, careful selection of partners, methods and communication strategies, and respect for human rights. We advocate for the development of laws and policies in line with international human rights standards. Our approach is developed in consultation with DFAT Canberra, Posts, and other partners in country.
- *Gender equity*: AGD will actively promote gender equality and women's leadership, seek opportunities to empower women by encouraging participation in decisions around programming and involvement in program projects, and ensure that gender impacts are explicitly considered in all aspects of programming (particularly around human trafficking, so that a victim centred approach to programming is adopted).

Value for money

AGD's strong domestic policy experience, significant in-house knowledge and peer-to-peer delivery model gives us a comparative advantage in delivering law and justice programming. We are able to draw on AGD's vast portfolio experience across law enforcement, financial intelligence, prosecutions, asset recovery, and international crime cooperation practice in delivering IP-JuSP.

IP-JuSP's projects will be demand-driven and build on our experience working with partner governments. This provides efficiency through evidence based decision-making and only providing assistance where it is wanted and likely to gain traction.

A key benefit of IP-JuSP is the use of Canberra-based officers, to design, manage and deliver the program, supported by posted officers in key countries. This model is efficient and provides value for money as AGD's posted officers act as regional hubs for engagement across the Indo-Pacific, negating the need to post officers in every priority country. Moreover, a significant cost saving is obtained by utilising Canberra-based officers through a fly-in, fly-out model, with program activities scheduled to minimise program travel and with regular contact maintained between visits through telephone and email correspondence.

IP-JuSP will need to be flexible, to move resources to respond with agility to evolving circumstances and priorities. Built-in flexibility, and a cooperative program governance model, will enable DFAT and AGD to seize opportunities to achieve change in particular thematic areas, depending on particular country contexts, and respond to requests for assistance where there is a realistic likelihood of getting traction to achieve meaningful change. This acknowledges the reality that governance development programs – including law and justice programs – rarely follow a linear, well-planned and predictable process with a steady trajectory. Progress will change over time as individual people in organisations change and will be influenced – for better or worse – by a range of external factors over which AGD or our counterparts may have little control. We need to be prepared to be in for the long haul to build relationships (beyond the life of this proposal), take advantage of opportunities to progress reform as they develop, and change our resource focus if we find we are not getting sufficient traction on projects.

Working in partnership

IP-JuSP will work in partnership with peer agencies in partner countries to respond to their priorities. IP-JuSP will be demand driven, and AGD will ensure that any new projects under IP-JuSP are the result of a request for assistance from the partner country (formalised in writing, terms of reference or an MOU) with design and implementation developed in consultation with the partner agencies so as to promote local ownership and commitment to reforms. For example, AGD has worked closely with Indonesian law and justice agencies for over a decade and is considered a trusted partner on counter-terrorism and transnational crime issues. Through AGD's peer-to-peer approach to capacity building, overseen by two posted AGD officers at the Australian Embassy in Jakarta, we have fostered close and trusting relationships with Indonesian law and justice partners. Consequently, AGD is often considered as the 'partner of choice' and uniquely positioned to continue to support Indonesia to progress sensitive legal and policy matters related to transnational crime.

AGD also has (separately funded) officers based in London and Washington, which the IP-JuSP can utilise to better leverage relationships with the UK, Europe, US and Canada, to facilitate donor coordination and a strategic approach by partners in engaging with partner countries in Asia.

Politically informed

The IP-JuSP team brings a sophisticated understanding of the need to take a politically informed approach to supporting our counterparts. We facilitate locally owned change, taking into account the local power dynamics and interests and helping our partners to build momentum and support for sustainable change. We understand that legal frameworks need to have life breathed into them through changed behaviour in order to be meaningful, which can only occur through genuine local buy-in, particularly through inter-agency and other stakeholder coalitions, partnerships and collaboration. This includes, where appropriate, being a trusted partner that can facilitate collaboration between government, civil society, and academia, to strengthen understanding about legal and policy reforms and their effective implementation.

Enhanced development effectiveness through a community of practice

AGD and DFAT will seek to enhance program effectiveness through active participation in the Law and Justice Development Community of Practice and the Governance Network. This participation will be a tool for DFAT and AGD to communicate about the program, engage with experts in the field, contribute to sectoral learning and learn from the experiences of others. DFAT is planning to provide \$200,000 to the Community of Practice over the same four-year period as IP-JuSP.

e) Resources

IP-JuSP is a four-year program (2017/18 to 2020/21). Funding through the DFAT-AGD Record of Understanding for IP-JuSP will be available only for ODA eligible activities and will be subject to an **annual cap of \$4 million**.²⁸ Activities and budgets will be determined on a 12-month rolling basis by a joint DFAT-AGD Steering Committee (discussed below). **Annexure B** sets out the thematic areas for engagement with associated staffing and activity budgets. Annexure B also links staffing costs to

²⁸ This refers to the funding DFAT Canberra would provide to AGD from the ODA budget allocated to DFAT. Other DFAT funding for AGD programs are already provided – or may be provided in the future - via separate arrangements (such as under AIJP II).

IP-JuSP intermediate outcomes. The 2017/18 Work Plan at **Annexure C** details activity costs by country and regional organisation. It highlights which activities are to be funded through the DFAT-AGD Record of Understanding for IP-JuSP and which are funded separately. **Annexure D** provides role descriptions for IP-JuSP staff.

In 2017/18, IP-JuSP funding is not intended to be used to fund any of AGD's three overseas-based staff that will support the delivery of IP-JuSP. The EL2 posted in Jakarta and the EL2 posted in Bangkok will be funded from AGD's existing resources. The EL1 posted in Jakarta will be funded by AIPJ II. AGD is also contributing funding for some of the Australian based staffing needed to deliver the IP-JuSP 2017/18 Work Plan (including all SES contributions). This is summarised below:

IP-JuSP 2017/18	AGD contribution	AIPJ II funded	Funding to be sought from AIPJ II	Sought from DFAT Canberra	Total
Staffing costs - Australia based	\$1,526,654	0	0	\$2,320,173	\$3,846,827
Staffing costs - Jakarta & Bangkok	\$896,228	\$325,776	0	0	\$1,222,004
Project costs	\$300,000	\$160,000	Up to \$200,000	\$1,574,797	\$2,234,797
Total	\$2,722,882	\$485,776	Up to \$200,000	\$3,894,970	\$7,303,628

It is important to note that staffing costs for the DFAT-AGD Record of Understanding include costs for the Canberra-based staff needed to develop and deliver activities funded through AIPJ II (which only provides funding for the EL1 posted in Jakarta). This will ensure appropriate specialist skills and knowledge not available in country (in particular, proceeds of crime and anti-money laundering expertise) will be available to assist posted officers in delivering those activities.

Projects will be driven by AGD officers both in Canberra and in-country. Work in Canberra includes preparing advice for partner agencies, peer reviewing partner agency policies and laws, content design, preparation and delivery of training workshops, facilitating and hosting information sharing dialogues, study visits and twinning programs (with AGD and other agencies), mentoring and developing resources and tools, and regular contact with partner agency officials between visits via phone and email.

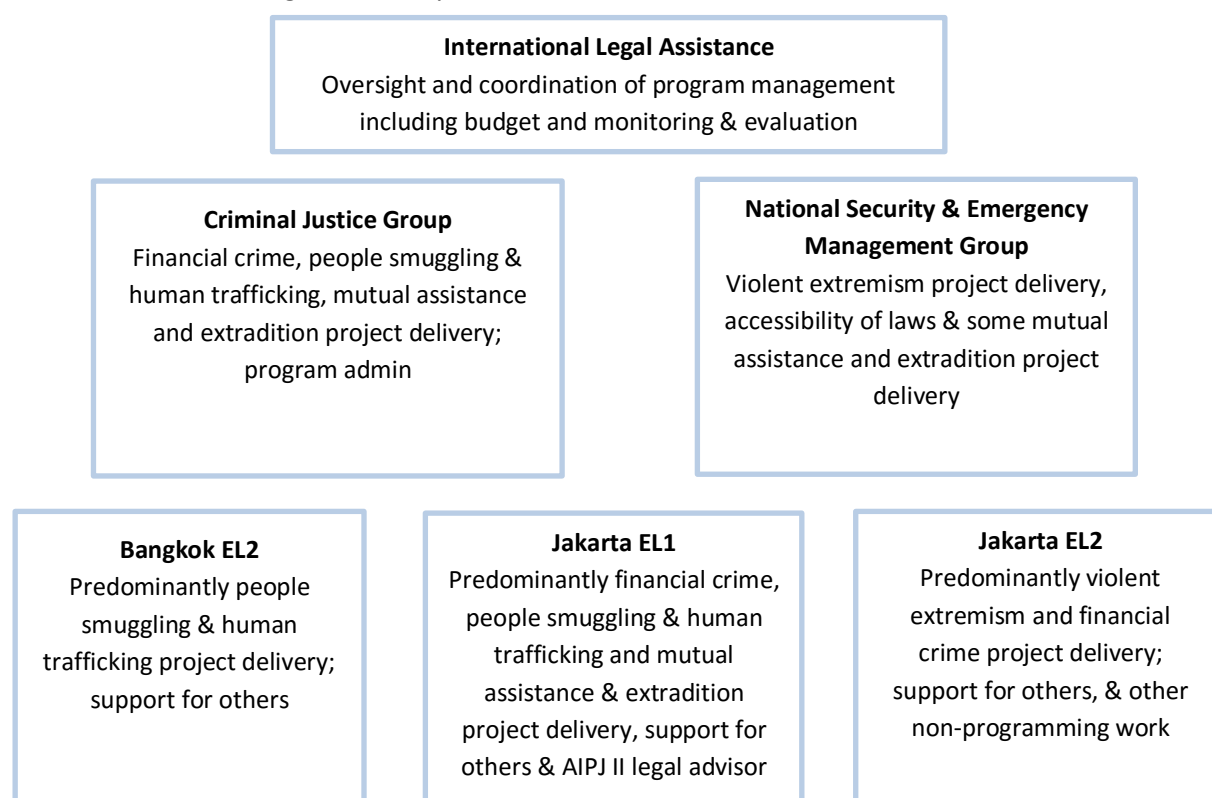
Work at post includes face-to-face engagement with partner agencies to design, deliver and monitor activities, ad hoc technical advice and assistance to partner agencies, building and maintaining sectoral knowledge and contacts, managing logistics for in-country activities, and in-country coordination with other Australian government and external donors. The EL1 position in Jakarta also acts as the Australian Government Legal Adviser to AIPJ-II.

The EL2 position in Bangkok also leads Australia’s programming engagement through the Bali Process Trafficking in Persons Working Group, enabling AGD to maximise its reach and impact in promoting regional consensus on best practice approaches to transnational crime. Bangkok’s position as a regional hub means that our Bangkok officer also ensures program coordination with other agencies, like United Nations Office on Drugs and Crime, the International Organisation for Migration, and the Office of the United Nations High Commissioner for Refugees, and makes it a convenient location from which to deploy our Bangkok officer to bilateral partner countries to progress bilateral program activities.

4. Program Implementation

a) AGD IP-JuSP program management

The following chart shows how AGD staff involved in the management and delivery of IP-JuSP are situated within AGD organisationally:



AGD is already working across this structure in our current international programming, which provides the advantages of concentrated subject matter expertise in particular thematic areas, with posted officers providing the linkages and relationship continuity with key in-country counterpart agencies, plus the ability to move resources flexibly between priority project areas, depending on particular needs. International Legal Assistance (ILA) plays a program coordination and oversight role for IP-JuSP as well other aid-funded programs in AGD, to ensure that AGD’s international programming remains coherent and coordinated.

