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| **Indo-Pacific Justice and Security Program**  Mid-Term Review |  |
| **Final Report**  **Redacted version for publication** |  |
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Contents

[Acronyms and abbreviations ii](#_Toc36110514)

[Executive Summary 1](#_Toc36110515)

[Findings 1](#_Toc36110516)

[Recommendations 3](#_Toc36110517)

[1 About the Mid Term Review 4](#_Toc36110518)

[1.1 Purpose and scope of the review 4](#_Toc36110519)

[1.2 Review questions 4](#_Toc36110520)

[1.3 Approach and methodology 5](#_Toc36110521)

[1.4 Limitations 6](#_Toc36110522)

[1.5 Structure the report 7](#_Toc36110523)

[2 About the Indo-Pacific Security and Justice Program 7](#_Toc36110524)

[2.1 Background to IP-JuSP 7](#_Toc36110525)

[2.2 Program outcomes and activities 7](#_Toc36110526)

[2.3 Program delivery and governance 10](#_Toc36110527)

[3 Findings 11](#_Toc36110528)

[3.1 Relevance: Does the program remain fit for purpose? 11](#_Toc36110529)

[3.2 Effectiveness: What is the program achieving in terms of the program’s intended outcomes? 16](#_Toc36110530)

[3.3 Governance and accountability: Are the program’s governance and accountability arrangements and mechanisms effective? 24](#_Toc36110531)

[3.4 Program implementation: Is the program being effectively implemented? 31](#_Toc36110532)

[3.5 Monitoring and evaluation: Does the program monitor and evaluate program delivery effectively? 36](#_Toc36110533)

[Appendix 1: Terms of Reference 44](#_Toc36110534)

[Appendix 2: Review framework 48](#_Toc36110535)

[Appendix 3: Document list 51](#_Toc36110536)

[Appendix 4: Stakeholders consulted 52](#_Toc36110537)

[Appendix 5: Country and project outcomes overview 53](#_Toc36110538)

# Acronyms and abbreviations

ABF Australian Border Force

AGD Attorney-General’s Department

AIPJ II Australia Indonesia Partnership for Justice – II

AMLAT Anti-money Laundering Assistance Team

AML/CTF Anti-Money Laundering/Counter Terrorism Financing

AMR Activity Monitoring Reports

APG Asia Pacific Group on Money Laundering

AQC Aid Quality Check

ARIN -AP Asia Pacific Asset Recovery Interagency Network

Bali Process Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime

CSO Civil society organisations

CTF Counter terrorism financing

CT-IP Counter Terrorism International Partnerships

CVE Countering violent extremism

Home Affairs Department of Home Affairs

IP-JuSP or program Indo-Pacific Justice and Security Program

DFAT Department of Foreign Affairs and Trade

FATF Financial Action Task Force

IOM International Organisation for Migration

MEL Monitoring, evaluation and learning

MSIP Modern Slavery International Partnerships

MoG Machinery of government

ODA Official Development Assistance

SDG Sustainable Development Goals

SEAN-CSO South East Asian Network of Civil Society Organisations Working Together Against Violent Extremism

UNODC United Nations Office on Drugs and Crime

# Executive Summary

This report presents the findings of the independent mid-term review of the Indo-Pacific Justice and Security Program (IP-JuSP or program). The review findings are intended to help determine the robustness of IP-JuSP and what improvements, if any, can be made to ensure the program is delivering against its intended outcomes. The review covers work undertaken under IP-JuSP in the first 2 years of operation, 2019-18 and 2018-19.

IP-JuSP is a four year official development assistance program managed and coordinated by the Department of Home Affairs (Home Affairs). The Department of Foreign Affairs and Trade (DFAT) provides $3.95 million per annum to support delivery of the program. On commencement in July 2017, the program was managed and delivered by Attorney-General’s Department (AGD). This function was later transferred to Home Affairs in December 2017. IP-JuSP activities are currently delivered by Home Affairs, Australian Border Force and AGD, in partnership with DFAT.

The program’s goal is to strengthen legal systems in the Indo-Pacific region to contribute to effective governance and stability in the region. The program is focused on four transnational crime areas: financial crime and addressing illicit financial flows; people smuggling and human trafficking; mutual legal assistance and extradition; and countering violent extremism.

The review examines five key questions focused on relevance, effectiveness, program governance and accountability, program management and implementation and monitoring and evaluation systems. A summary of the findings and recommendations is provided below. Further detail on findings, conclusions and recommendations is presented in the body of the report.

## Findings

### Relevance: Does the program remain fit for purpose?

The program is contributing to strengthened legal and policy frameworks relating to transnational crime and CVE in the countries that receive support and assistance under the program. Supporting countries in the Indo-Pacific region to develop their capacity to address transnational crime and CVE is aligned with broader Australian government objectives and priorities. The thematic focus on AML/CTF, human trafficking and CVE remain appropriate. While the demand for support in AML/CTF, human trafficking and CVE appears to be increasing, there are other emerging areas of transnational crime that may also require focused support in different countries over time. While the current program is designed to respond to emerging crime types, these new emerging crime areas may require access to additional skills and experience and a broader, strategic approach to programming.

The current modality of delivery and project activities are capable of achieving some of the key outcomes in particular country contexts. The relative success of support and assistance efforts in each country depends on many factors including existing capacities and willingness and readiness for reform, institutional and system change. With this in mind, and while it may differ between countries and projects, achieving sustainable long-term outcomes is likely to demand a more strategic programmatic approach, and increased investment in country-based support, balanced with access to Australia-based technical expertise. This balance should be a consideration in the design of any subsequent phases of the program.

### Effectiveness: What is the program achieving in terms of the program’s intended outcomes?

The program is achieving outcomes, particularly intermediate outcomes underpinning the development of improved legal and policy frameworks to address transnational crime and CVE. Consistent with end of program outcome one, some countries have in place improved laws which have been developed with support and assistance under the program. There is more limited progress in respect of improving implementation, but increasingly support is being provided in this area by implementing teams. Some countries have improved their organisational practices and are becoming more effective in international cooperation. Stronger evidence generated by a Monitoring, Evaluation and Learning (MEL) system is required to more effectively monitor and assess outcomes of the program.

### Governance and accountability: Are the program’s governance and accountability arrangements and mechanisms effective?

While the program’s accountability and governance mechanisms are suitable, they can operate more effectively. Increased effectiveness is reliant upon establishing central internal program leadership and investing in a dedicated program management team. Key areas to be addressed in improving decision making and consultation include defining roles and responsibilities of program management team vis a vis implementing teams, clarifying the roles of DFAT and Home Affairs, improving financial management and establishment of improved processes and systems for key decision-making functions such as annual work planning. Currently projects are planned and approved on an annual basis which while flexible, limits the ability to plan and deliver multi-year projects, particularly those involving substantial delivery partnerships. This issue should be considered in the design of subsequent program phases.

### Program implementation: Is the program being effectively implemented?

The program could be more effectively implemented. While a range of factors have impacted on implementation of the program including Machinery of Government changes, staffing turnover, recruitment and retention, fundamentally there is a need to invest more in program leadership and program management. Resourcing of the program management function has decreased over time, impacting on a range of areas of program delivery including financial management, decision making, systems and processes and monitoring, evaluation and reporting.

### Monitoring and evaluation: Does the program monitor and evaluate program delivery effectively?

The program does not monitor and evaluate program delivery effectively. While there is a MEL framework, it has not been implemented to the extent intended. The framework, including program logic and outcomes, needs revision to ensure all elements are relevant and provide a useable guide to monitoring and evaluating projects across the program. Monitoring and evaluating a justice and security program such as IP-JuSP requires a tailored approach to align with its diverse array of project activities, levels of investment and intended outcomes. Implementing teams need support and guidance to develop the knowledge and skills to effectively monitor and evaluate projects consistent with the MEL framework, and ensure that program activities continue to remain relevant and effective. Accordingly, the program requires an experienced monitoring and evaluation team member on an ongoing basis to lead revision of the MEL framework and provide coordination and support to implementing teams to ensure monitoring, evaluation and learning occurs in a consistent manner across the program.

## Recommendations

Based on the findings and conclusions, we have developed a discrete number of recommendations to guide program improvement over the remaining one and half years of this phase of IP-JuSP. Recommendation one on program leadership and management is a key immediate priority. In the report there are also several additional issues discussed which will require consideration in designing and developing any subsequent phase including funding levels and mechanisms, emerging transnational crime priorities, focus countries and sub-regions and delivery models

|  |  |
| --- | --- |
| **Program implementation** | 1. **Invest in program leadership and management:** Establish a dedicated central point for strategic program leadership within Home Affairs and develop an enhanced model of program management delivered by senior staff dedicated to the program. 2. **Posted officers:** Consider options for ongoing funding to support Home Affairs posted officers in Jakarta and Bangkok with requisite skill and knowledge in transnational crime and CVE. |
| **Monitoring and evaluation** | 1. **Monitoring and evaluation framework:** The program’s monitoring and evaluation framework needs to be updated, simplified and tailored so that it can be effectively implemented by teams. Refining the program logic (at program and project level) is a key need, along with agreement on systematic processes to be used consistently across teams for recording and reporting project outputs, outcomes and lessons learnt. 2. **Monitoring and evaluation specialist:** The program needs to ensure a monitoring and evaluation officer with extensive experience is engaged in the program management team to coordinate and oversight implementation of the program’s monitoring and evaluation systems and key reporting requirements. This person needs to be able to work effectively with implementing teams. |
| **Governance and accountability** | 1. **Annual work plan development**: Establish new processes for annual work plan development and approval to guide 2020/21 work plan development including a revised prioritisation process.[[1]](#footnote-2) 2. **Clarify Home Affairs and DFAT responsibilities**: Develop a brief outline (or protocol) of shared and individual responsibilities of Home Affairs and DFAT. 3. **Enhance financial management and tracking:** Define the financial management roles and responsibilities of program management staff and implementing teams. Establish a dedicated role within the program management team to work with implementing teams and Home Affairs Finance to improve financial management and tracking of program expenditure. |

# About the Mid Term Review

## Purpose and scope of the review

Coffey have been engaged by the Department of Home Affairs (Home Affairs) to conduct an independent mid-term review of the Indo-Pacific Justice and Security Program (IP-JuSP or program) which commenced in July 2017. The review covers work undertaken under IP-JuSP in the first 2 years of operation, 2019-18 and 2018-19. The review findings will help to determine the robustness of IP-JuSP and what improvements, if any, can be made to ensure the program is delivering against its intended outcomes.

The Terms of Reference (see Appendix 1) describe the purpose of the review as follows:

1. review whether the underlying theory of change for the program is sound and aligns with the stated outcomes for the program;
2. review the structures, resources, systems and processes (including the performance monitoring system), that have been established to implement IP-JuSP; and
3. examine if and how the program aligns with and meets the needs and expectations of national counterparts.

The scope of the review involves process and outcome components, and includes consideration of:

* stakeholder consultation, coordination and administration of IP-JuSP by Home Affairs, Australian Border Force (ABF) and Attorney-General’s Department (AGD);
* governance and accountability arrangements and mechanisms for the program;
* the range and type of activities and processes implemented across the Indo-Pacific;
* resourcing, development and delivery of IP-JuSP in each thematic area;
* alignment of program outcomes and priorities with counterpart priorities and expectations; and
* the overall program approach, assumptions and whether it reflects development effectiveness principles.

## Review questions

Under the Terms of Reference the review is required to answer five key questions including specific sub-question as shown in Table 1.

Table 1 Review questions

| **Key questions** | **Sub-questions** |
| --- | --- |
| 1. Does the program remain fit for purpose? | 1. Are the program’s intended outcomes still appropriate and consistent with whole-of-government priorities? 2. Are the thematic areas consistent with the program’s logic and intended outcomes? 3. Are the activities and their delivery modalities well targeted to achieve intended outcomes? |
| 1. What is the program achieving in terms of the program’s intended outcomes? | 1. What outcomes are evident from the program to date? 2. Are the outcomes achieved to date sustainable? 3. Is the program meeting national counterpart priorities and expectations? 4. Does the program contribute to other outcomes outside of the program’s intentions? |
| 1. Are the program’s governance and accountability arrangements and mechanisms effective? | 1. What are the strengths and weaknesses of the program’s governance and accountability arrangements? 2. Are the program’s decision making and internal consultation processes fit for purpose? 3. Are the roles and functions within the program clear and well understood? 4. Are the program’s finances being effectively managed and tracked? |
| 1. Is the program being effectively implemented? | 1. Have there been any significant challenges and what was their impact on program management and implementation? 2. What program management and implementation adjustments have occurred? 3. Is the funding and resourcing sufficient and appropriate to effectively deliver the program? 4. What further changes are required to improve program management and implementation? |
| 1. Does the program monitor and evaluate program delivery effectively? | 1. To what extent does the program’s monitoring systems capture results and lessons? 2. Is there an adequate evidence base on which to measure change attributable to the program? 3. How does the program apply lessons and knowledge generated under the program? 4. To what extent does the program’s monitoring systems enable timely access to information to inform strategic decision making? |

## Approach and methodology

The review used a mixed methods approach to gather data through a desktop review, a qualitative survey and interviews. The analytical framework in Appendix 2 guided the selection and use of methods and data sources to answer each of the review questions.

Information for the review was collected as follows:

* **Desktop review:** A range of documents were reviewed and analysed to understand the program’s design, project and activities, implementation progress, outcomes and systems of governance, management and monitoring and evaluation. Key documents considered are listed in Appendix 3. They include program design documents, minutes of governance committees, monitoring reports to the Department of Foreign Affairs and Trade (DFAT), annual work plans and finance records. A range of external documents relating to foreign policy and aid strategy and lessons learnt from development assistance in governance, law and justice sectors were also considered.
* **Surveys:** Staff involved in the management, delivering and funding of the program in Home Affairs, ABF and AGD and DFAT, were invited to participate in a survey containing 19 open-ended questions aligned to the review questions. A total of 13 survey responses were received across the program management team, five implementing teams and DFAT staff. Responses were received from all implementing teams, which included both individual responses and team or group responses.
* **In-depth interviews and small groups discussions:** A total of 13 interviews or small group discussions were held with Home Affairs, AGD, ABF and DFAT staff who were involved in managing, funding or delivering the program or oversighting whole of country or regional priorities within Home Affairs. These interviews were conducted face to face in Canberra between 10-13 November and provided an opportunity to explore and inquire further about the responses to the survey. A further three telephone interviews were conducted with counterparts in Vanuatu, Indonesia and Cambodia to gather their perceptions on the assistance provided, alignment with country and organisational needs and priorities and the results of the support. A list of stakeholders consulted is at Appendix 4.

