



Submission No 6

Inquiry into Australia's aid program in the Pacific

Organisations: AusAID and Department of Foreign Affairs and Trade

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Australian Government

AusAID

Ms Sara Edson
Secretary
Human Rights Sub-Committee
Joint Standing Committee on Foreign Affairs,
Defence and Trade
Parliament House
Canberra ACT 2600

Dear Ms Edson

INQUIRY INTO THE IMPACT OF AUSTRALIAN AID TO THE PACIFIC

Further to Bruce Davis' reply to your 18 April letter regarding the above inquiry, please find attached a joint submission from AusAID and the Department of Foreign Affairs and Trade.

I have also emailed a version of this Submission to the Committee Secretariat. If you have any questions regarding the Submission, please contact either Heather Fitt (phone: 6206 4807) or Arthi Patel (phone: 6206 4545) in AusAID's Pacific Branch.

I look forward to hearing about any public hearings for the Inquiry.

Yours sincerely

Scott Dawson
Deputy Director General
Pacific, PNG and International Division

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Joint Standing Committee on Foreign Affairs, Defence and Trade
Inquiry into the Impact of Australian Aid to the Pacific

Joint AusAID and DFAT Submission
June 2006



Australian Government
AusAID

Introduction

The Australian Government considers that human rights are universal and indivisible. The aid program in the Pacific reflects this by addressing the full range of political, civil, economic, social and cultural rights. The Australian aid program is underpinned by values of political and economic freedom, and humanitarian spirit. The White Paper on the Australian Government's Overseas Aid Program, *Australian Aid: Promoting Growth and Stability* (2006), articulates the Government's belief that every person – male and female – should be given the opportunity to raise their standard of living and to live in peace and security.

The protection and promotion of human rights is a core state function. Effective states enhance human rights by providing stability and security, promoting growth, ensuring transparent and accountable government and delivering basic services such as health and education. Effective states encourage an open media and dynamic civil society. Development assistance can provide critical resources and incentives for states to meet their core functions.

Security and stability are inextricably linked to growth and development. Stability is one of the most important preconditions for sustained growth and poverty reduction. Experience in Bougainville and Solomon Islands shows the devastating impact that conflict can have on development gains. The links between security and development are clearly articulated in the Government's *Peace, Conflict and Development Policy* (2001). Australia's peace and prosperity is linked to that of our neighbours, and these links are becoming deeper and broader from both security and economic perspectives. Our neighbours' ability to manage borders effectively, deal with transnational crime, terrorism and illegal people movement and respond to outbreaks of infectious disease is vital for their own development and is also in Australia's national interest.

With few exceptions, economic growth in the Pacific is lower than required for sustained poverty reduction. Australia's aid program makes a long term commitment to accelerating growth, promoting stability and enabling the delivery of basic services. The Pacific faces a number of transboundary security and development challenges including pandemics such as HIV/AIDS, transnational crime and competition over natural resources. A number of states in the region can be considered 'fragile' to some degree, facing problems of widespread poverty, poor governance, lack of capacity, lack of employment opportunities and rising crime, particularly amongst youth. Australia's commitment to effective engagement with these states is consistent with the Principles for Good International Engagement in Fragile States¹.

The Australian Government recognises that aid is only one component of the development picture; developing countries' policies and institutions are more important. Developed country policies are also critical, for example by reducing trade barriers to developing countries and reducing trade subsidies for agriculture.

Australia's Foreign Policy Approach to the Pacific

Australia has a longstanding and enduring commitment to partnership with Pacific island countries. Our key objectives in the region are to promote political stability, sustainable economic development and regional co-operation. We have a clear interest in strengthening democracy, human rights and the rule of law as these are fundamental to regional stability and development.

¹ OECD (8 April 2005) DCD(2005)8/Rev 2

In recent years, Australia has adopted a more active and robust policy approach to the Pacific. Key elements of this approach include a greater willingness to address challenges more directly, in cooperation with others; a stronger emphasis on the security, economic and social benefits of good governance; and an emphasis on the benefits of effective regional cooperation, including where appropriate, by pooling regional resources.