AGD will hold the following regular meetings, to ensure appropriate program management coordination and oversight:

- Fortnightly budget tracking meetings (convened by ILA) – EL2 level

- Fortnightly program project coordination meetings (convened by ILA) – EL2 level
- Monthly SES meetings with relevant Branch Heads, to review program project progress and oversee program management (convened by ILA) – SESB1 level
- Weekly teleconferences with posted staff (convened by managing Branch head)

AGD will develop the following additional program management documentation in consultation and agreement with DFAT by the following dates:

September 2017	Thematic area program logics, Risk Management Framework, Draft Monitoring and Evaluation Framework, and formats for Annual Expenditure Report Annual Monitoring Report and Traffic Light Monitoring Report
December 2017	Final Monitoring and Evaluation Framework, Stakeholder Analysis Matrix, Gender Strategy and formats for Annual Work Plan & Budget
February 2018	Traffic Light Monitoring Report to December 2017 and Expenditure Report to December 2017
April 2018	Draft Annual Work Plan for 2018/19 (with budget), incorporating ODA eligibility advice from DFAT's Budget Branch.
August 2018	2017/18 Annual Expenditure Report and Annual Program Monitoring Report (including review of risk register and program logics)

AGD and DFAT will review the risk framework, monitoring and evaluation framework and program logics annually to ensure that they remain current. The findings of the reviews will be reported to the Steering Committee.

AGD will produce the Traffic Light Monitoring Report, the Annual Program Monitoring Report, the Annual Expenditure Report and the Draft Annual Work Plan using the same timelines on an annual basis over the life of the program.

b) DFAT IP-JuSP program management

Responsibility for IP-JuSP within DFAT resides with the Law and Justice Section in the Governance and Fragility Branch. An Activity Manager for IP-JuSP will be appointed from the Law and Justice Section. Working closely with the Transnational Crime Section, the Budget Branch, the Contracting and Aid Management Division, Indo-Pacific geographic areas and other relevant areas of DFAT, the role of this official will include supporting effective communication between DFAT and AGD on the implementation of the initiative, coordinating DFAT advice to AGD on the initiative, managing the relevant DFAT Program Fund and payments to AGD, supporting relevant public diplomacy efforts and undertaking other necessary program management tasks. With input from AGD, the Activity Manager will also develop annual quality reports on the initiative and, where instructed by the Steering Committee, manage reviews and evaluations of the initiative.

DFAT will bear the costs of this role. In the event DFAT is unable to allocate a suitable DFAT officer to undertake this role, AGD agrees to release a suitably qualified officer on a temporary transfer to fill this position and perform related work as directed by DFAT. Such an arrangement may be required on a rolling twelve-month basis.

c) Reporting

AGD will submit a July-December **Interim Expenditure Report** and program monitoring **Traffic Light Report** by February 2018. These will be used to feed into DFAT's Aid Investment Quality Reporting (AIQR) Process (which concludes in April each year).²⁹ The first **Annual Program Monitoring Report** and **Annual Expenditure Report** will be due in August 2018, to cover the 2017/18 financial year.

In subsequent years, the preceding year's annual program monitoring report and annual expenditure report, and the July-December traffic light program monitoring report and expenditure report (using the same timeframes for reporting) will be able to be used for DFAT's AIQR processes.

The purpose of the **Traffic Light Report** is to provide the Steering Committee with a brief update on key strategic and program implementation issues at the halfway point between the more comprehensive annual reports.

AGD will develop a draft **Annual Work Plan** for each financial year with DFAT and submit it to the Steering Committee in the preceding March for approval prior to the commencement of the relevant financial year.

AGD will be responsible for reporting on IP-JuSP across government and externally. This will include maintaining a **standing brief for Senate estimates hearings**. AGD will share relevant briefs with DFAT upon request and incorporate DFAT inputs where appropriate.

The format for all reports will be finalised in consultation with DFAT shortly after the commencement of this Record of Understanding Activity Schedule, for approval by the Steering Committee.

d) IP-JuSP program governance

An IP-JuSP Steering Committee will be established to provide appropriate program governance.

The **objective** of the IP-JuSP Steering Committee is to oversee the overall direction and management of the Official Development Assistance components of the program funded under the RoU and to monitor progress against program outcomes for these components.

This will be achieved by the IP-JuSP Steering Committee performing the following **roles**:

- Monitoring and setting the strategic direction of the program, including through commissioning, considering and responding to reviews and analytical products.
- Approving the Annual Work Plan in advance of each financial year.
- Approving other significant program management processes.
- Reviewing program progress on a six monthly basis, including through considering and endorsing the Annual Program Monitoring Report, the Annual Expenditure Report and the July-December Traffic Light Monitoring and Interim Expenditure Reports.
- Resolving through mutual agreement any differences of opinion between DFAT and AGD regarding the program or its management.
- Coordinating DFAT advice to AGD on IP-JuSP including feedback from posts and other areas of DFAT.
- Considering progress against the IP-JuSP Gender Strategy.

The IP-JuSP Steering Committee will be **comprised of**:

²⁹ As part of this process, AGD will also contribute to DFAT's annual Aid Quality Check Report for IP-JuSP.

- Assistant Secretary, International Legal Assistance, AGD (Chair)
- Assistant Secretary, Governance, Fragility and Water Branch, DFAT
- Assistant Secretary, Transnational Crime, Sanctions and Treaties Branch, DFAT
- Assistant Secretary, Transnational Crime Branch, AGD
- An EL2 official from DFAT's Budget Branch (to advise on questions of ODA eligibility).

Other AGD and DFAT officers will be invited to attend Steering Committee meetings where appropriate.

The Assistant Secretary, ILA (AGD) will **chair** the Steering Committee meetings. ILA will provide the **Secretariat** function for the Steering Committee, which will be responsible for scheduling meetings, preparing and maintaining agendas and other documentation, recording action items and distributing documentation for consideration at meetings.

The Steering Committee will aim to **meet every two to four months**, with out of session issues to be considered through email or other communications. ODA eligibility will be a standing agenda item for each Steering Committee meeting.

The Steering Committee meetings during 2017/18 will be held as follows:

Steering Committee meetings	Timing
First meeting to confirm shared understanding of program roles and processes, endorse: <ul style="list-style-type: none"> • risk management framework • format for expenditure report • format for annual monitoring report • format for traffic light monitoring report • format for stakeholder analysis matrix, and • program logics for thematic area. 	September 2017
Second meeting to finalise monitoring and evaluation framework, gender strategy, stakeholder analysis matrix and Annual Work Plan and Budget formats.	December 2017
Third meeting to endorse Traffic Light Program Monitoring Report and interim Expenditure Report and consider 2018-19 Draft Annual Work Plan for approval	April 2018
Meeting to consider Annual Program Monitoring Report and Annual Expenditure Report	August 2018

e) Monitoring and evaluation

The proposed monitoring and evaluation (M&E) structure is outlined below. AGD will develop detailed methods to monitor the performance of outputs and a monitoring framework for intermediate outcomes once funding for IP-JuSP has been confirmed. The final M&E framework will be developed by December 2017, for endorsement by the Steering Committee.

Monitoring (ongoing)

AGD will work with DFAT (including post where appropriate) and partner governments to ensure IP-JuSP remains on track to meet the proposed outcomes, and to monitor the projects on an ongoing basis in line with the agreed M&E Framework which will take into consideration the DFAT aid program quality assessment criteria of relevance, effectiveness, efficiency, impact, sustainability and gender equality. This will include but not be limited to:

- ongoing dialogue with partner governments on the design, implementation and outcomes of the projects
- surveys and project feedback forms for participants following projects, to measure outputs
- in-person consultations following projects to incorporate feedback into follow-up work
- review of empirical evidence such as the number of prosecutions or extradition requests to assess the impact of AGD projects
- internal reporting and consultations within AGD and views of other Australian agencies
- ongoing monitoring of budget
- six monthly program monitoring reports, and
- six monthly monitoring by the Steering Committee of program progress

Internal review (mid-term – between year 2 and year 3)

AGD and DFAT will conduct an internal review mid-way through the program to assess the extent to which the intermediate outcomes are being achieved, consider how the activities under IP-JuSP work best for what context and make any necessary refinements to the program for the out years. The Steering Committee will endorse the terms of reference for and any management response to the mid-term review as well as decide on the involvement of any consultant to assist in the review. Funds for the review should be incorporated into the IP-JuSP budget.

Evaluation (at end of four years)

A final evaluation will assess the extent to which the end of program outcomes have been achieved, and include an assessment against DFAT's aid program quality effectiveness criteria.

In particular, for this final evaluation, review meetings will be held with partner governments (where possible) to assess whether the program has achieved intended outcomes and the effectiveness of particular projects.

The Steering Committee will decide whether the final evaluation should be conducted internally (by DFAT and AGD), or contracted out to an independent consultant, and endorse the terms of reference for the final evaluation as well as any management response. Funds for the review should be incorporated into the IP-JuSP budget.

f) Risk management

Capacity development and achieving significant legal system reforms through aid programming are long-term endeavours, influenced by local resourcing constraints, competing domestic priorities, and changing political priorities. The long timeframes required for legislative reform and effective

implementation can mean that progress may sometimes seem sporadic. However, this reinforces the need to work alongside partners over the long term, through enduring relationships of trust.

Governance programs rarely follow a linear, well-planned and predictable process with a steady trajectory. Progress will change over time and will be influenced – for better or worse – by a range of external factors over which AGD or our counterparts may have little control.

Contextual risks include:

- instability in partner countries
- informal power structures in partner countries that undermine formal decision-making structures
- loss of political will in partner agencies/governments, and
- changes to key counterparts in partner agencies.

IP-JuSP will be flexible and able to move resources to respond with agility to evolving circumstances and priorities. Built-in flexibility will enable AGD to seize opportunities to achieve change in particular thematic areas, depending on particular country contexts, and respond to requests for assistance where there is a realistic likelihood of getting traction to achieve meaningful change.

Our delivery of IP-JuSP projects will address the specific risks associated with the nature of law and justice technical assistance, as well as more general program risks including:

- partner agencies lacking capacity to absorb project assistance
- partner agencies being ineffective in implementing new policies, laws or operational practices
- project assistance not being well coordinated, and
- fraud in management of program.

IP-JuSP will only undertake activities that respond to the needs of our partner countries, as identified by senior partner government officials, and which also advance Australian national interests. By working collaboratively with partner governments and with other Australian Government agencies, and being upfront about the mutually beneficial outcomes we expect to see from these activities, we will be able to more effectively manage the risks associated with delivery of our projects.

Other Australian Government-related risks include:

- Cuts to the aid program or shifting priorities result in cuts to IP-JuSP budget; and
- Turnover in AGD staffing results in lost traction with projects and relationships with counterpart agencies.

AGD will ensure that we do not over-commit to partner countries and mitigate other internal AGD-related program risks through effective program management.