The analysis presented in this report draws on information from each of the sources. Where feasible key findings have been triangulated through reference to multiple information sources.

## Limitations

This mid-term review was undertaken almost mid-way through the third year of implementation of a four-year program and in a reasonably truncated time frame. It does not involve in-country field work to meet and consult in-depth with foreign counterparts and organisations. The key limitations of the review and specifically the data relied upon for the findings are as follows:

* Given the breadth of the program, which involves up to 30 projects across 10 countries in any one year, the review relies on existing program reports, particularly the biannual reports to DFAT, to understand how the program has been implemented, projects delivered, and the activities and results achieved. There are limitations with this process as to date only three monitoring reports have been provided to DFAT (December 2017, June and December 2018). Further, the monitoring reports have a strong focus on activities delivered (i.e. outputs). They do not focus on results of projects and activities and how information and data is collected, nor do they address comprehensively issues, challenges and lessons learnt. The varied adoption and implementation of the monitoring, evaluation and learning framework is one factor underpinning these issues.
* IP-JuSP is only just over two years into implementation of its core activities as there were some initial delays in commencement in the first three months of operation due to finalisation of the work plan and machinery of government changes. Furthermore, as past reviews highlight, reforms in government policy and laws in developing countries is a challenging, complex and often long process subject to the vagaries of political will, shifting priorities and national elections. Accordingly, this review focuses on assessing what evidence is available on intermediate outcomes and likely end of program outcomes, using an understanding of the program model and theory underpinning it to define early indicators of these. Assessing the sustainability of any changes is difficult given the limited period of implementation to date and limited engagement with country counterpart organisations.
* Due to timeframes and the way activities in some thematic areas are delivered, only a small number of counterparts were consulted during the review. Responses are therefore not necessarily representative of counterpart experiences more broadly.
* There was no opportunity to engage with the large number of people who have participated in training and mentoring activities across the program. Given the breadth and depth of the program participants, it was considered that a survey was unlikely to yield a useful response rate.
* All thematic areas address issues of a sensitive nature from a national security perspective. Because of this some activities remain sensitive and cannot necessarily be discussed at the unclassified level.

## Structure the report

The sections of the report that follow below are:

* Section 2 – About the Indo-Pacific Security and Justice Program; and
* Section 3 – Findings for each of the five key evaluation questions.

# About the Indo-Pacific Security and Justice Program

## Background to IP-JuSP

IP-JuSP is a four-year official development assistance (ODA) program managed and coordinated by Home Affairs. DFAT provides $3.95 million per annum to support delivery of the program. On commencement in July 2017, the program was managed and delivered by AGD. This function was later transferred to Home Affairs in December 2017. IP-JuSP activities are currently delivered by Home Affairs, ABF and AGD, in partnership with DFAT.

The program’s goal is to strengthen legal systems in the Indo-Pacific region to contribute to effective governance and stability in the region. The program is focused on transnational crime including financial crime and addressing illicit financial flows, exploitative irregular migration (people smuggling and human trafficking), international crime cooperation (mutual legal assistance and extradition), and efforts to counter violent extremism.

The program was initiated and designed by AGD and to a large extent was intended to bring together and continue the work of AGD in the thematic areas (financial crime, people smuggling and human trafficking and mutual assistance and extradition), consolidated since 2013 along with the additional area of CVE. As the design document outlines, the program sought to leverage AGD’s existing experience and relationships working with countries such as *[words redacted]*to improve their policy and legal frameworks and implementation relating to anti-money laundering, counter-terrorism financing (CTF), human trafficking and people smuggling and countering violent extremism (CVE). It also sought to build on AGD’s experience and engagement in key regional initiatives including the Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime (Bali Process), Asia Pacific Group on Money Laundering (APG) and the Asia Pacific Asset Recovery Interagency Network (ARIN).

## Program outcomes and activities

The program goal of strengthened legal systems, contributing to effective governance and stability in the Indo-Pacific region, is underpinned by two end of program goals:

* improved policy and legal frameworks to address transnational crime and counter violent extremism; and
* more effective implementation of policy and legal frameworks to address transnational crime and counter violent extremism.

The program logic in Figure 1 outlines 16 intermediate outcomes, including five higher order intermediate outcomes: improved capacity to develop policy and laws informed by international standards and good practices (1.1); improved capacity to draft laws (1.2); improved organisational practices and incentives (2.1); more efficient international cooperation (2.2); and more consistent application of policies and laws (2.3). The primary rationale advanced for investment in the program and its activities is that transnational crime and VE present significant risks to the legal systems and institutions within in the target countries and effective governance within these countries. Effective governance is essential for stability and providing the foundations for economic growth, private sector investment, human development and community safety.

The program provides capacity development and technical assistance, partnering with regional law and justice agencies to support practical improvements to legal and policy frameworks, and then supporting the implementation of those frameworks. The design document refers to the development and delivery of demand driven projects designed to meet the requests and priority needs of counterpart agencies. These projects are to be collaboratively developed and delivered in partnership with counterpart agencies. Program activities include mentoring, training, workshops, seminars, roundtable discussions, and the provision of technical advice and policy reviews. Most activities are undertaken in-country and in the region, with some activities being delivered in Australia. The program is administered from Australia.

Projects under the program have provided bilateral support and assistance to *[words redacted]*. Regional and multilateral engagement, which may expand the focus, is an important part of the program through mechanisms such as ARIN-AP, the Bali Process, ASEAN Senior Officials Meeting on Transnational Crime (SOMTC) and the South East Asian Network of Civil Society Organisations Working Together Against Violent Extremism (SEAN-CSO).

Figure 1 IP-JuSP program logic

A screenshot of a cell phone

Description automatically generated

## Program delivery and governance

### Program staffing

The program is overseen by a program management team within Home Affairs and delivered by five implementing teams, which for the 2018/19 financial year comprised of 20 full-time equivalent positions (FTE) funded by the program as shown in Table 2. The funded FTE for implementing teams has remained reasonably consistent – 19.7FTE for 2017/18 and 19FTE for 2019/20. The staffing complement of the program management team has fluctuated. At the time of field work in November 2019 it comprised an EL2, EL1 and APS6, all who support the program on a part-time basis given commitments to other Home Affairs capacity building initiatives.

Table 2 Teams and personnel allocations by theme area, annual budget 2018/19

| **Theme** | **Team** | **FTE (18/19)** |
| --- | --- | --- |
| Financial crime | Anti-Money Laundering Assistance, Home Affairs  (AMLAT) | 8.5 |
| People smuggling and human trafficking | Modern Slavery International Partnerships, ABF (MSIP) | 3.5 |
| Violent extremism | International CVE Partnerships Section, Home Affairs (CVE team)  Counter Terrorism International Partnerships, Home Affairs (CT-IP) | 3  3 |
| Mutual assistance and extradition | International Cooperation Unit, AGD | 2 |
| **Total** |  | 20 |

Some unique features of the staffing arrangements are:

* In some teams, one or more FTEs may be split across multiple people, that is, some individuals in a team will work part-time on an IP-JuSP project alongside other non-IP-JuSP projects. Commonly each team has a number of IP-JuSP and non-IP-JuSP funded staffing working within the team.
* In a number of teams including AMLAT and CT-IP, IP-JuSP funded personnel may deliver activities where the funding for those activities are from other sources such as Home Affairs International Capacity Building Program or Australia Indonesia Partnership for Justice (AIPJ II).
* The funding of staffing costs for the program management team is not considered part of the existing FTE component. It was a component funded directly by AGD and subsequently Home Affairs, though the level has changed over time. (this is discussed further in section 3.4.2)
* When the program was established teams had access to posted offices in Jakarta (2) and Bangkok (1) funded under other ODA programs, funded through AGD, and subsequently by Home Affairs. (There is currently one posted Home Affairs officer in Jakarta specialising in CT/CVE and transnational crime for the region. The other posted officer positions in Jakarta and Bangkok have been discontinued.)

### Program governance

The program is overseen by the IP-JuSP Steering Committee, comprising Home Affairs and DFAT, which has responsibility for providing direction and management of the program including monitoring and evaluation. A Technical Committee has recently been established to enhance processes for project development and approval. The Technical Committee comprising directors of delivery teams in Home Affairs, ABF, AGD and DFAT is required to meet quarterly. Program governance is considered in more detail below.

### Program planning, monitoring and reporting systems

The IP-JuSP Steering Committee consider and approves an annual work plan containing up to a total of 30 projects across the four thematic areas. In May 2019, the newly established Technical Committee was the first point of consideration for assessing and approving the 2019/2020 work plan prior to its submission to the Steering Committee. A range of contingency projects may be identified as commonly a number of projects may not proceed due to changes in foreign country priorities or political environments. The annual process is considered necessary to provide flexibility to adjust program activities to meet current and emerging needs and priorities of partner countries.

Apart from the design document, a range of program management and implementation tools have been developed including a monitoring, evaluation and learning (MEL) framework, gender strategy, risk management framework, a stakeholder matrix and project prioritisation criteria. Templates exist for the six monthly and annual monitoring reports to DFAT, traffic lights reports to the steering committee, activity monitoring reports, work plan and bi-annual expenditure reports. As is discussed below, there is varied usage of this program documentation.

# Findings

## Relevance: Does the program remain fit for purpose?

### Are the program’s intended outcomes still appropriate and consistent with whole-of-government priorities?

As described above, IP-JuSP has two end-of-program outcomes:

1. improved policy and legal frameworks to address transnational crime and violent extremism; and
2. more effective implementation of policy and legal frameworks to address transnational crime and violent extremism.

In accord with the theory of change/program logic, these end of programs outcomes support progress towards the program’s goal of strengthened legal systems, contributing to effective governance and stability in the Indo-Pacific Region.

IP-JuSP’s end of program outcomes and the higher order goal are strongly aligned to Australia’s highest level foreign policy objectives, as outlined in the Australian Government 2017 Foreign Policy White Paper[[2]](#footnote-3). Advancing prosperity in Australia and ensuring that Australia and Australians remain secure, safe and free are central policy objectives of the White Paper. Target areas identified to achieve this include supporting a stable and prosperous Indo-Pacific region and working with international partners to address threats to security and safety.

The Australian Government’s Aid Policy[[3]](#footnote-4) recognises that effective governance – including effective law and justice systems - is essential for state stability, and provides the foundations for economic growth, private sector investment, human development and community safety. Australia is also committed to supporting partner countries to implement the Sustainable Development Goals (SDGs). IP-JuSP is aligned with SDG Goal 16, to promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels.

As noted by one respondent, IP-JuSP specifically supports safety and security in the region through:

*‘Supporting governance, the rule of law, leadership training and capacity building to assist countries to respond to transnational crime challenges; increasing Australia’s bilateral and regional law and justice, border protection and diplomatic engagement to help prevent, investigate and prosecute transnational organised crime; and promoting international standards to combat transnational crime, including money laundering, terrorism financing and corruption.’ (Survey response)*

The Blueprint for Home Affairs[[4]](#footnote-5) identifies counter-terrorism, child exploitation and disrupting serious and organised crime as key priorities. Consistent with IP-JusP, core approaches to addressing these priorities include building on existing collaborative and cooperative relationships domestically and internationally, bilateral and multilateral engagement and leading capability development. While the current transnational crime types remain important priorities, there are emerging transnational crime types of increasing concern domestically and internationally. These include cyber-crime and cyber enabled crime, identity related crime and environmental crime. The Blueprint itself refers to the increasing pervasiveness of cybercrime and cyber-enabled crime and is accordingly an area that may require greater focus in subsequent program iterations.

The Pacific Step-up is a core foreign policy priority for Australia. It emphasises a renewed focus on providing support and building influence in the Pacific region. IP-JuSP over the last two years has had a significant focus on South East Asia, with more limited support provided in the Pacific. While this may have been largely the result of existing relationships and projects, the recent work in Vanuatu and with Pacific Island Countries through the Bali Process highlights opportunities for the program to consider deeper engagement with key Pacific partner governments.

### Are the thematic areas consistent with the program’s logic and intended outcomes?

The program was designed to leverage AGD’s expertise in financial crime, exploitative irregular migration and international crime cooperation and existing working relationships with several partner countries. We were informed that at the time the program was designed, CVE was a newer emerging area of work for AGD. AGD had supported Indonesia draft CTF laws and amendments to its counter-terrorism laws. AGD had also commenced a partnership with Deakin University to establish SEAN-CSO.

Most survey respondents confirmed that the current thematic areas remain appropriate and consistent with the broader program goals. The interconnections between the crime types was commonly referred to – for example, addressing illicit financial flows is critical to disrupting profit motive across transnational crime types. This is reinforced by evidence of teams, particularly AMLAT, working with AGD International Cooperation and occasionally, MSIP team to deliver projects.

There have been some smaller scale changes within the themes over time. *[Sentence redacted]*Increasing accessibility of laws and policies (an intermediate outcome in the program logic) has not eventuated as a focus area for the program and was based on a specific project for the Indonesian Ministry of Justice that did not proceed.

There are other areas of transnational crime such as cyber-crime, counter-narcotics and anti-corruption that are also interconnected, however would require a much broader approach and funding commitment. The review team does not believe that there is value in the program in its current phase expanding or reducing the thematic areas. Financial Action Task Force (FATF) mutual evaluations have been strong drivers of country demand for support from AMLAT and AGD to establish and enhance policy and legal frameworks to address money laundering, terrorist financing and mutual assistance. Growing global awareness of modern slavery, including human trafficking and other forms have seen increasing country interest and requests for support in this area.

Within the current themes and projects delivered there are however clear opportunities to enhance the strategic value and impact of the program:

* Stronger whole-of-program strategic leadership could enhance strategic alignment of projects to country and broader Home Affairs and Australian government objectives. This would include alignment with country plans that are being developed by Home Affairs, and continued engagement with Home Affairs and DFAT thematic and Country Desks.
* Implementing teams could prioritise, as appropriate, working together across their thematic areas to meet broader country priorities and objectives.
* The program could more actively review levels of investment in staffing and activity budgets allocated for each theme to ensure alignment with strategic priorities and areas of growing demand. This should occur at the time of developing the annual work plan as well during the year through more regular reviews of opportunities to re-allocate unutilised funds.
* The current program logic needs to be reviewed and updated to ensure alignment with current projects and activities and outcomes. This is discussed further below.

### Are the activities and their delivery modalities well targeted to achieve intended outcomes?

IP-JuSP activities are described as involving:

* technical assistance – including peer reviewing policy and legislation, advising and collaborating with counterparts and drafting procedural guidelines;
* capacity building – including training, mentoring, twinning and study visits; and
* knowledge-to-policy engagement – including commissioning analytical products and policy briefs and supporting structured dialogue with policy makers on relevant recommendations.

