

Vanuatu Australia Police Project (VAPP)

Project Design Document

Final

March 2011

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Acronyms

AFP	Australian Federal Police
AFP SLO	Australian Federal Police Senior Liaison Officer
AusAID	Australian Agency for International Development
CAT	Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CRC	Convention on the Rights of Children
CRP	Comprehensive Reform Program
CRPD	Convention on the Rights of Persons with Disabilities
CRR	Comprehensive Review Report
CSU	Corporate Services Unit
CVPF	Commissioner Vanuatu Police Force
DCP	Defence Cooperation Program
DESPAC	Department of Strategic Planning and Aid Coordination
F/A	Federal Agent
GD	General Duties
GoA	Government of Australia
GoV	Government of Vanuatu
HRD	Human Resource Development
IT	Information Technology
JPOC	Joint Planning and Operations Centre
L&J	Law and Justice
MAP	New Zealand Defence Mutual Assistance Program
M&E	Monitoring and Evaluation
MoIA	Ministry of Internal Affairs
MoJCS	Ministry of Justice and Community Services
MW	Maritime Wing
NCO	Non Commissioned Officer
NGO	Non Government Organisation
OCPS	Officer Commanding Police Station
OIC	Officer in Charge
PacLII	Pacific Islands Law Information Institute
PACTAM	Pacific Technical Assistance Mechanism
PCC	Project Coordinating Committee
PPDP	Pacific Police Development Program
PRPI	Pacific Regional Policing Initiative
SOP	Standard Operating Procedures
SRF	Surveillance and Response Force
STA	Short Term Adviser
TA	Technical Adviser
USP	University of South Pacific
VPF	Vanuatu Police Force
VPFCBP	Vanuatu Police Force Capacity Building Project
VPTC	Vanuatu Police Training College
WFRP	Work Force Renewal Program

Executive Summary

Consistent with the Partnership for Development between the Governments of Australia and Vanuatu, AusAID and the Australian Federal Police (AFP) have agreed to undertake a design process for the next phase of development cooperation with the Vanuatu Police Force (VPF). The current program of assistance commenced in February 2006 and will be completed in February 2011. The new project will build on the current program supporting VPF's own capacity development efforts (Vanuatu Police Force Capacity Building Project - VPFCBP) and is intended to provide the basis for any longer term engagement, subject to agreement between the Governments of Vanuatu and Australia. A strong and effective police force is regarded as a critical factor for Vanuatu's ongoing economic and social development and community stability and safety. Support to enable the VPF to achieve its objectives for a safe and secure Vanuatu is therefore an appropriate element of the Australian aid program.

A design team¹ undertook consultations and facilitated a two-day workshop with key stakeholders in Vanuatu in late September 2010 as part of a collaborative design process. The workshop was notable for the high level of engagement by all participants and Vanuatu leadership in relation to the design of the next phase of cooperation.

The high level objectives for the next phase are consistent with broader strategic objectives for all partners, noted in a range of regional, bilateral and organisational plans. The overall goal and purpose are aligned with VPF's vision and mission:

Goal: To contribute to creating a safe and secure environment for all citizens and visitors of Vanuatu.

Purpose: To contribute to the provision of excellent policing services and strong (close) police/community relations.

Within the context of an ongoing partnership between VPF, AFP and AusAID, and building on achievements to date, stakeholders identified four broad areas of focus for support and capacity building for the next phase, as follows:

- A more professional VPF, including continuing to enhance the VPF's own training capability and community outreach programs
- Infrastructure, assets and logistics (including upgrade of VPF facilities, purchase of selected priority assets and strengthening maintenance capacity)
- Continuing the support for the workforce renewal program
- Support for the finalisation and strengthening of VPF governance policies and processes.

The next phase of the Project will both consolidate achievements to date, particularly in organisational strengthening, as well as reflect a number of shifts in policy and approaches in the partnership context. Achievements to date include good progress in strengthening financial and human resource

¹ including representatives of the Government of Vanuatu, the AFP's International Deployment Group, AusAID and independent consultants nominated by AusAID

management and human resource development, including increasing the number of women police officers at senior and recruit levels. The VPF has achieved considerable organizational capacity development in recent years. To assist with consolidating these achievements, and to reflect contemporary issues and shifting policy priorities in the operating environment, the following enhancements are proposed for the next phase of Australia-Vanuatu collaboration:

- Focus on strengthening VPF's systems for linking workforce planning with ongoing training, so that all police are appropriately trained in priority aspects of contemporary policing
- Support for VPF to engage more successfully with Vanuatu communities and other stakeholders, particularly in reducing high rates of violence against women and children
- An explicit focus on capacity development, whereby advisors are regarded as one of several tools for contributing towards VPF's own capacity development with a focus on increasing leadership and management skills
- More explicit focus on supporting VPF's active engagement in Vanuatu's relatively new approach to planning, monitoring and potentially budgeting across the whole law and justice sector

The next phase of collaboration is for the period from mid-February 2011 (continuing smoothly from the current program) to end of June 2012, to reflect current financial approvals and commitments². The expected budget for this period is A\$9.9m (approximately Vt913m³). The short-term duration of this phase creates some limitations on the extent to which high level objectives can be met. However the plans, structures and approaches included in this PDD are sufficiently flexible and appropriate for the short-term and many can be sustained in future if longer-term collaboration continues. GoV has sought longer-term support for VPF through the Pacific Police Development Program, coordinated by the AFP, once this phase is completed. The nature of this longer-term arrangement will be further clarified during 2011.

² The Australian Government in the 2010-11 Budget agreed to extend the Pacific Police Development Program to include Vanuatu and Tonga. Total cost agreed for Vanuatu only was \$4.6m in 2010-11 (covering the period Feb 2011 to June 2011) and \$5.3m in 2012-13.

³ Using an exchange rate of A\$1 – Vt92.2663 which is the exchange rate on 26 October 2010. This is used for approximating purposes only and will vary according to exchange rate changes over time.

1. Introduction

This document describes the next phase of collaboration between the Governments of Vanuatu and Australia in the policing sector. The current program of cooperation with the Vanuatu Police Force (VPF) is implemented by the Australian Federal Police (AFP) is called the Vanuatu Police Force Capacity Building Project (VPFCBP). It commenced in February 2006 and is funded until February 2011.

The Governments of Vanuatu and Australia have agreed that the next phase of cooperation will last from February 2011 until June 2012. The new project, for ease of reference will be called the Vanuatu Australia Police Project (VAPP). This Project Design Document (PDD) provides the basis for possible longer term engagement, subject to agreement between the Governments of Vanuatu and Australia.

The Government of Vanuatu (GoV) and Government of Australia (GoA) Partnership for Development was first signed in May 2009. In June 2010, at the preliminary Partnership talks, both Governments agreed to include law and justice as a new priority outcome. The “Partnership Priority Outcome Statement: Improved Services in Law and Justice” is currently being finalised between GoV and GoA. This will include Joint Commitments and Target Results, including results specific to improving the quality of police services. The process of developing the Outcome Statement for this sector is important for future collaboration and needs to be taken into account throughout the preparation of this next phase and during implementation.

The GoV has recently developed its first Law and Justice Sector Strategy and Action Plan, which covers the period 2009 to 2014. This strategy includes the VPF and the Ministry of Internal Affairs. The next phase of collaboration between the AFP and the VPF will assist to strengthen VPF’s participation in the emerging Sector Strategy implementation framework. GoA has made a commitment to support GoV’s leadership in the process of strengthening sector wide coordination.

VPFCBP is a whole-of-government effort between two Commonwealth of Australia agencies, AusAID and the AFP, and the VPF on behalf of the Government of Vanuatu. This next 16 month phase will continue the AusAID/AFP relationship and paves the way for the future support to be incorporated within the Pacific Police Development Program (PPDP).

This PDD includes analysis of the context, identified priorities and lessons learned, principles for cooperation, approaches, objectives, activities, governance and management structures and other elements which reflect shared GoV and GoA understanding over the 16 month period to 30 June 2012, currently determined as the Project end date. The document incorporates approaches which are consistent with contemporary thinking about aid effectiveness and capacity development as well as lessons learned nationally, regionally and globally about work in this sector.

1.1 *Design Development Process*

Following an Australia-based meeting between the independent design specialist contracted by AusAID and members of the design team from AFP’s International Deployment Group (IDG), a field visit was undertaken from 23 to 30 September to Vanuatu. The design team included two Government of Vanuatu officials, including the Director General of the Ministry of Internal Affairs, three IDG representatives, the current IDG secondee to AusAID and two independent consultants nominated by AusAID. They conducted consultations with a wide range of stakeholders in Port Vila, both within and outside GoV. The team met with the Minister for Internal Affairs, senior officials from the Government of Vanuatu including the Ministry of Internal Affairs, the Ministry of Justice and Social Welfare, the Vanuatu Police Services Commission, senior members of the Vanuatu Police Force and representatives

of civil society organisations. A meeting was also held with senior officials from New Zealand, the other major donor in the sector.

From 27 to 28 September, a collaborative planning workshop was held for members of the Vanuatu Police Force, including the Commissioner and members of the Executive, current Project personnel and other selected stakeholders (a total of up to 35 participants). The workshop also included: the Director-General of the Ministry of Internal Affairs, the Director-General of the Ministry of Justice and Community Services, the Chairman of the Police Services Commission, representatives of the Office of the Prime Minister, AusAID and the Vanuatu Legal Sector Strengthening Project (VLSSP).

The workshop was notable for the serious engagement of all participants, indicating a strong interest to provide input to the design of the next phase of cooperation. Participants jointly analysed the strengths and achievements to date, the resources available to the VPF and the spirit and principles that should govern the new Project. They also suggested lessons learned from previous support to the VPF, discussed the range of capacity building options available and considered areas of future focus.

The design team also undertook a comprehensive literature survey, including reports to the VPFCBP Project Coordinating Committee, VPF annual Business Plans, Vanuatu Police Community Perception Surveys, the VPFCBP project design document, the Government of Vanuatu Law and Justice Sector Strategy and Action Plan and a number of other background documents.

Annex 8 includes a list of people met during the design process. Annex 9 includes a full list of documents considered by the team.

2. Activity origin

Government of Vanuatu and Government of Australia collaboration in the policing area commenced in 2002 in response to a request from the GoV for assistance to improve the capabilities of the VPF. GoA agreed to support an initial 18 months Interim Phase which was then extended to September 2005. The Interim Phase supported a comprehensive review of the VPF and the original design of the VPFCBP incorporated many of the strategies recommended by the comprehensive review. VPFCBP commenced in February 2006 and incorporated many of the strategies recommended by the review. In 2007, a draft Project Implementation Document was developed to assist VPF and AFP with implementation of the PDD. Revisions have been made and authorised by GoV and GoA through the Project Coordinating Committee since then.

The partnership between the AFP and the VPF has matured since the beginning of the VPFCBP. A Project Mid-Term Review (MTR) found there have been a number of achievements, including the strengthened VPF/AFP partnership and improved VPF organisational capacity in a range of areas, especially at the Vanuatu Police Training College (VPTC) and in the Workplace Renewal Program. The MTR also found considerable progress on development or upgrading of selected infrastructure and assets.

GoV and GoA have agreed to an extension of the current phase of cooperation to end of June 2012. The next short phase is expected to consolidate and strengthen the achievements to date. The rationale for continuation is provided in Section 3 below.

3. Activity rationale

GoA support to policing and strengthening enforcement of the rule of law in Pacific Island countries is expected to continue to contribute to improved governance, economic growth and social change. A fair and functioning law and justice sector, including an effective police force, is regarded as critical for national and community stability and well being and is thereby closely linked to economic and social development. An effective police force that is trusted by the community provides a critical base for the rule of law, contributes to economic and social development and is linked to national and community stability.

Within GoA agencies in the sector, there is a new shared commitment to strengthened coordination mechanisms, expressed through the Australian Government's Framework for Law and Justice Engagement with the Pacific. This affirms a commitment "to helping Pacific countries strengthen the rule of law and protect human rights" and notes "effective law and justice systems promote regional security, increase international confidence and help attract foreign investment" (page 1).