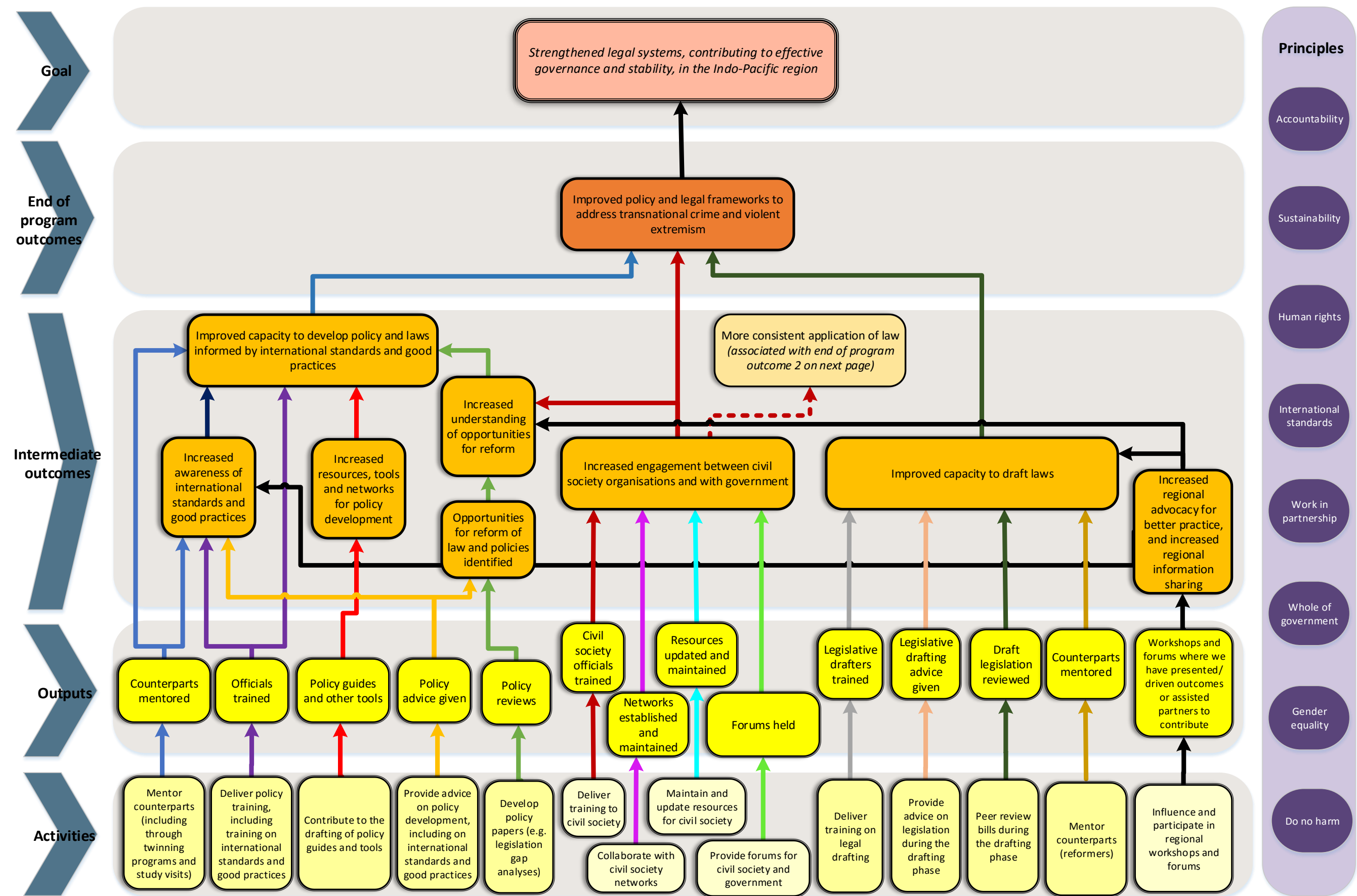
A risk register is at **Annexure E**, and a more detailed risk framework will be developed by September 2017. The risk register will be reviewed annually and approved by the Steering Committee as part of program monitoring.

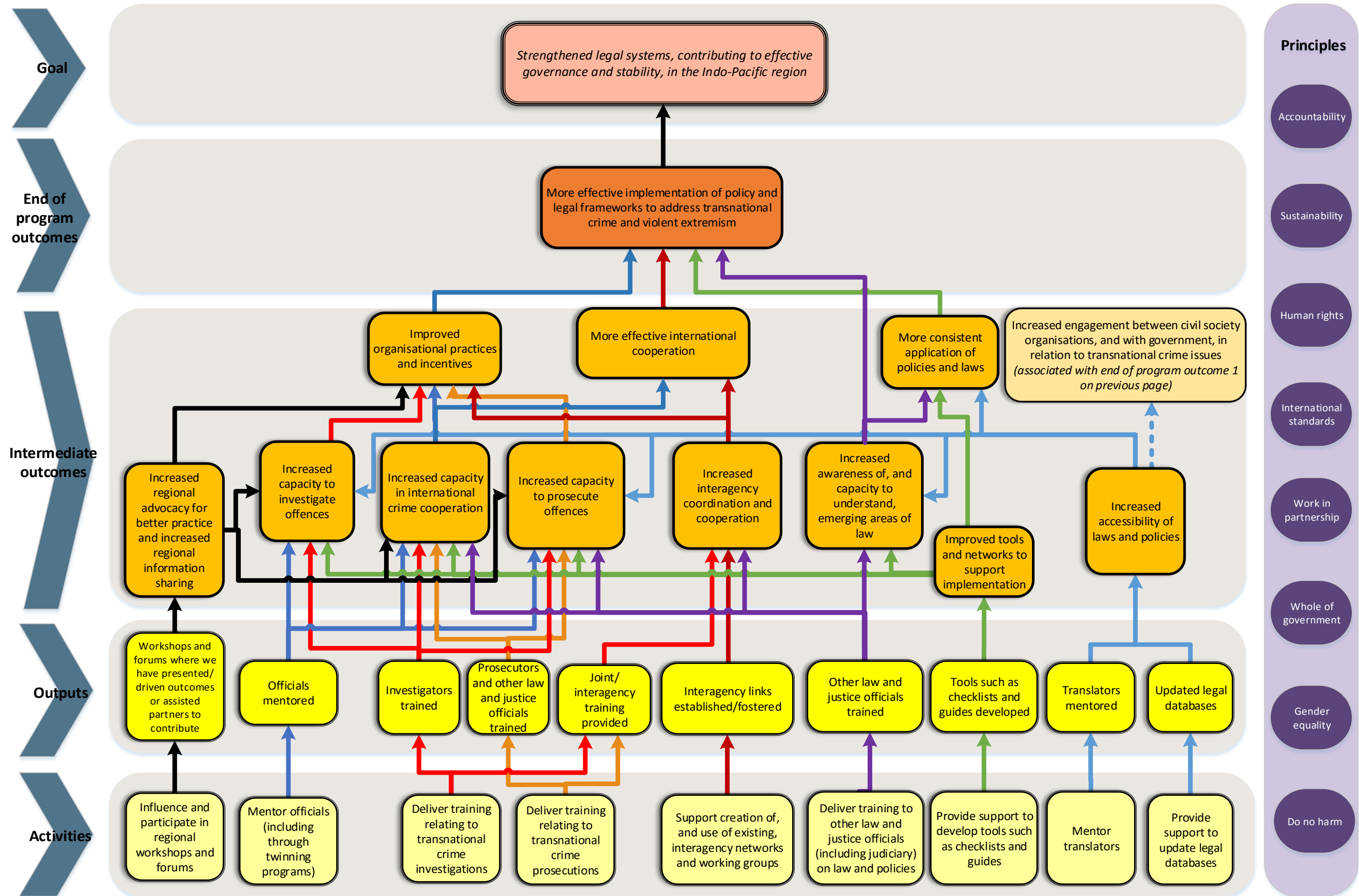
g) Gender equality

AGD recognises the importance of gender equality in building effective governance structures and supporting development priorities. A robust and effective law and justice system based on the rule of law is essential to advancing women's rights and gender equality and to assist women to become equal partners in decision-making and development.

AGD recognises that taking into account different views, needs and power relations of women and men is fundamental to aid that delivers development results that are effective and sustainable and that this requires careful program planning, design, delivery and monitoring, which expressly considers gender issues. IP-JuSP will actively promote gender equality and women's leadership, including seeking opportunities to empower women by encouraging participation in decisions around programming and ensuring involvement in program projects.

AGD will work with DFAT in the early stages of IP-JuSP's implementation to develop a gender strategy to ensure that gender impacts and impacts on children are explicitly considered in all aspects of programming, particularly around human trafficking and CVE and so that a victim centred approach to programming that addresses potential violence against women and children is adopted. In designing projects around violent extremism, AGD will ensure that the program avoids potential negative impacts on women and children, adopting the 'do no harm' principle. In addition, some of IP-JuSP's more generic work to help partner countries to strengthen their criminal justice systems, for example work to improve witness and victim protection, may yield important benefits for women in areas which are not the primary focus of this initiative (e.g. violence against women). In addition, AGD will ensure that gender disaggregated data is included in monitoring reporting and that program design and delivery takes into account AGD and DFAT 'gender equality in development' guidelines.





Annexure B – IP-JuSP Thematic Areas of Engagement

Thematic areas for engagement (including partner countries ³⁰ and organisations)	Staffing (Full time equivalent)	Intermediate outcomes	Staffing budget	Activity budget
<p>Financial Crime</p> <ul style="list-style-type: none"> Supporting partner countries to strengthen financial sector integrity and assist in promoting development through economic growth through improved legal frameworks that are compliant with Financial Action Task Force (FATF) Recommendations including through: <ul style="list-style-type: none"> ○ bilateral technical assistance for policy development and law reform ○ fostering awareness of international standards and opportunities for reform, and ○ support for engaging effectively with FATF and the Asia Pacific Group on Money Laundering (APG) mutual evaluation processes. Increasing capacity of partner countries to implement legal frameworks to detect and disrupt the movement of illicit funds including through: <ul style="list-style-type: none"> ○ developing policies, procedures and guidelines ○ improving organisational practices, (including interagency cooperation) and ○ improving investigation, prosecution and judicial decision making skills. <p>AGD will work bilaterally with Indonesia, Vietnam, Pakistan, Sri Lanka, Cambodia, the Philippines and other priority countries in the region as new priorities emerge and regionally through the Bali</p>	<p>6.9</p> <p>(0.9 x EL2, 3 x EL1, 3 x APS6)</p>	<p>1.1, 1.2: 1A, 1B, 1C</p> <p>2.1, 2.2, 2.3: 2A, 2B, 2C, 2D, 2E, 2G</p> <p>3</p>	<p>\$922,436</p>	<p>\$633,163</p>

³⁰ Partner country agencies include ministries of justice, the interior and home affairs, judges and courts, legal drafting services, border management, law enforcement agencies and police.






Thematic areas for engagement (including partner countries ³⁰ and organisations)		Staffing (Full time equivalent)	Intermediate outcomes	Staffing budget	Activity budget
	Process on People Smuggling, Trafficking in Persons and Related Transnational Crime (Bali Process) and the Asset Recovery Interagency Network – Asia Pacific. AGD will partner with AUSTRAC, APG and the UN Office for Drugs and Crime (UNODC) as appropriate.				
People Smuggling and Human Trafficking	<ul style="list-style-type: none"> Supporting partner countries to strengthen their legal frameworks to address people smuggling and human trafficking and related matters such as vulnerable witness protection in line with international standards and good practice including through: <ul style="list-style-type: none"> bilateral technical assistance for policy development and law reform fostering awareness of international standards and opportunities for reform, and developing and implementing policy guides through the Bali Process. Increasing capacity of partner countries to implement people smuggling and human trafficking legal frameworks including through: <ul style="list-style-type: none"> developing policies, procedures and guidelines improving organisational practices (including interagency cooperation), and improving investigation, prosecution and judicial decision making skills. <p>AGD will work bilaterally with Indonesia, Malaysia, Vietnam, Sri Lanka and other priority countries in the region as new priorities emerge, regionally through the Bali Process and partner with the International Organisation for Migration and the UNODC as appropriate.</p>	3.5 (0.5 x EL2, 1 x EL1, 2 x APS6)	1.1, 1.2: 1A, 1B, 1C, 1D 2.1, 2.2, 2.3: 2A, 2B, 2C, 2D, 2E, 2G 3	\$457,717	\$481,531

Thematic areas for engagement (including partner countries ³⁰ and organisations)		Staffing (Full time equivalent)	Intermediate outcomes	Staffing budget	Activity budget
Violent Extremism	<ul style="list-style-type: none"> Supporting partner countries and civil society organisations to build the capacity to address violent extremism, including through development and implementation of training and research programs. Supporting collaboration between partner country governments and civil society organisations on addressing violent extremism. Developing good practice tools for governments and practitioners to counter online violent extremism propaganda. Respond to emerging priorities to build the capacity of security and justice systems and/or to support service delivery to address violent extremism. Supporting partner countries to strengthen legal frameworks so as to improve the capacity of security and justice systems in the specific skills required for the prevention of extremist or terrorist threats including through: <ul style="list-style-type: none"> improving accessibility to legislation promoting policy development and drafting skills for improved legal frameworks increasing capacity of partner countries to implement legal frameworks such as improving investigation and prosecution skills in the collection and use of evidence, and building and supporting interagency and regional networks. <p>AGD will work bilaterally with Indonesia and Malaysia and regionally through the Southeast Asian Network of Civil Society Organisations and other appropriate fora on Countering Violent Extremism.</p>	5 (1 x EL2, 2 x EL1, 2 x APS6)	1.1, 1.2: 1A, 1B, 1C, 1D 2.1, 2.2, 2.3: 2A, 2B, 2C, 2D, 2E, 2F, 2G 3	\$685,287	\$460,103
Mutual Assistance and Extradition	<ul style="list-style-type: none"> Supporting partner countries to improve international crime cooperation legal frameworks. 	2 (1 x EL1, 1 x APS6)	1.1, 1.2: 1A, 1C 2.1, 2.2, 2.3: 2A, 2B, 2C, 2D, 2E	\$254,732	MA&E activities form part of the