Implementing teams primarily deliver activities through a model whereby Canberra based technical experts in each team deliver activities in-country and at regional fora. This model was referred to as a ‘fly-in, fly-out’ model by some stakeholders, but many teams members felt that this terminology did not take account of the ongoing work that teams undertake with counterparts from a distance. The program emphasises the use of a peer-to-peer modality where implementing teams establish and build productive relationships with foreign counterparts and agencies sharing their own practical experiences designing and delivering policy and legislative reforms in the thematic areas. This is most evident in AML/CTF, human trafficking and mutual assistance and extradition, where implementing teams maintain ongoing contact and provide advice and mentoring to international counterparts.

The review found that while the model largely relies on Canberra based expertise to deliver assistance and capacity building activities, the strong focus on peer-to-peer support has led to the establishment of effective working relationships with counterparts and counterpart agencies and regional organisations. These are sustained through the provision of ongoing support through phone and email contact and formal policy and legislative advice as well as through the support of the posted officers in Bangkok and in Indonesia (not-IP-JuSP funded, and some positions now discontinued).

While there are common delivery mechanisms across projects, there are also differences across teams, depending on project needs. For example, in CVE, Home Affairs partners with academic experts to jointly deliver workshops in country on key CVE issues, to utilise the specific expertise and strong relationships these groups have formed in-country. Other teams engaged external specialist to support projects as required.

Implementing teams work collaboratively with a range of other organisations to deliver activities including the Australian Federal Police, AUSTRAC, United Nations Office on Drugs and Crime (UNODC), US Department of Justice and International Organisation for Migration (IOM) and the Commonwealth Director of Public Prosecutions (CDPP). They also participate in and engage extensively with regional and multilateral forums as has been discussed.

Some stakeholders hold the view that the current activities and delivery modality is not well suited to maximising the program’s long-term strategic objectives of strengthened law and justice systems in partner countries.

*Long term and effective institutional change is unlikely to be delivered through a fly-in, fly-out structure of very short trips to host workshops. (Survey response)*

There were a number of limitations of the approach highlighted by some stakeholders (though it should be noted that other stakeholders do not agree with this assessment). These limitations include:

* The activities in their design do not necessarily take into account the political context of the work in which opportunities can be created or changes shut down through outside forces.
* The current approach, which relies heavily on Australia-based technical expertise, limits the ability to develop sustained relationships at the level (beyond operational) necessary to deliver change within institutions and the broader justice and security environment.
* The IP-JuSP model may address individual skills shortfalls but does not address broader structural and organisational barriers to change that reduce the impact of these capacity building activities. These for example include high counterpart staff turnover, competing priorities for counterparts and inability of staff to influence organisational priorities.

The review found evidence that implementing teams are very good at responding to specific requests for assistance and support in the areas of their technical expertise, working with counterparts to identify policy and legislative reform needs and advising on the passage of these reforms through government and law-making bodies. From what the review team heard and observed, teams have an awareness of and are responsive to the political context of their work and the challenges and opportunities to change present in the legal and political ecosystem in countries where they provide support. There is however an opportunity to undertake a more strategic assessment of projects (and across projects in a country) to consider the likelihood of successful long-term change, the enabling environment (and barriers) and strengths/opportunities to leverage change, and to use this analysis to develop more tailored project activities.

Implementing teams are aware of the limitations of the individualised capacity building model which was present in some of the IP-JuSP country focused projects. There is evidence of a more concerted effort on the part of implementing teams to support change at the organisational level, albeit in discrete areas of transnational crime and CVE. A growing focus on the sustainability of outcomes has seen teams increasingly develop operating procedures, guidelines and manuals to be used by the partner organisation more broadly. *[Sentences redacted]*

A number of stakeholders considered that there should be more consideration of IP-JuSP funded staff embedded in partner agencies or on longer term postings to the region. Other stakeholders, however felt that while long-term posted officers are useful there are other mechanisms that can be used to ensure local engagement and understanding, and the current model with FTE allocated to teams in Canberra enabled a broader range of people to be drawn in to meet the needs of counterparts.

It is clear from the information provided by implementing teams that Home Affairs posted officers in Indonesia and Bangkok, with skills and experience in law and transnational crime, have played key roles supporting implementation of the program including developing and maintaining relationships and supporting change. With the shifts away from Home Affairs funding of some of these positions, it does raise the question of whether a more hybrid model should be developed which includes IP-JuSP funded posted officers, who work closely with Canberra based technical experts. This would need to be considered in the context of broader strategies and country plans under development by Home Affairs.

### Conclusion

The program is contributing to strengthened legal and policy frameworks relating to transnational crime and CVE in the countries that receive support and assistance under the program. Supporting countries in the Indo-Pacific region to develop their capacity to address transnational crime and CVE is aligned with broader Australian government objectives and priorities. The thematic focus on AML/CTF, human trafficking and CVE remain appropriate. While the demand for support in AML/CTF, human trafficking and CVE appears to be increasing, there are other emerging areas of transnational crime that may also require focused support in different countries over time. While the current program is designed to respond to emerging crime types, these new emerging crime areas may require access to additional skills and experience and a broader, strategic approach to programming.

The current modality of delivery and project activities are capable of achieving some of the key outcomes in particular country contexts. The relative success of support and assistance efforts in each country depends on many factors including existing capacities and willingness and readiness for reform, institutional and system change. With this in mind, and while it may differ between countries and projects, achieving sustainable long-term outcomes is likely to demand a more strategic programmatic approach, and increased investment in country-based support, balanced with access to Australia-based technical expertise. This balance should be a consideration in the design of any subsequent phases of the program.

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| **Key findings** |
| **Are the program’s intended outcomes still appropriate and consistent with whole-of-government priorities?**  The program’s intended outcomes are still broadly appropriate and consistent with whole of government priorities. The program contributes to the broader program goal, but this needs to be framed realistically having regard to the level of investment in the program and the spread of support across multiple countries and multilateral and regional initiatives. There is scope to consider in the future the program’s level of investment in the Pacific to align with its enhanced priority through Pacific Step-up. |
| **Are the thematic areas consistent with the program’s logic and intended outcomes?**  The current thematic areas remain appropriate and consistent with the broader program goals. There are strong interconnections between money laundering, human trafficking, supporting capacity in mutual assistance and extradition and CVE. FATF and APG mutual evaluations have been strong drivers of country demand for support to establish and enhance policy and legal frameworks to address money laundering, human trafficking and terrorist financing. There are emerging transnational crime priorities that may need to be considered in future program iterations. |
| **Are the activities and their delivery modalities well targeted to achieve intended outcomes?**  Program activities focused on technical assistance and capacity building are delivered principally by Australian Government staff supported by an activity funding pool. The delivery of in-country and regional workshops and training, supported by ongoing peer to peer engagement are the mainstay of how the program is delivered, though some key initiatives in the CVE theme undertaken in partnership with other organisations.  The current approach does deliver on some of the intended outcomes but appears to be limited in its ability to ensure that longer term sustainable change is achieved in a particular country context. Teams are aware of this and attempting to evolve their approach and activities. The planned withdrawal of funding for the specialist legal counsellors at Posts who provide strong support to implementing teams does raise the need to consider funding in-country support for IP-JuSP delivery. This would require a shift from the established funding, governance and history of the program which reinforces the focus on ‘technical assistance and capacity building’ delivered by Australia-based personnel. |

## Effectiveness: What is the program achieving in terms of the program’s intended outcomes?

### What outcomes are evident from the program to date?

Assessing program outcomes

To answer this question, we reviewed a number of key projects in *[words redacted]*, Cambodia and Vanuatu. We also considered two multilateral and regional projects, the Bali Process and SEAN-CSO. Appendix 5 presents a summary of the projects, key activities and an assessment of the outcomes reportedly achieved. Our analysis draws primarily on the three monitoring reports submitted to DFAT to date (up to December 2018 only), supplemented with information from surveys and interviews.

In reviewing and analysing the reports it was generally difficult to distil from the information presented the substantive outcomes of particular projects. This sentiment is shared by some stakeholders who state that the monitoring reports to date have largely focused on activities and outputs.

Our review has highlighted a few interrelated issues:

* The teams are delivering a high volume of outputs. The program has a diverse array of annually funded projects being delivered across the four themes, bilaterally with up to ten countries and through regional and multilateral forums. Within in each project there are many, often discrete (sometimes one-off) support activities including workshops, seminars and other training activities.
* The intertwined nature of IP-JuSP with other externally funded programs (e.g. the AIPJ-II, US Department of Justice and IOM) enables IPJuSP teams to extend the reach of their activities. However it can make it difficult for specific projects to assign attribution to both intermediate and long-term outcomes.
* It is often unclear in reports what information was used or is available to support claims of improved knowledge and skills and changing capabilities and practices within organisations. There are sometimes references to post-workshop surveys or feedback but no real linking of these to statements about outcomes achieved. Many statements seem to be capturing impressions or perspectives of implementing teams.
* There are significant differences between countries regarding requirements, capacity and opportunity for change, and the program does attempt to respond flexibly to individual country partner needs. End of program outcomes are dependent on factors beyond the program scope – such as local political will and local agency resources and success will be different in each country context.
* The review of the outcomes highlights the importance of an effective monitoring and evaluation system – one that fits the program’s diverse activities and delivery strategies and allows a more strategic and in-depth analysis of outcomes of more significant projects or group of projects. This is discussed further in section 3.9 below.

Achievements to date

There is extensive evidence of activity outputs being achieved through the program, for example seminars and workshops held, advice provided and the number of people trained:

*‘Building on the first six months of the Program, Period 2 (January to June 2018) has seen significant progress against the work plan. The Program presented or facilitated 13 workshops or seminars; facilitated four roundtable discussions; gave policy advice or review on six occasions; drafted legislation and [words redacted]; and ran one discovery exercise. 735 law and justice officials and civil society members were trained under IP-JuSP projects: 577 law and justice officials (335 men, 106 women and 136 unknown) and 158 other officials and civil society members (58 men, 46 women, 54 unknown). Feedback provided through surveys, interviews and anecdotal information demonstrates a high level of satisfaction from participants in IP-JuSP training activities’ (Six monthly report Jan – June 2018)*

There is a likelihood that many individual participants have increased their knowledge and skills through participation in the array of activities and events delivered under the program, though the basis of the assessment, for example, *‘participants demonstrated an increased awareness of international standards and good practices in international cooperation and emerging areas of law’* is not always clear.

Table 3 presents a summary assessment of achievements in those countries and projects reviewed in Appendix 5. It includes only those outcomes where there is at least some information to suggest achievement of the outcome. There may be more achievements but no or limited information was available. The analysis does not consider all the countries or projects delivered under the program, but attempts to capture all projects with IP-JuSP activity funding in the selected countries.

Table 3 Outcomes by country

*[Table redacted]*

**Improved policy and legal frameworks (EOPO1):** A number of countries have in place new policy and laws relating to particular areas of transnational crime which are directly the result of IP-JuSP activities or at least the work of IP-JuSP has contributed to these outcomes. As Table 3 shows there is some evidence of progress against particular intermediate outcomes where IP-JuSP activities have played a plausible role in the change. Whether these improvements have led to institutional or sustained ‘improved capacity to develop policy and laws informed by international best practice and standards’ is context dependent. Where implementing teams have provided direct assistance to individuals and organisations there is more evidence of improved individual and potentially organisational capability.

**Effective implementation of policy and legal frameworks (EOPO2)**: It is more difficult to assess, based on the information available, the extent of progress towards this end of program outcome and supporting intermediate outcomes. Looking at the higher order intermediate outcomes (2.1-2.2), there is some evidence that *[words redacted]* have improved organisational practices and become more effective in international cooperation.

It is clear from discussions with implementing team members, and from the information available, that the expected intermediate outcomes from the program build upon each other, and that the program has more direct control over the more foundational intermediate outcomes. This is consistent with the logical chain of causation. For example, intermediate outcome 1.1 (improved capacity to develop policy and laws informed by international standards and good practice) is more evident and plausibly linked to IP-JuSP efforts, than other intermediate outcomes along the continuum, such as intermediate outcome 2.3 (more consistent application of policies and laws).

Gender outcomes

Addressing gender equality in both design and delivery of projects is a cross-cutting priority and core principle for the program. It recognises the importance of addressing gender issues in achieving effective governance and effective justice and security systems. 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 assisting women to become equal partners in decision-making and development.

The program is guided by a gender strategy has three objectives:

* incorporate gender equality into IP-JuSP policy and practice;
* promote the equal participation of women in IP-JuSP projects; and
* identify and address gender related risks.

The monitoring reports note that monitoring of progress in respect of the gender objectives is limited in part by the lack of implementation of the MEL framework. The program has collected gender disaggregated data on participants in training, workshops and other capacity development activities, but has experienced challenges in ensuring comprehensive tracking of gender information and more specifically considering the impact of activities on gender outcomes.

There is evidence of the design and implementation of projects to specifically advance the program’s gender objectives. Examples include:

* Providing regional governments and civil society organisations (CSOs) with policy advice on international standards and good practice in gender-based approaches to countering violent extremism. IP-JuSP increased the resources and tools available in this area through the development of a guidance note on how to consider gender in the delivery of CVE policy and programs.
* Support for women to deliver presentations, participate in discussion panels and offer their views during group discussions including looking for opportunities to support women as leaders and experts. AMLAT delivered the *Women Against Money Laundering* (WAML) conference, which focused on Pacific women’s professional development and leadership in the AML and CTF. AMLAT will continue this initiative under IP-JuSP, in conjunction with the APG.
* Activity content recognising the unique impact of human trafficking on women and girls and encourages counterparts to develop gender-specific approaches to investigating cases involving women and girls, and to provide gender-specific and gender-appropriate protection and support services.
* While not universal across teams, some respondents noted that they specifically ask for (and work with Posts to secure) a gender balance in activity participants.

### Are the outcomes achieved to date sustainable?

Implementing teams do design and deliver activities with an awareness and appreciation of the importance of ensuring sustainability of outcomes. Surveys and interviews with implementing teams show that teams consider some of the commonly identified elements underpinning sustainability, specifically ownership and supporting institutional capacity development. Specific approaches referred to include: ensuring counterpart involvement in the design and implementation of change strategies; and developing solutions suited to the local context and building on existing local strengths.

As discussed, there is an awareness amongst teams of the limitations of building the capabilities of individuals in specific skills sets (research and analysis, drafting of laws, policies and supporting materials). Individuals may leave the organisation (albeit with the broader benefit of these skills) or be unable to change behaviour or practices in the workplace or influence broader organisation and systemic change necessary to enable effective implementation of new policy and legal frameworks. Teams emphasised the importance of supporting institutional change.