GoA and GoV collaboration in the policing sector in Vanuatu is also based on the following rationale:

- GoV considers the broad law and justice sector to be important to the achievement of all of its national development priorities and considers that law and justice sector agencies need to play an effective role "in the process of governance, and growth and also in providing effective services to the people and the Nation" (page 1 of Vanuatu Law and Justice Sector Strategy and Action Plan)
- GoA is committed to support achievement by GoV of selected development objectives, including those in the justice sector, as documented in the Partnership for Development statement
- Australia's substantial economic relationships with Vanuatu, including in the areas of trade and tourism are more likely to succeed when there is quality service delivery relating to community safety and law enforcement
- Australia has made an increasingly effective contribution to assisting the VPF and further cooperation will help to achieve some degree of sustainability benefits and contribute to ongoing improvements

The provision of effective and efficient police services is particularly challenging in unstable environments and in any context where there is incongruity between the values under-pinning formal and traditional legal systems. While Vanuatu is regarded as more stable than other Melanesian countries⁴, there remains some risk to investment which has a significant impact on development prospects. In Vanuatu uncertainties can sometimes arise from incongruity between community and public sector values which affect the nature of police services. Vanuatu's geography and diversity mean that effective policing requires considerable resources which are not yet completely available due to GoV's overall budgetary constraints.

As recognised in the VPF mission statement, community trust and partnership are crucial to strong policing. The complex environment in which the VPF operates means that, despite recent

⁴ Personal observation of author

improvements, it faces ongoing challenges in improving its links with communities and enhancing its image among the general population.

In summary, the rationale for continued activity and collaborative work in this sector has three elements:

- stability and security are key elements in the enabling environment for economic growth, respect for human rights and social development
- Australian assistance can contribute to further integration of the VPF within the broader law and justice sector, helping to achieve the GoV requirement for a sectoral approach and to build community partnerships
- VPF/AFP collaboration to date has led to some important achievements which, if consolidated and expanded, will increase VPF's self reliance and effectiveness.

4. Context

4.1 Law and Justice Sector

Features of overall law and justice situation in Vanuatu include:

- Co-existence of multiple systems – simplified as *kastom* and formal, with little official guidance (policy or legislation) defining and supporting interaction between the two⁵
 - The police force and legal services are largely urban based and have limitations in their reach to the dispersed rural population (about 80% of the population live in rural villages)
 - There is a strong dependence on *kastom* law by the rural majority but great diversity and inconsistency in understanding, usefulness, efficiency, application, quality and value of *kastom* laws
 - Lack of clarity from GoV about the role of *kastom* law in the sector and the interface between *kastom* and formal justice systems, including police, but some interest in the opportunity to build understanding and maximise benefits for all people from the dual system
- Continuously strengthening capacity within agencies across the sector overall but at an uneven pace between and within agencies, resulting in sometimes less than efficient flow of cases from community through police to courts and correctional facilities
- Ongoing challenges related to the consistency, affordability and sustainability of basic and more complex police services, including budgets for non-salary based expenditure, facility construction and maintenance, utilities and training

⁵ The terminology offered by Dinnen⁵ is helpful:

- *Formal justice systems*: state law and its principal institutions of law and justice (eg police, courts, and prisons).
- *Traditional justice systems*: non-state justice systems which have existed, subject to continuous evolution, since pre-colonial times.
- *Informal justice systems*: refers to any non-state justice system. Includes 'traditional' justice mechanisms but may also include community committees, NGOs, churches etc.
- *Hybrid justice systems*: systems that involve a combination of state and non-state elements (eg Local Courts)

- Clear evidence of interest in and commitment to a more coordinated sectoral approach to law and justice planning, monitoring and budgeting

Since independence, the Vanuatu formal justice system has continued as a traditional common law justice system styled on the British model but incorporating legislation from both the French and British colonial administrations. Currently the key agencies in the system⁶ include:

- Judiciary (e.g. Supreme Court, Magistrate’s Courts, Island Courts)
- Vanuatu Police Force
- Ministry of Justice and Community Services
- Ministry of Internal Affairs (responsible for police services)
- State Law Office
- Public Prosecutor’s Office
- Public Solicitor’s Office
- Department of Correctional Services

The first *Vanuatu Law and Justice Sector Strategy and Action Plan (2009-2014)* was developed in late 2009 (with funding support from the Vanuatu Legal Sector Strengthening Program (VLSSP – AusAID-funded Program). The Strategy is comprehensive and ambitious and represents the shared views of representatives from the variety of Government agencies, including VPF, and other organisations in the sector. It is the first time that a Strategy across the whole sector has been prepared. GoV has convened several meetings of heads of sector agencies to develop and prioritise elements within the Strategy. During 2011 GoV will develop detailed plans across the sector with support from the next phase of GoA cooperation (*Stratem Rod Blong Jastis*). There is clear evidence of “ownership” of the Strategy by all GoV and other sector stakeholders, including representatives from the National Council of Chiefs, the Vanuatu Women’s Centre and the Vanuatu Christian Council. The Strategy also reflects stakeholder commitment to collaboration and to GoV-led development of the sector as well as the desire to provide a clear and coherent message to development partners.

The Sector Strategy and Action Plan are likely to guide activities for the next few years. Seven pillars of law and justice are included:

1. Police and Community Safety
2. Access to Justice for All
3. Correctional Services
4. Anti Corruption and Good Governance
5. Harmonious and Safe Society
6. Service Delivery
7. Judiciary: Administration of Justice

These seven pillars are underpinned by the cross-cutting principles of: custom and tradition; moral and spiritual values and human rights. Within the Pillars, objectives and strategies are identified. Key objectives for the Police and Community Safety pillar include “A police force that is professional, transparent, accountable, proactive, responsive and disciplined that meets all legitimate community expectations” and “A Police Force that engages in partnerships with the Community.” The Sector Strategy is consistent with the VPF’s vision to “Provide a safer and more secure environment for the community by the prevention and detection of crime through strong (close) police/community

⁶ The Vanuatu Law Reform Commission is likely to be operational in 2010-11

relations" and its mission "To create a safe and secure environment for all citizens and visitors to Vanuatu through the provision of excellent policing services."

The Sector Strategy and Plan include details of actions, responsibilities, dates and results indicators. The document proposes a Sector Coordination and Planning Model and a number of mechanisms to coordinate decision-making and planning across the sector, particularly an Agency Heads Group.

In addition to formal agencies, a range of non-government actors is involved in law and justice service delivery such as legal aid and victim support services. A recent survey identified over 45 government offices, NGOs, civil society organisations and faith based organisations as possible stakeholders in the area of access to justice.⁷ Several organisations, including the University of South Pacific Community Legal Centre, the Vanuatu Women's Centre, the Advocacy and Legal Advice Centre, focus specifically on legal service delivery. Others such as Save the Children, the Vanuatu Family Health Association, the Disability Promotion and Advocacy Association of Vanuatu, the Foundation for the Peoples of the South Pacific, Live and Learn Vanuatu, Transparency Vanuatu, UNICEF, the Vanuatu Council of Churches, the Vanuatu Society of Disabled People and the Vanuatu National Children's Council incorporate activities relevant to the law and justice sector within their broader programs. This is not an exhaustive list but gives some indication of the range of stakeholders that must be considered for effective sector wide coordination.

4.2 Vanuatu Police Force

The Vanuatu Police Force is the largest organisation in Vanuatu's public law and justice sector. Administratively, VPF is located within the Ministry of Internal Affairs. The Commissioner of Police is accountable to the Government for the operations and administration of the VPF consisting of members of the three elements:

- Community Policing
- Mobile Force
- Maritime Wing.

The Police Services Commission plays an important role in assisting the VPF to deliver an effective police service. It helps determine the organisational structure of the VPF and plays a key role in the appointment of the Commissioner, appointment and promotion of Commissioned Officers and the disciplinary process of VPF members at all ranks.

The primary objective of the VPF is "to provide stability and safety to the nation and its people as Vanuatu continues to develop and grow". Through the Police Act (CAP 105), the functions of the VPF are defined as:

- The preservation of peace and maintenance of order
- The protection of life and property
- The enforcement of laws
- The prevention and detection of offences and the production of offenders before the courts
- The performance of general policing duties as well as a border, maritime and national security operations
- Such other duties as may be expressly provided by law, and

⁷ Report on Survey of Awareness Materials in the Vanuatu Legal and Social Justice Sector

- Anything which is incidental or conducive to the performance of any of the above functions.

VPF's mission is to "Provide a safer and more secure environment for the community by the prevention and detection of crime through strong (close) police/community relations." This includes:

- providing effective policing to all communities in Vanuatu
- providing effective training to all Police, including Recruit Programs, so that members of the VPF can provide effective policing services to the people of Vanuatu
- providing a safe and secure environment for visitors and investors to Vanuatu
- working closely with the Chiefs and Church leaders
- providing equality in managing human resources, including the provision of equal opportunities in training and the recognition of the three languages, Bislama, French and English
- supporting regional and international policing and peacekeeping missions

Annex 10 provides more details of VPF establishment and priorities, including the roles of the Maritime element and VMF.

4.3 Australian cooperation in policing

From the GoA perspective, work in the law and justice sector in Vanuatu sits within the new "Australia's Framework for Law and Justice Engagement with the Pacific" June 2010. This Framework refers to Australian assistance to Pacific countries "to build capacity and effectiveness of police, public prosecutors and defenders, ombudsmen, law officers, correctional services and judiciary." The Framework highlights the need for improved coordination of Australian efforts in the region and confirms a focus on "strengthening law and justice systems, improving public administration and governance, and eliminating violence against women."

PPDP is a major source of regional funding in the sector through AFP and Australian Attorney General's Department. It was established in 2008 and aims to provide a more coherent Australian contribution to improving the effectiveness of policing in Pacific Island Forum countries. The stated outcome of the Program is to assist police in Pacific nations to improve the rule of law across the region as a fundamental basis for economic, social and political development. This outcome is strongly aligned with AusAID objectives in the Region, the policing goals being pursued by Pacific Governments, the broad dimensions of the Pacific Plan, and where relevant, the Pacific Partnerships for Development and Pacific Security Partnerships. The PPDP specifies that this outcome will be achieved by:

- increasing the effectiveness of police agencies across the Pacific; and
- increasing community confidence in police.

PPDP activities include police training, capacity-building, strategic planning, improved human resources and recruitment, as well as support for strengthening criminal law and police legislation. From a GoA management perspective, the next phase of cooperation with VPF will be incorporated under PPDP, i.e. at the completion of VPFCBP and the commencement of this Project. Funding provided under PPDP is currently allocated through 30 June 2012. The transition to Vanuatu's inclusion in PPDP beyond this date requires careful planning and effective communications, to ensure momentum is not lost. It is most important that early discussions are held between Australian and Vanuatu Governments and decisions made in relation to either a handover process or a transition phase of this Program, to give certainty to all parties, given the significant implications of both options for many people and particularly for VPF.

A dominant issue in Australian and New Zealand assistance to the Pacific region in the area of policing is the prevention of violence against women. Various bilateral and regional supports are provided for Pacific government and community efforts. For example, New Zealand funds an ongoing Pacific Prevention of Domestic Violence Program and Australia has recently developed a regional policy. This support the commitments by Pacific Governments, including GoV, to the achievement of human rights objectives related to women, children, people with disability and the prevention of torture. The Pacific Island Forum leaders are committed to “eradicate sexual and gender-based violence and to ensure all individuals have equal protection of the law and equal access to justice” (Final communiqué of 40th PIF meeting in Cairns 2009) for example. Section 4.4 below notes GoA policy on this issue.

At the Vanuatu country level, the draft Partnership Priority Outcome on Law and Justice to be included in the GoA-GoV Partnership for Development document includes the following joint commitments for this sector:

“The Partnership will support the Government of Vanuatu Law and Justice Sector Strategy and Action Plan 2009-2014, through:

- Enhancing access to, and quality of, police and legal services to the government of Vanuatu and citizens in urban and rural communities, and strengthening links between the formal justice sector and customary law
- Improving coordination of the law and justice sector
- Improving delivery of police services through providing a safer and more secure environment for the community by the prevention and detection of crime through strong police/community relations
- Improving planning, budgeting, financial management, and human resource management
- Strengthening monitoring and reporting across the sector.”

This police program is intended to complement work already ongoing across the Vanuatu program in improving the functioning of Government of Vanuatu system and processes. Through the Governance for Growth program, AusAID has been able to successfully support Vanuatu’s efforts to improve public financial management, including the budget process. Specific capacity building activities through this program, together with other GoA assistance to the VPF, will target improved planning and budgeting in the law and justice sector Government of Vanuatu legal offices. It is also intended to improve the accountability of GoV institutions within the sector these legal offices through strengthening Vanuatu’s own systems for reporting against results.