Our approach is consistent with Australia's responsibilities as a member of the Pacific Islands Forum (PIF) and as the largest donor in the region. Australia is conscious of the region's diversity and we do not seek to apply a one-size-fits-all approach to the Pacific. Our approach is differentiated according to particular circumstances, and implemented flexibly.

The following highlights some key achievements of Australia's aid program in the Pacific, grouped according to the focus areas identified in this inquiry's terms of reference.

(a) Strengthening law and justice

Effective law and justice systems promote human, national and regional security. Australian assistance to law and justice in Papua New Guinea (PNG), Solomon Islands, Vanuatu, Fiji and Samoa supports the rule of law and helps these countries realise broader development goals. An effective justice sector promotes better livelihoods for the poor and provides necessary protection of economic and social as well as civil and political rights. It protects against corruption and the arbitrary use of state power. An effective justice system also increases international confidence and helps to attract foreign investment.

Since 2003 in **Solomon Islands** Australian support has been provided through the Regional Assistance Mission to Solomon Islands (RAMSI), for policing, prisons and the justice system. A systematic disarmament program has removed over 3,700 firearms from circulation. Solomon Islanders have demanded that those responsible for criminal acts during the tension period be brought to account. Integrated Australian assistance has enabled Solomon Island courts to dispense justice in a transparent and accountable manner and assisted in clearing the backlog of cases. Eight high profile High Court trials have been completed to date. In addition through RAMSI assistance, juveniles previously housed with adult prisoners are now housed in a separate and secure facility. A pilot program has been initiated to rehabilitate and reintegrate first time offenders by offering diversion programs that aim to keep juveniles out of the prison system.

Initiatives have been undertaken to improve public awareness of the Solomon Islands legal system such as regular radio programs to explain legal rights. Disputed land use, ownership and access are fundamental underlying causes of conflict in Solomon Islands. RAMSI has funded a legal adviser to work with the Solomon Islands Government to develop an effective land dispute resolution mechanism that takes customary law into account.

Australia's assistance to **PNG's** law and justice sector has improved access to justice and promoted the rights of women, children and people living with HIV/AIDS. Human rights concerns have been addressed through training of PNG police on the use of force and weapons; international law; accountability, discipline and ethics; cell and custody procedures; child rights; the Juvenile Court Act 1991; and diversion programs. The investigative capacity of the PNG police has also been strengthened resulting in increased conviction rates and reduced time from investigation to prosecution. Public prosecutors and investigators have been trained in sexual assault law and the operation of Village Court systems has been improved through a major training program for court officials. HIV/AIDS is being addressed in the prison system through peer education programs for juvenile and adult detainees.

Under the Enhanced Cooperation Program (ECP) in PNG, it was envisaged that 210 Australian police would be deployed in line positions in the Royal PNG Constabulary (RPNGC).

Full deployment of the police contingent would have been likely to assist in addressing human rights issues in the RPNGC. Sixty-four civilian deployees were to be placed in line positions in key agencies including the PNG Department of Justice and the Attorney-General, the Public Prosecutors Office and Correctional Services. Following a PNG Supreme Court decision in May 2005, that the legal basis for the deployment was unconstitutional, it was necessary to withdraw policing assistance and move civilian deployees from in line to advisory positions.

At present around 40 Australian civilian deployees are continuing to work in PNG.

The Australian and PNG Governments are continuing discussions on a possible revised package of policing assistance and on additional assistance in the law and justice sector. While it is too early to assess the impact of the ECP, deployees are making good progress on issues relating to service delivery and law and justice. For example, the work of an ECP corrections officer during 2005 contributed significantly to improved conditions for juvenile prisoners at Bomana Prison in Port Moresby.

Across the Pacific, Australia is working with judges, magistrates and court officers to strengthen their skills and improve the functioning of courts. The newly established Pacific Judicial Development Program continues to build on an earlier regional education program. Activities include support to alternative dispute resolution mechanisms to address local community disputes in accessible and culturally appropriate ways. Australia supports a biennial Pacific Chief Justices forum where judicial leaders across the Pacific have an opportunity to discuss issues of concern. This forum has contributed to greater judicial independence and professionalism in the region.