*AMLAT builds institutional capacity that will support effectiveness on an ongoing basis, including by supporting the development of internal policies, procedures and guidance material, providing training and building interagency and international networks. (Stakeholder survey)*

Some stakeholders reported that it was not possible to assess whether outcomes are sustainable - based on the early stage of delivery and the information available to date. They also referred to the fact that reporting to date did not provide evidence about whether changes to individual skills and knowledge, institutional capacity and policy and laws has led to countries more effectively dealing with transnational crime.

Based on the information available, *[words redacted]* demonstrate ongoing commitment to implementing reforms in the AML/CTF and human trafficking areas. Sustainable progress in Indonesia is evident and likely due to a range of aid investments in the sector as well as the efforts of IP-JuSP:

* *[Sentence redacted]*;
* Indonesia is also an emerging regional leader in AML/CTF and has partnered with AMLAT to deliver several regional workshops; and
* *[Sentence redacted]*.

Vanuatu’s Public Prosecutor’s Office, under the direction of a strong new Public Prosecutor and with support of IP-JuSP, has established enhanced systems and processes to deal with mutual assistance requests as Vanuatu’s central authority. In discussions with Vanuatu’s Financial Intelligence Unit, we were advised that they have successfully implemented guidelines developed to support new regulations relating to targeted financial sanctions developed with the assistance of AMLAT. Staff are confident in the steps required to deal with targeted financial sanctions as the Sanctions Secretariat and fulfilling their role as a supervisor.

At this stage it appears too early to determine whether more recent policy and legal reforms in other countries such as *[words redacted]* will be effectively implemented and lead to improvements in how these countries manage requests for assistance and investigate and prosecute AML/CTF, *[words redacted]*. Given the range of factors impacting on implementation at the institutional and system level, this can only be assessed at a future point in time through in-depth engagement with foreign counterparts or consideration of follow up FATF (and APG) assessments of effectiveness. The work of IP-JuSP has helped lay the necessary foundations and building blocks by supporting development of improved policy and legal frameworks.

### Is the program meeting national counterpart priorities and expectations?

The program was designed to deliver demand driven projects to meet the requests and priority needs of counterpart agencies. Country ownership of development priorities is a key principle of development effectiveness outlined in the Paris Declaration on Aid Effectiveness (2005) and re-affirmed in the Accra Agenda for Action (2008) and the Busan Partnership for Co-operation (2011).

Implementing teams emphasised in survey responses that projects and activities are initiated at the request of partner governments and counterpart agencies. In the AML/CTF area, deficiencies identified by FATF/APG mutual evaluations are common drivers for countries requesting assistance. If a country becomes grey-listed, there are significant negative economic consequences. Requests were also described as evolving organically from existing counterpart relationships and involvement in regional forums. Not unusually work to develop or reform specific laws leads to requests for implementation support including developing supporting policies and procedures.

Requests for assistance are developed by implementing teams into project proposals and included in the annual work plan. Implementing teams report that DFAT and Homes Affairs Posts are regularly consulted during the process of developing project proposals, and more formally at the request of DFAT Law and Justice Branch, once a draft annual work plan is developed. Implementing teams use a mix of formal and informal means of seeking feedback on their engagements with partners through surveys, feedback sessions and follow-up with DFAT post. This does not appear to be captured effectively in reporting.

Those outside the implementing teams – program management and DFAT, do not have a clear lens into how requests are identified and managed by implementing teams. There is a concern that the projects delivered are supply orientated (matching expertise available), rather than meeting current demand from partner governments. For DFAT, the reports they receive do not reflect on the extent that a project or activities met priorities and expectations of counterparts.

The counterpart agencies we engaged with spoke very positively of the support they received and the manner it was delivered. They provided useful insight into how valuable the work of at least AMLAT and AGD is viewed. Vanuatu for example, emphasised how the approach taken by AMLAT supported country ownership of the process of developing new laws relating to UN financial sanctions and the subsequent development of a guidance manual. It was described how AMLAT provided examples from other countries, provided advice and recommendations which Vanuatu determined whether they would implement or not. Vanuatu had control over the drafting process.

In Indonesia, working with the Corruption Eradication Commission (KPK), AMLAT has supported the development of a report on money laundering typologies and the subsequent development and release of a guidebook on money laundering typologies for corruption case handling. According to KPK, the technical assistance enabled access to a level of expertise they felt they did not have inhouse. Supporting the effective investigation of corruption and corruption related money laundering is a priority for KPK and the Indonesian government. The handbook is intended to provide guidance to investigators and prosecutors across Indonesia to enhance their handling of corruption matters. *[Sentence redacted]*.

In Cambodia there was initial pressure because of AML/CTF deficiencies identified in Cambodia’s September 2017 Mutual Evaluation Report, including deficiencies with Cambodia’s mutual legal assistance laws. However, as a result of the project, there has been a growing awareness of the value of the mutual assistance functions, and while the law is yet to be passed, Cambodian agencies have been more proactively responding to and making requests to foreign central authorities.

While we have not been able to assess those projects or engagements that did not go as planned or problems arose, there is evidence that suggests implementing teams, particularly AMLAT, MSIP and AGD have established strong reputations in the region for their expertise, support and assistance. Requests to AMLAT and MSIP continue to grow from countries including follow-on support activities. Teams are flexible in the delivery approach and it is noted that projects are often postponed (up to a year later) at the request of countries. AMLAT and MSIP cannot meet the growing request for assistance and are commonly faced with either not delivering support or delivering support on a smaller scale.

### Does the program contribute to other outcomes outside of the program’s intentions?

There is consistent view amongst stakeholders that a key benefit beyond those identified in the program’s intended outcomes is the establishment and enhancement of relationships in key partner countries with counterpart agencies. As recognised in the Foreign Policy Whitepaper, these relationships fostered through IP-JuSP engagement, contribute to improved law enforcement and national security cooperation at operational and policy levels between Australia and partner countries. The recent experience of working with Vanuatu counterparts, was highlighted as an example, where additional benefits of the engagement included:

* exchange and sharing of information on best practice in relation to mutual assistance and extradition processes;
* strengthened relationships between AGD as Australia’s central authority and Vanuatu’s central authority, the Office of Public Prosecutor; and
* the mutual assistance guide developed with Vanuatu, is informing the development of a Pacific regional guide to mutual assistance led by the Cybercrime Working Group of the Pacific Islands Law Officers Network (funded under AGD’s Pacific Law and Justice Program).

Implementing teams also noted the two-way benefits of peer to peer engagement which facilitates opportunities for implementing teams to learn from counterparts and use this knowledge to enhance Australia’s domestic response to transnational crimes, such as migrant labour exploitation. It was highlighted that the skills and experience applicable to certain crime types are generic and assist countries to address a range of other crime types. Training on international cooperation, anti-money laundering, using digital evidence and interviewing vulnerable victims cuts across a range of diverse international and domestic crime types.

The expertise offered by teams is valued internationally, sought after and has reputational benefits for Australia in key forums such as the FATF, APG and ASEAN and Bali Process working groups. *[Sentences redacted]*.

Finally, it was noted that in the CVE area, the activities build on and positively contribute to the outcomes of the Australian Government CVE International Engagement Strategy 2017-22. There is scope for some of these outcomes, such as shaping regional and global approaches through collaboration and coordination in multilateral and regional forums and building government and community resilience to violent extremism, to be better represented in the current program logic.

### Conclusion

The program is achieving outcomes, particularly intermediate outcomes underpinning the development of improved legal and policy frameworks to address transnational crime and CVE. Consistent with end of program outcome one, some countries have in place improved laws which have been developed with support and assistance under the program. There is more limited progress in respect of improving implementation, but increasingly support is being provided in this area by implementing teams. Some countries have improved their organisational practices and are becoming more effective in international cooperation. Stronger evidence generated by a MEL system is required to more effectively monitor and assess outcomes of the program.

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| **Key findings** |
| **What outcomes are evident from the program to date?**  The program has achieved a range of intermediate, and in some instances end of program outcomes in particular country contexts. These outcomes relate to the development of specific laws or legal instruments where support by IP-JuSP teams have played a contributing role. The outcomes of the broader engagement in multilateral and regional initiatives are difficult to make any sound assessment of, though it is clear that the work of the implementing teams is well regarded by partner countries and counterpart agencies and multilateral and regional bodies.  Much of the reporting on progress has focused on activities and outputs by implementing teams. The review of the outcomes highlights the importance of an effective monitoring and evaluation system – one that fits the program’s diverse activities and delivery strategies and allows a more strategic and in-depth analysis of outcomes of more significant projects or group of projects. |
| **Are the outcomes achieved to date sustainable?**  The implementing teams attempt to focus on sustainable long-term results through ensuring country led and ownership of support activities. There is a growing emphasis on providing tools to underpin broader institutional capability. It is difficult to fully assess the sustainability of key outcomes to date. There are signs however that countries with reasonable existing levels of capacity in their institutions, such as *[words redacted]*, will sustain positive changes going forward with limited levels of external support. |
| **Is the program meeting national counterpart priorities and expectations?**  The program and specific projects delivered appear to be generally meeting national counterpart priorities and expectations. This particularly so in the AML/CTF, human trafficking and mutual assistance areas where external pressures, such as the risk of being grey-listed through a FATF mutual evaluation are driving countries to request assistance to address FATF identified deficiencies. The types and level of specialist support is, from the accounts provided by counterparts, meeting their priorities and expectations. |
| **Does the program contribute to other outcomes outside of the program’s intentions?**  A key benefit beyond those identified in the program’s intended outcomes is the establishment and enhancement of relationships in key partner countries with counterpart agencies. These relationships fostered through IP-JuSP engagement, contribute to improved law enforcement and national security cooperation at operational and policy levels between Australia and partner countries. *[Sentence redacted]*. |

## Governance and accountability: Are the program’s governance and accountability arrangements and mechanisms effective?

### What are the strengths and weaknesses of the program’s governance and accountability arrangements?

Current governance and accountability arrangements

The programs primary governance and accountability mechanisms include the Steering Committee, Technical Committee and six-monthly reports to DFAT. The IP-JuSP program management team located in the Global Engagement Strategy and Training Section Asia Branch provided secretariat functions for both committees and supports whole of program reporting.

**Steering Committee:** The Steering Committee provides overall direction and management of IP-JuSP. The current committee includes an Assistant Secretary from each the following branches within Home Affairs and DFAT:

* Asia Branch, International Policy Division (Home Affairs);
* International Cooperation, (Attorney-General’s Department);
* Governance, Fragility and Water Branch (DFAT));
* Transnational and Sea Law Branch, Legal Division (DFAT); and
* Transnational Crime Policy Branch (Home Affairs).

There are also an additional number of observers involved in the meetings alongside the Director, Global Engagement Strategy and Training Section, Asia Branch, International Policy Division (Home Affairs) who also acts as Secretariat for the Committee. These include Assistant Secretaries from the Countering Violent Extremism Centre, Counter Terrorism and International Cooperation within Home Affairs, DFAT Assistant Secretary Counter Terrorism, and DFAT directors across the areas of Law and Justice, Transnational Crime and Budget. The Terms of Reference for this Committee was updated in July 2019.

The program design envisaged that the Steering Committee would meet every two to four months. It’s planned work program included approval of a range of program processes and documentation including reports. The committee has met five times since July 2017 including on three occasions in 2018. The meetings are chaired on alternate basis between DFAT and Home Affairs personnel.

**Technical Committee:** A four-member Technical Committee initiated by DFAT and endorsed by the Steering Committee was established in 2019. With a requirement to meet quarterly, the committee has responsibility for making program management decisions relating to reallocation of funding and other program management matters as they arise. The Terms of Reference for the Technical Committee states that its Members comprises Executive Level 2 officers with ‘relevant policy, program or operational responsibility’. There are three permanent members:

* the Director, Global Engagement Strategy and Training Section Asia Branch (Chair),
* the Director, Law and Justice (DFAT) and
* Director, Transnational Crime (DFAT).

Directors from the Home Affairs and AGD implementing teams are all invited to meetings, and while the TOR suggests that one will be acting as a member on rotation each quarter, it appears from discussion with teams that all Directors participate equally and regularly.

The committee met twice in May 2019 to consider the 2019/20 work plan.

The IP-JuSP program management team located in the Global Engagement Strategy and Training Section Asia Branch provided secretariat functions for both committees.

**DFAT monitoring reports:** Like other DFAT funded programs, IP-JuSP is required to provide a six-monthly and annual monitoring reporting to DFAT. To date reports have been delivered for July-December 2017, January -June 2018 and July-December 2019.

There are range of other internal program data collection and reporting processes including activity monitoring reports and traffic lights reports which are discussed further under question five in relation to monitoring and evaluation.

Strengths and challenges

Our assessment of the strengths and challenges of the current governance and accountability arrangements are summarised in Table 4. A few stakeholders raised concerns about the level of governance (now two committees) and external reporting to DFAT relative to the size of the program. While the present arrangements may be on the upper end of governance requirements, they are not unreasonable arrangements given the unique nature of the program and its breadth.

Concern was also raised about ensuring that the committees are effectively tasked and briefed on key matters relevant to their scope. It was noted that if the Technical Committee is to realise its potential in bringing a more cohesive approach to key program decisions, the committee needs to be supported by an effective secretariat and strong centralised program leadership. A point made, with which we agree, is that a Technical Committee alone cannot replace or overcome inadequate investment in program management and effective whole of program leadership. Program leadership and management is discussed in section 3.7.2 below.

Table 4 Program governance and accountability – strengths and challenges

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| **Component** | **Strengths** | **Challenges** |
| Steering Committee | * Representation across relevant branches/division of Home Affairs and DFAT * Opportunities for observer stakeholders | * Historically tended to focus on less strategic issues (e.g. approval of program documentation), but establishment of Technical Committee will enable the committee to provide strategic direction * Lack of consistency of representatives attending Steering Committee meetings (due to staff turnover) may impact effectiveness |
| Technical Committee | * A positive step to provide a central point in making decisions on key program operational matters, not least supporting annual work planning. * Enables Steering Committee to focus on strategic aspects of the program * Could provide a link to Home Affairs country desks to ensure alignment of work plan priorities to country plans | * Increased demands on under-resourced program management team * Currently carrying load of inadequate program management structures and systems * Lack of consistency of representatives attending Technical Committee meetings (due to staff turnover) may impact effectiveness |
| Six monthly and annual reports | * Common requirement of ODA funded programs driving focus on reporting outcomes, assessing progress and impact of ODA investment | * Lack of clarity in responsibility for compiling and coordinating monitoring reports * Financial tracking and management inadequate for reporting * Lack of systematic whole of program approaches to capturing data relating to change to feed into DFAT monitoring reporting |

### Are the program’s decision making and internal consultation processes fit for purpose? Are the roles and functions within the program clear and well understood?

