



# Pacific Judicial Development Programme Newsletter - Issue 3

## Welcoming Remarks

Welcome back! We've been busy over the last few months with a number of PJDP activities taking place. All but one of the planned bi-lateral projects have started, involving 11 of the 14 PJDP partner courts to date.

In addition to local activities, some regional activities have also been conducted. These have included: the second Programme Executive Committee Meeting in Rarotonga, Cook Islands; the National Coordinators' Leadership Workshop also in Rarotonga; a Training of Trainers Workshop in Kosrae, Federated States of Micronesia; and the Regional Orientation Course for Judicial and Court Officers which was held in Port Moresby, Papua New Guinea.

The PJDP Team would like to thank all of our partner courts for their contributions and ongoing support, in particular the judiciaries of the Federated States of Micronesia, the Cook Islands, and Papua New Guinea for having hosted the recent regional activities. We look forward to continuing to work with our colleagues across the region to ensure that all PJDP activities address each country's needs.

Dr. Livingston Armytage, *PJDP Team Leader*



*The Programme Executive Committee Meeting: Rarotonga, Cook Islands (June 2011)*

## What we have done since May 2011

### ***In-country Activities***

One of the most critical activities we undertook earlier this year were discussions with the judiciaries of all partner countries to rank the importance of the priority activities identified during the needs assessment process. Each judiciary confirmed how important each activity was in light of how they each meet their national development priorities. Based on this prioritisation, the PJDP's projects began. Since then, the following has been achieved:

**Codes of Judicial Conduct Project:** Is complete! Codes of Judicial Conduct were revised, finalised, approved and adopted by the Chief Justice in Niue, Tuvalu, and Kiribati. While it was originally envisaged that a regional Code could be developed for adaptation by each judiciary, the findings from the Project suggest that although the basic values and principles of judicial conduct seem to be accepted universally, the practical realities in each jurisdiction must be taken into account when formulating guidelines to their application.

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*PJDP is implemented by the Federal Court of Australia with the support of New Zealand MFAT.*



**Customary Dispute Resolution Research Project:** Research visits to Samoa and the Federated States of Micronesia have been undertaken. The Advisor is part-way through his research with the Republic of Marshall Islands, and based on this research, is developing a strategy to explore options to harmonise Customary Dispute Resolution within partner courts.

**Institutionalisation of the PJDP Project:** A series of consultation visits have been undertaken across 5 Pacific Island Countries, Australia and New Zealand, as well as with the Programme Executive Committee and all 15 National Coordinators. A draft Issues and Options paper has been developed in preparation for dissemination to and discussion at the Chief Justices' Leadership Workshop in October.

**Judicial Administration Diagnostic Project:** Visits to Vanuatu and Tonga have been undertaken and a diagnostic report about the status quo of each judiciaries' administration completed. This diagnostic work will form the basis of three to five-year action plans developed with counterpart courts during follow-up visits to each of them. A visit to the Solomon Islands to undertake similar diagnostic work is scheduled for late October.

**Judicial Monitoring and Evaluation Project:** Visits to establish a baseline data collection framework have now been undertaken in Papua New Guinea and Palau. The Advisor will also visit Tokelau in late 2011 or early 2012. Additionally, a survey has been developed and distributed to other interested PJDP partner courts to collect selected baseline data.

**Responsive Fund Mechanism:** Applications have been received from Tokelau, Nauru, Tuvalu, Vanuatu and Kiribati. To date, the applications from Tokelau and Nauru have been approved, and the others are being refined. Tokelau has successfully delivered the first of its three activities; a workshop for Law Commissioners aimed at assisting them to: better understand their role; how to manage the court and their work; adhere to their code of conduct; and improve decisions and sentencing. Later this year, the judiciary in Nauru will host a workshop with the Bar in Victoria to provide support and mentoring to legal practitioners to assist them to present and manage cases more effectively before the court.

## **Regional Activities**

**Second PJDP Phase 2 Programme Executive Committee Meeting - Rarotonga, Cook Islands (26-28 June):** The meeting was convened to provide the Programme's steering committee with a detailed briefing on the status of PJDP activities and to provide an opportunity for the Committee to review progress and provide feedback to the PJDP Team to fine-tune the strategic direction of the Programme.