Police capacity across the Pacific is being developed through a regional program which strengthens basic policing skills and also provides an opportunity for regional mechanisms and linkages. The Pacific Chiefs of Police Conference is a major driver of policy and policing in the region. The networks provided through this Conference aim to improve policing at a local and national level. For example, a Family Assistance and Sexual Offences Unit has been established in the **Kiribati** Police Service to address sexual offences and domestic violence.

In **Samoa**, Australian aid provides training and institutional strengthening of the police service with an emphasis on recruitment and selection processes. The introduction of merit-based selection has resulted in an increase in the number of women in the service from 16 in 2003 to 61 in 2005. Women are now deployed in operational as well as administrative roles. Police training includes human rights components such as the appropriate use of police powers. Similarly, standards of policing are being raised in **Nauru** through community liaison, education and training, and infrastructure development.

Confidence in the police has increased in **Fiji** following the 2000 coup with the appointment in 2003 of an independent Police Commissioner who is an Australian. There has been an emphasis on better investigations, increased professionalism and more community policing. This has been complemented by a law and justice sector program that has assisted Fiji courts and other agencies to reduce case back logs, improve the treatment of juvenile offenders, expand access to legal aid and establish a Family Court and associated counselling service.

**(b) Improving economic management and public accountability institutions.
Anti-corruption and good governance measures**

Good governance is a cornerstone of development in the Pacific. Key elements of good governance include effective economic management to promote broad-based growth and poverty reduction, transparent institutions, and representative and accountable government. Corruption is a major brake to reform efforts and anti-corruption measures are central to good governance. Australian assistance to support good governance and anti-corruption includes placement of Australian officials in key institutions, training, capacity building and scholarships.

Since the arrival of RAMSI in **Solomon Islands** in 2003, annual real GDP growth has averaged around four and a half percent. This is in stark contrast to the previous four years in which real GDP declined by an average of six percent. This has meant that for the first time since 1996 real GDP has outstripped population growth, increasing real per capita incomes for Solomon Islanders. Reforms made with the assistance of Australian Government officials have contributed to a more than two-fold increase in Solomon Islands Government revenue between 2002 and 2006. This has greatly strengthened the ability of Solomon Islands Government to deliver essential services such as health and education to poor and rural communities.

RAMSI has worked closely with the Royal Solomon Islands Police in targeting corruption. Since mid-2003, a number of Cabinet Ministers including a former Prime Minister, senior public servants and business people have been arrested and charged with corruption related offences. Australia has been working with key accountability institutions including the Leadership Code Commission, Office of the Auditor General, and the Ombudsman's Office. The Auditor General has released a number of audits highlighting deep-rooted corruption and the Leadership Code Commission has condemned corrupt behaviour by politicians.

Electoral assistance to **Solomon Islands** for the April 2006 election supported the principle of a secret ballot through the introduction of a single ballot box to replace the previous system of ballot boxes for each party. Civic education at the village level is focused on instilling a sense of national identity and understanding the rights and responsibilities of citizens and office holders. In addition, Australia has helped build local election observer networks in Solomon Islands and PNG.

Australian assistance helped to ensure a free and fair May 2006 election in **Fiji**. Prior to the elections, support was provided to election management, voter registration and public education. Assistance to the police ensured logistics and security arrangements were in place and Australian observers joined a regional electoral monitoring team.

Australia supports democracy and nation building in **PNG** through support to improve electoral processes, including the prevention of election related violence. The PNG Chapter of Transparency International through the Community Coalition Against Corruption has undertaken community education and campaigned effectively for legislative reforms such as the Leadership Code for Members of Parliament. Support to the PNG Ombudsman Commission has improved capacity to investigate corruption, and a public awareness program has driven increased demand for services of the Ombudsman.

Australian ECP employees are working in advisory positions in the PNG Department of Finance, Treasury and other key agencies to enhance public sector performance and accountability. Progress is being made in preventing wastage and leakage of public funds in key PNG Government agencies.