Thematic areas for engagement (including partner countries ³⁰ and organisations)		Staffing (Full time equivalent)	Intermediate outcomes	Staffing budget	Activity budget
	<ul style="list-style-type: none"> Supporting partner countries to improve international crime cooperation capacity including how to effectively make and respond to international crime cooperation requests. Improving partner country international crime cooperation practices. <p>AGD will work bilaterally with Indonesia and Malaysia and other priority countries in the region as new priorities emerge and regionally through the ASEAN Working Group on People Smuggling.</p>				activities for the thematic areas listed above.
TOTAL		17.4		\$2,320,173	\$1,574,797

Annexure C – IP-JuSP Work Plan 2017/18

Thematic Key

	Financial Crime (FC)		Violent Extremism (VE)		Other
	People Smuggling & Human Trafficking (PS/HT)		Mutual Assistance & Extradition (MA&E)		

Country	Thematic Key	Project	Intermediate outcomes	Forecast project costs (not including staffing)
Indonesia	FC	<p>Project 1: Partner with the Ministry of Law and Human Rights to improve the accessibility of Indonesian laws (including but not limited to laws to address transnational crime and violent extremism and to strengthen international crime cooperation) and increase the legal policy and law reform capacity of officials including:</p> <ul style="list-style-type: none"> Supporting improved accessibility of Indonesian legislation and better quality legal drafting services by: <ul style="list-style-type: none"> scoping an update of Indonesia's legislation database mentoring in-house translators to develop high-quality translations of laws and continuing engagement on good practice drafting through information sharing on priority drafting projects. Supporting the improvement of legal frameworks by promoting policy development and drafting skills. 	1.1, 1.2	\$64,170 (further funding will be sought under the AIPJ-II justice program)
	VE		1A, 1B	
	MA&E		2.3	
	PS/HT		2F, 2G	

	ODA Eligibility	<p><u>Comment 1:</u> These activities are consistent with legal and judicial development activities listed by DAC in CRS Purpose Code 15130 which include:</p> <ul style="list-style-type: none"> • support to institutions, systems and procedures of the justice sector • support to ministries of justice, the interior and home affairs, judges and courts, legal drafting services, border management, law enforcement agencies and police. • measures that support the improvement of legal frameworks, constitutions, laws and regulations, legislative drafting and review, legal reform, and • justice, law and order policy planning and development. <p><u>Comment 2:</u> The activities addressing violent extremism are consistent with DAC guidance on preventing violent extremism³¹. AGD activities will be led by the partner Government; serve a developmental purpose by building the capacity of security and justice systems to uphold the rule of law; be non-coercive; not include intelligence gathering; and uphold human-rights-compliant behaviours.</p> <p><u>Comment 3:</u> These activities are consistent with DAC guidance on security system reform including technical cooperation provided to parliaments, government ministries, law enforcement agencies and judiciaries to assist review and reform of the security system to improve good governance and civilian oversight.³²</p>		
	Cyber	Project 2: Partner with relevant Indonesian government and non-government institutions to improve strategic responses to emerging policy issues by contributing to whole-of-government engagement on cyber security and other issues as agreed.	1.1, 1C, 1D	Funding to be sought under the AIPJ-II
	ODA Eligibility	<u>Comment 4:</u> These activities will be consistent with DAC guidance on legal and judicial development (comment 1) and security system reform (comment 3).		

³¹ DAC, *Converged Statistical Reporting Directives for the Creditor Reporting System (CRS) and the Annual DAC Questionnaire*, DCD/DAC (2016)3/FINAL, paragraphs 116-119.

³² DAC, as above, paragraph 105.

	VE	<p>Project 3: In close consultation with DFAT and AFP at post, build the capacity of Indonesian officials to address violent extremism policy and programs, by:</p> <ul style="list-style-type: none"> • Providing technical expertise to support development and implementation of a training and research program, with a focus on developing counter narratives, engaging with digital industry on countering online terrorist propaganda, and approaches to evaluation • Training would seek to build understanding and consensus on the importance of addressing violent extremism as an essential approach of crime prevention (as compared with ‘harder’ approaches) aimed at officials from the countering violent extremism (CVE) policy agency, BNPT, as well as law and justice agencies responsible for policy and implementation of CVE initiatives. • Supporting collaboration between Indonesian government officials and civil society representatives on addressing violent extremism, including convening a CVE policy forum in Jakarta to follow up on outcomes from a government-civil society study visit to Australia. 	1A, 1C, 1D	\$86,360
	ODA Eligibility	<p><u>Comment 5:</u> These activities are consistent with DAC guidance on addressing violent extremism (comment 2). In addition, DAC guidance³³ supports preventing violent extremism through (i) development assistance to counter the narrative of violent extremism, (ii) education and research into positive alternatives to address causes of extremism, and (iii) providing positive alternatives to people at risk of extremism.</p>		
	VE MA&E	<p>Project 4: Partner with the Indonesian Attorney General’s Office and Ministry for Law and Human Rights (with the Indonesian National Police and Australian Federal Police) to enhance criminal justice responses to transnational crime by:</p> <ul style="list-style-type: none"> • Co-hosting bilateral and regional workshops to develop technical capacity to implement laws addressing transnational crime and violent extremism, with a focus on using social media and other electronic evidence (including implementing Indonesia’s revised counter-terrorism law once passed) and enhancing international crime cooperation. 	2.1, 2.2, 2.3 2A, 2B, 2C, 2D, 2E	Funded under the AIPJ-II security program and existing AGD funds

³³ DAC, as above, paragraphs 116-119.

		<ul style="list-style-type: none"> In the context of these workshops, supporting Indonesia's AGO to build a network of regional crime cooperation practitioners, including scoping for an online ASEAN crime cooperation hub. 		
	ODA Eligibility	<p><u>Comment 6:</u> These activities are consistent with DAC guidance on legal and judicial development (comment 1), violent extremism (comment 2) and security sector reform (comment 3). In addition, these activities are consistent with DAC guidance on 'routine civil policing functions' to uphold the rule of law and to prevent and address criminal activities and promote public safety.³⁴ The <i>ODA Casebook on Conflict, Peace and Security Activities</i> includes financial crime, money laundering, drug trafficking, human trafficking and people smuggling and international law enforcement cooperation as examples.³⁵</p>		
	FC	<p>Project 5: Partner with the Corruption Eradication Commission (KPK), the Indonesian Financial Transaction Reports and Analysis Centre (PPATK) and the Australian Transaction Reporting and Analysis Centre (AUSTRAC) to increase Indonesia's inter-agency engagement, collaboration and cooperation, improve technical knowledge and skills and the tools to support service delivery relating to financial crime and corruption, by:</p> <ul style="list-style-type: none"> Co-hosting interagency training and information sharing to develop techniques to combat financial crime and corruption, with a focus on strengthening asset recovery mechanisms and investigating complex money laundering. In the context of this training, co-developing practitioner guidelines on specific tools to combat financial crime and corruption, such as asset recovery. Providing technical assistance in respect of priority regulations, policies and mechanisms. 	1.1 1B 2.1, 2.3 2A, 2C, 2D, 2E, 2G	Funded under the AIPJ-II security program
	ODA Eligibility	<p><u>Comment 7:</u> These activities are consistent with DAC guidance on legal and judicial development (comment 1) and activities listed under CRS Purpose Code 15113 on anti-corruption and anti-money laundering institutions and frameworks.</p>		

³⁴ DAC, as above, paragraphs 100-101.

³⁵ DAC, *Update on the ODA Casebook on Conflict, Peace and Security Activities*, DCD/DAC/STAT(2017)2, pages 45-59.

		The activities are also consistent with DAC guidance on routine police functions (comment 6).		
	PS/HT	<p>Project 6: Partner with the Attorney-General's Office and International Organisation for Migration (IOM) to improve human trafficking legal frameworks by increasing the technical knowledge and skills of Indonesian law and justice officials, supporting changes to organisational practices and fostering inter-agency coordination, by:</p> <ul style="list-style-type: none"> Supporting the delivery of inter-agency workshops and training to police, prosecutors and judges on effectively managing human trafficking cases, including on the updated law and justice officials handbook. 	2.1, 2.3 2A, 2C, 2D, 2G	\$50,940
	ODA Eligibility	<u>Comment 8:</u> These activities are consistent with DAC guidance on legal and judicial development (comment 1), routine police functions that address human trafficking (comment 6) and activities under CRS Purpose Code 15160 on human rights programming targeting victims of trafficking.		
	PS/HT	Project 7: Partner with International Organisation for Migration to improve organisational practices for managing human trafficking cases and to increase the technical knowledge and skills of Indonesian officials by funding the printing, distribution and provincial-level launches of the updated law and justice officials handbook for managing trafficking cases (being developed by IOM, as part of an AGD funded project due to finish in March 2017).	2.1, 2.3 2A, 2C, 2D, 2E, 2G	\$25,000
	ODA Eligibility	<u>Comment 9:</u> This activity is consistent with DAC guidance on legal and judicial development (comment 1) and human trafficking (comment 8).		
	PS/HT	Project 8: Partner with the Indonesian National Police and the Attorney-General's Office to effectively implement people smuggling law and policy frameworks by improving the technical knowledge of provincial-level Indonesian officials and enhancing effective prosecution and interagency cooperation.	2.1, 2.3 2A, 2C, 2D	\$30,000
	ODA Eligibility	<u>Comment 10:</u> This activity is consistent with DAC guidance on legal and judicial development including border management (comment 1) and routine police functions (comment 6).		
Total for Indonesia				\$256,470

Malaysia	PS/HT	<p>Project 9: Partner with the Attorney-General’s Chambers and Anti-Trafficking Council (MAPO) to support the improvement of human trafficking legal frameworks by fostering greater awareness international standards and good practices, increasing technical knowledge and skills of Malaysian officials, increasing policy expertise and competencies and fostering organisational change and interagency coordination and thereby supporting Malaysia in its ambition to achieve a Tier 1 ranking in the US State Department’s annual TIP report by 2020. This will be accomplished by:</p> <ul style="list-style-type: none"> • Supporting improved engagement, collaboration and cooperation between key Malaysian Government, non-government and civil society stakeholders • Supporting the development and reform of Malaysia’s victim and witness protection policies and legislation that is in line with international standards. • Improving the capacity of Malaysian officials to prosecute human trafficking cases. 	1.1, 1.2 1A, 1C, 1D 2.1, 2.3 2C, 2D	\$44,307
	ODA Eligibility	<u>Comment 11:</u> These activities are consistent with DAC guidance on legal and judicial development (comment 1) and human trafficking (comment 8).		
	VE	<p>Project 10: Develop good practice tools for governments and CVE practitioners to support service delivery to counter online violent extremism propaganda directed at Southeast Asian countries, in collaboration with the Malaysian Ministry of Foreign Affairs (specifically its Southeast Asia Regional Centre for Counter-Terrorism, or SEARCCT – a training centre). This will involve:</p> <ul style="list-style-type: none"> • Co-developing with Malaysia a regional guide on legislative and non-legislative approaches to inhibiting terrorist propaganda online • Co-developing with Malaysia a regional guide to assist government and civil society organisations engage with digital industry • Co-developing specialised counter narrative initiatives through the SEARCCT Counter Messaging Centre 	1.1 1A, 1B, 1D	\$16,160
	ODA Eligibility	<u>Comment 12:</u> These activities are consistent with DAC guidance on preventing violent extremism (comments 2 and 5). Specifically, the activities will be undertaken in accordance with respect for the peaceful exercise of political, social and economic rights, including the right to non-violent forms of political		

		expression. These activities will involve preventing radicalisation and promoting community engagement.		
			Total for Malaysia	\$60,467
Vietnam	FC	Project 11: Partner with the Ministry of Justice, Government Inspectorate and Supreme People's Procuracy to contribute to strengthening financial systems and to support the capacity to improve transnational crime legislation and policy, by:	1.1, 1.2 1A, 1B, 1C 2G	\$45,870
	PS/HT	<ul style="list-style-type: none"> Supporting the development of new laws on asset recovery, including through training and roundtable discussions. Supporting the development of subordinate legislation and guidance material to complement new offence provisions in the Penal Code on money laundering, people smuggling and human trafficking. 		
	MA&E			
	ODA Eligibility	<u>Comment 13:</u> These activities are consistent with DAC guidance on legal and judicial development including border management (comment 1), anti-money laundering (comment 7) and human trafficking (comment 8).		
	FC	Project 12: Partner with the Ministry of Justice, Supreme People's Procuracy, Supreme People's Court and Ministry of Public Security to improve the transnational crime related organisational practices for Vietnamese justice officials, law enforcement, judges and courts and contribute to more consistent application of laws by:	2.3 2A, 2C, 2D, 2E	\$43,400
	PS/HT	<ul style="list-style-type: none"> Delivering training for prosecutors, investigators and judges to increase their capacity to implement new transnational crime provisions in Vietnam's Penal Code, including those provisions relating to money laundering, people smuggling and human trafficking. 		
	ODA Eligibility	<u>Comment 14:</u> These activities are consistent with DAC guidance on legal and judicial development (comment 1), anti-money laundering (comment 7) and human trafficking (comment 8).		
			Total for Vietnam	\$89,270