Australia’s support to the law and justice sector is in line with the Vanuatu Government's Priorities and Action Agenda (PAA) objectives to build stable institutions. Support comprises two complementary programs, one with the police (4.3.1 below) and another working with selected Port Vila-based legal agencies (4.4.1 below).

4.3.1 Vanuatu Police Force Capacity Building Project (VPFCBP)

Since February 2006, Australian Government support has been provided through the Vanuatu Police Force Capacity Building Project (VPFCBP), funded by AusAID and implemented by the Australian Federal Police (AFP), as a whole-of-government effort. At the request of the Government of Vanuatu, the VPFCBP was envisaged as a 5-year activity. The project is a significant long-term commitment (A\$28 million) to the Government of Vanuatu to assist in the development of an efficient, independent and accountable policing service.

VPFCBP goal, purpose and shared objectives

Goal: To contribute to creating a safe and secure environment for all citizens and visitors of Vanuatu through the provision of excellent policing services.

Purpose: To contribute to providing a safer and more secure environment for the community by the prevention and detection of crime through strong (close) police/community relations.

Shared objectives: The VPFCBP and the VPF share an annual Joint Business Plan which has six objectives designed to direct the activities of the VPF and VPFCBP towards achieving the Goal and Purpose of the VPFCBP. These objectives are:

1. review the VPF structure and legislation, Police Act CAP 105, to improve organisational effectiveness;
2. improve the operations of the VPF to enhance community safety, crime prevention and victim support;
3. improve community view/perceptions of the VPF through proactive policing (community policing);
4. improve administrative systems, procedures and training to enhance service delivery to both internal and external clients;
5. provide support to Government border control agencies (Customs, Quarantine, Fisheries, and VMA) in controlling the illegal movement of goods and people and Exclusive Economic Zone (EEZ) management into and through Vanuatu; and
6. support organisational planning and performance reporting of the VPF and VPFCBP, including joint submission of management reports, project administration, planning and reporting.

Annual activities within VPFCBP have been progressively designed through the preparation of annual VPF/VPFCBP Joint Business Plans which have been presented to the Project Coordinating Committee (PCC) for endorsement. The VPFCBP has been implemented in accordance with the Project Design Document, 2005 (PDD) and subsequent Draft Project Implementation Document 2006 (PID). The PDD is the result of a Comprehensive Review Report 2003 and includes intended Project inputs in specific activities. The Draft PID recognised the need for flexibility with the PDD responding to VPF Priorities.

The program currently funds eight full time advisers, several short-term personnel and direct funding for infrastructure, equipment, training and other activities. Current full-time TA personnel (advisers) to the VPF include:

- Team Leader
- Project Officer
- Office Manager
- Adviser, CID
- Adviser, Crime Prevention and Community Safety
- Adviser, Vanuatu Police Training College
- Adviser, Northern Command
- Adviser, General Duties and Traffic

A Mid-Term Review (MTR) in 2008 assessed the effectiveness of the VPFCBP support to the VPF, its contribution to Vanuatu's law and justice sector and identified opportunities for maximising the effectiveness of ongoing support. The review found that the Project is operating at satisfactory levels of

effectiveness in the areas of formal training, development of systems and procedures, the execution of the Workforce Renewal Program (WFRP), joint planning and reporting regimes, community safety activities and the provision of significant infrastructure support. However, the impact of Project support on operational areas was found to be more variable with some evidence of improved performance, but an ongoing need to strengthen core (frontline) policing capacities.

The MTR also noted that the review of Police Legislation CAP 105 had been completed in accordance with Objective 1. CAP 105 amendments were passed by the Vanuatu Parliament in November 2010, so this aspect of work is now complete and VPF is able to proceed with significant operational reforms, particularly relating to financial management and human resource management.

The review also noted the Project's limited interaction with the law and justice sector as a whole, but it highlighted the specific linkages that have been created with the Vanuatu Legal Sector Strengthening Project (VLSSP) and the partner agencies that they support.

The MTR saw the final 12 months of Project activity as a transition phase for whatever lay beyond 2011. The decision to extend the support to the VPF until 30 June 2012 was led and managed by the AFP and made as part of a 2010-11 Budget announcement of the extension of GoA's regional PPDP. Incorporating lessons learnt from the MTR, the design mission for the next phase of the program will be jointly managed between AusAID and the AFP.

4.4 Australian Government contribution to the law and justice sector

Apart from the VPF CBP, GoA is providing direct support to other elements of Vanuatu's law and justice system through a range of bilateral and regional programs. These are summarised below in 4.4.1 to 4.4.3 and Annex 11 provides more details.

4.4.1 Stratem Rod Blong Jastis

Vanuatu Legal Sector Strengthening Program (VLSSP) is a \$10 million initiative over five years to the end of December 2010 which has been implemented by the NSW Department of Justice and Attorney-General (DJAG). It aims to support a stable and responsive government in Vanuatu by building sustainable administrative and legal capacity within the three main public legal offices. The next phase of this Program, entitled *Stratem Rod Blong Jastis* will commence in early 2011 and will focus on support for sector wide coordination, capacity development in selected agencies and legal policy development/monitoring. The next phase will be implemented through a commercial management contractor. It will build on a solid foundation of mature and successful partnerships with small legal offices in Port Vila and will work more explicitly with the relatively new Ministry of Justice and Community Services (MoJCS). The next phase comprises three elements:

1. Sectoral coordination, including donor coordination
2. Capacity development
3. Policy Development, Research and Monitoring

There is considerable scope for collaboration between the next phase of cooperation with VPF and the *Stratem Rod Blong Jastis* Partnership. The VPF is a major stakeholder in the law and justice sector and support for the implementation of the Law and Justice Sector Strategy by the Ministry of Internal Affairs and participation of the Police Commissioner in the Heads of Agencies group will be crucial to the success of the strategy. The two Australian programs need to be able to facilitate that process by ensuring relevant GoV officers are kept informed of the process.

Synergies should be built to facilitate more coherent administration of the State (Police) Prosecutor's Office and better liaison between police and the Public Prosecutor's Office (PPO) in general. Also the VPF has a vital role in the implementation of the Family Protection Act that is not limited to the VPF Family Protection Unit. The two Australian programs can potentially complement NZ assistance in this area by supporting better liaison and dialogue between VPF, other legal sector agencies and involved NGOs such as the Vanuatu Women's Centre. Members of the AFP advisory team have noted that there had already been effective collaboration between the two programs, e.g. in facilitating police dialogue with NGOs.

Given the short-term nature of this phase of funding for the VPF program, minor adjustments to the governance structure are proposed, but if longer-term support is envisaged, then there is considerable potential for joint governance structures to be considered for both *Stretem Rod Blong Jastis* Partnership and police sector. Previous attempts at joint management were resisted by the GoV, at a different time of GoV leadership, but there are now good indications the approach will be regarded positively.

Greater coordination between VAPP and the *Stretem Rod Blong Jastis* Partnership will assist GoV to achieve its objectives for the sector, and needs to be handled sensitively and closely monitored. This design outlines a number of ways to promote coordination for example, shared approaches to institutional capacity development and legal issues, as well as shared commitment to support GoV sectoral leadership and coordination.

4.4.2 Other bilateral activities

GoA funding is provided for a number of other aid activities which have relevance to law and justice issues, including the *Kastom* Governance Partnership, *Wan Smolbag* Partnership, *Mama Groun* (Lands Program), Vanuatu Women's Centre and Vanuatu Churches Partnership. See Annex 11 for details.

In addition to these contributions, GoA-GoV Defence Cooperation Program (DCP) provides significant support to the VPF through the Maritime Wing. This is in the form of two (2) technical advisers (Maritime Surveillance Adviser & Technical Adviser) and the maintenance and running costs of the Patrol Boat, RVS Tukoro which undertakes sea going border and EEZ patrols.

4.4.3 Pacific regional activities

Australia also supports various regional activities relevant to Vanuatu's law and justice sector including:

- Pacific Justice for the Poor (J4P) project, named *Jastis Blong Evriwan* (JBE) Program in Vanuatu, (AusAID-World Bank collaboration)
- Pacific Judicial Development Program, a \$10 million initiative (2006-2010) jointly funded by AusAID and the New Zealand Aid Program
- Pacific Islands Law Information Institute (PacLII). Jointly funded by AusAID and the New Zealand Aid Program until December 2010, based at the University of the South Pacific's School of Law in Port Vila
- Regional Rights Resource Team
- Pacific Ombudsman Alliance

Dominant law and justice themes in current regional programs, consistent with Pacific Island Forum leaders' agendas include:

- Commitment to the achievement of human rights objectives related to women, children, people with disability and the prevention of torture
- Commitment to eradication of sexual and gender-based violence

In relation to the issue of prevention of violence against women, in 2008, the Australian Office of Development Effectiveness produced a report entitled *Violence against Women in Melanesia and East Timor: Building on Global and Regional Promising Approaches*. In response, another paper entitled *Stop Violence: Responding to violence against women in Melanesia and East Timor (2009)* was commissioned, which sets out Australia's priorities and actions to prevent and reduce violence against women in Melanesia and East Timor. These reports include a long list of recommendations, which support Pacific Governments' efforts. The latter report includes a framework for action which includes three main strategies for responding to violence against women:

- ensuring women have access to justice
- ensuring women have access to support services
- preventing violence against women.

The first strategy includes the following priorities:

- passing and implementing laws and policies that discourage violence and impose consequences on offenders
- providing women with the means to protect themselves and their children from violence
- providing women with the information necessary to access their rights
- ensuring women are treated humanely and fairly by justice system personnel.

Australia's commitment to reduction of violence against women across the Pacific region is also consistent with GoV's commitment to gender and development objectives and to the GoV's law and justice sector Strategy. They are thus critical to the GoA-GoV partnership in the policing sector.

VAPP will maximise efforts to encourage VPF's work in relation to the above priorities, particularly through specific collaboration with other Vanuatu organisations such as Ministry of Justice and Community Services (responsible for Department of Women's Affairs) and Vanuatu Women's Centre and with other donor-funded activities which target this issue. Other efforts are listed below under "lessons learned."

4.5 Lessons learned

Lessons have been learned internationally and by Australia from working in the law and justice sector in Vanuatu for the past decade. Broader lessons about capacity development processes relevant to the public sector are also relevant.

The maturing relationship between the Project partners, the VPF and the AFP, has provided increasing opportunities to address sensitive issues relevant to policing. Recognition of the different policy agendas which exist at Government and agency levels in relation to the future of the VPF while ensuring that the Project is able to distance itself from the different policy agendas has helped the working relationship.

Over time, VPFCBP personnel have increasingly gained skills in ways to ensure activities are culturally, legislatively, financially and organisationally relevant: generic programs need to be adjusted to make the content and method of change suitable. This is more likely to contribute sustainable benefits. The

following is a summary of lessons learned in this context, combining points raised by various stakeholders during the design process, including those raised by previous reviews:

4.5.1 *Generic development lessons:*

- Ownership by ni-Vanuatu leaders of any changes to Vanuatu organizations (included in donor program objectives) is absolutely critical to the success of any development program in any sector
- There are two clear ways to maximise ni-Vanuatu ownership: to align the objectives of the donor-funded programs with GoV objectives; and to use a strengths based approach⁸ to the partnership and to program planning/implementation
- Respect and trust are the key elements of successful collaborative interactions and the absence of these means that changes will either not take place or be sustained
- Joint decision-making and management of project activities is essential
- A detailed understanding of the gender aspects of development and a negotiated plan of action to maximise gender equality of access to benefits from development processes is essential

In this design document, these lessons have been responded to through proposing:

- A shift towards a more explicit shared decision-making structure and process
- Support and promotion of ni-Vanuatu leadership of organisational reforms
- Continued current efforts to build mutual trust and respect between project and VPF personnel
- Continued efforts by all VAPP personnel to raise awareness of gendered aspects of police work, from the example set by VPF staff structures about the roles of men and women, through to specific efforts to improve the rights of women involved in police work, particularly in the prevention of and high quality responses to violence against women.