A detailed briefing was also provided on the IPJDP project to develop explore possible governance-related considerations for the PJDP in the future.

**Level 2 Training-of-Trainers Workshop - Kosrae, FSM (30 May-10 June):** the workshop was for ten participants from the Marshall Islands and FSM and was led by Ms. Margaret Barron and former judge Enoka Puni. By the end of the 10-day programme, the workshop's aims were achieved in that participants were able to: design, develop, review and evaluate a learning program; facilitate group-based learning and deliver a training session; design and develop a workplace learning program; and coach/mentor a small group of participants. A participants' self-assessment at the completion of the workshop indicated an increase of over 50% in participants' confidence as trainers.

**First National Coordinator's Leadership Workshop - Rarotonga, Cook Islands (2-4 June):** all 15 National Coordinators attended the workshop which was intended to offer an inclusive and participatory process to plan and coordinate PJDP activities on a regional and bi-lateral basis; familiarise National Coordinators with activities and advisors; and enable them to interact, exchange experience and build their capacity to lead judicial development nationally. The National Coordinators reported that these objectives were met, and that the workshop was valuable in supporting them in undertaking their role.

**Regional Orientation Course for Judicial and Court Officers - Port Moresby, Papua New Guinea (19-23 September):** The Orientation Course was designed to promote judicial competence by assisting newly-appointed judicial and court officers to perform their duties, and to promote excellence in the delivery of justice across the Pacific region. In particular, the objectives were to: enable sharing and exchanges among facilitators and participants to strengthen judicial identity and develop a regional professional resource network to; develop knowledge, skills and attitudes; develop effective techniques of courtroom control; and promote familiarisation of the basic principles and practice of procedural fairness in criminal and civil proceedings, along with the special interests of parties coming to court including juveniles, victims of crimes including sexual and gender-based violence, people with disabilities and those with language barriers.

The workshop was facilitated by a core faculty of experts / judicial officers from Australia and New Zealand, as well five members of the Regional Training Team (RTT) from Papua New Guinea, Cook Islands and Vanuatu. This was the first time the RTT has been convened and they all did a superb job! We very much look forward to working with these and other members of the RTT to design and deliver future PJDP activities.

## Extract of the Opening Remarks to the Regional Orientation Course for Judicial and Court Officers by Sir Salamo Injia, Kt; Chief Justice of Papua New Guinea

Judiciaries of the Pacific region have or are in the process of embracing judicial education as an integral part of judicial work. Whilst the approach to judicial education remains a matter for individual jurisdictions of the Pacific, it has been a collective effort for most countries in the Pacific who lack the resources to go it alone. Therefore it has and will for many years to come, a largely collective effort with countries such as PNG, Fiji and Solomon Islands, to name a few, who are able to facilitate regional programs, doing their part in leading those efforts.

Judiciaries in the Pacific as well as in the common law world have accepted that judicial education must be

organised and delivered by the judiciary itself. ... One of the main difficulties faced by all judiciaries of the Pacific is in putting in place a structured institution which can be used as a vehicle for delivering training programs. Judiciaries in the Pacific must now take meaningful steps to put in place an institution of judicial learning to deliver this key outcome in preference over the ad hoc manner in which the task has been addressed in the past. ... I can envision a future where Pacific countries, with the assistance of our developed neighbours, New Zealand and Australia, will develop an appropriate structure/institution to deliver judicial education programs in the region. ...

It will require some visionaries to translate this vision into reality. But let me say this, if organisation of the present workshop is an indication, bearing in mind it has taken under two months for PDJP and the recently established Png CJE to organize this program, then I can say with some degree of certainty, that the establishment of such a center is no longer a remote probability.



## What we are doing from October 2011

A number of activities will take place over the coming months related to all the projects PJDP is working on along with additional activities under the Responsive Fund. All partner judiciaries that have not yet submitted an application, we urge you to do so as soon as possible to enable your priority activities to be delivered and complete before the end of the PJDP in June next year.