Pakistan	FC	<p>Project 13: Support increased technical knowledge and skills of Pakistani law and justice officials and improve organisational practices by:</p> <ul style="list-style-type: none"> • Providing training for police, prosecutors, the Financial Monitoring Unit, and the judiciary on anti-money laundering, countering terrorist financing and proceeds of crime laws, and • Assisting Pakistan with preparation for its Asia/Pacific Group on Money Laundering (APG) mutual evaluation, through training and sharing Australia's experience. 	1.1 1A, 1C 2.1 2A, 2C, 2D, 2E	\$73,800
	ODA Eligibility	<p><u>Comment 15:</u> These activities are consistent with DAC guidance on legal and judicial development (comment 1), security system reform (comment 3) and anti-money laundering (comment 7). This includes DAC guidance that eligible activities include building the capacity of security and justice systems in specific skills required for the prevention of extremist or terrorist threats.³⁶</p>		
Total for Pakistan				\$73,800
Sri Lanka	FC	<p>Project 14: Partner with the Attorney-General's Department, Ministry of Justice and Presidential Taskforce for the Recovery of State Assets and The World Bank to support improvements to transnational crime legal frameworks, increase policy and law reform capacity, foster greater awareness international standards and good practices and develop organisational practices for law and justice officials by:</p>	1.1, 1.2 1A, 1B, 1C 2.1 2A, 2B, 2C	\$17,270
	PS/HT	<ul style="list-style-type: none"> • Supporting the development of a new, comprehensive law on proceeds of crime • Providing training for police and prosecutors on proceeds of crime cases and international cooperation • Supporting reforms to evidentiary requirements relating to the admissibility of foreign audio-visual evidence, and • Supporting reforms to improve the relevant legal frameworks on people smuggling offences. 		

³⁶ DAC, see footnote 1, paragraph 119.

	ODA Eligibility	<u>Comment 16:</u> These activities are consistent with DAC guidance on legal and judicial development including border management (comment 1), routine police functions (comment 6) and anti-money laundering (comment 7).		
	PS/HT	Project 15: Partner with Sri Lanka's Attorney-General's Department, Police, Coast Guard, Department of Immigration and Emigration and Department of Fisheries to ensure Sri Lanka's border management is governed according to the rule of law, including through effective evidence identification, collection and handling procedures. This will involve civilian-delivered training by Australian law and justice officials to build organisational capacity and coordination mechanisms aimed at supporting the welfare of Sri Lankan citizens by combating people smuggling and human trafficking ventures, which place lives at risk and fund other transnational crimes including the flows of illicit goods and services.	1.2 1A, 1C 2.1, 2.3 2A, 2C, 2D	\$26,100
	ODA Eligibility	<p><u>Comment 17:</u> These activities are consistent with DAC guidance on legal and judicial development including border management (comment 1) and routine civilian police functions (comment 6).</p> <p>DAC ODA guidance enables the classification of the Sri Lankan Coast Guard as an agency that exercises police powers. For ODA purposes, the term police refers to all civilian (non-Defence Ministry) law enforcement agencies that exercise police powers, especially the power of arrest and detention within a broader rule-of-law system (such bodies may include immigration/border, customs and other specialist civilian law enforcement agencies). The term also covers actors such as the gendarmerie, the guardia civil and the coast guard in their civilian police law enforcement functions even if they are administratively under the Ministry of Defence.³⁷</p> <p>The Department of Coast Guard 1 Act, No. 41 of 2009 notes that the Coast Guard has "the function of law enforcement in the coastal areas, the maritime zones of Sri Lanka and the high seas." It has authority to search and arrest ships, craft and personnel engaged in illegal activities and commence legal proceedings against the offenders. Responsibilities include counter smuggling operations, prevention of illegal human trafficking, ensuring safety of life and property at</p>		

³⁷ DAC, see footnote 1, paragraph 99.

		sea, participating in search and rescue operations, prevention of illegal fishing, and preservation and protection of maritime and marine environment. ³⁸		
	PS/HT	Project 16: Partner with the Ministry of Justice to foster greater awareness of international standards and good practices to increase of resources and tools as well as technical knowledge and skills of Sri Lankan officials, by: <ul style="list-style-type: none"> Supporting the development and implementation of policies and processes relating to the identification and protection of victims and other witnesses in human trafficking cases (in line with international standards) 	1.1, 1.2 1A, 1B 2.1 2A, 2C, 2G	\$15,610
	ODA Eligibility	<u>Comment 18:</u> This activity is consistent with DAC guidance on legal and judicial development (comment 1), routine police functions (comment 6) and human trafficking (comment 8).		
	FC	Project 17: Partner with the Attorney-General's Department and the Police to improve organisational practices for justice officials and law enforcement for various transnational crimes, by: <ul style="list-style-type: none"> Holding dialogues, workshops and/or training to build capacity to successfully prosecute people smuggling, human trafficking and money laundering cases and support 'follow the money' practices. 	2.1, 2.3 2A, 2C, 2D	\$42,640
	PS/HT			
	ODA Eligibility	<u>Comment 19:</u> This activity is consistent with DAC guidance on legal and judicial development including border management (comment 1), routine police functions (comment 6), anti-money laundering (comment 7) and human trafficking (comment 8).		
Total for Sri Lanka				\$101,620
Cambodia	FC	Project 18: Partner with Cambodia's National Coordinating Committee on Anti-Money Laundering and Counter Terrorism Financing (NCC) agencies to strengthen financial systems and support improvements to transnational crime legislation and policy by:	1.1 1A, 1C 2.1	\$50,000

³⁸ Sri Lankan Coast Guard <http://www.coastguard.gov.lk>

		<ul style="list-style-type: none"> supporting the Secretariat to the NCC to develop new laws and regulations on targeted financial sanctions against the proliferation of weapons of mass destruction that are compliant with FATF standards providing training for the Secretariat to the NCC, Cambodian Financial Intelligence Unit, Department of Foreign Affairs and International Cooperation, police and prosecutors on the new targeted financial sanctions and legislation and supporting awareness raising for industry and the public providing training on money laundering investigations and financial investigation techniques to the Cambodian Financial Intelligence Unit, Anti-Corruption Unit, General Department of Customs and Excise, General Department of Taxation, police and prosecutors. 	2A, 2C, 2D, 2E	
	ODA Eligibility	<u>Comment 20:</u> These activities are consistent with DAC guidance on legal and judicial development (comment 1), security system reform (comments 3 and 15), routine police functions (comment 5) and anti-money laundering (comment 7).		
Total for Cambodia				\$50,000
The Philippines	FC	<p>Project 19: Partner with the Philippines' Anti-Money Laundering Council, Department of Justice and law enforcement authorities to strengthen financial systems and support improvements to transnational crime legislation and policy by:</p> <ul style="list-style-type: none"> supporting the Philippines with preparation for its upcoming APG 3rd round mutual evaluation providing training on AML/CTF investigations and prosecutions, proceeds of crime and international cooperation providing assistance, as required, with AML/CTF legislative reform. 	1.1 1A, 1C 2.1 2A, 2C, 2D, 2E	\$30,000
	ODA Eligibility	<u>Comment 21:</u> These activities are consistent with DAC guidance on legal and judicial development (comment 1), security system reform (comments 3 and 15), routine police functions (comment 6) and anti-money laundering (comment 7).		
Total for the Philippines				\$30,000
	FC	Project 20: Through the Bali Process TIPWG , continue to support the improvement of legal frameworks and law reform in transnational crime by improving strategic responses to emerging policy issues, developing new policies	1.1, 1.2 1A, 1B, 1C	\$100,000

Regional and multilateral engagement		and laws and improving associated knowledge, skills, expertise and competencies, increase understanding of opportunities for reform and fostering awareness international standards and good practices, including by:	2.1 2A, 2C, 2E, 2G 3	
	PS/HT	<ul style="list-style-type: none"> Supporting further training on the Bali Process Guides on criminalising people smuggling and trafficking, identifying and protecting the victims of trafficking and using financial investigation techniques in human trafficking cases (the last of which is currently under development) Support work to address emerging regional priorities, including exploitation in supply chains and government engagement with the private sector Delivering workshops on implementation of the Bali Process Guides for requesting countries. These workshops will cover the protection and identification of victims of trafficking, criminalisation of human trafficking and people smuggling, and 'following the money' in human trafficking cases. 		
	ODA Eligibility	<u>Comment 22:</u> These activities are consistent with DAC guidance on legal and judicial development including border management (comment 1) and human trafficking (comment 8).		
	MA&E	<p>Project 21: Support ASEAN countries to strengthen the integrity of their borders, and respond to security and economic threats associated with irregular movements of people, including through the delivery of the forward work program for the ASEAN Working Group on People Smuggling. This will involve improving people smuggling legal frameworks, supporting law reform in this area with reference to international standards and supporting improved organisational practices for these legal frameworks. This will be accomplished under the auspices of the ASEAN Senior Officials Meeting on Transnational Crime, by:</p> <ul style="list-style-type: none"> Partnering with Malaysia to deliver an ASEAN workshop on effective criminalisation of people smuggling and strengthening formal and informal cooperation amongst law enforcement and prosecutors. 	1.1 1A, 1C 2.1, 2.2 2A, 2C, 2D 3	\$47,470
	PS/HT			
	ODA Eligibility	<u>Comment 23:</u> This activity is consistent with DAC guidance on legal and judicial development including border management (comment 1) and routine police functions (comment 6). It is for the primary benefit of ASEAN countries.		