4.5.2 *Responding to the Vanuatu law and justice context*⁹:

- As Vanuatu is relatively small in population terms, the contribution needs to be modest and appropriate, based on a realistic understanding of what is affordable and sustainable in the context of GoV's overall budgetary/fiscal parameters
- As Vanuatu has both customary and formal justice systems, which are vastly different in their premises and values, any externally designed and funded programs need to understand, recognise and manage the implications of this for all activities – any long term 'solution' *must* involve locally-devised institutions (state or non-state)
- The VPF's strong desire and growing ability to be self sufficient in management terms needs to be understood, even as the VPF faces ongoing issues with operational funding
- A deliberate effort is needed to bring about sectoral coordination and donor coordination – it does not occur simply through goodwill and commitment
- Capacity development in the law and justice sector, including the presence of aid-funded police officers, requires careful consideration of issues related to police operations in a small

⁸ A strengths based approach is one which identifies the inherent successes, strengths and resources in any particular setting and uses them as the basis for collaboration and for planning to achieve shared objectives.

population, particularly as they affect political figures, bilateral relationships, financial dealings and other high profile issues

- Priority needs to be given to maximising VPF's ability to recruit and retain ni-Vanuatu women and men police officers and to ensuring the quality of these police officers is appropriate to the changing needs of the community and the Government
- A commitment to quality monitoring at the sectoral level will help GoV and GoA to develop an understanding about progress and outcomes to inform the Partnership overall
- The promotion of women in VPF sets a positive example for young police women and communities more generally about gender equality and human rights
- Specific coordination and awareness-raising efforts are needed to address widespread violence against women, within law and justice agencies, including VPF, as well as across the community

In this design document, these lessons have been responded to through proposing:

- More explicit coordination between this program and other programs in the broad law and justice sector (including Stretem Rod Blong Jastis on all aspects of sectoral planning; partnership with Vanuatu Women's Centre on preventing violence against women; the partnership with Wan Smolbag on promoting positive relationships between police and youth; and the partnership with Malvatumauri on kastom governance and justice issues)
- Continued emphasis on strengthening VPF's financial management capacity so it is well placed to secure the recurrent funding it needs from GoV
- Continued emphasis on strengthening VPF's human resource management capacity
- Deliberate efforts by all VAPP personnel to raise awareness of gender aspects of police work at policy and practice levels, and to actively coordinate with other agencies within and outside GoV which are attempting to reduce violence against women.

4.5.3 Role of advisers

- The need for sensitivity on the part of external personnel (including advisers) to cultural values, local sovereignty, formal and informal organisational complexities underpins any interaction
- Cross-cultural negotiations skills are important for all project personnel
- Knowledge of gender aspects of policing and development, as well as ability to assist others to improve their understanding and to address violence against women, are important competencies for all project personnel
- Providing specialist TA personnel in VPF makes a positive difference to the quality of service provided, which has an impact on the GoV and the building of VPF capacity more broadly, but Ni-Vanuatu leadership and the relevance and type of external contributions to capacity development are critical to the success of the VPF and any supporting projects
- Getting the balance between completing Project-driven tasks and listening to colleagues' own priorities and providing mentoring and other advice for technical advisers is challenging for all involved, may change over time and needs regular monitoring in capacity development terms.

In this design document, these lessons have been responded to through proposing:

- Revised position descriptions which include emphasis on capacity development techniques and approaches; cross-cultural communications competencies; and understanding of monitoring approaches
- Continued efforts by Program leaders and advisory personnel to promote collaborative working relationships which are focused on:
 - Responding to the learning priorities of VPF personnel at all levels, so that VPF’s own development objectives are met in the long term
 - What advisers will leave behind (in terms of colleagues’ confidence, enhanced skills, relevant and sustainable procedures etc.) rather than what work they will complete individually
 - Maximising the relevance and value of the available expertise for VPF personnel
- All VAPP personnel be actively involved in increasing their own awareness of gender and policing issues in Vanuatu and in supporting VPF personnel ‘s specific efforts to improve gender equitable access to justice and in particular to reduce violence against women and reduce the impact of violence against women across communities

While a longer-term time frame would allow for greater application of all of these lessons, it is envisaged that under a continuous leadership approach and structure, a smooth transition from the current Project will be feasible and the successful efforts made so far will be continued (see Section 6 below).

4.6 Other donor activities

In addition to the assistance provided to the VPF by Australia (the largest donor), other donors involved in the sector include France and China who have mainly been providing support to the paramilitary element of the VPF, the Mobile Force (MF) and New Zealand who are assisting with Correctional Services and domestic violence at a regional level through the Pacific Prevention of Domestic Violence Program (PPDVP) as well as through MAP support to the VMF engineers. The New Zealand Aid Program is particularly committed to donor harmonisation in this sector and supporting GoV to take a leadership role in this regard. GoV is keen to increase coordination of donor contributions to maximise benefits to the sector and reduce duplication.

Aid donors are committed to the principle of donor harmonisation as part of their signing of the Paris Declaration on Aid Effectiveness but in practice there are ongoing challenges. The next phase of GoA support for the law and justice sector, Stratem Rod Blong Jastis, includes an explicit focus on donor coordination in the sector as a way of supporting GoV coordination on its side. More work is needed in the sector to operationalise Cairns Compact principles through the harmonisation of donor approval and procurement systems, particularly if there is any longer-term support.

5. Rationale for approach to next phase

Section 3 above provides an overall rationale for collaboration in the law and justice sector and this section provides a rationale for the specific structure and approaches proposed in section 6 below.

At the VPF level, the Police Commissioner has requested assistance up to 30 June 2012, which is consistent with current GoA funding approvals. Although the Minister of Internal Affairs expressed desire for long term external support to the VPF, there is no for agreement on either side to extend support beyond this date. However, if the support is extended beyond June 2012, key elements of this design framework can be maintained, and some approaches can shift more deliberately towards those which are consistent with contemporary agreements on aid effectiveness. Given the relatively short

period for this design, it has been determined that, for effectiveness and efficiency purposes, no major changes in approach from the current project will be made. However, there will be increased emphasis on joint management, decreasing dependence on external advisers and increased focus on capacity building for sustainability of benefits (i.e. what is left behind rather than what tasks have been achieved).

Australia's cooperation in the law and justice sector should build explicitly on the achievements made and lessons learned to date through collaboration between GoV and Australia, through the VPFCBP, as well as other programs. The next phase of collaboration particularly reflects lessons learned in relation to governance/management models and the approach to capacity development. The latter will build on achievements to date in VPFCBP and incorporate lessons from international research. Global approaches to improving aid effectiveness, consistent with the principles of the Paris Declaration and the Accra Agenda for Action, provide an international context for these lessons. The most important elements include promotion of greater GoV leadership in the sector, ownership of Project activities, alignment of systems and an explicit focus on organisational capacity development (self-reliance) rather than the achievement of donor-determined sectoral results.

Three key realities in this context need to be considered for the next phase of cooperation:

- there needs to be careful consideration by GoV and thus by Australia's aid program of the appropriate size and reach of the formal police service and what can be sustained in future
 - overall, there is little prospect of the police service being able to afford to be significantly larger than it currently is in the medium to long term, despite growing population and unmet demand, even with external funding.
- many rural communities within Vanuatu have access to local informal elements of dispute settlement but the nature and usefulness of these elements are diverse across the country
 - while Chiefs are recognised in the Vanuatu Constitution and the Chief's Act of 2006, their precise roles in the law and justice sector are not defined. In addition, their role is not consistently respected and often not equally accessible and relevant for young people.
- criminal and civil law issues in Vanuatu which absorb the majority of police, legal and judicial resources are related to violence against women and children and land disputes
 - the severity and extent of violence against women demands an explicit response in the next phase.

Thus, in the light of the contexts described above, and current commitments by GoV and GoA, the most appropriate contribution that Australia can make to the police service is one which:

- supports VPF to play an active role in GoV's movement towards a coherent and coordinated approach to the law and justice sector
- supports quality Vanuatu leadership in the law and justice sector
- enables VPF to manage and administer its resources effectively, efficiently and sustainably, consistent with public service reforms, human resource management, financial management and related standards

- supports VPF to be an effective participant in the implementation of broader public sector reforms
- supports VPF to address the range of priority policing issues affecting Vanuatu's population, including those which differ between men, women and young people, in a way which maximises access to relevant forms of justice and which particularly contributes to and strengthens efforts to reduce violence against women
- supports an appropriate involvement of VPF in community-wide efforts to prevent and manage criminal behavior and conflict, as well as to support victims and rehabilitate criminals
 - this includes effective collaboration with churches, chiefs and community organisations
- supports VPF in technically challenging areas so that it is more effective in providing quality services to the community, in times of crisis and emerging criminal behaviours
- supports VPF respect for human rights of all people of Vanuatu, including victims of crime and criminals, consistent with GoV's commitments under international Conventions, particularly in relation to ending violence and discrimination against women and children, and prevention of torture
- contributes to the capacity of VPF overall to:
 - plan and implement its plan
 - deliver core police services to a high standard
 - attract resources and coordinate with other agencies
 - balance the need to deal with ongoing day-to-day police services and the need to respond to emerging issues
 - continually improve performance and respond to challenges
- facilitates donor harmonisation, including within Australian funded activities.

6. Description of Program

6.1 Form of Aid

This design for the period February 2011 to June 2012 takes a modified "project" approach. Based on agreement with stakeholders, it identifies four broad areas of work, with short term and longer-term outcomes for each area. Some activities are also suggested but these are only indicative as the project will continue the rolling design approach of the previous phase, whereby activities are planned annually as part of the VPF's own annual Business Plans. This, and the need to ensure Australian assistance builds VPF capacity and avoids creating dependency on external expertise, means there will be a need for considerable flexibility on the part of Project personnel.

VPF's Annual Business Planning process for 2011 is yet to start but will be under way by the time this Project commences. While it is likely that this PDD, which is based on consultations with the VPF, will be in line with and even help to shape the 2011 Business Plan, flexibility will be required.

This Project design also reflects the history of collaboration to date, the need for more attention to the range of capacity building options and the VPF's desire for increased recognition of its growing self reliance. The Project's management structure and planning processes will also attempt to encourage further VPF involvement with the emerging GoV sectoral leadership and coordination.

It is expected that the next phase will take over from the existing project on 16 February 2011 so there will be a need for a smooth transition from the previous phase.

6.2 High Level Objectives

The overall goal and purpose of the project will continue to reflect the VPF vision and mission. The VPF's vision is "To create a safe and secure environment for all citizens and visitors to Vanuatu through the provision of excellent policing services." Its mission is to "Provide a safer and more secure environment for the community by the prevention and detection of crime through strong (close) police/community relations."

The Project's goal is: **A safe and secure environment for all citizens and visitors of Vanuatu.**

The Project's purpose: **To contribute to the provision of excellent policing services and strong (close) police/community relations.**

These statements are set within a context (articulated in the Law and Justice Sector Strategy and Action Plan) where custom and tradition, moral and spiritual values and human rights underpin the work of the stakeholders. Thus, the Australian aid contribution should work to understand the implications of this approach for the VPF, support the application of these principles within the VPF and negotiate other shared principles (e.g. shared approach to gender equality and capacity development) to work in the sector.

6.3 Areas of Work

To contribute towards the goal and purpose articulated above, the next phase of the Project will focus on four priority areas of work identified by the VPF and other stakeholders during the design phase:

- 1. Training and professionalisation of the VPF**
- 2. Infrastructure, assets and logistics**
- 3. Workforce renewal**
- 4. Internal VPF governance**

Australian assistance will aim to contribute to VPF's own efforts to build its capacity in each area. As discussed below (Section 7), capacity building approaches will be tailored for each area of work, selecting from a full range of tools (See Annex 7). The AFP considers that the proposed areas of work can be effectively addressed in the time frame available to the VAPP. Longer term assistance which may be available under PPDP, will benefit from the progress which is made in these areas of work.

6.3.1 Area 1: Training and professionalisation of the VPF

This area covers a broad range of capacity building activities which are intended to increase emphasis on VPF's move towards self reliance in terms of specific policing skills and management.

Continued support will be provided to strengthen the VPTC, working with VPTC staff to upgrade curricula, ensure that all recruits complete their diploma of policing and are adequately trained in a way which matches VPF's workforce development plans in the medium-term. A range of short and medium term training requirements have also been identified by the VPF. Some priority setting is needed to identify which courses should be delivered and which require external specialists during the life of the Project. Efforts to maximise training and participation by women should continue.

Key to sustainability in this area will be the ability of advisers to work with relevant VPF personnel to develop comprehensive human resource development policies that, e.g., set clear criteria for selection of participants in training courses to ensure they are able to put new knowledge into practice.