With Australian support the **Vanuatu** Ministry of Finance and Economic Management has introduced a systematic budget cycle and strengthened financial controls. Political interference in budget allocations has reduced. The International Monetary Fund (IMF) has identified Vanuatu as having one of the best financial management systems in the Pacific. Assistance to reform the **Vanuatu** public service has contributed to a decrease in political appointments and clear separation between career public servants and political appointees. In **Fiji** assistance to Customs and Revenue contributed to a seven-fold increase in annual revenue. Debt as a percentage of revenue reduced from 26.6 percent in 2000 to 18.4 percent in 2003.

In **Nauru**, Australian assistance has contributed to the Government of Nauru producing, for the first time, transparent and balanced budgets. This and other financial reforms have led to Nauru being removed from the Financial Action Task Force list as a country of concern for money laundering and terrorist financing. As a result, banking services can now be established.

Australia is supporting the Asia Pacific division of Transparency International to combat corruption in the region through mobilisation and empowerment of civil society. This includes strengthening national chapters of Transparency International regarding internal governance, agenda setting, fund raising and advocacy.

With Australian Government support, the **Centre for Democratic Institutions** provides training and networking opportunities for political parties and politicians from the Pacific. The Centre holds an annual Pacific Parliamentary Workshop which allows members of parliament to share experiences and learn about good governance processes. The Centre works with political parties across the Pacific to help build more robust and responsive democratic systems. Training has also been provided to recently elected parliamentarians in both **Vanuatu** and **PNG**. With the UNDP the Centre is providing an induction program for new **Solomon Islands** members of parliament.

Strengthening national human rights institutions is a key element of the Australian Government's approach to human rights in the region. The Government provides significant support to the sub-regional office of the United Nations Office of the High Commissioner for Human Rights, based in Suva, which assists regional governments implement human rights treaty obligations. In addition, the Australian Government supports the Asia Pacific Forum of National Human Rights Institutions (APF) which focuses on providing information, training and networking for Commissioners and staff from National Human Rights Institutions in the region.

(c) Maintaining access to basic services (especially health)

The aid program works with developing countries to improve health and education services. A healthy, educated workforce is more productive and enables an economy to be competitive, thereby increasing aggregate growth. Literate and numerate mothers experience lower infant mortality, have fewer children and raise healthier and better educated children who become more involved in democratic processes. An informed citizenry is more likely to hold accountable those in political and bureaucratic power. Access to services forms an important part of establishing the legitimacy of state institutions.

Australian aid in the Pacific strikes a balance between addressing major, immediate health and education concerns and strengthening health and education systems over time. This means directly addressing issues such as HIV/AIDS infection, supply of essential medicines and primary school enrolments, as well as long-term assistance to improve health and education financing, infrastructure and workforce development.

In **PNG** a major health sector program has contributed to workforce development by funding training of doctors and specialist nurses and developing curriculum for community health workers. The Australian Government funds the procurement and distribution of essential medical supplies and assists the National Department of Health in building and strengthening its own pharmaceutical procurement and distribution systems.

A major focus of assistance in **PNG** is the National HIV/AIDS project which has contributed to community awareness through mass media prevention campaigns, protection of the rights of people living with HIV/AIDS, training of 200 counsellors to support increased testing for HIV/AIDS, improved clinical care and laboratory testing at 640 regional health centres.

Australia has supported the development of the National Health Radio Network in the **Solomon Islands**, including installation of more than 180 radios at regional health centres. The Network supports delivery of essential medical supplies, facilitates staff training and provides a mechanism for seeking medical advice in remote areas. Assistance has been provided to improve infrastructure in provincial hospitals and health centres. Refurbishment of the Medical Stores has allowed for the provision of medical supplies in a timely manner throughout Solomon Islands.

With Australian assistance to the health sector, **Vanuatu** is one of the few Pacific countries set to meet the Millennium Development Goal to reduce mortality of children under five by two thirds.

Through **RAMSI** 42 kilometres of roads on Malaita have been rehabilitated facilitating access to markets, health and education services. Australia supports small-scale, community based activities, such as local school and health clinic rebuilding.

Australian aid provides two surgeons to **Tonga** who train local doctors and provide surgical services directly, particularly with birth and neo-natal complications. This has contributed to the maternal and infant mortality rate remaining stable and a reduction in amputations for diabetes related foot sepsis.