	FC	<p>Project 22: Strengthen financial integrity in the Indo-Pacific region, and increase the capacity of the region's developing countries to recover stolen assets from abroad, through continued support to the Asset Recovery Interagency Network – Asia Pacific (ARIN-AP). ARIN-AP aims to foster greater awareness of international asset recovery standards and the need for changes to organisational practices, increase engagement and coordination among key stakeholders and improve the tools, technical knowledge and skills of relevant officials, by:</p> <ul style="list-style-type: none"> Delivering training through the Network to improve regional capacity to implement criminal asset recovery laws and to increase the ability for international crime cooperation to occur. 	1.1 1A, 1C 2.1, 2.2 2A, 2B, 2D, 2G 3	\$71,250
	ODA Eligibility	<p><u>Comment 24:</u> This activity is consistent with DAC guidance on legal and judicial development (comment 1), routine police functions (comment 6) and anti-money laundering (comment 7). The activity's overarching goal is to assist developing countries to recover stolen assets from abroad in order to provide a disincentive to launder money abroad and to enable developing countries to invest revenue from stolen assets into their socio-economic development.</p>		
	FC	<p>Project 23: Partner with regional organisations such as the United Nations Office on Drugs and Crime, ARIN-AP and the Asia Pacific Group on Money Laundering to support the improvement of anti-money laundering, terrorist financing and asset recovery legal frameworks and their implementation, which comply with the FATF recommendations in the Indo-Pacific region, by:</p> <ul style="list-style-type: none"> Delivering regional practitioner training and workshops on international cooperation, anti-money laundering, countering terrorist financing and asset recovery 	1.2 1A, 1C 2.1, 2.2 2A, 2B, 2C, 2D 3	\$96,600
	ODA Eligibility	<p><u>Comment 25:</u> This activity is consistent with DAC guidance on legal and judicial development (comment 1), security system reform (comments 3 and 15) and anti-money laundering (comment 7).</p>		
		<p>Project 24: Support work of Southeast Asian Network of Civil Society Organisations on countering violent extremism (SEAN-CSO) to improve engagement with Southeast Asian governments and build the capacity of security and justice systems to address violent extremism, by:</p>	1.1 1A, 1B, 1C, 1D 3	\$202,820

	VE	<ul style="list-style-type: none"> Maintenance and update of a public website as the go-to source of CVE good practice and research in South-east Asia, for government, academia and civil society Regional capacity building workshop for SEAN-CSO members <ul style="list-style-type: none"> to build capacity to develop targeted/'tertiary' CVE programs (compared with religious pluralism/social cohesion initiatives), and to support/mentor new and junior civil society organisations, for example on CVE project development Support for collaborative research projects to inform Government policy development and approaches to CVE evaluation 		
	ODA Eligibility	<u>Comment 26:</u> These activities are consistent with DAC guidance preventing violent extremism (comments 2 and 5).		
	FC	<p>Project 25: Strengthen the integrity of financial systems in developing countries through the utilisation of regional and multilateral forums to support the capacity of countries to comply with the Financial Action Task Force (FATF) standards. These activities will progress this by fostering increased understanding of opportunities for reform, increasing awareness of international standards and improving the tools, technical knowledge and skills of relevant officials in the Indo-Pacific region. This will be accomplished by:</p> <ul style="list-style-type: none"> Continuing to participate in regional and multilateral forums to raise awareness and understanding about better practice, and Supporting the provision of training workshops related to anti-money laundering and countering terrorist financing legal frameworks. 	1.1, 1.2 1A, 1C 2.1, 2.2 2A, 2B, 2C 3	\$18,360
	ODA Eligibility	<u>Comment 27:</u> These activities are consistent with DAC guidance on legal and judicial development (comment 1), security system reforms (comments 3 and 15), routine police functions (comment 6) and anti-money laundering (comment 7).		
Total for Regional/Multilateral Engagement				\$536,500

Flexibility to respond to emerging priorities ³⁹	FC	<p>Project 26: Retain the ability to respond to new requests from counterpart agencies for assistance in complying with FATF standards by supporting them to develop new anti-money laundering and counter-terrorism financing legal policies and frameworks and improving associated organisational practices for law and justice officials and supporting partner agencies to understand and engage effectively with the FATF/APG mutual evaluation processes. This will be accomplished by:</p> <ul style="list-style-type: none"> Continuing to support partner Asian nations through technical assistance, training and mentoring, targeted to the needs of the country and building on existing programs of work. 	1.1, 1.2 1A, 1B, 1C 2.1 2A, 2B, 2C, 2D, 2E, 2G	\$99,390
	ODA Eligibility	<u>Comment 28:</u> These activities are consistent with DAC guidance on legal and judicial development (comment 1), security system reforms (comments 3 and 15), routine police functions (comment 6) and anti-money laundering (comment 7).		
	FC	<p>Project 27: Retain the ability to respond to new requests from counterpart agencies that request support to improve legal frameworks to effectively criminalise people smuggling and trafficking and ‘following the money’ activities and improving associated organisational practices for law and justice officials. This will be accomplished by:</p> <ul style="list-style-type: none"> Supporting the implementation of the Bali Process policy guides on criminalising people smuggling and trafficking, identifying and protecting the victims of trafficking and using financial investigation techniques in human trafficking cases (currently under development), and Translating the Bali Process policy guides into regional languages. 	1.1, 1.2 1A, 1B, 1C 2.1 2A, 2B, 2C, 2D	\$103,000
	PS/HT			
	ODA Eligibility	<u>Comment 29:</u> These activities are consistent with DAC guidance on legal and judicial development including border management (comment 1), routine police functions (comment 6), anti-money laundering (comment 7) and human trafficking (comment 8).		
	FC	Project 28: Retain the ability to respond to new requests from counterpart agencies to increase <i>international crime cooperation</i> capacity by assisting to	1.1, 1.2 1A, 1C	\$106,780

³⁹ Subject to ODA eligibility assessments and approval by the IP-JuSP Steering Committee.

	VE	<p>improve organisational practices to make and respond to mutual assistance and extradition requests, by:</p> <ul style="list-style-type: none"> Supporting improvements to the mutual assistance and extradition legal frameworks and organisational practices of partner countries Providing training on international best practice relating to mutual assistance and extradition, and Providing mentoring for partner country officers on practical case work matters 	2.1, 2.2 2A, 2B, 2C, 2D	
	MA&E			
	PS/HT			
	ODA Eligibility	Comment 30: These activities are consistent with DAC guidance on legal and judicial development (comment 1).		
	VE	Project 29: Retain the ability to respond to counterpart agencies and relevant stakeholders that request support to build the capacity of security and justice systems and/or to support service delivery to address violent extremism	1.1 1A, 1B, 1C, 1D 3	\$67,500
	ODA Eligibility	Comment 31: These activities consistent with DAC guidance on legal and judicial development (comment 1), preventing violent extremism (comments 2 and 5) and security system reform (comment 3).		
Total for Emerging Priorities				\$376,670
TOTAL IP-JuSP ACTIVITIES				\$1,574,797

Activities already funded by AGD				
The Philippines	FC	Partner with the Department of Justice to foster awareness of good practice and relevant standards, increase the expertise and competencies of officials, develop new policies and draft new laws, by:	1.1, 1.2 1A, 1B, 1C	Already funded by AGD
	VE	<ul style="list-style-type: none"> Supporting the development of priority reforms to laws addressing transnational crime and violent extremism and enhancing (international crime cooperation, including by sponsoring roundtables and study visits on policy development, legislative drafting and compliance with international standards and good practice. 		
	MA&E			
	MA&E	<p>Partner with Department of Justice, law enforcement and judicial authorities to strengthen the Philippines' international crime cooperation capacity, improve engagement, collaboration and cooperation among key stakeholders in the Philippines, by:</p> <ul style="list-style-type: none"> Hosting training exercises and roundtables (including two way visit programs) to enhance knowledge, skills and practices for effective investigations and prosecutions, and extradition and mutual legal assistance Supporting biennial international crime cooperation dialogues, and Facilitating the exchange of information on international crime cooperation practices. 	2.1, 2.2 2A, 2B, 2C, 2D	Already funded by AGD
Thailand	VE	<p>Partner with the Ministry of Justice, law enforcement officials and prosecutors to strengthen Thailand's legal frameworks on transnational crime and violent extremism, by:</p> <ul style="list-style-type: none"> Supporting the development of priority policy and legal reforms to address transnational crime and violent extremism including roundtables and study visits on policy development, legislative drafting and compliance with international standards and good practice, and Continuing to work with the "Counter-Terrorism Prosecutions 2016 Study Visit Alumni" (with representatives from all relevant agencies) through targeted training and networking events. 	1.1, 1.2 1A, 1B, 1C, 1D 2.1 2D	Already funded by AGD

	VE	<p>Partner with the Office of the Attorney-General, law enforcement and judicial authorities to strengthen Thailand's international crime cooperation capacity, improve engagement, collaboration and cooperation among key stakeholders in Thailand, and improve technical knowledge and skills and tools to support delivery, by:</p> <ul style="list-style-type: none"> • Hosting training exercises and roundtables (including two way visit programs) to enhance knowledge, skills and practices for effective investigations and prosecutions, and extradition and mutual legal assistance • Supporting biennial international crime cooperation dialogues, and • Facilitating the exchange of information on international crime cooperation practices 	2.1, 2.2 2A, 2B, 2C, 2D	Already funded by AGD
	MA&E			
Malaysia	VE	<p>Partner with the Attorney-General's Chambers, law enforcement and judicial authorities to strengthen Malaysia's international crime cooperation capacity, improve interagency engagement, improve the technical knowledge and skills of officials and improve the tools that support delivery, by:</p> <ul style="list-style-type: none"> • Hosting training exercises and roundtables (including two way visit programs) to enhance knowledge, skills and practices for effective investigations and prosecutions, and extradition and mutual legal assistance • Supporting biennial international crime cooperation dialogues • Facilitating the exchange of information on international crime cooperation practices 	2.1, 2.2 2A, 2B, 2C, 2D	Already funded by AGD
	MA&E			

Annexure D – IP-JuSP Role Descriptions

AGD has sought \$2.32 million in staffing funding to deliver the projects identified in the Indo-Pacific Justice and Security Program (IP-JuSP), by partnering with counterpart law and justice agencies in the region to strengthen legal and policy frameworks, and support effective implementation. This staffing level is the minimum that is required to deliver on the proposed program of projects, which is a continuation at a similar level of the capacity development work that AGD is already doing in Asia. As such, nearly all of the proposed projects are the continuation of existing programs of work or respond to existing requests for assistance to deliver this work from partner countries, and do not require scoping or the establishment of new relationships.

The officers for which we are seeking ODA funding perform ODA work. AGD already has in place other staff to progress non-ODA functions (including policy, corporate reporting and ministerial support) relating to the thematic areas for which funding is sought. AGD will also contribute significant resources across all levels (including at the SES1 and SES2 level) to oversee the design and delivery of IP-JuSP and ongoing program support.

FINANCIAL CRIME			
ROLE	RESPONSIBILITIES	Intermediate Outcomes	Projects
EL2 (0.9)	<p>AGD is seeking funding for 0.9 x EL2 officer to deliver law and justice capacity building projects (focused on strengthening financial crime AML/CTF policies, legal frameworks and building the capacity of officials) under IP-JuSP.</p> <p>The EL2 will be responsible for managing program delivery, providing senior expert advice on relevant subject matter (FATF Recommendations, policy and legislation development, international standards and good practices); where there is no AGD in-country officer, contributing to managing agency engagement with senior counterparts; working with more senior counterparts in partner countries to develop capacity and deliver projects (eg planning for the preparation and delivery of assistance including workshops and training, and ongoing mentoring through telephone, email and in country contact); clearing all the technical legal documents produced under the projects (eg legal policy papers, legislative gap analysis, draft laws, training and workshop materials, knowledge management tools etc); and ensuring ongoing program monitoring across all relevant projects.</p> <p>The volume of work that has been proposed under the IP-JuSP program will require 0.9 x EL2 to deliver on the identified projects and to achieve the intended program outcomes.</p>	<p>1.1, 1.2: 1A, 1B, 1C</p> <p>2.1, 2.2, 2.3: 2A, 2B, 2C, 2D, 2E, 2G</p> <p>3</p>	<p>5, 12, 13, 14, 15, 18, 19, 21, 22, 24, 25, 26, 27</p>

EL1 (2)	<p>AGD is seeking funding for 2 x EL1 officers to deliver law and justice capacity building projects (focused on strengthening financial crime policies, legal frameworks and building the capacity of officials) under IP-JuSP.</p> <p>The EL1s will be responsible for ensuring the day to day progress of projects; the provision of expert technical assistance to counterparts on a regular basis to develop capacity and delivering of projects (mentoring counterparts – both remotely through regular email and phone contact and in country; developing proposed activities under projects); drafting some and settling all the technical legal documents produced under the projects (eg legal policy papers, legislative gap analysis, draft laws, training and workshop materials, knowledge management tools etc); developing programs for study visits and/or twinning programs; delivery of training/workshops in country and ongoing monitoring of allocated projects.</p> <p>The volume of work that has been proposed under the IP-JuSP program will require 2x EL1 to deliver on the identified projects and to achieve the intended program outcomes.</p>	<p>1.1, 1.2: 1A, 1B, 1C</p> <p>2.1, 2.2, 2.3: 2A, 2B, 2C, 2D, 2E, 2G</p> <p>3</p>	<p>5, 12, 13, 14, 15, 18, 19, 21, 22, 24, 25, 26, 27</p>
APS 5/6 (3)	<p>AGD is seeking funding for 3 x APS 5/6 officers to deliver law and justice capacity building projects (focused on strengthening financial crime policies, legal frameworks and building the capacity of officials) under IP-JuSP.</p> <p>The role of the APS staff will be to support the preparation and delivery of the projects to partner countries. This will include legal research, preparing and drafting training materials, preparing and jointly writing policy papers with counterparts on legal policy and law reform issues, preparing gap analysis of relevant legislation against international standards/obligations, preparing comments on draft legislation, other assistance with the development of policy and legislation, preparing with counterparts drafts of knowledge management tools such as checklists and guides, contributing to developing programs for study visits and/or twinning programs, and other general support.</p> <p>The work carried out by the APS staff provides the support that is necessary to enable the EL1 and EL2 staff to commit their time to providing more complex assistance. APS5/6 staff are also sometimes involved in the actual delivery of projects in country (depending on the scope of the project and who is most appropriately placed to deliver in country activities as part of the project).</p>	<p>1.1, 1.2: 1A, 1B, 1C</p> <p>2.1, 2.2, 2.3: 2A, 2B, 2C, 2D, 2E, 2G</p> <p>3</p>	<p>5, 12, 13, 14, 15, 18, 19, 21, 22, 24, 25, 26, 27</p>