Assistance should also be aimed at assisting the VPF to develop and implement comprehensive HRD policies and as such will be linked to aspects of Area 4, governance and policies. Training and HRD policies should inform the development of the Project's annual training plans.

An important requirement for further professionalisation of the VPF will be improved *community relations and outreach*. The Project will continue to assist the VPF to build on workplans already commenced in the previous phase. Direct advice and capacity building support for key sections of the VPF, aimed at increasing professionalisation by upgrading relevant technical skills, will be the focus of this area of work. One of the tasks of the VAPP will be to ensure coordination and consistency in capacity building across all areas of work. Thus, advice and capacity building regarding community relations, in particular with women's and youth groups as well as traditional leaders, will be generalised across all areas of capacity building.

Proposed Outcomes for this area are:

Short-term Outcome (up to June 2012)

- VPF training and outreach strategies and policies are in place and being implemented by VPF, and continue to maximise training by and participation of women police

Longer-term Outcome (in next 3-5 years, assuming continued collaboration)

- VPF, including the VPTC, has the capacity to plan, develop and implement its own human resource development and community outreach programs, consistent with GoV's gender and development objectives and commitments

Inputs for this area to June 2012 will include:

- A Training Adviser

The tasks of the adviser, relevant to this area will be:

- assist the VPF Training Director and other relevant VPF staff to develop, disseminate and implement training policies that will contribute to broader VPF HRD strategy and guidelines
- as required, help to build the capacity of the VPF Training Director and training staff to develop and review training curricula and to upgrade their training skills
- as required, assist the VPF Training Director to develop the capacity of his staff to monitor and evaluate the outcome and quality of training programs
- work with the VPF Training Director, other VPF and VAPP staff to develop annual training plans for the VPF
- assist the Director Training with ongoing liaison with the PPDP Regional Programs
- assist the Director Training to assess and prioritise requests for short term training, as part of the development of the annual VPF training plans
- assist the Director Training and the VAPP Team Leader to ensure short-term trainers recruited under VAPP work in a way that will build the capacity of VPF training staff (see Annex 2 for detailed position descriptions)
- Advisers assigned to assist with capacity building of key sections of the VPF including:
 - Crime Prevention and Community Relations Adviser
 - Tactical Policing Adviser

- Operations Adviser – Southern Command (Port Vila)
- Operations Adviser – Northern
- Adviser – Corporate Support

Each of these advisers will:

- provide capacity building support in relevant areas of technical expertise for the staff of their host VPF sections, as agreed with the leaders of each section
- assist the leaders of host sections to provide input to the development of the annual training plans
- as required, assist the leaders of their host sections to develop capacity and strategies to assess the HRD needs of their staff and to contribute to overall VPF HRD strategies
- ensure advice and capacity building on cross cutting issues such as respect for the rule of law, cultural and gender sensitivity, is consistent for the whole of VAPP.

The *Crime Prevention and Community Safety Adviser* will assist the VPF Coordinator, National Crime Prevention Office and Community Liaison Officers to develop a community outreach strategy, including consultations and building links with civil society groups such as those dealing with youth and women.

An expanded professional program supported by the project will also include:

- Funding for other capacity building support such as short-term expertise, training, study tours and off-shore training, as agreed under the annual training plans and the overall capacity building plans agreed for each VPF host section.
- Funding to support some community liaison activities. Ideally community liaison activities will be part of the routine operational budget of the VPF. However, capacity building on this topic will require resources to help kick-start relationship building processes, with, e.g. traditional leaders and NGOs.

6.3.1 Area 2: Infrastructure, Assets and Logistics

GoV budget support to the VPF is not sufficient to cover all VPF operational needs, nor its infrastructure priorities (both capital and recurring costs). It is expected that improved VPF financial management and planning processes will assist the organisation to gain increased Government confidence and financial allocations in the future (supported by work undertaken in Area 4 below). In the meantime, improvements and additions to existing infrastructure and assets are crucial for a holistic approach to strengthening capacity.

At the design workshop, the VPF Commissioner identified a considerable number of infrastructure projects and asset acquisitions for consideration. During the Annual Business Planning process, Project personnel and VPF will agree on priorities from the four areas of work. Sustainability in upkeep and operational costs will also be a key consideration.

The expected outcomes for this area are:

Short-term Outcome (up to June 2012)

- Priority infrastructure development and assets purchases are achieved and VPF maintenance plans are in place

Longer-term Outcome (in next 3-5 years, assuming continued collaboration)

- VPF has adequate equipment and infrastructure and the capacity to maintain and sustain all assets.

This area will be closely linked with Areas 4 and 1 and will build on the improvements to budgeting and administration already made by the VPF during the previous phase of the project. Asset maintenance and funding for operational costs will need to be incorporated into VPF training, procedures and budget planning. The VPF and VAPP will need to give close consideration to use of ni-Vanuatu products and expertise as a way of helping to ensure sustainability and upkeep of new and improved infrastructure. Similarly, availability of local mechanical and operational expertise (or the potential to train relevant VPF staff) will be key factors in deciding which equipment to purchase.

It is likely the agreed list of items to be funded under this area of work will include, amongst other things, assistance to establish several new police posts, to renovate VPF houses and to provide accommodation for new recruits, including more accommodation for female recruits. All infrastructure activities will also reflect Universal Design principles to maximise accessibility for all people (police and public) including those with disabilities.

If the Project is extended beyond June 2012, the emphasis will be on assisting the VPF to plan for and achieve levels of infrastructure and equipment adequate to its needs. An appropriate approach would be to assist the VPF to realistically assess its minimum operational needs, taking into consideration predicted GoV budget allocations and the likelihood of long term external assistance. Improvements in financial management and budget preparations, as well as sustainable maintenance plans will be important to achieving longer term outcomes.

Inputs for this area will include:

- Support for several of the long term Advisers listed above in Area 1 who, in addition to other tasks, are likely to provide capacity building and advice to the relevant VPF officers in charge of overseeing procurement and infrastructure activities. The involved Advisers are likely to include the Adviser-CSU and the Team Leader. The Adviser-Training will also assist the VPF Director Training and other relevant training staff to ensure VPF maintenance and operational crews are adequately trained.
- Support and capacity building for procurement of agreed priority equipment, in line with the available budget and where possible using locally based suppliers and products.
- Support and capacity building for procurement and oversight of agreed infrastructure activities.

6.3.2 Area 3: Workforce Renewal

Past experience has shown that retirement of 12 older VPF officers frees up enough of the VPF operating budget to fund up to 40 new recruits. Previous phases of the Project have assisted this process by providing the funds to pay outgoing officers their statutory entitlements for retirement. VPF has requested support for another two rounds of retirements during the sixteen month Project. This will depend not only on the availability of Project funds but also on the capacity of VPF and GoV to complete the necessary processing for a cycle of retirements and new recruitment to take place. It is likely that one round of retirements will be feasible within the Project time-frame.

The proposed outcomes for this area are:

Short-term Outcome (up to June 2012)

- At least one round of workforce renewal has been completed

Longer-term Outcome (in next 3-5 years, assuming continued collaboration)

- VPF is appropriately staffed to meet the country's medium term objectives, including through increasing the proportion of female officers at all levels

The VPF already have a list of officers over 55 years of age who would be eligible for retirement. Final selection should be linked to VPF workforce planning. The number of retirees that can be funded may also be affected by changes to leave entitlements and possible changes in the pending CAP 105 amendments. These will have cost implications and will have to be carefully considered by the VPF and Project staff before proceeding with each round of retirement.

Should the longer term project proceed, further support for workforce renewal will be considered in the light of ongoing review of VPF workforce planning and needs. These may change in light of improvements in other areas of capacity including community relations, management, technical skills, infrastructure and assets.

Inputs for this area during the 16 month Project will include:

- Funding for one round of workforce renewal (exact numbers of retirees to be finalised according to reassessment of costs).
- If required, advice from the Adviser CSU in selection of retirees and following through with the required GoV procedures.

6.3.3 Area 4: Internal VPF Governance

The MTR of the VPFCBP identified a link between VPF financial management capacity and constraints in GoV budget allocations. Subsequent capacity building and VPFCBP assistance with financial management and preparation of budget submissions have started to address these questions. The VAPP will extend these gains, with particular emphasis on empowering VPF management staff to engage effectively with Ministry of Finance and Economic Management. VPF has started to develop comprehensive governance and financial management frameworks and the Project will continue to assist VPF staff to complete these frameworks and ensure relevant staff members are able to implement them.

VPF, with VPFCBP support, has recently undertaken a major review of its Corporate Services Unit. At the time of writing this PDD, the review was waiting formal GoV approval. VPF leaders are optimistic that this will occur. The VPF Corporate Services Unit (CSU) and Project personnel have already prepared a plan to implement the 77 recommendations of the review.

The proposed outcomes for this area are:

Short-term Outcomes (up to June 2012)

- Management and Financial governance frameworks are completed and VPF staff are able to implement them

- Project personnel have provided advice and support allowing for the implementation of priority CSU review recommendations

Longer-term Outcomes (in next 3-5 years, assuming continued collaboration)

- Increased confidence of Government in the financial budgeting and management of the VPF
- All recommendations of the CSU review have been implemented.
- Comprehensive internal procedures and policies are in place and being adhered to across the whole of VPF

Early activities in this area are likely to include an assessment of which of the CSU recommendations can be immediately implemented. Some are contingent on GoV amendment of the CAP 105 to allow the Police Services Commissioner to engage civilian staff. If this legislation is further delayed, the VPF Commander CSU and Project advisers will need to reassess priorities for this area. As discussed above, the Project adviser should be able to continue assistance to finalise internal procedures and policies, e.g., development of a personnel manual, standard operating procedures and the development and mapping of new processes.

Inputs for this area to June 2012 will include:

- Support for the Adviser CSU and inputs from other advisers. The role of the Adviser CSU will include:
 - a) Work with the Commander CSU to develop a capacity building plan for CSU staff, with clear definition of the contributions to be made by the Adviser
 - b) Work with the Commander CSU to decide how the Adviser can best support the finalisation of management and financial governance frameworks, including developing clear position descriptions for any short-term advisers required by the Commander CSU
 - c) Provide support, mentoring and training as required by the Commander CSU
- Support for short-term advisers to assist, e.g., in completing governance frameworks and helping to train VPF staff in their use, as agreed by the Commander CSU
- Support for other capacity building activities such as study visits, formal study and exchanges.

6.4 Duration

This Project is planned for the period 16 February 2011 to 30 June 2012, based on GoA funding approval to date. Subject to agreement between the GoV and the GoA, this Project may be the precursor for a longer period of cooperation under PPDP (see section 4 above). The goal, purpose and longer-term outcomes outlined above provide a framework for an extended program if the two governments agree to continued collaboration. Participants in this Project design process workshop identified a broad range of priorities and activities that are more suited to a four or five year program than to a period of 16 months. GoV and GoA¹⁰ will need to reach agreement on whether or not to continue the program by May 2011, so that appropriate arrangements can be made to either commence planning for an exit

¹⁰ As part of the budget planning process for 2011-12

strategy/project handover to GoV, or to undertake a more detailed design process for longer term collaboration. Ideally, some kind of detailed review or evaluation would help to inform this decision, but this is not feasible prior to May 2011. Once a decision is clear about the post June 2012 arrangements, a review should be organized to capture progress to date, existing strengths on which to build future collaboration and lessons learned to inform specific approaches.

6.5 Budget

The allocated budget for the period February 2011 to June 2012 is A\$9.9m or approximately Vt913m as per Annex 3. The costs of technical assistance (advisory) personnel account for approximately 25% of the overall budget: this does not include the costs of project management and locally engaged staff, which make up a further 16% of the overall budget. The allocation of \$2.725 million for infrastructure and related expenditure is deemed appropriate in the timeframe, and details of items that will be covered by this amount will be determined during the annual business planning processes for 2011 and 2012.

Given the short-term duration of this phase, a continuation of current planning and procurement processes is necessary to ensure the spread of expenditure is feasible. All procurement will comply with GoA requirements and efforts will be made to support the strengthening of GoV procurement systems where possible.

6.6 Future Strategy

As noted in Section 6.4 above, a review of VAPP should be undertaken as soon as the long term funding arrangements of the PPDP are known. . It is proposed that the PMG consider this issue at its May 2011 meeting. The PMG will either need to detail the expectations and parameters of a review or evaluation to inform future collaboration approaches and measures, or, to determine the expectations and parameters of an effective exit strategy.