Australia supports **UNICEF** to work across the Pacific to improve immunisation against major preventable diseases including measles, hepatitis B and rubella. This partnership has achieved 95% coverage against measles and rubella in **Kiribati**.

In **PNG** Australian aid has trained teachers, improved curricula, distributed learning materials and improved school infrastructure. School enrolments have grown from 600,000 in 1995 to nearly 1.1million in 2006. This rapid expansion of the school system has been particularly beneficial for children from poorer households and from remote parts of the country.

Australian assistance to **Fiji** has trained almost 2,000 teachers, refurbished 130 schools and provided text books. These activities have contributed to a modest but steady five percent increase in adult literacy over the past ten years.

The Australia Pacific Technical College, announced by the Prime Minister in October 2005, is aimed at increasing the number of skilled Pacific Island graduates as well as the quality of their training to meet Australian standards of vocational and technical education.

(d) Supporting peace building, community and civil society development

Australian experience has highlighted the central role that development assistance can play in conflict prevention, peace building and security. The aid program has helped promote peaceful outcomes to disputes in the Pacific region, address grievances, provide incentives for peace and protect human rights. An essential element of good governance is a strong and pluralistic civil society where there is freedom of expression and association. Domestic demand for reform and accountability is a key ingredient of an effective state. The aid program supports civil and community development through initiatives with media, non-government organisations, churches, community leaders, women and youth.

Australian support in **PNG** has assisted the peace process in Bougainville through the provision of practical support for economic growth, service delivery and support for the establishment of the Autonomous Bougainville Government in June 2005. For example, provision of new cocoa dryers and repairs to dryers damaged in the crisis have helped Bougainville families earn increased incomes.

As a practical peace dividend, over 700 community level activities in all provinces in **Solomon Islands** have been supported, to improve the provision of health, education, water supply and road maintenance. Community capacities to make informed decisions about development have been enhanced. As mentioned above (section a), Australian assistance has significantly reduced the number of small arms in Solomon Islands. Australia continues to support a local constituency for peace through the National Peace Council. With the assistance of RAMSI the media sector has begun rebuilding infrastructure and capacity. In 2004 the media rights body, Reporters Without Borders, noted that RAMSI had facilitated increased freedom of speech.

An Australian supported partnership between local communities and the **PNG** Government is addressing law and order issues in Port Moresby. Neighbourhood community fora have been established to identify the drivers of law and order problems and develop local level solutions. In 2005, activities ranged from cultural and sporting events for youth, social service programs for women and youth, community based work order programs and access to employment through public works programs. Evidence is already emerging that crime has reduced and municipal funding for community and social service programs has increased.

The Community Development Scheme in **PNG** provides grants for building capacity of community groups for informed decision making. Through this Scheme, Australia supports Peace Foundation Melanesia to reduce the number and severity of conflicts in the Southern Highlands. Participants include village court magistrates and village peace officers under the Local Level Government, thereby creating linkages with local leadership systems. Australia works with the seven major PNG Churches to strengthen their role in policy dialogue peace building and service delivery including HIV/AIDS. The Consultative Implementation and Monitoring Committee is a PNG Government established forum for civil society to contribute to key policy discussions and is supported by Australian funding. The Committee has lobbied successfully for law reform to support informal economic activity, regulate the security industry to protect the public from abuse, and amend laws on sexual offences and crimes against children.

Australia supports Wan Smolbag Theatre, a ni-**Vanuatu** organisation that provides services and activities for youth. With Australian assistance, Wan Smolbag has successfully expanded its youth programs, with around 1,000 out of school youth in Port Vila making use of the sports and nutritional facilities. Each year 5,000 youth have made use of the clinical services offered in regional centres. Young people are trained in the trade school to enhance their employment prospects. The organisation also raises awareness of issues such as corruption and HIV/AIDS.