Given the interconnections between decision making, internal consultation and program roles and function these two questions are considered together. There are a range of key areas that were highlighted in surveys and interviews discussed below: program leadership and management; relationships between implementing teams; roles in implementing teams; annual work plan processes; and DFAT and Home Affairs roles and responsibilities.

Program leadership and management

There is a lack of clarity as to the responsibilities and decision-making authority of the Home Affairs program management team vis a vis implementing teams. This issue was consistently identified by most stakeholders. The division of roles and responsibilities appears to have become less clear over time with changes in the structure and staffing of the program management team.

At present from a whole of program perspective, there appears to be no clear single person who has recognised authority to direct how the program should be run on a day to day basis. Under previous arrangements with a fulltime EL2 dedicated to leading the program management team, co-location of this team with the AMLAT and MSIP teams and regular fortnightly meetings of team directors, there appeared to be a stronger relationship between program management and implementing teams and more regular communication and consultation.

Without clarity of who makes key program decisions, there has been evident tension at times between those responsible for program management and implementing teams. Particularly where program managers try to implement changes across the program for example in respect of financial management, data collection and reporting and implementation of monitoring and evaluation systems. Many factors have been at play including personalities, lack of resourcing to support program management changes and adequacy of change management and communication processes. The program management function is considered in more detail in section 3.8 below.

Collaboration and consultation between implementing teams

Despite staff turnover in some teams, the implementing teams do work together in the development and delivery of projects. This predominantly rests on the connections between senior team members who have worked in the program over a long time. Given the turnover of staff in implementing teams and the separate physical locations of teams, initiatives such as the community of practice are important to building and maintain working relations, collaboration and encouraging information sharing between teams.

Roles within implementing teams

As has been noted, FTE funding in each team may be split across several personnel within a team. In effect a single person within a team may be part funded by IP-JuSP as well as other sources. A further complicating factor is that in some instances a fully funded IP-JuSP FTE may undertake project activities funded from other sources such as AIPJ II or Home Affair’s International Capacity Building Program. While there are obvious benefits to this approach, for example broadening the expertise of officers and enabling a broader range of people to be involved in program activities, this adds a layer of complexity in oversighting program staffing, accounting for use of IP-JuSP ODA funds and assessing the impact of the IP-JusP given they are funded by various sources. It highlights the unique operation of the IP-JuSP program and a need for a clearer demarcation and description of IP-JusP funded roles and funding streams.

Annual work plan development

The annual work plan development process was identified by many people as a key decision-making process that requires improvement. Some of the concerns raised specifically relating to the 2019/20 work plan development process, while contested by others, included:

* inadequacy of consultation with Post (DFAT, Home Affairs and other relevant agencies such as AFP) and Home Affairs country desks in development of project proposals;
* lack of assessment of projects against country priorities and rejection of some proposals from DFAT Post, which some people felt indicated that project selection may be driven more by supply than country demand;
* late delivery of a draft work plan impacting on the ability of DFAT to seek input from thematic areas and Post; and
* amendment of the work plan by Home Affairs after approval by the Technical Committee.

Establishing new processes for work plan development has been identified as a priority by the Technical Committee. From what has been described, the Technical Committee spent significant time making decisions that could potentially have been resolved if there was in place a central point of program leadership, an adequately resourced program management function and agreed processes. There have been previously established processes for developing the annual work plan including timelines, work plan, project proposal and budget templates and a prioritisation matrix. These need to be reviewed and updated ensuring that consultation requirements are clear and there is are agreed assessment criteria to guide selection and prioritisation of project proposals and responsibilities for this role.

A key issue to be addressed in the work plan development process is ensuring DFAT Canberra (Law and Justice and thematic areas) and DFAT Post have adequate opportunity to provide input and feedback on project proposals and the annual work plan. It is clear from our conversations that implementing teams do consult with DFAT, Home Affairs and AFP staff at country posts in developing project proposals for the work plan. DFAT Canberra is not always aware of this engagement. Without a clear process for this engagement with DFAT in Canberra and Post, the work plan finalisation process was ‘messy’ and confusing. An updated process for the development of project proposals and the annual work plan should address steps for coordinating input from Posts in a more systematic way.

Some teams also expressed concern with the cycle of annual project funding. While annual funding provides flexibility to adjust projects and project requirements to meet current needs, it impacted on those projects though were longer term in nature or involved funding arrangements with partners. Each year new contracting requirements with existing partners was a time consuming process impacting on delivery timelines. There is value in any later phases of the program to consider approval of project funding over a multi-year period for select projects.

DFAT and Home Affairs roles and responsibilities

The program was conceived as a jointly managed AGD and DFAT project which involved ensuring DFAT involvement on the Steering Committee and now the Technical Committee. Many of the program documents such as the reporting templates, program logics, gender strategy, risk matrix and monitoring and evaluation framework were developed with input from (and in some cases at the direction of) DFAT, Law and Justice staff.

The separation of the funding responsibility (DFAT) and delivery has created additional administrative burdens for each department relating to project selection and reporting and accountability for ODA expenditure. There has been a change over time in the key contacts within DFAT and perceived different expectations communicated to the program management team from DFAT staff relating to matters such as reporting requirements, monitoring and evaluation, flexibility to allocate FTEs (including to program management roles) and work plan variations. DFAT has expressed an ongoing willingness to work with the program management team and implementing teams to improve understanding of ODA accountability requirements and reporting more generally. There would be benefit in providing further clarity of DFAT and Home Affairs roles and responsibilities, including clarity on what matters Home Affairs has autonomy to decide. This could be further supported by DFAT presenting information at community of practice meetings to enhance program management and implementing teams to understanding of ODA accountability and reporting requirements.

### Are the program’s finances being effectively managed and tracked?

Program spending

*[Sentences redacted]*. In 2017/18 the program spend was *[words redacted]*, representing an underspend of 24 per cent. Much of this was attributed to delays in finalising IP-JuSP design and activity schedule, limiting capacity to commit to a program of work with counterparts until September 2017. Common development challenges were also highlighted including counterparts requesting postponement of assistance and delayed completion of planned tasks by other delivery partners.

*[Sentences redacted]*. The program expended 75 per cent of the 2018/19 financial year budget as shown in Table 5 below. There was an underspend for each of the four thematic areas with the greatest (38 per cent underspend) in Mutual Assistance and Extradition thematic area. The areas of underspend differ by thematic area, for example:

* While there was an underspend of the activity budget, the technical assistance budget for the Mutual Assistance and Extradition area was utilised to co-deliver projects with other thematic areas.
* In CVE there were underspends in technical assistance for 2018-19 and two CVE projects (8 and 18) were deferred and funding rolled over to 2019-20.
* Vacancies in the AMLAT team contributed *[words redacted]*.

Table 5 2018/19 Budgeted and actual expenditure

*[Table redacted]*

Systems for managing and tracking budgets

There is a consistent view that the program could improve how it collates, tracks and reports program finances in a way that optimises program implementation. There was no suggestion that finances have been managed improperly or that Home Affairs finance requirements, such as travel appropriate travel approvals, have not been followed. While each of the monitoring reports provided to DFAT to date include an interim and annual expenditure report, the timeliness of financial reporting has not met DFAT expectations. Issues experienced in managing program finances have included:

* Dealing with different finance systems and requirements in Home Affairs following the machinery of government changes. This necessitated close work with the Home Affairs Finance Division to ensure financial delegation, procurement and payment processes were aligned to the program’s needs.
* Departure of the fulltime APS5 program management team member who was responsible for managing and tracking program finances. Following her departure in July 2018 most of the day to day financial management shifted to the implementing teams. It took some time for implementing teams, working with Home Affairs finance, to develop more streamlined financial management systems to track team expenditure and budgets. Despite these improvements, at least two of the teams still maintain their own internal records to track financial expenditure so they have more up to date and easier to access financial information for their projects.
* Variance between data held by the implementing teams and that included in the Home Affairs financial system. Only information in the finance system can be reported to a third party with the consequence that this led to inaccurate reporting to DFAT of expenditure for 2018/19.

A key challenge highlighted in managing the budget is the impact that staff turnover and vacancies have on the budget given the high proportion allocated to staffing expenses. As noted, this is also complicated by the way program FTE funds are allocated within implementing teams.

Based on the information provided to the review team, there is a need for the program to improve overall financial tracking, analysis and reporting. This would be greatly assisted by a program management team member dedicated to overseeing and managing the program’s finances including improving systems and processes and accessibility of information for implementing teams. Moreover, with update of whole of program expenditure data, the program would be better placed to strategically allocate unutilised funds to priority areas rather than maintaining a significant underspend.

### Conclusion and recommendations

While the program’s accountability and governance mechanisms are suitable, they can operate more effectively. Increased effectiveness is reliant upon establishing central internal program leadership and investing in a dedicated program management team. Key areas to be addressed in improving decision making and consultation include defining roles and responsibilities of program management team vis a vis implementing teams, clarifying the roles and responsibilities of DFAT and Home Affairs, improving financial management and establishment of improved processes and systems for key decision making functions such as the annual work planning. Currently projects are planned and approved on an annual basis which while flexible, limits the ability to plan and deliver multi-year projects, particularly those involving substantial delivery partnerships. This issue should be considered in the design of subsequent program phases.

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| **Key findings** |
| **What are the strengths and weaknesses of the program’s governance and accountability arrangements?**  The program’s primary governance and accountability mechanisms are broadly suitable to the program’s operation and level of investment. With the establishment of the Technical Committee there is an opportunity to re-focus the Steering Committee on more strategic program matters. Ensuring that both committees focus on key decision matters (operational and strategic) requires an adequately resourced secretariat and program management function. |
| **Are the program’s decision making and internal consultation processes fit for purpose? Are the roles and functions within the program clear and well understood?**  Some of the roles and functions within the program are not well defined, most significantly the role of the program management team vis a vis implementing teams. The program lacks a central point for internal decision making on the day to day management of the program. Consequently, decision making and consultation processes are not clear. The annual work plan development and approval process is a key area highlighted by many stakeholders as a priority for improvement. There is some uncertainty relating to which matters can be decided by Home Affairs without reference to DFAT and the flexibility of Home Affairs to make decisions as the implementing organisation. While having FTEs part funded by the program or program FTEs delivering activities funded by other programs provides flexibility and may increases access to resources or expertise to support program activities, lack of clear role definition in IP-JuSP implementing teams make it difficult to effectively oversight and account for time spent in program delivery. |
| **Are the program’s finances being effectively managed and tracked?**  There is a need to improve the program’s financial management and tracking. Home Affairs finance systems do not necessarily provide implementing teams with the information they need to effectively monitor expenditure against budgets or the program team with the ability to provide accurate and timely financial reporting to DFAT. |

**Recommendations are:**

* **Annual work plan development**: Establish new processes for the annual work plan development and approval to guide 2020/21 work plan development including a revised prioritisation process.[[5]](#footnote-6)
* **Clarify Home Affairs and DFAT responsibilities**: Develop a brief outline (or protocol) of shared and individual responsibilities of Home Affairs and DFAT.
* **Enhance financial management and tracking:** Define the financial management roles and responsibilities of program management staff and implementing teams. Establish a dedicated role within the program management team to work with implementing teams and Home Affairs Finance to improve financial management and tracking of program expenditure.

## Program implementation: Is the program being effectively implemented?

### Have there been any significant challenges and what was their impact on program management and implementation?

This section considers broader whole of program challenges, rather than those commonly experienced in delivering projects such as political will, lengthy internal foreign government administration and legislative processes and elections. In this section we consider the following challenges and their impact:

* machinery of government (MoG) changes; and
* program staff recruitment and retention.

There are several other key challenges which are discussed in other sections of this report: program management function (section 3.4.2 below), financial management (section 3.3.3 above); and annual work planning (section 3.3.2).

MoG changes

The MoG which saw the program move from AGD to Home Affairs has impacted on management and implementation of the program. In AGD the program was delivered by a number of sections within two divisions, situated in the same premises. Sections reported to their branch heads, who were responsible for the delivery of IP-JuSP projects. Overall program management and coordination responsibility sat with the Assistant Secretary, International Legal Assistance and three program management staff who reported to that position.

The move of all teams, with the exception of Mutual Assistance and Extradition, to Home Affairs, a much larger and diverse agency, stalled some momentum of the program in its initial stage as structures and systems were established in Home Affairs and staff became familiar with the new operating environment. Up to July 2018 the AMLAT, Human Trafficking and People Smuggling teams and the program management team of three personnel were co-located within the Transnational Crime Policy Branch. In mid-2018 the program management positions were moved to the International Policy Division. Since this time Human Trafficking and People Smuggling (now MSIP) has moved to the ABF. The movements of teams from AGD and within the Home Affairs portfolio was considered to have led to turnover in staff and made recruitment for specialist roles more difficult. It also impacted on working relationships between teams, particularly the program management and implementing teams. It also appears that the program as a whole has struggled to get an adequate profile in Home Affairs and garner real engagement and support of senior management above the EL2 level.

Program staff recruitment and retention

Most teams have experienced challenges retaining and recruiting staff to program roles, and this was noted as more of an issue since the MoG changes. The review team were informed staff have left Home Affairs over time because they preferred the operating environment of AGD including the opportunities to engage in diverse legal related roles in that organisation. Staff have also sought progression in Home Affairs and other organisations, leveraging their experience in IP-JuSP’s internationally focused work. While there has been consistent senior leadership in the AML/CTF and human trafficking and people smuggling teams, most delivery teams and the program management team have experienced high levels of staff turnover. This has led to a loss of historical understanding and knowledge. This is particularly the case in the program management team. As has been discussed above, staff turnover directly impacts on the program’s ability to expend both staffing and activity budgets.

Some teams have experienced challenges in recruiting staff to their team. AMLAT have in particular experienced difficulties recruiting personnel who have relevant skills and experience in AML/CTF, a legal or law enforcement background and/or capacity building. They have resorted to a gazetted recruitment round having exhausted other standard recruitment processes. There was the view that within AGD there was a more readily available pool of staff to recruit into these roles, often at legal specialist levels rather general policy officers.

### What program management and implementation adjustments have occurred?

The program management function

The function of oversighting and managing the program was commonly identified as the key challenge for the program and an area where there had been significant change over time. At the program’s commencement a program management team dedicated to IP-JuSP was established in AGD. The team at the time of establishment included three FTE:

* EL2 program manager;
* APS6 officer responsible for program documentation, reporting and monitoring and evaluation; and
* APS5 finance manager.