PEOPLE SMUGGLING AND HUMAN TRAFFICKING			
ROLE	RESPONSIBILITIES	Intermediate Outcomes	Projects
EL2 (0.5)	<p>AGD is seeking funding for 0.5 x EL2 officer to deliver law and justice capacity building projects (focused on strengthening people smuggling and human trafficking policies and legal frameworks, and building the capacity of officials) under IP-JuSP.</p> <p>The EL2 will be responsible for: managing program delivery; providing senior expert advice on relevant subject matter (international standards for people smuggling and human trafficking law, vulnerable witness law and good practice, international crime cooperation, and other relevant laws); where there is no AGD in-country officer, contributing to managing agency engagement with senior counterparts, and working with more senior counterparts in partner countries to develop capacity (eg preparation and delivery of assistance including workshops, training and ongoing mentoring through telephone, email and in country contact); settling all the technical legal documents produced under the projects (eg legal policy papers, legislative gap analysis, draft laws, training and workshop materials etc); and ensuring ongoing program monitoring across all relevant projects.</p> <p>The volume of work that has been proposed under the IP-JuSP program will require 0.5 x EL2 to deliver the projects identified and to achieve the intended program outcomes.</p>	<p>1.1, 1.2: 1A, 1B, 1C, 1D</p> <p>2.1, 2.2, 2.3: 2A, 2B, 2C, 2D, 2E, 2G</p> <p>3</p>	<p>6, 8, 9, 10, 12, 13, 15, 16, 17, 18, 19, 20, 26</p>
EL1 (1)	<p>AGD is seeking funding for 1 x EL1 officer to deliver law and justice capacity building projects (focused on strengthening people smuggling and human trafficking policies and legal frameworks, and building the capacity of officials) under IP-JuSP.</p> <p>The EL1 will be responsible for ensuring the day to day progress of projects; the provision of expert technical assistance to counterparts on a regular basis to develop capacity and delivering of projects (mentoring counterparts – both remotely through regular email and phone contact and in country; developing proposed activities under projects); drafting some and settling all the technical legal documents produced under the projects (eg legal policy papers, legislative gap analysis, draft laws, training and workshop materials, knowledge management tools etc); developing programs for study visits and/or twinning programs; delivery of training/workshops in country and ongoing monitoring of allocated projects.</p>	<p>1.1, 1.2: 1A, 1B, 1C, 1D</p> <p>2.1, 2.2, 2.3: 2A, 2B, 2C, 2D, 2E, 2G</p> <p>3</p>	<p>6, 8, 9, 10, 12, 13, 15, 16, 17, 18, 19, 20, 26</p>

	The volume of work that has been proposed under the IP-JuSP program will require 1 x EL1 to deliver the projects identified, to achieve the intended program outcomes and to provide appropriate support to the 0.5 x EL2 position, especially in relation to project management and oversight.		
APS 5/6 (2)	<p>AGD is seeking funding for 2 x APS5/6 officers to deliver law and justice capacity building projects (focused on strengthening people smuggling and human trafficking policies and legal frameworks, and building the capacity of officials) under IP-JuSP.</p> <p>The role of the APS staff will be to support the preparation and delivery of the projects to partner countries. This will include legal research, preparing and drafting training materials, preparing and jointly writing policy papers with counterparts on legal policy and law reform issues, preparing gap analysis of relevant legislation against international standards/obligations, preparing comments on draft legislation, other assistance with the development of policy and legislation, preparing with counterparts drafts of knowledge management tools such as checklists and guides, contributing to developing programs for study visits and/or twinning programs, and other general support.</p> <p>The work carried out by the APS staff provides the support that is necessary to enable the EL1 and EL2 staff to commit their time to providing more complex assistance. APS5/6 staff are also sometimes involved in the actual delivery of projects in country (depending on the scope of the project and who is most appropriately placed to deliver in country activities as part of the project).</p>	<p>1.1, 1.2: 1A, 1B, 1C, 1D</p> <p>2.1, 2.2, 2.3: 2A, 2B, 2C, 2D, 2E, 2G</p> <p>3</p>	6, 8, 9, 10, 12, 13, 15, 16, 17, 18, 19, 20, 26

VIOLENT EXTREMISM			
ROLE	RESPONSIBILITIES	Intermediate Outcomes	Projects
EL2 (1)	<p>AGD is seeking funding for 1 x EL2 officer to deliver law and justice capacity building projects (focused on strengthening policies and legal frameworks to address transnational crime and violent extremism, and building the capacity of officials) under IP-JuSP – including to improve inter-agency collaboration and to build technical expertise.</p> <p>The EL2 will be responsible for managing program delivery, providing senior expert advice on relevant subject matter (policy and legislation development, international standards including UN CT Conventions and UNSCRs, and international best practice), working with more senior counterparts in partner countries to develop capacity (eg preparation and delivery of assistance including workshops, training and ongoing mentoring through telephone, email and in country contact), clearing all the technical legal documents produced under the projects (eg legal policy papers, legislative gap analysis, draft laws, training and</p>	<p>1.1, 1.2: 1A, 1B, 1C, 1D</p> <p>2.1, 2.2, 2.3: 2A, 2B, 2C, 2D, 2E, 2F, 2G</p> <p>3</p>	1, 2, 4, 5, 7

	<p>workshop materials, knowledge management tools etc), and ensuring ongoing program monitoring across all relevant projects.</p> <p>The volume of work that has been proposed under the IP-JuSP program will require 1 x EL2 to deliver on the projects identified and to achieve the intended program outcomes.</p>		
EL1 (1)	<p>AGD is seeking funding for 1 x EL1 officer to deliver law and justice capacity building projects (focused on strengthening policies and legal frameworks to address transnational crime and violent extremism, and building the capacity of officials) under IP-JuSP – including to improve inter-agency collaboration and to build technical expertise.</p> <p>The EL1 will be responsible for ensuring the day to day progress of projects; the provision of expert technical assistance to counterparts on a regular basis to develop capacity and delivering of projects (mentoring counterparts – both remotely through regular email and phone contact and in country; developing proposed activities under projects); drafting some and settling all the technical legal documents produced under the projects (eg legal policy papers, legislative gap analysis, draft laws, training and workshop materials, knowledge management tools etc); developing programs for study visits and/or twinning programs; delivery of training/workshops in country and ongoing monitoring of allocated projects.</p> <p>The volume of work that has been proposed under the IP-JuSP program will require 1 x EL1 to deliver the projects identified, to achieve the intended program outcomes and to provide appropriate support to the EL2 position, especially in relation to project management and oversight.</p>	<p>1.1, 1.2: 1A, 1B, 1C, 1D</p> <p>2.1, 2.2, 2.3: 2A, 2B, 2C, 2D, 2E, 2F, 2G</p> <p>3</p>	1, 2, 4, 5, 7
APS 5/6 (1)	<p>AGD is seeking funding for 1 x APS5/6 officers to deliver law and justice capacity building projects (focused on strengthening policies and legal frameworks to address transnational crime and violent extremism, and building the capacity of officials) under IP-JuSP – including to improve inter-agency collaboration and to build technical expertise.</p> <p>This will include legal research, preparing and drafting training materials, preparing and jointly writing policy papers with counterparts on legal policy and law reform issues, preparing gap analysis of relevant legislation against international standards/obligations, preparing comments on draft legislation, other assistance with the development of policy and legislation, preparing with counterparts drafts of knowledge management tools such as checklists and guides, developing programs for study visits and/or twinning programs, and other general support.</p> <p>The work carried out by the APS staff provides the support that is necessary to enable the EL1 and EL2 staff to commit their time to providing more complex assistance. APS5/6 staff are also sometimes involved in</p>	<p>1.1, 1.2: 1A, 1B, 1C, 1D</p> <p>2.1, 2.2, 2.3: 2A, 2B, 2C, 2D, 2E, 2F, 2G</p> <p>3</p>	1, 2, 4, 5, 7

	the actual delivery of projects in country (depending on the scope of the project and who is most appropriately placed to deliver in country activities as part of the project).		
EL1 (1)	AGD is seeking funding for 1 x EL1 officer to deliver law and justice capacity building projects (focused on strengthening policies to address violent extremism) under IP-JuSP – including through engagement with civil society, and building partner country expertise to develop policies and programs aimed at addressing violent extremism. The EL1 will be responsible for providing expert advice on relevant subject matter, developing technical and policy materials, program delivery, the day to day progress of projects and the provision of assistance to counterparts on a regular basis (e.g. preparation and delivery of assistance; mentoring counterparts; ongoing monitoring). The EL1 will be responsible for ongoing communications with government and civil society partners on development of training, materials, and research to ensure they are tailored to local needs and context. The EL1 will participate in and present at practitioner forums to provide subject matter expertise and facilitate discussions amongst government and civil society partners on approaches to address violent extremism.	1.1, 1.2: 1A, 1B, 1C, 1D 3	3, 11, 23, 28
APS 5/6 (1)	<p>AGD is seeking funding for 1 x APS5/6 officers to deliver law and justice capacity building projects (focused on strengthening policies to address violent extremism) under IP-JuSP – including through engagement with civil society, and building partner country expertise to develop policies and programs aimed at addressing violent extremism.</p> <p>The role of the APS staff will be to support EL1 in preparation and delivery of assistance to partner countries. This will include research, preparing and drafting training and workshop materials and other documents, developing programs for visits, and other general support.</p> <p>The work carried out by the APS staff provides the support that is necessary to enable the EL1 staff to commit their time to providing more complex assistance. The APS5/6 staff member is also likely to be involved in the actual delivery of projects in country (depending on the scope of the project and who is most appropriately placed to deliver in country activities as part of the project).</p>	1.1, 1.2: 1A, 1B, 1C, 1D 3	3, 11, 23, 28

MUTUAL ASSISTANCE AND EXTRADITION			
ROLE	RESPONSIBILITIES	Intermediate Outcomes	Projects
EL1 (1)	<p>AGD is seeking funding for 1 x EL1 officer in the International Crime Cooperation Central Authority (ICCCA) to deliver the program of work under IP-JuSP to support partner countries to improve their capacity to make and respond to mutual assistance and extradition requests effectively.</p> <p>The EL1 will be responsible for the provision of assistance to counterparts for more complex mutual assistance and extradition matters on a regular basis (e.g. preparation and delivery of assistance; mentoring counterparts; ongoing monitoring), and delivering training and workshops to partner countries on mutual assistance and extradition processes, to assist countries to build the capacity of their central authorities for mutual assistance and extradition requests.</p>	<p>1.1, 1.2: 1A, 1C</p> <p>2.1, 2.2, 2.3: 2A, 2B, 2C, 2D, 2E</p>	4, 12, 15, 20, 21, 27
APS 5/6 (1)	<p>AGD is seeking funding for 1 x APS5/6 officer within ICCCA to deliver the program of work under IP-JuSP to support partner countries to improve their capacity to make and respond to mutual assistance and extradition requests effectively.</p> <p>The APS staff member will be responsible for the day to day provision of assistance to counterparts for simpler mutual assistance and extradition matters on a regular basis (e.g. preparation and delivery of assistance; mentoring counterparts; ongoing monitoring), and assisting with training and workshops to be delivered to partner countries on mutual assistance and extradition processes, to assist countries to build the capacity of their central authorities for mutual assistance and extradition requests. The APS staff will support the EL1 staff (or more senior staff) in preparation and delivery of assistance to partner countries. This will include preparation of training materials, and other general support.</p> <p>The work carried out by the APS staff provides the support that is necessary to enable other staff to commit their time to providing more complex assistance. APS5/6 staff are also sometimes involved in the actual delivery of projects in country (depending on the scope of the project and who else is available).</p>	<p>1.1, 1.2: 1A, 1C</p> <p>2.1, 2.2, 2.3: 2A, 2B, 2C, 2D, 2E</p>	4, 12, 15, 20, 21, 27