7. Approaches

The Partnership approach will include the following elements:

- Development of agreed *principles for collaboration* (see Section 7.1)
- Commitment to *shared governance and management and joint planning* of the Project (see Section 8)
- Clear definition of the *capacity development approach* (see Section 7.2)
- Shared commitment to increasing *alignment of donor contributions to GoV planning, budgeting and monitoring systems* (see Section 8)
- Agreed approach to use of advisers (see Section 7.3)
- Support for the GoV's commitment to key human rights conventions and capacity building to implement these in all aspects of policing (see Section 7.4 below and Annex 7).

7.1 Principles to guide collaboration

Experience of aid programs internationally has shown that the way in which partnerships and activities are conducted is often as important to success, as the content of programs. Thus the negotiation of and commitment to use shared principles to underpin Partnership implementation is critical. Some principles were suggested during the Project design workshop. These should be discussed explicitly and refined by the PCC and PMG at the beginning of the Project. Periodic review is recommended.

The principles proposed at the workshop included:

- shared goals/vision
- openness
- transparency
- mutual respect
- trust
- shared commitment
- integrity
- honesty
- focus on ethical behavior
- focus on sustainability
- tolerance and understanding
- humility
- empathy
- focus on supportive approach.

Some suggested principles from international experience include:

- Shared goals and vision are a necessary pre-requisite for any successful capacity building. These must go beyond mere words and be translated into collaborative action to achieve shared objectives and bring about relevant and sustainable benefits
 - To achieve shared goals and collaborative action, mutual respect and trust are essential: neither occur “naturally” – they take commitment and sustained effort on both sides
- Accountability, transparency and good communication based on open dialogue are critical elements in public sector and justice sector activities generally, as well as in Project management

- Mutual respect and understanding among Australian and Ni-Vanuatu personnel and more broadly, for the rule of law and traditional values of Vanuatu, is fundamental to achieving success and relevance in the Project
 - An integrated approach to increasing the professionalisation of the VPF must be underpinned by a commitment to understanding cultural differences and the need to adapt universal values to fit the Vanuatu context.
- Sustainability of benefits can be achieved through a continued focus on contributing towards the self-reliance of the VPF and helping it to fulfill its stated desire to become more professional.
 - VPF leadership and commitment is critical to sustainability. The role of the VAPP must be to support and strengthen VPF leadership to fulfill its role as opposed to directing or implementing management activities
- Joint Project governance will promote ownership and provide relevant guidance to those implementing activities, including VPF and other agencies across the sector
- Close alignment of Project activities to support VPF to comply with GoV's law and justice sector priorities and will contribute to sustainability of benefits and improved GoV support for VPF
 - Project capacity building for planning, budgeting, human resource management, monitoring and financial management will have maximum relevance and sustainability if it is aligned with GoV processes
- Equal access and opportunity for young people, women and men is imperative for sustainable development to occur
 - Project activities should reflect GoV gender policy commitments as outlined in existing policies
- Taking a shared responsibility for the achievement of results, including through regular, joint monitoring and periodic reviews of progress against objectives, will increase likelihood of sustainable and relevant benefits.

7.2 Capacity Development Approach

The Project will continue to support efforts by the VPF to build its own capacity towards self-reliance. Capacity can be defined and conceptualised in many ways. It also exists in many dimensions or levels. Commonly recognised dimensions in which capacity exists include:

- the individual
- the institution or organisation
- the sector or network
- the operating environment

Given the strong role of *kastom* and the importance of relationships in Vanuatu, it is appropriate to add a fifth dimension -- that of community.

These five dimensions are interrelated and it is appropriate that work in one dimension should be informed by an understanding of how capacity changes in the other dimensions. For example, capacity changes in the organisation of VPF need to be contextualised within capacity changes for the whole law and justice sector, and understood in terms of how individual police officers build their own capacity over time. This Project will concentrate on contributing to VPF's efforts to build its own capacity in the institutional dimension but is also expected to play an important role in the individual, sectoral and community dimensions. The operating environment, community and the sectoral contexts for this Project are discussed above (Section 4: Context).

A commonly used definition of capacity is the *set of characteristics needed to for survival, success and self reliance*. One analysis of organisational capacity needs suggests five core capabilities:

- to make a plan and act on the plan
- to deliver services to produce technical results
- to relate to other organisations and people and to attract resources
- to do the core work but also to respond to new issues and ideas about what is important
- to adapt to a change in the environment and if necessary to renew as an organisation.¹¹

In order to help stakeholders understand that capacity building is not just about skills transfer or training, it is proposed that the Project work with this definition, for example addressing the five capabilities when developing joint annual business plans and when measuring project success. It will be important for Project personnel and VPF leaders to be clear that capacity development is an internal process of change over time within people and organisations. No-one can build someone else's capacity but they can contribute towards another's own capacity development process over time. To this end, joint, participatory Project management and planning will be crucial and there will need to be careful consideration of capacity building approaches in each of the four Areas, particularly Areas 1 and 4.

Annex 7 lists a selection of potential capacity development tools available for this Project and lists the strengths and potential risks of each one. The list includes:

- provision of external personnel, (technical assistance (TA) personnel) for short or long-term advisory, project management or coordination roles
- training – customised or off-the-shelf, in-house or external, informal, formal, training of trainers, scholarships
- coaching or mentoring
- exchanges
- attendance at conferences, workshops, seminars
- study tours (these will be subject to particularly careful scrutiny to ensure they are the best capacity development approach in the circumstances)
- organisational twinning arrangements
- research – use of existing research project information or commissioning of research - joint or independent
- provision of assistance in planning and maintaining infrastructure and equipment, as well as direct funding for infrastructure and equipment

If the Project is extended beyond June 2012, it will be possible to undertake more extensive joint discussions on appropriate tools and approaches in each area.

7.2.1 Placement of Advisers

The dominant approach to capacity development in previous phases has been the placement of long-term and short-term advisers to work with nominated ni-Vanuatu stakeholders. While the proposed number of advisers for this new Project has been reduced to 7 from 8 in the previous phase, they still constitute a large proportion of the overall Australian assistance.

¹¹ These capabilities are summarised from Morgan, P "The Concept of Capacity" and used by AusAID to inform capacity development programs

Where possible there will be a shared approach to Project leadership and implementation with respect to adviser placements. This includes joint identification of potential placements, joint selection processes and opportunities for feedback on advisers through regular reporting processes and other reporting as required.

It is important that in addition to providing training and mentoring, Project personnel act as facilitators of other forms of capacity building assistance. Each Adviser will be tasked to develop a **capacity development plan** specific to that section but integrated within the VPF's overall planning process.

The recognised advantages of placing Advisers within host institutions include:

- Opportunities for ongoing capacity building, e.g. through mentoring and training
- Working with advisers can be an affirming experience for host agency colleagues, helping to build their confidence and to experience new ways of approaching their work
- Advisers can contribute to broader organisational development agendas
- Advisers can provide the host organisation with ongoing access to highly experienced professionals
- Advisers can provide access to new or highly specialised expertise

Some of the potential risks in using advisers include:

- Unsuitable selection and placement may promote internal conflict and decrease organisational effectiveness
- Advisers may impose inappropriate systems and procedures which are based on their experience in other foreign environments
- Advisers may undermine the confidence of host organisation colleagues
- Advisers may have greater loyalty to their employing organisation than to the local host
- Advisers may not have a deep understanding of host government systems or processes
- Advisers may have conflicting obligations between their employer and the GoV agency
- Advisers may actually undermine local capacity development
- Advisers may undermine local authority and responsibility

Experience has shown that very careful planning and management is required for technical assistance personnel to be effective and appropriate¹². The following guidance is provided for managing advisers under this Project:

- GoV stakeholders will be involved in the selection of Advisers and will be given a choice of at least three qualified candidates for each position
- Indicative position descriptions included at Annex 2 will be revised and approved by the VPF executive before finalisation
- Advisers will be selected for their skills in capacity development and cultural adaptability as well as their technical expertise
- Advisers will be provided with detailed briefing prior to placement and once they arrive in Vanuatu on capacity development theories and practices relevant to the context, as well as broader sectoral and organisational development issues

¹² See AusAID, 2009, Frequently Asked Questions on Technical Assistance Personnel

- They will be particularly briefed on the relationship between Vanuatu cultural values and concepts of capacity and capacity change over time
- VPF officers will be involved in briefing advisers so that there are opportunities for developing shared understanding of expectations
- Roles for advisers in relation to capacity development, monitoring and reporting should be clearly defined in position descriptions, and other agreed documentation
- As will the previous phase of assistance advisers will not perform in-line duties
- VAPP will be responsible for ensuring advisers are fully insured for health, public liability/ professional indemnity etc
- Participants in capacity development processes (i.e. Advisers and their colleagues) should be appropriately briefed and supported through planning processes, as well as given ongoing training and support in capacity development implementation approaches
- The performance assessment of Advisers should focus on the quality of their capacity development efforts, recognising that they are one of many factors influencing the capacity of organisations so cannot be held responsible for capacity “outcomes”
- Advisers will be required to provide regular monitoring reports on their capacity development activities and provide information about any noted changes in capacity in their respective section

It is suggested all adviser positions be reviewed should the Project extend beyond July 2012 and that the VPF and Project work together to agree on a plan for decreasing reliance on long-term advisers.

7.3 Human rights conventions

The rights of women, young people and people with disabilities are critical aspects of any country’s justice system. The Government of Vanuatu has ratified the two major human rights covenants¹³ as well as the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW), the Convention on the Rights of the Child (CRC) and the Convention on the Rights of People with Disability (CRPD). In 2010 the GoV announced its intention to ratify the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT).

The Governments of Australia and Vanuatu share a particular commitment to reducing violence against women. As noted above, around 70% of criminal prosecutions and a similar proportion of prisoners in Vanuatu have been found guilty of sexual and violent crimes against women and children. The AusAID report “Stop Violence: Responding to violence against women in Melanesia and East Timor” sets out Australia’s priorities and actions to prevent and reduce violence against women in Melanesia and East Timor. The Project will prioritise opportunities to implement the recommendations of this report, in negotiation with the VPF.

Both GoV and GoA are committed to protecting the rights of children. AusAID’s Child Protection Policy is applicable to this Project as personnel may come into contact with children, e.g., via violence against women initiatives and/or community crime prevention initiatives. The Child Protection Policy provides guidance and minimum requirements which will be noted in the ROU between AusAID and the AFP. The VAPP will be in a position to promote child protection issues in its work with GoV through engagement on the Convention of the Rights of Children.

¹³ International Covenant on Civil and Political Rights and International Covenant on Economic, Social and Cultural Rights

VAPP will be committed to the inclusion of women and men in all activities. In particular the Project will set an example by endeavoring to provide suitably qualified females to fill some adviser positions. Specific efforts will be made to include female VPF officers in monitoring processes, training and other capacity development activities (as appropriate to their duties and the subject matter).

The project will take a number of specific actions to encourage support for human rights among the VPF and to build VPF capacity to incorporate respect for human rights in all policing activities:

- Support for recruitment and training for female police officers: increasing the presence and strengthening the role of women in the VPF will enhance women's access to justice. More women were recruited through the Workforce Renewal program under the previous phase, however there are still only 61 female police officers out of a total of 650. The CSU review has recommended construction of more accommodation for female recruits at the VPTC as the current barracks can only house eight females. This will be included as a priority under Area 3.
- Support for the Police Women's Advancement Network: This is a group of five female VPF officers that aims to advance the position of women within the VPF. This could be an important element for consideration under Area 1 as improved female representation in the VPF has the potential to enhance its overall professionalism. The Adviser Training and the Adviser Northern Command will assess the strengths and potential of this group and give strong consideration to provision of special capacity building for the group, including possible recruitment of a short term adviser with relevant gender and policing expertise.
- Support for police/youth relations through the community outreach and liaison programs. Despite efforts during the previous phase, relations remain strained in some areas, particularly parts of Port Vila. The Crime Prevention and Community Safety Adviser, along with the Advisers to Northern and Southern Command, will offer advice and training for relevant VPF officers, with a focus on Vanuatu's obligations under domestic and international law. It may be possible to use material produced by the NGO *Wan Smolbag* during formal training programs to help raise awareness of the views and experiences of young people and of the consequences of domestic violence.
- Support for VPF to implement the Family Protection Act. The Family Protection Act, promulgated in 2008, is a major achievement in addressing the issue of violence against women and children through the legal system. The Act defines the crime of domestic violence to include physical, psychological, and sexual abuse as well as damage to property, stalking, and indecent or offensive behavior (Article 4(1))
- In supporting the Act the VPF to date has successfully sought in excess of twenty Family Protection Orders through the Magistrates Court. The Project will facilitate better information exchange between the VPF, the Vanuatu Women's Centre, *Wan Smolbag*, church groups and other NGOs.
- Making police posts and offices accessible for people with disabilities: New building and renovation activities conducted by the Project will incorporate accessibility features such as wheelchair access ramps and paved paths.
- Training: The Training Adviser and other advisers will encourage incorporation of applicable human rights law into all training, mentoring and other capacity building activities.