The EL2 and APS5 positions were originally funded by AGD from its core funding. The responsibilities undertaken by this team included:

* developing key program documentation such as thematic area program logics, risk management framework, MEL framework, stakeholder analysis matrix, gender strategy and templates including for the annual work plan and budgets, traffic lights reports for the Steering Committee, expenditure report and monitoring reports for DFAT;
* establishing key timelines and procedures, for example for the annual work plan development process;
* regular tracking of finances against the annual budget;
* developing draft biannual reports to DFAT for input from the implementing teams;
* supporting work plan development and implementation of the MEL framework;
* liaising with DFAT and other key stakeholders as necessary; and
* secretariat role to the Steering Committee.

Following the MoG in December 2017, the EL2, APS 6 and the APS 5 positions were transferred to Home Affairs National Security and Law Enforcement Division. In July 2018 the APS 5 position (staffed) and the APS 6 position (not staffed) were transferred to Home Affair’s International Policy Division. At this time a fulltime program manager (Acting EL1) became responsible for the IP-JuSP program management function reporting to an EL2 who provided oversight of the program.

Since July 2018 there has been some turnover in the EL1 and APS6 roles due to staff promotions. From May 2019, the program management functions have been undertaken by the EL1 program manager with the support of the APS6 officer, both on a 0.5FTE basis, with the remaining 0.5FTE for each staff member dedicated to Home Affairs’ International Capacity Building Program. During this period the EL2 has continued to provide oversight of the program. As has been noted above, there has also been a number of changes in DFAT program contacts in the law and justice division at the EL1 and EL2 levels since July 2018.

The changes in resourcing of the program management team and staff turnover from promotion has impacted on many aspects of the program’s operation and underpins key challenges experienced in the day to day management of the program including:

* a loss of corporate knowledge of the program, its design and intent and operational procedures;
* program documentation and processes have not been used, and lack of consistency in work planning and reporting and associated expectations for implementing team;
* shift in certain responsibilities to implementing teams, for example in the area of financial management and biannual reporting to DFAT, with implementing teams highlighting that this impacts on their capacity to deliver funded program activities;
* lack of certainty of the program management team’s authority (or mandate) to give direction to implementing teams regarding program requirements and processes;
* lack of centralised senior leadership and ownership of the program and its strategic direction; and
* effective management of agenda of the governance committees ensuring they are focused appropriately on operational and strategic matters; and
* maintenance of relationships with key external stakeholders such as DFAT and broader relationships across Home Affairs.

Community of practice

A community of practice has recently been established by the program management team as a forum for sharing experience, lessons learnt and knowledge across the program in capacity building and law and justice sector reforms. The community of practice, open to all program staff to attend is held fortnightly, with meetings rotated across the different office sites. On all accounts it is an initiative supported and valued by staff and is an important way of building and maintaining relationships across teams. The community of practice also provides an opportunity to build implementing team knowledge and skills in ODA program requirements, capacity building and sharing lessons learnt. Some staff highlighted the challenges of attendance at the different locations, so options for participation through video conferencing or online should be encouraged where feasible.

Posted officers

The program was established with the intended access to and assistance from two AGD posted officers in Jakarta (EL1 and El2) and one in Bangkok (EL2). These positions were not funded by the program. The EL2 positions in Jakarta and Bangkok were funded separately by AGD and the EL1 position funded under the AIPJ II. These AGD positions were transferred across to Home Affairs. As was planned in the design document, implementing teams reported that these officers have played vital roles in building and maintaining in-country relationships with law and justice stakeholders, relationships with regional organisations and supporting the delivery of activities where appropriate. It is understood that the Counsellor (Legal) positions (EL1) in Bangkok and Jakarta have not been continued to the end of the 2019/20 year. While Home Affairs has a network of posted officers, there are concerns that the experience and capability of these officers is focused on immigration, border protection etc. and will not be able to provide the necessary support provided by the previous legal officers in the areas of human trafficking, CVE and AML/CTF.

### Is the funding and resourcing appropriate to effectively deliver the program?

As has been discussed, during its first two years of operation the program has had a budget underspend of around 24-25 per cent due a range of factors including staffing levels (which impact on budgeted activity expenditure) and changes in countries’ political will and engagement in planned projects. The last two years of underspend suggest initially that program funding is at an appropriate level. Some teams reported however that they have been unable to fully meet the requests for assistance from counterparts, in part due to limited activity budgets.

Annual work plans and project budgets are set during the work plan development process. During this process FTE funding and project activity budgets are reviewed and adjusted. The work plan for 2019/2020 has a reduction in FTE to 19 from 19.7 in the previous year. The process also resulted in reductions to proposed budgets such as for phase 3 of the CVE in prisons project in Indonesia. It is also evident that program budget is regularly adjusted according to emerging demands and changing country priorities. For example, in 2018/19, the six-monthly monitoring report to December 2018, notes that four projects will not proceed in the financial year and funds will be reallocated to existing projects and two listed contingency projects.

Looking at the program holistically the funding and resourcing is relatively small scale when the level of investment in each country across each of the theme’s is considered. This clearly limits the potential of the program to achieve broader holistic reform in each of the target countries. There are also a range of issues to consider which will impact on the annual program budget in the foreseeable future including:

* appropriate allocation of program funds to staffing of a program management team
* recruitment of a full staff compliment in implementing teams (19FTE) and consequent increased delivery of project activities
* growing demand for services in the AML/CTF area in the South East Asia and the Pacific (driven by APG mutual evaluations) and growing global focus on modern slavery
* any decisions to fund posted offices with relevant skills and experience in international crime and CVE.

At present the program’s funding is appropriate, though as discussed above, there is potential for it to be tracked better and managed more strategically. There are a number of program funding matters that will need to be considered in program funding going forward including the increasing demand for services and the program’s contribution to the broader strategic objectives for Home Affairs and the Australian Government. If deeper sustainable reforms are sought then greater investment in implementation and change management to support institutional capacity development will be required or a narrowing of target countries and initiatives.

### What further changes are required to improve program management and implementation?

A number of changes to improve program management and implementation have been discussed in the report. These are: program leadership and the program management function; financial management and tracking; annual work plan development; and monitoring, evaluation and reporting (discussed in section 3.5 below). This section provides a brief discussion of options and issues to consider in addressing program leadership and management.

Model of program leadership and management

We have identified that the program is lacking a clear program leadership structure as well as adequate investment in program management functions. The most immediate option is to re-establish a dedicated program leadership and management function. This means putting in a place a dedicated program lead (preferably at the EL2 level) with experience in managing and oversighting the delivery of ODA programs. It is important that this person has clear authority to establish program management processes in consultation with implementing teams and where necessary, refer matters to DFAT or the Technical Committee for guidance and decision. The program lead should be supported by at least two team members who bring senior experience in financial management, program management and monitoring, evaluation and reporting. We would anticipate that with dedicated investment in the program leadership, new working relationships can be developed with implementing team directors to improve program planning and implementation in the areas identified in the report.

There are other, different models that can inform delivery of the program management function. For example, the Australia Indonesia Partnership for Justice II has been established as a flexible facility to enable iterative programming to meet priorities. It has a centralised and specialist program management function, albeit delivered by an external contractor, which could inform operation of the IP-JuSP program management by Home Affairs. While this model may be beyond the short-term needs of the current program, elements of it may have merit in later program phases.

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| **Australia Indonesia Partnership for Justice II:** The Partnership is a flexible facility to enable iterative programming in line with reform priorities of both governments. AIPJ II works under five pillars: transparency, accountability and anti-corruption; countering transnational crime and security strengthening; promoting tolerance and countering radicalisation; prison reform; and gender equality and disability rights.  Investments under the Partnership are implemented through a flexible facility, managed by a contractor. The contractor has responsibility for the strategic management of the justice components of the investment, as well as responsibility for the day-to-day management of the whole investment portfolio. The partnership uses a single planning and reporting framework to promote strategic coherence between the work areas.  As a part of the planning, programming and review process, the facility manager:   * facilitates policy dialogue between partners (judicial institutions, government, CSOs, universities and business) to identify priority reforms under the pillars that contribute to one or more of the Partnership objectives; * in consultation with DFAT and Indonesian government, assesses the suitability of investing in these reforms using established investment criteria and developing an annual work plan; * manages the implementation of agreed activities and reports on progress; and * supports implementing partners to document and understand progress and collates this analysis into a progress report for DFAT and Bappenas on a six-monthly basis.   To agree on priority reforms under each work area the partners draw heavily on political economy analysis, expertise from both countries, lessons from the region, and international legal norms and standards. A professional partnership broker is engaged at strategic points throughout implementation to support productive policy dialogue. |

### Conclusion and recommendations

The program could be more effectively implemented. While a range of factors have impacted on implementation of the program including MoG changes, staffing turnover, recruitment and retention, fundamentally there is a need to invest more in program leadership and program management. Resourcing of the program management function has decreased over time impacting on a range of areas of program delivery including financial management, decision making, systems and processes and monitoring, reporting and evaluation.

| **Key findings** |
| --- |
| **Have there been any significant challenges and what was their impact on program management and implementation?**  There have been a range of key challenges that have impacted on management and implementation of the program. The transition of the program to Home Affairs slowed the early momentum of the program as teams worked to become familiar with different organizational systems and processes. Program management and implementing teams have experienced staff turnover in the first two years of operation. Some teams have experienced difficulties recruiting suitably qualified and experienced staff to their technical areas. During this time teams have moved to different divisions, physical locations and agencies in the Home Affairs portfolio. |
| **What program management and implementation adjustments have occurred?**  One of the most significant changes to the program has been how the program management function is delivered. The gradual reduction in dedicated program management resources and central program leadership has impacted on many aspects of the management and implementation of the program.  The implementing teams have relied on in-country support from Home Affairs posted officers in Jakarta and Bangkok who are not program funded. Home Affairs plans to cease these roles will impact on implementing teams’ ability to maintain in-country relationships and develop new relationships, particularly with regional organisations operating in the law, justice and security area. |
| **Is the funding and resourcing appropriate to effectively deliver the program?**  At present the program’s funding is appropriate to deliver small scaler discrete reforms to country laws and policies relating to international crime and CVE. Embedding sustainable reforms and long-term change in each country requires broader programming and funding considerations beyond the current structure and format of this phase of the program. |
| **What further changes are required to improve program management and implementation?**  Fundamentally the model of program leadership and management needs to be considered with adequate resources invested in the program leadership and management function going forward. |

**Recommendations:**

* **Invest in program leadership and management**: Establish a dedicated central point for program leadership within Home Affairs and develop an enhanced model of program management delivered by senior staff dedicated to the program.
* **Posted officers**: Consider options for ongoing funding to support Home Affairs posted officers in Jakarta and Bangkok with requisite skill and knowledge in transnational crime and CVE.

## Monitoring and evaluation: Does the program monitor and evaluate program delivery effectively?

### The MEL framework and implementation

The program has a MEL framework which contains the elements typical in most M&E frameworks – purpose and scope, principles, program description, program logics (including supporting assumptions), key evaluation questions, information relating to data collection and sources and implementation aspects including roles and responsibilities and reporting. It also includes several appendices including a risk management framework, evaluation matrix (with evaluation questions, indicators and data sources/methods) and supporting templates for different monitoring and expenditure reports.

The MEL framework was developed by the original program management team with input from DFAT. We understand that it was approved by the Steering Committee in early 2018, subject to further review and input from DFAT. The MEL framework identifies the program management team as responsible for program reporting and evaluation, operating as the central hub for data collection, analysis and storage. The team were also responsible for analysing data for inclusion in mid-year and annual monitoring reports compiled in consultation with delivery teams. The MEL framework contains a reasonably detailed process map outlining key steps, documents and responsibilities.

The MEL framework has not been implemented as planned. Changes in staff and the levels of resourcing in the program management team have been a key factor. Implementing teams - technical specialists in their areas - have been left to interpret and apply MEL requirements in some form without guidance and support. This lack of systematic approach to monitoring and evaluation across the program has had clear implications for the quality of the data collected, assessments of its value and relevance, the ability to provide evidence of program outcomes and quality and depth of reporting.

Stakeholders were able to point to some limitations of the current MEL framework, in addition to the lack of implementation and implementation support:

* apparent complexity of the MEL framework;
* complexity of the program logics;
* significant reporting burden, particularly for smaller teams when faced with Activity Monitoring Reports (AMRs), traffic lights reports to the Steering Committee and input into or drafting the six monthly monitoring reports; and
* the indicators in evaluation matrix/plan being heavily focus on output indicators, and limited differentiation between measurement of outputs and outcomes.

As was highlighted in the strategic evaluation of Australian law and justice assistance[[6]](#footnote-7), measuring results in the justice and security sector is difficult. This is particularly the case where there is strong focus on capacity building and there may not be readily useful indicators to measure outcomes. Commonly objectives are formulated at too high a level, making it difficult to demonstrate causal links.

The challenges of measuring results equally applies to IP-JuSP. A number of features of the program present challenges to monitoring and evaluation, and accordingly demand a tailored approach enabling a focus on what can and should be measured, as opposed to attempting to measuring all things. These features of the program that need be taken into account in the approach to monitoring and evaluation include:

* the large number (up to 30) short term projects of usually 12 months duration;
* each year a number of projects do not proceed and funding is re-allocated to other existing or contingency projects;
* spread across thematic areas and countries resulting in small activity budgets of less than $80,000 for almost two-thirds of projects funded in any year, and significant variance in this range;
* significant investment in general regional and multilateral initiatives;
* investment of 55 per cent of more of the annual budget in staffing, without any parallel assessment of extent of time involved in delivering particular projects;
* mixed activity funding, where program funded FTEs work on projects part or fully funded by other programs and initiatives; and
* mix of delivery modes – implementing team direct technical assistance and capacity building as well as fully funded external provider delivered activities.

Any changes to MEL approaches must be capable of being implemented and promptly enhancing the current situation in the limited time left in this phase of the program. Table 6 outlines key areas that need to be addressed within the MEL framework and to support its implementation. The first priority is engagement of a person with relevant expertise on an ongoing basis to support revision of the MEL framework, oversee its day to day implementation and coordinate data collection and analysis. Support and training to implementing teams on revised requirements will be essential. Given the limited timeframes, it may not be feasible to fully update the MEL framework. An alternative to a full update of the MEL framework would be to develop a shorter MEL practice guide which addresses priority issues such as program logics and outcomes and data collection processes supported by a monitoring and evaluation work plan.