LAW ENFORCEMENT ADVISER			
ROLE	RESPONSIBILITIES	Intermediate Outcomes	Projects
EL1 (1)	The Law Enforcement Adviser (a specialist in financial crime and international crime cooperation in financial crime matters and the recovery of the proceeds of crime) will assist to deliver a wide range of IP-JuSP projects across all thematic areas. In particular, the Law Enforcement Adviser will deliver training and assistance to law enforcement officers and prosecutors in partner countries on proceeds of crime, money laundering, FATF compliance and using financial crime techniques to tackle various forms of transnational crime, as well as contributing to financial crime policy and law reform projects. This work compliments AGD's policy and legislative assistance and is necessary to ensure the effective implementation of transnational crime frameworks. The Law Enforcement Adviser will have regular contact with counterparts in-country, as well as providing remote assistance.	1.1, 1.2: 1A, 1B, 1C 2.1, 2.2, 2.3: 2A, 2B, 2C, 2D, 2E, 2G 3	4, 5, 12, 13, 14, 15, 18, 19, 21, 22, 24, 25, 26

Annexure E – Risk Register

Descriptors of risk likelihood and consequence ratings can be found in the Risk Management for Aid Investment Better Practice Guide, available on the intranet. Note the risk rating for each category in the Investment Concept should be based on unmitigated risk.

	Likelihood	Consequence	Rating
1. Operating environment: What factors in the operational or physical environment (political instability, security, poor governance, lack of essential infrastructure etc.) that might impact directly on achieving the objectives?	Possible	Moderate	Medium
<p>Event/s: Political instability, loss of political will or domestic support for the legal reforms supported through the program; lack of capacity in partner agency to absorb assistance or to effectively implement new laws, policies or operational practices; changes in partner agency capacity to effectively implement new laws, policies or operational practices; loss of relationships and traction with counterpart agencies; corrupt law and justice officials.</p> <p>Source (what can cause the event to occur): Changing policy positions and priorities of partner governments or institutions; poor governance structures in partner agencies; loss of key personnel due to various reasons including through government interference, natural attrition, personnel movement; inadequate analysis and research prior to investing in particular activity, leading to disruption to program relationships.</p> <p>Impact (what is the impact on the objective if the event occurs): New laws, policies or operational practices invested in through the program are not implemented.</p> <p>Mitigation – what (if known) can DFAT and AGD do to decrease the likelihood and/or consequence of the risk?</p> <p>Focus on demand-driven activities; tailor activities to the local context; apply good practices in activity design and implementation, including political economy analysis, program planning and stakeholder consultation; engage with a range of stakeholders at multiple levels; support the partnership between DFAT and AGD (through this investment and including specific governance arrangements) to ensure posts are engaged in activities; employ DFAT aid management and policy expertise in the design and implementation of activities; ensure early and regular engagement with counterparts in partner agencies; support a broad spread of activities across countries and partner agencies to provide maximum flexibility to invest in countries and with agencies where there is momentum and support for reform, and provide technical assistance to partner agencies to assist implementation of program activities.</p>			
2. Results: How realistic are the objectives and can they be achieved within the timeframe? Are the objectives/results sustainable? Would the failure to achieve the results in the proposed timeframe, or at all, affect the targeted beneficiaries directly?	Possible	Minor	Medium
<p>Event/s (what can happen): Results not achieved in the timeframe (legislation not passed, legislation passed but not implemented, policy documents not completed, coalitions not built, inadequate donor coordination, capacity to cooperate effectively on specific issues not achieved), more effective legal frameworks not built across target countries.</p> <p>Source (what can cause the event to occur): Change in partner government/agency priorities; lack of adequate partner funding; inadequate targeting of reform; or results not accurately described or targeted.</p> <p>Impact (what is the impact on the objective if the event occurs): Objectives not met; reforms that Australia supports are not successful; relationships between Australian and partner agency officials lack effectiveness; ODA funds not effectively spent.</p> <p>Mitigation – what (if known) can DFAT and AGD do to decrease the likelihood and/or consequence of the risk?</p> <p>Uphold AGD and DFAT principles that guide program delivery; ensure good practice design, implementation and monitoring of activities; fly-in-fly-out arrangement for implementation is well supported by in-country AGD and DFAT officers; focus on demand-driven activities; tailor activities to the local context; ensure results framework is realistic and practical; engage with other relevant donors and Australian agencies working in partner countries, to ensure project assistance complements and does not duplicate other assistance.</p>			

	Likelihood	Consequence	Rating
3. Safeguards (see the checklist below): Do any of the activities involved in this investment have the potential to cause harm relative to safeguard issues (child protection, displacement and resettlement and environmental protection)?	Rare	Negligible	Low
Event/s (what can happen): security or criminal justice legislation or policy reform that has a secondary or unintended negative impact on displaced persons or minors. Source (what can cause the event to occur): law reform. Impact (what is the impact on the objective if the event occurs): any impact would depend on the nature of the reform.			
Mitigation – what (if known) can DFAT and AGD do to decrease the likelihood and/or consequence of the risk? The program will not engage with minors, nor resettlement or displacement of people, nor activities that might directly affect the environment. AGD is vigilant to ensure it safeguards human rights in all program activities.			
4. Fraud/Fiduciary: Are there any significant weaknesses which mean funds may not be used for intended purposes, not properly accounted for or do not achieve value for money? (Fraud Control and Anti-Corruption Strategies and Assessments of National Systems will assist in identifying significant risks.)	Unlikely	Minor	Low
Event/s (what can happen): Fraudulent use of program funds. Source (what can cause the event to occur): False claim of per diems for attendance at training courses, twinning events, regional meetings, or bilateral meetings. Impact (what is the impact on the objective if the event occurs): Australia/DFAT/AGD reputation for program financial management is questioned; bilateral relations with partner agencies may be negatively affected.			
Mitigation – what (if known) can DFAT and AGD do to decrease the likelihood and/or consequence of the risk? DFAT is working with AGD, another Commonwealth Agency, with strong fiduciary and fraud controls to ensure per diems and financial transactions are carefully monitored. AGD limits the use of cash payments, and they are subject to strict protocols. AGD does not use partner countries' financial systems. DFAT will work with AGD to maintain the integrity of its robust per diem payment and calculation system for partner agency officials.			
5. Reputation: Could any of the risks, if they eventuated, cause damage to DFAT's or AGD's reputation? Could any aspect of implementation damage bilateral relations?	Possible	Moderate	Medium
Event/s (what can happen): AGD officers engage with agencies that do not have the effective support of partner governments. Source (what can cause the event to occur): The program supports reform that is not effectively supported by partner governments at the time. Informal or corrupt power structures in the partner country undermine legitimate power structures. AGD officers do not maintain sufficient situational awareness of developments in the country context. Impact (what is the impact on the objective if the event occurs): Bilateral relationships damaged with particular focus on legal and security sector reform, Australia's interests in security sector cooperation and reform damaged.			
Mitigation – what (if known) can DFAT and AGD do to decrease the likelihood and/or consequence of the risk? Focus on demand-driven activities; tailor activities to the local context; apply good practices in activity design and implementation including political economy analysis and program planning; engage with a range of stakeholders at multiple levels in partner countries and agencies; establish robust and mutual governance arrangements for this agreement (under the DFAT-AGD ROU) to ensure a "joined-up" approach consistent with regional and bilateral foreign policy and aid objectives. AGD will leverage the knowledge of AGD posted officers, DFAT and AFP at Post to ensure that its officers understand the local power dynamics, motivations and levers to help achieve change.			
6. Partner relations: Could a relationship breakdown occur with key partners or stakeholders and would this prevent the objectives/results from being achieved? Does the intended partner (if known) have the capacity to manage	Unlikely	Moderate - Major	Medium

	Likelihood	Consequence	Rating
the risks involved with this investment? Could differing risk appetites affect the relationship?			
<p>Event/s (what can happen): See entries in 1 (partner agency shortcomings), 2 (adverse partner agency priorities or resources), and 5 (lack of partner government commitment).</p> <p>Source (what can cause the event to occur): Change in partner agency personnel, or shift in policy priorities among executive leadership. Turnover in AGD staffing results in lost traction with projects and relationships with counterpart agencies.</p> <p>Impact (what is the impact on the objective if the event occurs): AGD experience is that the impact of these contingencies on the achievement of project objectives is generally short-term and moderate.</p> <p>Mitigation – what (if known) can DFAT and AGD do to decrease the likelihood and/or consequence of the risk?</p> <p>DFAT's chosen partner (AGD) possesses strong long term relationships with key personnel and institutions in the region. The relationships were built up over 20 years and are managed by posted officers supported through regular visits and other contact from Canberra. DFAT's relationship with AGD itself is built on shared objectives and a mutual interest in security framework reform in the region. Governance and decision making processes will be built into the agreement under the DFAT AGD ROU to ensure mutual and effective decision making processes and clarity on program-level and annual objectives and planning. AGD will ensure that more than one staff member is across each project, and will put in place a strong project management framework to capture corporate knowledge.</p>			
7. Other: Are there any other factors specific to this investment that would present a risk (e.g. this is a new area of activity or it is an innovative approach), including potential opportunities? If yes, please describe and rate the risk.	Possible	Moderate	Medium
<p>Event/s (what can happen): Instances of conflict, diplomatic tension, or natural disaster impacts project outputs and results.</p> <p>Source (what can cause the event to occur): Regional geopolitical tensions. Counterpart domestic security or environmental disturbances.</p> <p>Impact (what is the impact on the objective if the event occurs): Although such risks have arisen in the past, AGD experience is that the impact is moderate because partner agencies, and counterpart officials, are typically willing to resume cooperative projects as soon as possible.</p> <p>Mitigation – what (if known) can DFAT do to decrease the likelihood and/or consequence of the risk?</p> <p>AGD will build strong relationships between staff and key personnel in partner Government to minimise disruption to projects and will continue to support them remotely where practicable. AGD and DFAT will maximise program visibility within Australian diplomatic missions and relevant country and regional desks in Canberra to ensure the most up-to-date information is available to project implementers.</p>			
8. Overall Risk Rating:	Low-risk		

Figure 1: Determining the risk rating for the Investment Concept

Likelihood	Consequences				
	Negligible	Minor	Moderate	Major	Severe
Almost Certain	Medium	Medium	High	Very High	Very High
Likely	Medium	Medium	High	High	Very High

Possible	Low	Medium	Medium	High	High
Unlikely	Low	Low	Medium	Medium	High
Rare	Low	Low	Medium	Medium	High

For each risk category, determine the risk rating using the risk matrix at Figure 1 above. The risk rating represents the level of impact⁴⁰ on investment objectives that would occur should the risk become a reality. A short description of impact should be provided for each risk category. The overall risk rating for the Investment Concept (at 8. above) is then calculated as follows:

- if any risk categories are rated as Very High, the overall rating for the Investment Concept will be High-risk
- if three (3) or more risk categories are rated as High, the overall rating for the Investment Concept will be High-risk.

There are only two overall risk categories – **High-risk** and **Low-risk**⁴¹. The purpose of this risk assessment is to determine the appropriate approval pathway for the investment. The Investment Concept risk rating should be determined relative to the individual (country/regional) program context and any risk management controls already in place.

⁴⁰ Impact is a function of both likelihood and consequence.

⁴¹ All investments must be marked as either High-risk or Low Risk in AidWorks.