8. Project governance and management

Overall governance systems for the GoA and GoV Partnership for Development will continue to inform the Project's governance and management arrangements. The Project's specific governance, management and implementation groups will oversee the use of principles and approaches described in this PDD, especially shared decision making and alignment with GoV and VPF planning, budgeting and monitoring systems. It will also incorporate and help to ensure the guiding principles of the collaboration between GoV and GoA including collaborative action, shared responsibility, mutual respect, accountability and transparency. The governance and management arrangements also need to ensure maximum coordination between the two major Australian funded initiatives in the sector, this Project and *Stretem Rod Blong Jastis*.

8.1 Governance

Project governance fits under the high level Partnership for Development governance arrangements, and will be guided by that leadership.

Specific Project governance will be undertaken by a Project Coordinating Committee, comprising senior officials from GoV and GoA. The focus and role of the PCC will be to provide strategic advice on the overall Project's direction, particularly in relation to the links between VPF and the broader sector wide coordination and collaboration. The PCC will approve Annual Joint Business Plans for 2011 and 2012 once they have been approved by the PMG (see below). The PCC will also oversee the development and implementation of monitoring arrangements to ensure that it is provided with the most appropriate information required for governance, both by the GoV and GoA.

Members of the PCC will include:

- DG MoIA (Chair)(and appropriate MoIA staff)
- VPF Commissioner and other representatives nominated by the CVPF
- Police Service Commission Chair
- Representative of the Office of the Prime Minister
- Representative of the Ministry of Finance Economic management
- Representative of the Ministry of Justice and Community Services
- Senior AusAID representative
- Senior AFP representative
- Project Team Leader
- Community Representatives, such as senior officials from the Council of Chiefs, Vanuatu Women's Centre and Wan Smolbag (on youth issues).

Secretariat services will be provided by the Project personnel. Observers may be invited by the Chair, and could include a representative from *Stretem Rod Blong Jastis* involved in sectoral coordination and officials from other donor agencies in the sector.

The PCC will meet in February 2011 to consider the final report of VPFCBP and approve the project plan for the remainder of 2011, i.e. the first 10 months of this Project phase. A second meeting in late 2011 will approve the plan for the 6 months of 2012 and to consider any potential longer-term planning arrangements and issues. If further funding is not made available, the PCC will then meet in May 2012

to provide the opportunity for final discussion of Project outcomes and for formalising Project completion¹⁴.

The “Subsidiary Arrangement between the Government of Australia and the Government of Vanuatu Relating to the Vanuatu Police Force Capacity Building Project (VPFCBP)” (Subsidiary Agreement) and the Record of Understanding between AusAID and AFP (ROU No.14378/1) requires review to accurately reflect the arrangements for the Project.

8.2 Management

The Project Management Group (PMG) will be responsible for regular management oversight. The intention is that the PMG will provide robust program management and communication strategies necessary for the Project to remain flexible and responsive to the changing priorities and operational environment of the VPF. The arrangements emphasise a joint decision-making and planning process to maximise the extent of ownership of Project activities by VPF. The PMG should meet at least quarterly¹⁵ and take a more hands-on role in management and monitoring Project activities. This is a more appropriate use of senior officials than the formal and labour-intensive PCC meetings.

The PMG will comprise:

- Commissioner VPF (Chair)
- Representative of the MoIA
- Representative of the MoFEM
- Police Project Team Leader
- AusAID Representative
- A representative of the Law and Justice Sector Project

The PMG’s role will include, but not be limited to:

- Monitoring progress towards implementation of all plans for the four areas of work (receiving and approving Quarterly Project Reports and ensuring that Project activities accord with Annual Plans approved by the PCC)
- Monitoring progress of capacity building plans
- Approving reports including capacity development plans and budget allocations for each Project area of work
- Preparing plans to ensure gender equity issues in the sector are deliberately researched, addressed and monitored, consistent with GoV commitments

Secretariat services for the PMG will be provided by the Project and the Chair can invite observers as appropriate, including specialists on topics to be included in the agenda.

¹⁴ During VPFCBP, the PCC met every six months and approved the Project’s Annual Business Plan and monitored Project progress and activities.

¹⁵ During VPFCBP, PMG meetings have been more *ad hoc* and less hands-on

8.3 Project implementation

The Subsidiary Agreement

The current Vanuatu/Australia Subsidiary Agreement sets out the understanding between the two Governments of the responsibilities and contributions with regard to the VPFCBP. This agreement will expire with the completion of the VPFCBP phase on 15 February 2011. There is a need for this agreement to be reviewed and extended to cover the operations of the Project until 30 June 2012.

The review will need to include revised program objectives, the time frame in which the revised program is to operate and the Vanuatu/Australia Partnership for Development 2009 – 2014. There is also a need to define governance and management arrangements for the delivery of the Program content by the Australian Authorities.

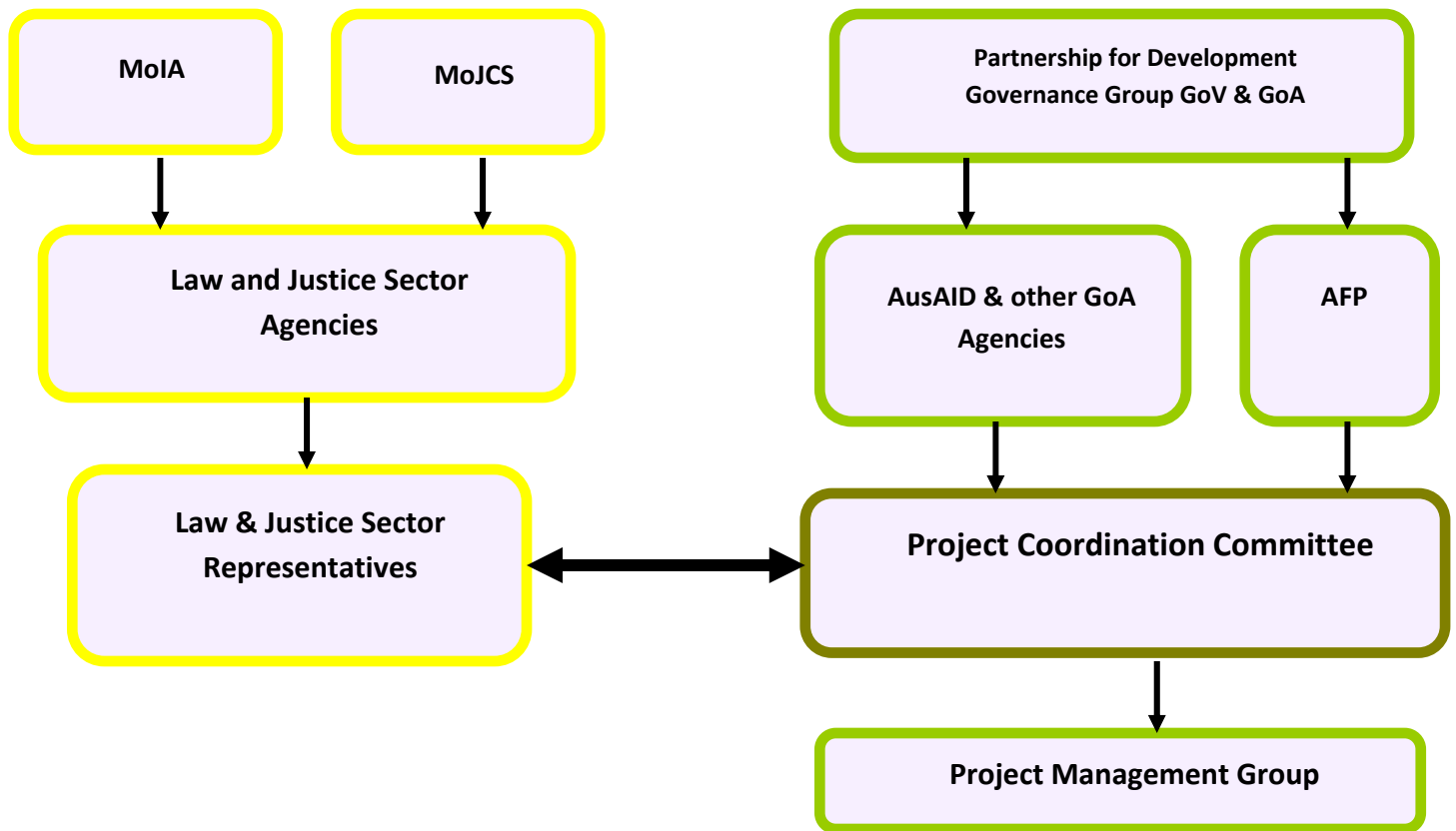
Record of Understanding (ROU)

The ROU sets out the arrangements and responsibilities of the AFP and AusAID in the delivery of the agreed contributions and the accountability obligations of each agency. The terms of the ROU will expire on 15 February 2011 with the conclusion of the VPFCBP mandate.

The current ROU was executed to facilitate the delivery of the Project within the terms of the Subsidiary Agreement by AusAID and the AFP. However, it predated the Australian Government's decision on the delivery of police development assistance and the evolving role of PPDP. Therefore the ROU needs to be reviewed to reflect the current relationship between AusAID and the AFP and the transition of police development assistance to the PPDP.

The proposed management and governance arrangements are illustrated below in Diagram 1.

Diagram 1: Police Partnership - Governance and Management Structure



9. Risks

Given that this Project is operating in a complex and sensitive area of national governance and community relationships, there are many risks involved. The following high level risks have been identified in the analysis undertaken for this design process (see Annex 6 for Risk Matrix):

- Breakdown in the relationship between VPF and the Australian Project partners at governance level
- Relationships between VAPP personnel and VPF colleagues breakdown
- Growth of VPF without appropriate recurrent funding from GoV, based on fiscally sustainable budget
- Lack of VPF ownership of Project activities
- Advisers are not able to maintain an appropriate balance between “doing” and “advising”
- There is a lack of reinforcement and support for learning provided through training
- Perceived conflict of interest with AFP international operations in the area of Transnational Crime

Recognising this relatively high risk setting, GoA and GoV are keen to maximise the quality of strategic governance and management processes, as described above. A highly dedicated approach to risk management is essential for this Project, and requires high levels of skill, diplomacy and cultural respect.

Beyond the risk mitigation strategies noted in the Risk Matrix, personal qualities and skills of Project personnel are the most likely source of success in risk management.

10. Monitoring and Evaluation

10.1 Overview

The monitoring approach for the next phase needs to:

- be consistent with and build on the history of monitoring which has been developed and effectively used by VPF and VPFCBP to track project achievements and performance improvements to date
- continue to be based on shared high level objectives
- reflect the focus of activities for the next period
- be feasible in a relatively short period of implementation
- contribute to VPF's ongoing monitoring capacity and be aligned to internal existing systems of monitoring as appropriate
- be relevant to VPF's role in the broader law and justice sector monitoring
- produce information which will assist in any future decisions about continued cooperation
- include some kind of formal evaluation, using sound evaluation methodology and preferably undertaken by both ni-Vanuatu and external specialists, either prior to or soon after the completion of the VAPP period, and preferably also covering relevant aspects of Stretem Rod Blong Jastis.

To reflect these aims, there is little value in substantially changing the current basic M&E arrangements particularly as the VPF are now fully using the framework in their Quarterly Reporting and management reviews. However, there is value in ensuring M&E efforts are well-targeted and as meaningful as possible and make the maximum sustainable contribution to VPF's ongoing monitoring processes both for internal governance and management and for the broader law and justice sector.