In addition to a ongoing inputs under the bi-lateral projects, several regional activities will also take place in coming months. These are the:

- Second National Coordinator's Leadership Workshop - Port Vila, Vanuatu (12-14 October).
- Third PJDP Phase 2 Programme Executive Committee Meeting - Port Vila, Vanuatu (15-17 October).
- Chief Justices' Leadership Workshop - Port Vila, Vanuatu (18-20 October).
- Decision Making Training for Lay Judicial and Court Officers - Apia, Samoa (21-23 November).
- Decision Making Training for Law-trained Judicial and Court Officers - Apia, Samoa (28-30 November).
- Level 3 Training-of-Trainers Workshop - Location to be determined (5-9 December).

Look out for updates about the PJDP on our page on the PacLII website: <http://www.pacii.org/pjdp/> as we will continue to provide information, materials, programmes and other resources of interest generated by the Programme.



## New technical advisers and experts

We would like to introduce to you the members of the PJDP Team most of whom have now started work with us since our last newsletter. They are:

### ***Institutionalisation of the Pacific Judicial Development Programme Adviser:***



Dr. Linn Hammergren is an internationally recognised expert with over 25 years experience in undertaking sector assessments, developing reform programme designs, and in managing and evaluating justice sector reform activities. She has researched and developed strategy and policy papers relating to

institutional governance, and provided technical advice to judicial reform projects in South and Central America, Africa and Asia. She is widely published, authoring two books on judicial reform, as well as numerous articles, chapter contributions, and monographs.

### ***PJDP Judicial and Court Officer Orientation Training***

**Lead Expert:** in his role as Team Leader, Livingston is responsible for programme strategy and quality. In addition to this role, he designed and managed the delivery of PJDP's Regional Orientation Course for Judicial and Court Officers. Livingston is a specialist in justice reform and judicial education, with extensive development experience mainly in Asia and the Pacific. He has a PhD in Law and LLM. His publications include: *Reforming Justice: Journey to Fairness*, Cambridge University Press, in press 2011; *Searching for Success in Judicial Reform*, (Editor) Oxford University Press 2009; and *Educating Judges*, Kluwer/Brill, 1996.



### ***Judicial and Court Officer Decision Making Training Expert:***



Professor James C. Raymond is founder and president of the International Institute for Legal Writing and Reasoning. An internationally recognised leader in the design and delivery of judicial decision making and judgement writing programmes, he has worked extensively with judicial, court officers, and international tribunals

in Africa, Asia, the Caribbean, North America, and the South Pacific. Among numerous monographs and journal articles, his publications include *Writing for the Court*, Carswell, 2010 and *Clear Understandings: A Guide to Legal Writing*, Random House, 1983.

### ***Judicial Monitoring and Evaluation Adviser:***

Cate Sumner has worked for twenty years in the Middle East and Asia for international organisations and bilateral development agencies, focusing on access to justice and judicial reform. Her most recent work has been as Lead Adviser for Judicial Reform / Access to Justice in AusAID's Indonesia Australia Legal Development Facility and as Director of the International Development Law Organization's Asia-Pacific Office.



Cate's recent work has explored the links between access to justice for women, the poor and other disadvantaged groups and enhanced access to public services such as health and education and national poverty alleviation programmes. She has published work on access to justice, gender equality and judicial reform issues with AusAID, the ADB, Indonesian Supreme Court, Lowy Institute for International Policy and World Bank.

## Comments and feedback

We welcome and appreciate feedback from everyone involved in the PJDP along with any contributions, information, or materials which we can use for future editions of our newsletter. If you have any feedback or contributions, please contact the:

- International Programmes Manager, Mr. Lorenz Metzner at [lorenz.metzner@fedcourt.gov.au](mailto:lorenz.metzner@fedcourt.gov.au); or
- Project Coordinator, Ms. Hannah Clua-Saunders at [hannah.clua-saunders@fedcourt.gov.au](mailto:hannah.clua-saunders@fedcourt.gov.au).

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## Technical Pool Expressions of Interest

PJDP continues to add to its pool of experts who can be called upon to provide technical assistance to the Programme's activities. In particular, we are seeking experienced advisers from *within* the Pacific region. If you are interested in being involved in Phase 2, please contact us.