Table 6 MEL system issues to be addressed

| **Focus** | **Issue** | **Suggested actions** |
| --- | --- | --- |
| MEL framework | **Program logics:** Complexity and relevance of the current whole of program logic and thematic area logics. | * Simplify the program logic reducing the number of outcomes and intermediate level. Consider relevance of some intermediate outcomes and gender outcomes. Also address the lack of specificity (e.g. whose capacity is expected to change). * Revise thematic area level logics and ensure outcomes appropriately aligned with current activities (e.g. some CVE outcomes not covered in program logic).   Note: Implementing teams will need to be actively involved in these activities. |
| MEL framework | **Reporting requirements:** Reporting requirements and templates are not streamlined and aligned with accountability and learning objectives. | * With implementing teams, review and implement existing project plan formats to ensure succinct summary of how project will be monitored and/or evaluated, outputs and targeted outcomes. * Revise the format of AMRs to focus on a summary of outputs and outcomes, and lessons learnt. * Guidance on when AMRs required (what type of activity threshold) or useful; consider value of quarterly reports as alternative. * Work with DFAT on a revised template for biannual monitoring reports to DFAT and incorporate feedback on past reports about structure and focus. |
| MEL framework | * Key evaluation questions * Indicators * Data methods | * Revise the current evaluation questions – reduce the number and focus. * Revise and simplify the evaluation matrix (MEL plan) reducing indicators, ensuring balance of output and outcome indicators and more description of outcome indicators (e.g. what constitutes adequate evidence of improved international cooperation). * Provide greater clarity on what data will be collected when, by whom and how (aligned with annual M&E work plan). |
| Implementation | **Monitoring and evaluation focus:** There is a need to consider on an annual basis what projects will be subject to more detailed monitoring and evaluation activities supported by the M&E specialist. | * Establish an M&E annual work plan identifying focus projects (ongoing and current) for case study analysis. * Ensure M&E specialist reviews project plans. |
| MEL framework  Implementation | **Roles and responsibilities:** Roles of implementing teams and program team not clear. | * Review and update roles and responsibilities of program management team (M&E specialist) and program teams. * Revise and disseminate workflow process. * Provide training sessions with teams on M&E requirements including development of project plans, data collection and management and reporting. |
| Implementation | **Data collection and management**: There is no centralised repository of key program data. | * Identify key program data sets (e.g. participants in activities, request for assistance) and establish central recording point within the program management team. * Establish standard surveys for post training and workshops; guides for interviews/discussions with counterparts and stakeholders. |
| MEL Framework  Implementation | Learning and strategic decision making | * Establish systematic process for reflection workshops within teams and across the program (e.g. building on the community of practice). * Actively engage Technical and Steering Committees in analysis of data and its use in decision making relating to annual work planning and program strategic direction. |

### To what extent does the program’s monitoring systems capture results and lessons?

The program has a monitoring plan that is not implemented consistently across teams. Key activity outputs and to a limited extent, outcomes of those activities are recorded in AMRs, however teams do not consistently use AMRs. Some teams advised that they have adapted the current format of the AMR which has a strong emphasis on capturing what has been done (outputs) with little emphasis on what was achieved in respect of intermediate or other outcomes or how the activity has helped progress the project towards its intended outcomes. Similarly, the AMR does not capture in a formal sense lessons learnt from delivery of the activity.

Teams have developed their own varied ways of monitoring how projects are progressing, seeking feedback and reflecting on lessons learnt. The approach varies across teams. For example, the CVE thematic area have a close working partnership with a range of external CVE experts and has systems in place to ensure regular and open communication in regards to working on key issues and challenges, lessons learned and next steps. Other teams appear to use Activity Monitoring Reports to collate information and reflect as a team on how activities can be improved.

As has been discussed above, the six-monthly and annual monitoring reports submitted to DFAT contain extensive information about what various projects have done during the six month reporting period. There is significant detail contained in the report (and annexure) about the status of each project and outputs. The report also identifies some of the challenges and risks in delivering specific projects and for delivery of the program overall. The report structure has continued to grapple with the best format – reporting by thematic area or by country and regional focus. It has tended to do both. Despite attempts to discuss results, particularly intermediate outcomes, it is evident that there is a varied understanding of what constitutes achievement of a particular outcome and what evidence is adequate to assert achievement of the outcome. The monitoring reports do not generally discuss lessons learnt and planned changes to project and program plans and implementation resulting from these assessments. There may be benefit in revisiting the reporting format, with input from DFAT and the thematic areas as appropriate, to agree a more effective format going forward.

What is not apparent from the planning and reporting we have seen is a realistic and clear description of what each project plans to achieve against the intermediate outcomes, how this will contribute to the end of program outcomes and the extent to which that project is progressing towards its planned outcomes. The work flow procedures in the MEL framework refer to several key documents including a new project proposal, which once approved is followed by the development of a new project plan and an activity monitoring plan. While the annual work plan lists outcomes relevant to each project, a project plan (in a simple and brief format) should be used to set out a realistic set of planned outcomes and how these will be monitored and evaluated. We understand that practices vary between teams about the form a project proposal or plan takes, with teams using different formats including what is commonly described as a concept plan.

### Is there an adequate evidence base on which to measure change attributable to the program?

There is a very limited evidence base on which to measure change attributable to the program. Assessing plausible contribution, particularly for longer term outcomes is recognised as a common challenge given the many factors at a play within any country. There are however, clear links to some activities undertaken by the implementing teams and intermediate, and in some instances end of program outcomes. *[Sentences redacted]*. There is generally however no evidence reported, apart from statements by implementing teams, identifying how their activities contributed to an outcome. Some teams have use surveys and follow-up conversations with counterparts but there does not appear to be any systematic means to use and report this information as evidence of outcomes and contribution at a project and program level.

While not every project will require the same level of scrutiny, where there is a more significant investment of time and effort and activity budget, it is important to capture: (1) What the situation was prior to assistance; (2) What assistance and support was provided; (3) What has changed from the baseline situation; (4) What are the views of counterparts and other stakeholders on how the support and assistance contributed to that change; and (5) What would could be done differently next time. A project plan outlining planned project outcomes, specific monitoring and evaluation requirements for the project (commensurate with the level of investment) and post-project report could provide the means to capture this information adequately. Some areas such as AMLAT and MSIP have the benefit of external mutual evaluation reports which provide external assessments of a countries compliance with FATF requirements relating policy and legislative frameworks and effectiveness of implementation, but these are yet to be used, where relevant, to evidence change.

### How does the program apply lessons and knowledge generated under the program?

There is no current systematic program level means of capturing, sharing and applying lessons learnt to improve delivery of the program. Implementing teams do reflect on project implementation and outcomes and lessons learnt when preparing communications such as cables, AMRs and six-monthly monitoring reports.

*AMLAT records lessons learned in cables, Activity Monitoring Reports, and six-monthly/annual reports and applies these lessons to strategic decision making (e.g. how to approach a country/issue, where to direct resources). (Survey response)*

Project information and communications are also used as a reference for designing new activities by teams.

*When designing a new activity, MSIP will draw on file notes, feedback from counterparts, Posts and other stakeholders, communication exchanges, outcomes documents, reporting cables and a range of other documentary evidence containing knowledge, and lessons learned that can be applied in future activities. (Survey response)*

The MEL framework refers to thematic areas holding review workshops every six months, a practice which should be very beneficial if undertaken by teams and for the whole program.

### To what extent does the program’s monitoring systems enable timely access to information to inform strategic decision making?

Without a centrally coordinated and oversighted monitoring system, the program does not enable timely access to information to inform whole of program strategic decision making. As has been discussed, teams undertake various forms of monitoring of project and activities that are collated bi-annually in the form of the monitoring reports to DFAT. With changing resource levels and staff in the program management function, processes for compiling these reports over time has changed and there is lack of a settled report format, clear process for developing the report and collating and identifying underpinning data to be used. Provision of the reports to DFAT are often delayed and do not meet standards expected of ODA reporting. Specifically, there is inadequate assessment of the program’s adequacy of progress against specific outcomes including end of program outcomes, how projects are achieving identified outcomes, lessons learnt and adjustments and improvements at the project and program levels. There are also issues with the adequacy of core data sets relating to participants with gender details lacking for quite a number of participants.

Monitoring information needs to be collected and presented in such a way to support the Technical and Steering Committees to make informed decisions about the strategic directions of the program, and where future activities should be focussed.

### Conclusion and recommendations

The program does not monitor and evaluate program delivery effectively. While there is a MEL framework, it has not been implemented to the extent intended. The framework including program logic and outcomes need revision to ensure they are relevant and provide a useable guide to monitoring and evaluating projects across the program. Monitoring and evaluating a justice and security program such as IP-JuSP requires a tailored approach to align with its diverse array of project activities, levels of investment and intended outcomes. Implementing teams need support and guidance to develop the knowledge and skills to effectively monitor and evaluate projects consistent with the MEL framework. Accordingly, the program requires an experienced monitoring and evaluation team member on an ongoing basis to lead revision of the MEL framework and provide coordination and support to implementing teams to ensure monitoring and evaluation occurs in a consistent manner across the program.

|  |
| --- |
| **Key findings** |
| **To what extent does the program’s monitoring systems capture results and lessons?**  The program has a monitoring plan including a reporting format, but it is not applied or used consistently across the program by implementing teams. Activity monitoring reports, where completed, provide much information on specific activities, but do not capture information on how the activity has contributed to the project’s intended outcomes or lessons learnt. Systematic monitoring at project or program level does not exist except for the delivery of six-monthly reports to DFAT. The six-monthly reports do not clearly describe how activities are contributing to planned outcomes, the adequacy of the program’s progress against end of program outcomes and lessons learnt. Consistent use of a brief project plan for each project articulating intended outcomes and how the project will be monitored and evaluated should provide the foundations for improved monitoring and evaluation. |
| **Is there an adequate evidence base on which to measure change attributable to the program?**  There is a very limited evidence base on which to measure change attributable to the program or the program’s contribution to outcomes. While there are in some instance very clear causal links between implementing team outputs and outcomes, there is often no reference to evidence from stakeholders to verify how and the extent that these outputs contributed to the outcomes. |
| **How does the program apply lessons and knowledge generated under the program?**  There is no current systematic program level means of capturing, sharing and applying lessons learnt to improve delivery of the program. Implementing teams do reflect on project implementation and outcomes and lessons learnt when considering the design of new projects. Establishing a broader lessons learnt and sharing culture across the program is important. The recently established community of practice provides and the Technical Committee provide forums to support this development. |
| **To what extent does the program’s monitoring systems enable timely access to information to inform strategic decision making?**  Without a centrally coordinated and oversighted monitoring system, the program does not enable timely access to information to inform whole of program strategic decision making. |

**Recommendations:**

* **Monitoring and evaluation framework**: The program’s monitoring and evaluation framework needs to be updated, simplified and tailored so that it can be effectively implemented by teams. Refining the program logic (at program and project level) is a key need, along with agreement on systematic processes to be used consistently across teams for recording and reporting project outputs, outcomes and lessons learnt.
* **Monitoring and evaluation specialist**: The program needs to ensure a monitoring and evaluation officer with extensive experience is engaged in the program management team to coordinate and oversight implementation of the program’s monitoring and evaluation systems and key reporting requirements. This person needs to be able to work effectively with implementing teams.

# Appendix 1: Terms of Reference



**Terms of Reference for the Mid-Term Review of the Indo-Pacific Justice and Security Program**

This document sets out the Terms of Reference for the mid-term review of the Department of Foreign Affairs and Trade (DFAT) funded Indo-Pacific Justice and Security Program (IP-JuSP) administered by the Department of Home Affairs (Home Affairs), Australian Border Force (ABF) and the Attorney General’s Department (AGD).

**About the Indo-Pacific Justice and Security Program**

**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 beingessential for state stability, and providing the foundations for economic growth, private sector investment, human development and community safety.[[7]](#footnote-8)

Home Affairs, ABF and AGD partner 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 Home Affairs, ABF and AGD assist counterpart agencies to tackle challenges which they regard as priorities, in support of the economic development and welfare of their own countries. Australia’s national interests and whole-of-government priorities are also considered when determining and prioritising IP-JuSP activities.

**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.

As the domestic policy leads for transnational crime and violent extremism, Home Affairs and ABF are well placed to share its expertise with the region with a focus on addressing illicit financial flows, exploitative irregular migration and addressing violent extremism. Home Affairs and ABF are supported by the International Cooperation Unit within AGD to enhance international crime cooperation in the Indo-Pacific region.

The Department of Foreign Affairs and Trade provides $3,950,000 in funding per annum to support the program which is delivered by Home Affairs, ABF and AGD with support from other Australian government and private sector expertise.

**Key Stakeholders**

* DFAT
* Home Affairs
* ABF
* AGD
* Bilateral and regional counterparts (government and focus agencies) in the Indo-Pacific region

**Purpose of this mid-term review of the Indo-Pacific Justice and Security Program**

The purpose of this mid-term review of IP-JuSP is to:

1. Review whether the underlying theory of change for the program is sound and aligns with the stated outcomes for the program. *This will help to determine if the fundamental assumptions upon which the Program has been developed, align with development effectiveness principles.*
2. Review the structures, systems and processes (including the performance monitoring system), that have been established to implement IP-JuSP. The focus will be to increase the understanding of the rationale, assumptions and considerations that underpin the models of program management and implementation adapted by the different thematic areas of the program. This will form the *basis of shared learnings across themes to help inform future Program design and improvements.*
3. Examine if and how the program aligns with and meets the needs and expectations of national counterparts. This will help to inform whether the program remains well targeted and fit for purpose through the lens of the program’s beneficiaries.

**Target audience of the mid-term review**

The mid-term review report will be provided to the Global Engagement, Strategy and Training section for referral to relevant areas within Home Affairs, ABF and AGD.

The findings will help to determine the robustness of IP-JuSP and what improvements, if any, can be made to ensure the program is delivering against its intended outcomes.

**Scope of the mid-term review**

The mid-term review will incorporate both process and outcome components, and will examine:

* stakeholder consultation, coordination and administration of IP-JuSP by Home Affairs, ABF and AGD.
* governance and accountability arrangements and mechanisms for the program,
* the range and type of activities and processes implemented across the Indo-Pacific,
* development and delivery of IP-JuSP in each thematic area,
* alignment of program outcomes and priorities with counterpart priorities and expectations, and
* the overall program approach and whether it reflects development effectiveness principles.