Under VPFCBP, monitoring efforts have been captured in quarterly and six monthly reports to the PCC. The six-monthly reports have used a "traffic-light" system to identify whether progress is acceptable, raising concerns or failing to proceed, against the agreed objectives. The determination has been jointly made, between project personnel and VPF. In the next phase, the traffic light system will continue for the four areas of work using a set of ten progress monitoring questions to help to guide the rating system and provide a basis for discussion of progress. A set of four questions addressing outcomes is provided, one for each area, to assess results at the end of the phase. These outcome questions could be used to guide an end of phase completion report or independent evaluation, depending on agreements between AusAID and AFP towards the end of the phase. Annex 4 is an M&E Matrix with details of questions for each area of work.

In the next phase, a change in PCC timing is proposed (from six-monthly to annually) and the Project Management Group process is intended to be revitalised, so monitoring will be undertaken more often at the management level. It is envisaged that both VPF and Project personnel will work together to

assess progress against the Annual Business Plans, discussing their perspectives on progress and coming up with a shared green, amber or red light for each area of focus overall. Reports on each area of work will be provided to the PMG meetings and to the PCC. The questions in Annex 4 will help to guide the assessment and reporting on the project and provide a focus for discussions at PMG and PCC meetings. Utilising this guide a more comprehensive M&E framework which also has regard to the VPFCBP M&E framework and the involvement of the Project in the implementation of the 2011 Joint Business plan should be submitted to the first meeting of the PCC.

10.2 Sector Strategy and Action Plan

This Project needs to contribute actively to the relevant outcomes listed in Vanuatu's Law and Justice Sector Strategy and Action Plan and support refinement of the associated planning process. This will increasingly build a coherent national approach to sector planning and monitoring (and potentially budgeting), particularly during 2011. The current Strategy includes some detailed "results indicators" for each of the strategies and actions identified under the seven pillars, including the police pillar (number 1). These indicators do not currently include elements of quality, quantity or time, although they are set against dates for each action. The action plan includes a large number of action-specific indicators, such as "training conducted" or "legislation developed." This kind of information is useful to assess whether tasks are completed although it will be inadequate to assess the quality and extent of achievements and their respective outcomes.

During 2011, GoV will be developing a meaningful plan to monitor progress and achievement of overall outcomes, across the sector. It will be important for the Police Project to support VPF to participate actively in this process to ensure that VPF's voice is heard in the definition of performance questions and indicators, and to assist with the technical aspects of this process where appropriate.

10.3 Purposes of monitoring

The overall purposes of monitoring VAPP, in the following priority order, will be to:

- Generate learning about what is working well in the VPF and in the project and why, in order to motivate people to undertake more positive change
- Assist project governance and management decision-making (ie to inform subsequent decisions about what to support and which approaches to promote)
- Support VPF's own monitoring capacity development
- Account to ni-Vanuatu for aid funds spent in their country
- Account to donors for funds spent

Overall the focus of project monitoring is on progress against plans and assessment of the results achieved, with some analysis about the link between any changes in the police context and the work of the project.

The short-term time frame for this Project means that there will be limitations in terms of the achievement of the above purposes. VPF and Project personnel are encouraged to focus their efforts on the most meaningful M&E processes for their own work and level of responsibility, recognising their role in the broader VPF monitoring process and the broader law and justice sector where possible.

10.4 Monitoring of capacity development

There are many challenges to assessing or measuring changes in capacity of organisations, so VPF and this Project will not be alone in this task. The main challenge arises when there is a lack of clarity about what capacity means in a particular context. As noted above, capacity can mean different things in different contexts and cultural influences on perceptions are significant, for example, good leadership in one cultural setting could be perceived as poor leadership in another. Also, women and men may see capacity issues differently, depending on perceptions about careers, family obligations, relationships between senior and junior staff etc. Capacity can refer to an individual's or an organisation's "potential", and trying to measure this is very challenging, especially if the main activity is "training" which does not necessarily produce actual changes, but more likely potential changes. Further, there is no straightforward connection between the ability to do something and the actual result. For example, a team of people may have the ability to implement their plan, but many other factors need to come into play for the plan to be successfully achieved, some of which may be outside the control of the team, such as the enabling legal, political or social environment, or the role of other teams/organisations. It is sometimes difficult to determine whether capacity will actually translate into something substantial and sustainable. The M&E task in a context such as this is challenging. AusAID and AFP have access to lessons learned from other programs to assist in this regard¹⁶ but VPF may not have participated in efforts to translate this material to suit their own context.

Some ways to assist with assessing capacity include developing a shared understanding about:

- what elements of capacity in a context need to exist
- the nature and extent of existing capacity
- the expected changes in capacity
- how cultural values influence perceptions about existing or desired capacity
- the processes of capacity development to be used
- what is going to be assessed – changes in capacity or changes in the results brought about by capacity (for example, will we measure whether the Office has the skills to write a strategic plan, or will we measure the quality of the strategic plan?)
- the most appropriate tools for understanding changes in capacity.

In this Project, all personnel will be required to develop annual capacity development plans, in which they identify the approaches to be followed and the priority capacity development objectives for both advisers and VPF colleagues/teams. These plans will need to be developed jointly and will be assessed at the end of the first 6 months and again at the end of the Project phase, using the question against Purpose in the M&E Matrix. The PMG will have a keen interest in progress against these plans.

10.5 Methods and tools

The Project will use a very limited range of tools to suit the short time frame. The primary tool will be joint assessment of progress with the traffic-light system for each of the four areas of work, with the ten clear questions provided to inform the assessment process. The mix of tools will differ for each Area of Work, as defined in the M&E Matrix Element (e.g. Community Perceptions survey for gathering quantitative and qualitative information about safety, security and the quality of police services; an

¹⁶ See for example Linda Kelly's work "Managing and Monitoring of Capacity Development: Guidance for AusAID PNG staff" 2009

assessment of minutes from consecutive meetings to understand progress against annual business plans). The M&E Specialist (see below) and local participants will use those tools they are familiar and comfortable with and all methods and tools should emphasise the participation of relevant stakeholders, not only in terms of data provision, but also data collection and analysis, where appropriate.

10.6 Monitoring risks

Section 9 above and Annex 6 provide details of the risk assessment for this Project and proposed strategies to mitigate and manage risks. Risks in the design approach, in the management practice as well as risks in the operating environment are all included, and all of these need to be monitored by VPF and the Project management team. In addition, there is a requirement for monitoring of the Project's engagement in Child Protection issues¹⁷.

The key responsibility for monitoring risks at strategic levels lies with the PCC, comprising senior officials from both GoV and GoA. The PMG also carries responsibility for monitoring risks and identifying strategies to mitigate against and manage the risks if they occur. An agenda item on risk monitoring will be included in each meeting of the PCC and PMG. At the Project implementation level, the Commissioner of Police and Project Team Leader and their respective officials are responsible for regular monitoring of risks associated with management and implementation of all Project activities. They will also be responsible for implementing mitigation strategies for implemented activities and for ensuring that other implementers are properly briefed and supported to manage risks within each activity.

In summary, tools for monitoring risks include the following:

- annual review of the Risk Matrix (Annex 6) by the PCC, focused on high level risks and design risks
- quarterly discussion of the risk matrix by the PMG, focused on management and implementation risks
- monthly review of the risk matrix by the Police Commissioner and Project Team Leader, in consultation with key stakeholders at the time.

10.7 Resources for M&E

The existing arrangement whereby a short-term M&E specialist from AFP-IDG undertakes periodic visits to Vanuatu to assist with project monitoring processes will continue, given the short-term period covered in this Project. If cooperation is envisaged beyond June 2012, then a more robust monitoring system for long-term engagement will need to be developed.

It is important for representatives from GoV, GoA, sector partners, advisers and other donors and other short-term specialists to be involved in various M&E processes in order to obtain a mix of perspectives and to provide opportunities for capacity development in M&E.

¹⁷ See AusAID's Child Protection Policy available on www.ausaid.gov.au

10.8 Reporting

The following reports will be prepared to capture and analyse monitoring information described in Annex 4 and will be submitted to the GoV Heads of Agency group (when appropriate), the PCC, the PMG, AFP-IDG and copied to AusAID:

- Joint Business Plan for activities for 2011 and 6 months of 2012
- Quarterly reports to PMG
- Annual Report for PCC in February and November/December 2011
- Project Completion Report by AFP to GoV and GoA by end of June 2012.

11. Sustainability strategy

After four years of the current phase of cooperation in police services between GoA and GoV to date, and given that the next phase of only 16 months, it is unrealistic to expect a high degree of sustained benefits in this sector. International experience has identified that long-term partnerships and commitments are essential for benefits of aid activities to be sustained, and that short-term efforts are often insufficient without many supporting factors in the environment. The complexity of the Vanuatu policing context, in terms of geographical, financial, political, organisational and community aspects is likely to limit the likelihood of sustained benefits being achieved through a short term intervention such as this project, despite the best efforts of everyone involved. The following contextual factors are expected to limit the sustainability of Project benefits beyond the end of June 2012:

- GoV medium term fiscal constraints and public sector planning and budgeting capacities
- Corruption affecting allocation and disbursement of resources
- High, albeit decreasing, population growth rates which will increase demand for all law and justice services, including police, which may outstrip capacity to deliver services
- Significant inter-island transport and logistics challenges associated with geographical isolation and access to law and justice services
- Increasing demand for access to urban-based programs linked to increased access by rural communities to new technology and communications

While the current project personnel have developed a good understanding of the context in which they are working, and much has been learned about how best for personnel to work effectively, there are many other factors beyond their control which will influence sustainability. The phase of work described in this document includes several design factors which also reduce the likelihood of sustainable benefits being achieved, but these are realities of the context which need to be managed:

- The emphasis on finishing tasks that have already been started, such as the implementation of recommendations of the CSU review, without the time to adequately bed them down and link them to broader law and justice planning and public service reform processes
- The lack of time to develop meaningful linkages with broader law and justice stakeholders and activities, for example those tackling violence against women and poor relations between young people and police
- The emphasis on providing equipment (Area of Work 2) to meet VPF requests, within a short period of time, without sufficient time to support the management and implementation of adequate ongoing budgeting, maintenance and allocation systems

There are a number of factors in the design of this phase and in the operating environment which will promote sustainability. These include:

- Emphasis on capacity development work by advisers
- Experience of VPF in annual planning and reporting and some recent, albeit limited, experience of successful interactions with Department of Finance and Economic Management
- Emphasis on supporting the strengthening of VPF's financial management and human resource management systems in Areas of Work 1 and 4, which are expected to support long-term organisational management improvement
- Commitment by VPF to self-reliance in resource management by end of June 2012
- Growing opportunity for cross-sectoral coherence and coordination in the provision of services to the community related to safety, security and justice
- Commitment by GoV leaders/individuals at various levels to a just and fair Vanuatu, with delivery of appropriate and affordable quality services
- Recognition of the value of community leaders in negotiating through challenges and inevitable conflicts and the scope for strengthening policies and practices
- Commitment by some individuals to use their professional skills to provide police services in the public sector in the "public interest"
- Achievements to date in public sector reform and organisational development
- Good prospects for overall steady and improving economic growth

International experience has generated a great deal of evidence about factors which are likely to contribute to sustainability. While many have not been able to be incorporated into this design because of the time-frame, some have. For example, joint governance and management of Project processes has been strengthened in this phase and efforts have been made to link the Project to the broader law and justice sector coordination efforts by GoV. Also, the inclusion of a capacity development plan for each of the Project personnel will help to maximise the benefits left behind at their departure.

In relation to all infrastructure funding provided, the Project needs to pay very careful attention to affordability and recurrent cost financing implications, to ensure the benefits are sustained, and indeed to ensure that the infrastructure provided does not exacerbate an already precarious financial situation for VPF. In determining the agreed list of items to be supplied under Area of Work 2, explicit attention will be paid to ensuring ongoing maintenance, budgeting for utilities, and other recurrent costs associated with construction are carefully considered. Priority will be given to the use of local contractors, labour, materials and systems, as well as to the involvement of local stakeholders in determining the style and quality of buildings.

In the event funding is not provided beyond 2012, the issue of an "exit strategy" needs to be considered by GoV and GoA relating to this Project. An exit strategy for VAPP will help to identify which Project elements are most likely to be sustained and those which could be in jeopardy in the longer term. This should inform VPF and GoV planning in the sector and any future financial arrangements. Australia has a long-term commitment to the law and justice sector overall with the *Stratem Rod Blong Jastis* program expected to be completed at the end of 2014.