Australia is working with people in the Pacific to change attitudes to violence against women and children. Initiatives include supporting the **Fiji Women's Crisis Centre**, the **Vanuatu Women's Centre** and **Solomon Islands Family Support Centre**. These services provide counselling for survivors of domestic violence and sexual abuse. Advocacy work to reduce individual and institutional tolerance of violence against women is also supported. Changes in social attitudes and behaviour can take considerable time. Anecdotal evidence is emerging in Fiji that violence is less tolerated and that the police and judiciary are increasingly recognising violence against women and children as a crime. The Vanuatu Women's Centre has played an important advocacy role lobbying for changes to the Family Protection Bill.

Through assistance to the **United Nations Development Program** office in Suva, Australia is supporting analysis of conflict in Pacific countries. Understanding the underlying causes of conflict assists national governments, civil society and donors to fashion appropriate preventative measures. The process also gives communities a voice in national development planning.

Australia provides funding to the **Regional Rights Resource Team** based in Suva. Their work commenced as a regional legal literacy project aimed at enhancing the legal and social status of women in various Pacific Island Countries. It has since expanded its focus to cover access to justice, good governance and democracy. The organisation provides training to NGOs, multilateral organisations, social welfare organisations, police, legal practitioners and the judiciary, politicians and law students.

The Australian Human Rights Small Grants Scheme provides funding for local organisations to promote human rights in the region. Assistance through this Scheme has been given to organisations in **Tonga, Samoa** and **Fiji** to train women, youth, teachers, police and church ministers in human rights and good governance, particularly the rights of women, children and people with a disability. The Scheme has also been used to build capacity of potential female candidates for elections in **Solomon Islands** and **Tonga**.

Conclusion

Australia and Pacific island countries have a shared interest in a well-governed and secure region. Australian aid to the Pacific provides resources and incentives that assist Pacific island governments to meet their obligations to protect and promote human rights in their country. Australia is committed to continuing to work in close partnership with our Pacific neighbours to address the significant development challenges they face.

Terms of Reference

The Human Rights Sub-Committee of the Joint Standing Committee on Foreign Affairs, Defence and Trade will review the impact of Australian aid to the Pacific in promoting and enhancing human rights and security in the region.

The inquiry will focus on:

- Strengthening law and justice;
- Improving economic management and public accountability institutions;
- Maintaining access to basic services (especially health);
- Anti-corruption and good governance measures; and
- Supporting peace-building and community and civil society development.

2004-05 Expenditure in the Pacific including Papua New Guinea (A\$m)

Economic and Financial management/public sector reform	\$167.77
Legal and Judicial Development	\$103.79
Basic Social Services	\$77.74
Peace-building and civil society	\$18.29
Total expenditure	\$367.59

Human Rights under the International Bill of Human Rights

	Document and Article		
	UDHR*	ICCPR*	ICESR*
Civil and Political Rights			
Non- discrimination in rights, including race, gender etc	2	3, 20, 26	2
Life, liberty and security of person	3	6,9	
Protection against slavery	4	8	
Protection against torture, cruel and inhuman punishment	5	7,10	
Recognition and protection before the law	6, 7	14, 16, 26	
Access to legal remedies for rights violations	8	2	
Protection against arbitrary arrest or detention	9	9	
Hearing before an independent and impartial judiciary	10	14	
Presumption of innocence	11	14	
Protection against ex post facto laws	11	15	
Protection of privacy, family and home	12	17	
Freedom of movement and residence	13	12	
Asylum from persecution	14		
Nationality	15		
Marry and found a family	16	23	10
Own property	17		
Freedom of thought, conscience, religion and opinion	18, 19	18, 19	
Freedom of assembly and association	20	21, 22	
Elections, participation and access	21	25	
Self-determination		1	1
Protection against debtors' prisons		11	
Protection against arbitrary expulsion of aliens		13	
Economic, Social and Cultural Rights			
Social security	22		9
Work	23		6, 7
Free trade unions	23	22	8
Rest and leisure	24		7
Food, clothing, housing and health	25		11, 12
Special protections for children	25	24	10
Education	26		13, 14
Participation in cultural life	27		15
Protection of minority culture		27	

*UDHR: Universal Declaration of Human Rights

*ICCPR: International Covenant on Civil and Political Rights

*ICESCR: International Covenant on Economic, Social and Cultural Rights