**Key review questions**

1. Does the program remain fit for purpose?
2. Are the program’s intended outcomes still appropriate and consistent with whole-of-government priorities?
3. Are the thematic areas consistent with the program’s logic and intended outcomes?
4. Are the activities and their delivery modalities well targeted to achieve intended outcomes?
5. What is the program achieving in terms of the program’s intended outcomes?
6. What outcomes are evident from the program to date?
7. Are the outcomes achieved to date sustainable?
8. Is the program meeting national counterpart priorities and expectations?
9. Does the program contribute to other outcomes outside of the program’s intentions?
10. Are the program’s governance and accountability arrangements and mechanisms effective?
11. What are the strengths and weaknesses of the program’s governance and accountability arrangements?
12. Are the program’s decision making and internal consultation processes fit for purpose?
13. Are the roles and functions within the program clear and well understood?
14. Are the program’s finances being effectively managed and tracked?
15. Is the program being effectively implemented?
16. Have there been any significant challenges and what was their impact on program management and implementation?
17. What program management and implementation adjustments have occurred?
18. Is the funding and resourcing sufficient and appropriate to effectively deliver the program?
19. What further changes are required to improve program management and implementation?
20. Does the program monitor and evaluate program delivery effectively?
21. To what extent does the program’s monitoring systems capture results and lessons?
22. Is there an adequate evidence base on which to measure change attributable to the program?
23. How does the program apply lessons and knowledge generated under the program?
24. To what extent does the program’s monitoring systems enable timely access to information to inform strategic decision making?

**Deliverables of the mid-term review**

Deliverables are designed to fully inform Home Affairs, ABF, AGD and the IP-JuSP Steering Committee on the progress of the mid-term review and to inform relevant stakeholders of the findings, conclusions and recommendations from the mid-term review as appropriate.

Project deliverables include:

* a Mid-Term Review Plan, which may include identifying outcome measures and data/information sources for the mid-term review,
* regular progress updates to the IP-JuSP Technical and Steering Committees, at agreed intervals,
* a comprehensive Final Report detailing all components of the mid-term review including methodology, quantitative and qualitative analysis, preliminary and final outcomes, conclusions and recommendations.

Regular consultations between the mid-term review team, Home Affairs, ABF and AGD will occur during the course of the mid-term review, and will be reflected in the mid-term review work plan. The Home Affairs, ABF and AGD will also have the opportunity to review and comment on all deliverables before finalisation.

**Timeframes**

The full mid-term review project is expected to take approximately four months. The deliverables are required in the timeframes set out below:

**Deliverable Date required**

|  |  |
| --- | --- |
| Mid-Term Review Plan | 15 July 2019 |
| Draft Final Report | 10 October 2019 |
| Final Report | 30 October 2019 |

**Budget**

The mid-term review will be funded under a contract with Coffey International Development for Monitoring, Evaluation and Learning advice and services.

# Appendix 2: Review framework

| **Key question** | **Sub-questions** | **Assessment criteria/factors for consideration** | **Desktop review** | **Survey** | **Interviews and small group discussion** | | |
| --- | --- | --- | --- | --- | --- | --- | --- |
| Program delivery teams (Canberra) | Program delivery teams (Canberra and post) | DFAT (Canberra) | Implementing partners e.g. country counterparts |
| 1. Does the program remain fit for purpose? | 1. Are the program’s intended outcomes still appropriate and consistent with whole-of-government priorities? | * Alignment of program goals and outcomes in program theory with Australian Govt strategic priorities | * Program design * Australian 2017 Foreign Policy White Paper * Australian 2014 Aid Development Policy * Other relevant Home Affairs and Aust Govt policy documents e.g. Home Affairs, Blue Print * Survey feedback | ✓ | ✓ | ✓ |  |
| 1. Are the thematic areas consistent with the program’s logic and intended outcomes? | * Extent that thematic areas contributing/likely to contribute program goals and outcomes * Extent that other thematic areas should be included in the program * Extent that thematic areas complement each other * The distribution of program investment (staffing and activity) across thematic areas and countries * Comparison with evidence base for law and justice sector programs and appropriate outcomes | * Monitoring reports * AQC and response * Program design and MEL framework * Comparative law and justice program evaluations and reviews * Survey feedback | ✓ | ✓ | ✓ | ✓ (as appropriate/ relevant) |
| 1. Are the activities and their delivery modalities well targeted to achieve intended outcomes? | * Extent to which reported results are consistent with planned intermediate and end of program outcomes * Appropriateness of modalities to specified outcomes * Counterpart/officials perspectives on benefits of participation and support, skills development and changes in work place and organisational level | * Monitoring reports * AQC and response * Comparative law and justice program evaluations and reviews * Survey feedback | ✓ | ✓ | ✓ | ✓ |
| 1. What is the program achieving in terms of the program’s intended outcomes? | 1. What outcomes are evident from the program to date? | * Extent of evidence of intermediate outcomes to date across countries and thematic areas (i.e. changes in - capacity to develop policy and laws; organisation practices; international cooperation; application of policies and laws; and regional advocacy) * Extent of evidence of progress towards end of program outcomes to date across countries and thematic areas (i.e. changes in policy and legal frameworks and effectiveness of implementation) * Counterpart/officials perspectives on benefits of participation and support, skills development and changes in work place and organisational level * Strength of evidence available to support outcomes assessment | * Monitoring reports * AQC and response * Program design and MEL framework * Survey feedback | ✓ | ✓ | ✓ | ✓ |
| 1. Are the outcomes achieved to date sustainable? | * Perceptions on sustainability of outcomes achieved to date | * Monitoring reports * AQC and response * Survey feedback | ✓ | ✓ | ✓ | ✓ |
| 1. Is the program meeting national counterpart priorities and expectations | * Perceptions on whether the program meeting national counterpart priorities and expectations * Evidence of where counterpart priorities and expectations have been met * Evidence of enhancements required * What are the common factors for those whom the program works well for and those who it does not work well for | * Monitoring reports * AQC and response * Survey feedback | ✓ | ✓ | ✓ | ✓ |
| 1. Does the program contribute to other outcomes outside of the program’s intentions? | * Perceptions regarding contribution to outcomes beyond the program intent * Evidence of other outcomes being achieved | * Monitoring reports * AQC and response * Other relevant program documents and reports (eg AIPJ) * Survey feedback | ✓ | ✓ | ✓ | ✓ |
| 1. Are the program’s governance and accountability arrangements and mechanisms effective? | 1. What are the strengths and weaknesses of the program’s governance and accountability arrangements? | * Reported strengths and challenges of program governance and accountability requirements * Changes in governance and accountability arrangements * Perceptions of the role of governance and accountability systems in contributing to effective program management and implementation | * Monitoring reports * AQC and response * Steering Committee Meeting minutes * Survey feedback | ✓ | ✓ | ✓ | ✓ (as appropriate/relevant) |
| 1. Are the program’s decision making and internal consultation processes fit for purpose? | * Perceptions on decision making and internal consultation processes, noting strengths and weaknesses * Extent to which there has been coordination and information sharing across delivery teams * Perceptions on relationships, information sharing and coordination across thematic areas and potential enhancements | * Monitoring reports * AQC and response * Steering Committee and Technical Committee Meeting minutes * Survey feedback | ✓ | ✓ | ✓ |  |
| 1. Are the roles and functions within the program clear and well understood? | * Evidence of clearly articulated roles and functions * Evidence of understanding of roles and functions by stakeholders * Perceptions of the relevance and appropriateness of current roles and functions and any potential enhancements | * Monitoring reports * AQC and response * Steering Committee and Technical Committee Meeting minutes * Survey feedback | ✓ | ✓ | ✓ |  |
| 1. Are the program’s finances being effectively managed and tracked? | * Evidence of effective management and tracking of program finances * Perceptions regarding challenges, and how the management and tracking of program finances could be enhanced | * Monitoring reports * AQC and response * Steering Committee and Technical Committee Meeting minutes * Survey feedback | ✓ | ✓ | ✓ |  |
| 1. Is the program being effectively implemented? | 1. Have there been any significant challenges and what was their impact on program management and implementation? | * Evidence of, or perceptions regarding, challenges and how they have impacted or continue to impact on program effectiveness | * Monitoring reports * AQC and response * Steering Committee and Technical Committee Minutes * Survey feedback | ✓ | ✓ | ✓ | ✓ |
| 1. What program management and implementation adjustments have occurred? | * Evidence of, or perceptions regarding, adjustments to program management and implementation (and how these are related to the above identified challenges) | * Monitoring reports * AQC and response * Steering Committee and Technical Committee Minutes * Survey feedback | ✓ | ✓ | ✓ |  |
| 1. Is the funding and resourcing appropriate to effectively deliver the program? | * Analysis of expenditure - budgeted versus actual (overall, by thematic area, by country, by activity type) * Perceptions regarding what activities are most effective for achieving program outcomes * Perceptions regarding funding and resourcing, and if/where additional resourcing would enhance program outcomes | * Monitoring reports * AQC and response * Steering Committee and Technical Committee Minutes * Activity and budget tracking * Survey feedback | ✓ | ✓ | ✓ |  |
| 1. What further changes are required to improve program management and implementation? | * Perceptions regarding additional changes that could be implemented to enhance program performance | * Monitoring reports * AQC and response * Steering Committee and Technical Committee Minutes * Survey feedback | ✓ | ✓ | ✓ | ✓ |
| 1. Does the program monitor and evaluate program delivery effectively? | 1. To what extent does the program’s monitoring systems capture results and lessons? | * Adequacy of KPIs for measuring change in outcome areas * The extent that the MEL system has been implemented and supports effective monitoring of progress against outcome KPIs * Perceptions regarding the usefulness and limitations of the current monitoring system | * Monitoring reports * AQC and response * MEL framework * Steering Committee and Technical Committee Minutes * Survey feedback | ✓ | ✓ | ✓ |  |
| 1. Is there an adequate evidence base on which to measure change attributable to the program? | * Quantity, reliability and quality of current data being collected * Perceptions on how to effectively capture change as a result of program activities | * Monitoring reports * AQC and response * MEL framework * Steering Committee and Technical Committee Minutes * Survey feedback | ✓ | ✓ | ✓ |  |
| 1. How does the program apply lessons and knowledge generated under the program? | * Evidence of data being collected and used to inform decision making * Perceptions regarding how the program applies lessons and knowledge generated under the program * Perceptions regarding challenges and how learning and sharing of lessons from the program can be enhanced | * Monitoring reports * AQC and response * MEL framework * Steering Committee and Technical Committee Minutes * Survey feedback | ✓ | ✓ | ✓ |  |
| 1. To what extent does the program’s monitoring systems enable timely access to information to inform strategic decision making? | * Evidence of data being collected and used to inform decision making in a timely manner and challenges with access * Perceptions regarding timeliness of data access and usefulness in strategic decisions | * Monitoring reports * AQC and response * MEL framework * Steering Committee and Technical Committee Minutes * Survey feedback | ✓ | ✓ | ✓ |  |

# Appendix 3: Document list

* Program design document, stakeholder matrix, risk matrix and gender strategy
* Program monitoring, evaluation and learning framework
* Program management documents: 2018/19 budgets, activity tracking (including participant numbers disaggregated), Workplans 2017/18, 2018/19 and 2019/20
* DFAT Aid Quality Check (AQC) 2018
* Home Affairs Response to AQC 2018
* Biannual program monitoring reports to DFAT (December 2017, June 2018 and December 2018)
* IP-JuSP Steering Committee and Technical Committee minutes
* Activity Monitoring Reports
* Financial reports
* DFAT 2016 *International Strategy to Combat Human Trafficking and Slavery*

**References**

AusAID 2012, Building on local strengths Evaluation of Australian Law and Justice Assistance, viewed 18 November 2019, < https://dfat.gov.au/aid/how-we-measure-performance/ode/Documents/lawjustice-building-on-local-strengths.pdf>.

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Department of Home Affairs, *Blueprint for Home Affairs*, viewed 25 November 2019, <https://www.homeaffairs.gov.au/commitments/files/blueprint-for-home-affairs.pdf>.

# Appendix 4: Stakeholders consulted

| **Organisation** | **Role** |
| --- | --- |
| Home Affairs | Assistant Director, Global Engagement Strategy and Training Section  (GEST), International Policy Division (IPD)  Acting Senior Policy Officer, GEST, IPD  Director, GEST, IPD  Director, Mekong Desk, IPD  Assistant Director, Mekong Desk, IPD  Director, International CVE Partnerships  Assistant Director, Indo-Pacific CVE  Senior Policy Officer, Indo-Pacific CVE  Acting Assistant Director, IPJU-SP CT-IP  Director, AMLAT  Acting Director, AMLAT  Director, Law Enforcement Advisor, AMLAT  Assistant Director, AMLAT |
| Australian Border Force | Acting Director, Modern Slavery International Partnerships  Assistant Director, Anti Human Trafficking & Slavery |
| AGD | Assistant Secretary, International Cooperation Branch  Director, International Cooperation Branch  Assistant Director, International Cooperation Branch |
| DFAT | Assistant Secretary, Governance, Fragility and Water, Development Policy Division  Assistant Director, Law and Justice Section, DFAT  Assistant Director, Transnational Crime Section, DFAT |
| Ministry of Justice, General Department of Prosecution and Criminal Affairs, Cambodia | Director-General |
| Corruption Eradication Commission (KPK), Indonesia | Specialist of Cooperation |
| State Law Office, Vanuatu | Director, Financial Intelligence Unit |

# Appendix 5: Country and project outcomes overview

*[Appendix redacted]*

1. The Technical Committee has identified this as a priority going forward. [↑](#footnote-ref-2)
2. Australian Government 2017, *2017 Foreign Policy White Paper*, Canberra, viewed 18 November 2019, <https://www.fpwhitepaper.gov.au/foreign-policy-white-paper>. [↑](#footnote-ref-3)
3. Department of Foreign Affairs and Trade 2014, *Australian Aid: promoting prosperity, reducing poverty, enhancing stability*, Canberra, viewed 18 November 2019, <https://dfat.gov.au/about-us/publications/Documents/australian-aid-development-policy.pdf>. [↑](#footnote-ref-4)
4. Department of Home Affairs, *Blueprint for Home Affairs*, viewed 25 November 2019, <https://www.homeaffairs.gov.au/commitments/files/blueprint-for-home-affairs.pdf>. [↑](#footnote-ref-5)
5. The Technical Committee has identified this as a priority going forward. [↑](#footnote-ref-6)
6. AusAID 2012, Building on local strengths Evaluation of Australian Law and Justice Assistance, viewed 18 November 2019, < https://dfat.gov.au/aid/how-we-measure-performance/ode/Documents/lawjustice-building-on-local-strengths.pdf>. [↑](#footnote-ref-7)
7. Department of Foreign Affairs and Trade, *Australian Aid: promoting prosperity, reducing poverty, enhancing stability*, 2014, p.7. [↑](#footnote-ref-8)